
AUTHORIZED TRANSLATION



**MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA
REGULATION OF MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA
NUMBER: 32/M-DAG/PER/6/2013**

CONCERNING

AMENDED REGULATION OF MINISTER OF TRADE

NUMBER 78/M-DAG/PER/12/2012 CONCERNING

PROVISIONS ON TIN EXPORT

**BY THE GRACE OF ALLAH THE ONE SUPREME GOD
MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,**

- Considering :
- a. that in order to support smoothness of Tin export, fulfillment of need on standard materials of tin for domestic industry, improvement in competitiveness power of tin export, and adjustment to the provisions on the laws and regulation concerning mineral mining, it is necessary to amend towards some provisions in the Regulation of Minister of Trade Number 78/M-DAG/PER/12/2012 concerning Provisions on Tin Export;
 - b. that based on the consideration as referred to in item a, it is necessary to stipulate Regulation of Minister of Trade concerning Amendment to Regulation of Minister of Trade Number 78/M-DAG/PER/12/2012 concerning Provisions

on Tin Export;

- In view of
1. *Bedrifsreglementerings Ordonnantie* 1934 (Staatsblad 1938 Number 86);
 2. Law Number 7 of 1994 concerning Legalization of Agreement Establishing The World Trade Organization (State Gazette of the Republic of Indonesia of 1994 Number 57, Supplement to State Gazette of the Republic of Indonesia Number 3564);
 3. Law Number 10 of 1995 concerning Custom (State Gazette of the Republic of Indonesia of 1995 Number 75, Supplement to the State Gazette of the Republic of Indonesia Number 3612), as 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 32 of 1997 concerning Commodity Futures Trade (State Gazette of the Republic of Indonesia of 1997 Number 93, Supplement to State Gazette Number 3720) as already amended by virtue of Law Number 10 of 2011 (State Gazette of the Republic of Indonesia of 2011 Number 79, Supplement to State Gazette of the Republic of Indonesia Number 5232);
 5. Law Number 39 of 2008 concerning State Ministry (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to State Gazette of the Republic of Indonesia Number 4916);
 6. Law Number 4 of 2009 concerning Mineral and Coal Mining (State Gazette of the Republic of Indonesia of 2009 Number 4, Supplement to State Gazette of the Republic of Indonesia Number 4959);
 7. Law Number 32 of 2009 concerning Environmental

Protection and Management (State Gazette of the Republic of Indonesia of 2009 Number 140, Supplement to State Gazette of the Republic of Indonesia Number 5059);

8. Government Regulation Number 1 of 1982 concerning Implementation of Export, Import and Foreign Exchange Traffic (State Gazette of the Republic of Indonesia of 1982 Number 1, Supplement to State Gazette of the Republic of Indonesia Number 3210) as already amended by virtue of Government Regulation Number 24 of 1985 (State Gazette of the Republic of Indonesia of 1985 Number 33, Supplement to State Gazette of the Republic of Indonesia Number 3291);
9. Government Regulation Number 22 of 2010 concerning Mining Region (State Gazette of the Republic of Indonesia of 2010 Number 28, Supplement to State Gazette of the Republic of Indonesia Number 5110);
10. Government Regulation Number 23 of 2010 concerning Operation of Mineral and Coal Mining Business Activity (State Gazette of the Republic of Indonesia of 2010 Number 29, Supplement to State Gazette of the Republic of Indonesia Number 5111) as already amended by virtue of Government Regulation Number 24 of 2012 (State Gazette of the Republic of Indonesia Number 45 of 2012, Supplement to State Gazette of the Republic of Indonesia Number 5282);
11. Government Regulation Number 55 of 2010 concerning Development and Supervision of Managing Mineral and Coal Mining Business (State Gazette of the Republic of Indonesia Number 85 of 2010, Supplement to.....
12. Government Regulation Number 9 of 2012 concerning Type and Tariff on Type of Non-Tax State Revenues

applicable at the Ministry of Energy and Mineral Resources (State Gazette of the Republic of Indonesia Number 16 of 2012, Supplement to State Gazette of the Republic of Indonesia Number 5276);

13. Presidential Decree Number 260 of 1967 concerning Affirmation of Duties and Responsibilities of the Minister of Trade in the Foreign Trade Sector;
14. Presidential Regulation Number 10 of 2008 concerning the Use of Electronic System in the Framework of Indonesian National Single Window;
15. Presidential Decree Number 84/P of 2009 concerning Formation of the United Indonesia Cabinet II, as already amended by virtue of the Presidential Decree Number 59/P of 2011;
16. Presidential Regulation Number 47 of 2009 concerning Formation and Organization of the State Ministry, as already amended several times lastly by virtue of Presidential Regulation Number 91 of 2011;
17. Presidential Regulation Number 24 of 2010 concerning the Position, Duties and Functions of the State Ministry and Organizational Structure, Duties and Functions of Echelon I of the State Ministry, as already amended several times lastly by virtue of Presidential Regulation Number 92 of 2011;
18. Regulation of Minister of Finance Number 145/PMK.04/2007 concerning Provisions on Customs in the area of Export as already amended by virtue of Regulation of Minister of Finance Number 148/PMK.04/2011;
19. Regulation of Minister of Trade Number 28/M-DAG/PER/6/2009 concerning Provisions on Export and

Import Permit Arrangement Service by Electronic System through INATRADE in the framework of Indonesian National Single Window;

20. Regulation of Minister of Trade Number 31/M-DAG/PER/7/2010 concerning Organization and Working Procedure for the Ministry of Trade as already amended by virtue of Regulation of Minister of Trade Number 57/M-DAG/PER/8/2012;
21. Regulation of Minister of Energy and Mineral Resources Number 07 of 2012 concerning Improvement of Added Value of Minerals through Mineral Processing and Purification Activity as already amended by virtue of Regulation of Minister of Energy and Mineral Resources Number 1 of 2012;
22. Regulation of Minister of Trade Number 13/M-DAG/3/2012 concerning General Provisions in the Sector of Export;
23. Regulation of Minister of Trade Number 78/M-DAG/PER/12/2012 concerning Provisions on Export of Tin;

HAS DECIDED:

To stipulate : REGULATION OF MINISTER OF TRADE CONCERNING MINISTER OF TRADE NUMBER 78/M-DAG/PER/12/2012 CONCERNING PROVISIONS ON TIN EXPORT.

Article I

Some provisions in the Regulation of Minister of Trade Number 78/M-DAG/PER/12/2012 concerning Provisions on Tin Export shall be amended as follows:

1. Provisions on Article 1 shall be amended so as to henceforth read as follows:

Article 1

The terms of the Regulation of Minister shall be as follows:

1. Tin means a silver metal with low hardness, gravity of 7.3 g/cm³ and has heat and electricity conductive.
2. Tin Ore means Tin which is not yet purified and still in the form of ore or concentrate sand of Tin or not yet in the form of bar.
3. Bar tin and Tin in other forms means combined Tin or not being the result from the processing and purification.
4. Solder Tin means Tin in the form of bar and other forms used to solder.
5. Tin Export means any activity to export Tin from the customs area.
6. Registered Tin Exporter, hereinafter referred to as ET-Tin, shall be a company which has obtained acknowledgment to export....
7. Mining Business License, hereinafter referred to as IUP, means license to operate mining business.
8. Production Operation Mining Business License, hereinafter referred to as Production Operation IUP means business license given after the completion of operating Exploration IUP to conduct the stage of production operation.
9. People Mining License, hereinafter referred to as IPR, means any license to operate mining business in the people mining area with the restricted area extent and investment.
10. Special Mining Business License, hereinafter referred to as IUPK, means license to operate mining business in the area of special mining business license.

11. Special Production Operation Mining Business License, hereinafter referred to as Production Operation IUPK, means business license given after the completion of operation Exploration IUPK to conduct the stage of production operation in the area of special mining business license.
12. Contract of Work, hereinafter referred to as KK, means agreement between Government of the Republic of Indonesia and Indonesian legal entity company in the framework of Foreign Investment to operate mining business of minerals, excluding oil, natural gas, geothermal, radio-active and coal.
13. Cooperation Agreement means agreement which contains agreement between Production Operation IUP and the holder of special Production Operation IUP for the processing and purification and/or special Production Operation IUP for the transport and sale with the holder of IUP submitted by the official issuing in accordance with his authority.
14. Smelter means place of processing and purification for the Tin Ore.
15. Tin Market means international tin market in Indonesia being organized market and a part of the futures market.
16. Technical Verification or Observation means research and inspection of export goods ... by ..
17. Surveyor means survey company which obtains authorization to conduct technical verification or observation for the Export of Tin.
18. Indonesia National Single Window, hereinafter referred to as INSW, means Indonesian national (which enables single submission of data and information), single and synchronous processing of

data and information, and single decision-making for custom release and clearance of cargoes.

19. INSW Portal means system which will conduct information integration relating to the process of handling customs document and clearance of cargoes, guaranteeing security of data and information and combining line and process of information on the internal system automatically, including customs system, permit arrangement, customs/port affairs, and other system relating to the process of handling custom document and clearance of cargoes.
 20. Mandatory Harbor means harbor specified as the harbor of full application of National Single Window (NSW) of the export.
 21. Minister means minister operating governmental affairs in the sector of trading.
 22. Director General means Director General of Foreign Trade of Ministry of Trade.
2. Provisions on Article 3 paragraph (3) shall be amended and paragraph (4) shall be deleted, so as to Article 3 shall read as follows:

Article 3

- (1) Bar Tin and Tin in the other form as referred to in Article 2 can be exported if it contains Stannum with the lowest content of 99.85% Sn.
- (2) Provisions as referred to in paragraph (1) shall apply as of January 1, 2013 through June 30, 2013.
- (3) As of July 1, 2013, Bar Tin and Tin in the other form as referred to in Article 2 may be exported if it contains Stannum with the lowest content of 99.9% Sn and diluting element as follows:
 - a. for Iron, with a maximum of 0.005% Fe; and

b. for Lead, with a maximum of 0.030% Pb.

(4) Deleted.

3. Article 4 shall be amended so as to henceforth it reads as follows:

Article 4

Solder Tin as referred to in Article 2 may be exported if it contains Iron element with a maximum of 0.005% Fe.

4. Article 11 shall be amended so as to henceforth it reads as follows:

Article 11

(1) Bar Tin and Tin in other forms as referred to in Article 2 before export shall be traded through Tin Market.

(2) Tin traded through Tin Market as referred to in paragraph (1) shall originate from ET-Tin.

(3) Provisions as referred to in paragraph (1):

a. for Bar Tin applies as of August 30, 2013; and

b. for Tin in other forms applies as of January 1, 2015.

(4) Tin obtained from trading through Tin Market as referred to in Article 11 paragraph (1) may only be exported by ET-Tin as referred to in Article 6 paragraph (1).

(5) Towards ET-Tin which has dealt with transaction of Tin at Tin Market, but it has freezing or revocation of acknowledgment as ET-Tin, the Tin as referred to in Article 11 paragraph (1) may be exported by ET-Tin appointed by Director General by Virtue of

5. Article 13 paragraph (1) shall be amended, so as to henceforth Article 13 reads as follows:

Article 13

- (1) Tin as referred to in Article 2 and Article 11 paragraph (1) to be exported, Technical Verification or Observation shall be conducted before loading the goods.
 - (2) Operation of Technical Verification or Observation as referred to in paragraph (1) shall be conducted by Surveyor so stipulated by Minister.
 - (3) Minister shall delegate authority of stipulation as Surveyor as referred to in paragraph (2) to the Director General.
 - (4) Director General shall issue stipulation as Surveyor as referred to in paragraph (2) for and on behalf of the Minister.
6. Article 14 paragraph (1) shall be amended, so as to henceforth Article 14 reads as follows:

Article 14

- (1) To be stipulated as the operator of Technical Verification or Observation, Surveyor as referred to in Article 13 paragraph (2) shall meet the following requirements:
 - a. to have Survey Business License (SIUJS);
 - b. to experience as Surveyor for the Tin Product at least 5 (five) years;
 - c. to have branch office/representative in the area having potential Tin in accordance with the type proposed as the scope of work;
 - d. to have certified expert as verifier, drafter, analysis on laboratory and geology;
 - e. to have at least 1 (one) unit of laboratory with full equipment in accordance with the scope of Tin products;

- f. at each working area is available at least 1 (one) unit of laboratory with the full equipment personally owned and/or in cooperation with the other laboratory in accordance with the scope of Tin products;
 - g. to have a good track record in the event of managing Technical Verification or Observation in the sector of export.
- (2) To be stipulated as operator of Technical Verification or Observation, Surveyor as referred to in Article 13 paragraph (2) shall submit written application to the Director general by attaching the following items:
- a. photocopy of Survey Business License (SIUJS);
 - b. photocopy of Company Registration (TDP);
 - c. photocopy of Taxpayer Reference Number (NPWP);
 - d. particulars on working area of company, at least it contains head office address, branch office/representative and location of laboratory;
 - e. particulars on type of Tin in the working area;
 - f. particulars on type of Tin already verified;
 - g. list of experts furnished with Curriculum Vitae and workplace by using the form as provided in Appendices IIa and IIb being an integral part thereof;
 - h. evidence of laboratory ownership as referred to in paragraph (1) item e;
 - i. evidence of cooperation of using laboratory as referred to in paragraph (1) item f, if any, there has been cooperation of using laboratory;
 - j. list of equipment furnished with laboratory in accordance with the scope of Tin products using the form as provided in Appendix III being an

integral part thereof; and

- k. list of names of the official who signs LS, specimen of signature and sample of company seal using the form as provided in Appendix IV being an integral part thereof.

- 7. Article 15 paragraph (3) shall be amended, so as to henceforth Article 15 reads as follows:

Article 15

- (1) In order to conduct Technical Verification or Observation, ET-Tin shall submit application for the Technical Verification or Observation to the Surveyor.
- (2) Technical Verification or Observation by Surveyor as referred to in paragraph (1) shall include:
 - a. research and audit to the data or particulars on the validity of administration and area of origin of Tin;
 - b. amount of Tin;
 - c. type and specification of Tin including Tariff Post/HS through qualitative analysis in the laboratory; and
 - d. time of shipment and port of loading.
- (3) Technical Verification or Observation as referred to in Article 13 paragraph (1) shall include data or particulars at least concerning:
 - a. origin of Tin Ore being standard materials of Tin;
 - b. Tin Ore in Smelter being the reserve of standard materials, and Tin Ore under processing or purification in Smelter upon the operation of Technical Verification or Observation;
 - c. specification of Tin including Tariff Post/HS;

- d. content of Sn of Tin metal;
 - e. diluting content of Fe and Pb;
 - f. amount and type of Tin;
 - g. evidence of purchase of Bar Tin and Tin in other form from the Tin Market;
 - h. period of shipment;
 - i. port of loading;
 - j. country and port of destination of export;
 - k. evidence of production/royalty connected to the amount of Tin exported;
 - l. reserve Tin owned by ET-Tin; and
 - m. Action Plan and Annual Budget (RKAB) submitted by local Mining Office including balance of reserve Tin Ore, planned sale of Tin Ore, sales of Tin and residue reserve Tin Ore.
- (4) Result of Technical Verification or Observation already conducted by Surveyor as referred to in paragraph (3) shall be contained in the form of Surveyor Report (LS).
- (5) Issuance of LS by Surveyor at least 1 (one) day after the inspection of loading goods.
- (6) LS is used as supporting document of customs required for the registration of Goods Export Notification (PEB).
- (7) LS issued by Surveyor may only be used for 1 (one) time of shipment.
- (8) Cost incurred for the operation of Technical Verification or Observation of Tin Export conducted by Surveyor shall be imposed to ET-Tin.
- (9) In respect of the operation of Technical verification or Observation of Tin Export, Surveyor shall charge service fee of which the amount is determined with

due observance to the principle of use.

8. Article 19 paragraph (3) shall be amended, so as to henceforth Article 19 reads as follows:

Article 19

- (1) Acknowledgment as ET-Tin shall be frozen if the company and/or management board/board of directors of the company:
 - a. fails to perform obligation as referred to in Article 9 and/or Article 10;
 - b. fails to perform obligation as referred to in Article 16 paragraph (1) 2 (twice);
 - c. is in the investigation of the criminal action relating to the misuse of acknowledgment as ET-Tin; and/or
 - d. fails to conduct operation of Tin Export within 6 (six) months consecutively.
- (2) Acknowledgment as ET-Tin already frozen may be re-activated if the company and/or management board/board of directors of the company:
 - a. has performed obligation as referred to in Article 9 and/or Article 10 within 30 (thirty) days as of freezing;
 - b. has performed obligation as referred to in Article 16 paragraph (1) within 30 (thirty) days as of the freezing;
 - c. has been issued the warrant of terminating investigation by the investigator; and/or
 - d. is declared not guilty or released from any legal claims based on the order of court having permanent force of laws.
- (3) Acknowledgment as ET-Tin shall be revoked if the company and/or management board/board of

directors of the company:

- a. fails to perform obligation as referred to in Article 9 and/or Article 10 within 30 (thirty) days as of freezing;
- b. is proved to export Bar Tin and/or Tin in other form which is not trade through Tin Market as referred to in Article 11 paragraph (1);
- c. fails to perform obligation as referred to in Article 16 paragraph (1) within 30 (thirty) days as of the freezing;
- d. is proved to submit false or information upon the submission of application for the acknowledgment as ET-Tin;
- e. submits false or information concerning origin of Tin Ore;
- f. is declared guilty by court for the violation and criminal action relating to the misuse of acknowledgment as ET-Tin based on the order of court having permanent force of laws; and/or
- g. has experienced the freezing of acknowledgment as ET-Tin for 2 (twice) and met reason to re-freeze.

- (4) Freezing, re-activation, and revocation of acknowledgment as ET-Tin as referred to in paragraphs (1), (2), and (3) shall be conducted by Director General.

Article II

This Regulation of Minister becomes effective as of July 1, 2013.

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

Stipulated in : Jakarta

On : June 28, 2013

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

Signed

GITA IRAWAN WIRJAWAN

Copy conforms to original

Secretariat General

Ministry of Trade

Head of Legal Bureau,

signed and sealed

LASMININGSIH

Translated from Indonesian Language
Jakarta, November 26, 2013
Authorized and Sworn Translator,

FIKRI SAID OBED