

# AMENDMENT TO REGULATION OF THE TRADE MINISTER NO. 10/M-DAG/PER/3/2009 ON THE EXPORT OF GOODS REQUIRED TO USE LETTER OF CREDIT

(Regulation of the Trade Minister No. 38/M-DAG/PER/8/2009 dated August 31, 2009)

BY THE GRACE OF GOD ALMIGHTY

THE TRADE MINISTER OF THE REPUBLIC OF INDONESIA,

Considering :

- a. that to implement the policy on the export of goods effectively, it is necessary to make adjustments to provisions on the obligation to export goods by paying Letters of Credit (L/Cs);
- b. that in consideration of the matter in letter a, it is necessary to stipulate a Regulation of the Trade Minister;

In view of :

1. Trade Ordinance of 1934 (Statute Book of 1938 No. 86);
2. Law No. 7/1994 on the Ratification of Agreement Establishing The World Trade Organization (Statute Book of 1994 No. 57, Supplement to Statute Book No. 3564);
3. Law No. 10/1995 (**BN No. 5812 pages 19A-20A and so on**) on Customs Affairs (Statute Book of 1995 No. 75, Supplement to Statute Book No. 3612) as has been amended by Law No. 17/2006 (**BN No. 7476 pages 23A-27A**) (Statute Book of 2006 No. 93, Supplement to Statute Book No. 4661);
4. Law No. 10/2004 (**BN No. 7169 pages 14A-21A and so on**) on the Enactment of Laws and Regulations (Statute Book of 2004 No. 53, Supplement to Statute Book No. 4389);
5. Government Regulation No. 1/1982 on the Realization of Exports, Imports and Traffic of Foreign Exchange (Statute Book of 1982 No. 1, Supplement to Statute Book No. 3210) as has been amended by Government Regulation No. 24/1985 (Statute Book of 1985 No. 33, Supplement to Statute Book No. 3291);
6. Presidential Decree No. 260/1967 on the Affirmation of Tasks and Responsibilities of the Trade Minister in the Field of Foreign Trade;
7. Presidential Decree No. 187/M/2004 (**BN No. 7128 pages 29A-30A**) on the Formation of the United Indonesia Cabinet as has been several times amended the latest by Presidential Decree No. 171/M/2005;
8. Presidential Regulation No. 9/2005 (**BN No. 7182 pages 2A-23A**) on the Position, Tasks, Function, Authority, Organizational Structures and Work Mechanism of Ministries of the Republic of Indonesia as has been several times amended the latest by Presidential Regulation No. 20/2008;
9. Presidential Regulation No. 10/2005 on the Organizational Units and Tasks of First Echelon Officials as has been several times amended the latest by Presidential Regulation No. 50/2008;
10. Decree of the Industry and Trade Minister No. 558/MPP/Kep/12/1998 (**BN No. 6252 pages 10A-12A and so on**) on General Provisions in the Export Field as has been several times amended the latest by Regulation of the Trade Minister No. 01/M-DAG/PER/1/2007 (**BN No. 7475 pages 17A-25A**);

11. Regulation of the Trade Minister No. 01/M-DAG/PER/3/2005 on the Organizational Structure and Work Mechanism of the Trade Ministry as has been amended by Regulation of the Trade Minister No. 24/M-DAG/PER/6/2009;
12. Regulation of the Finance Minister No. 145/PMK.04/2007 on Customs Provisions in the Export Field;

#### DECIDES :

To stipulate :

REGULATION OF THE TRADE MINISTER ON AMENDMENT TO REGULATION OF THE TRADE MINISTER NO. 10/M-DAG/PER/3/2009 ON THE EXPORT OF GOODS REQUIRED TO USE LETTERS OF CREDIT.

#### Article I

Several provisions in Regulation of the Trade Minister No. 10/M-DAG/PER/3/2009 on the Export of Goods Required to Use Letters of Credit (L/C) shall be amended as follows:

1. Article 1 shall be amended so that it reads as follows:

#### Article 1

- (1) The export of crude palm oil (CPO), mining products, coffee, cocoa, and rubber as contained in Attachment I to this Ministerial Regulation, with an export value of more than 1,000,000 (one million) United States dollars in each export notification (PEB), shall be conducted by the method of letter of credit (L/C) payment through a domestic foreign exchange bank.

- (2) The export of goods as contained in Attachment I to this Ministerial Regulation, with an export value of up to 1,000,000 (one million) United States dollars in each PEB, may be conducted by the method of L/C payment or other method of payment acceptable to the international trade.

2. Article 5 shall be amended so that it reads as follows:

#### Article 5

- (1) The exporter of goods as referred to in Article 1 shall submit a report of export realization and report of export proceeds in a complete and correct manner every month to the Trade Minister in this case the Director General of Foreign Trade.
- (2) The report of export realization as referred to in paragraph (1) is contained in Attachment II to this Ministerial Regulation and shall carry at least :
  - a. identity of the company;
  - b. date and number of PEB;
  - c. export volume;
  - d. Free On Board (FOB) value;
  - e. payment method; and
  - f. account number as well as name and address of the domestic foreignexchange bank receiving export proceeds.
- (3) The report of export proceeds as referred to in paragraph (1) is contained in Attachment III to this Ministerial Regulation and shall carry at least :
  - a. identity of the company;
  - b. date and no. of PEB;
  - c. value of export proceeds;
  - d. number of export

(4) The report of export realization and report of export proceeds as referred to in paragraph (1) shall be submitted no later than the 10th of the ensuing month through <http://inatrade.depdag.go.id>.

(5) The report of export realization and report of export proceeds as referred to in paragraph (1) until October 31, 2009 can also be submitted by an electronic mail through the following addresses:

- a. [dir1-daglu@depdag.go.id](mailto:dir1-daglu@depdag.go.id), for CPO, coffee, cocoa and rubber; and
- b. [dir2-daglu@depdag.go.id](mailto:dir2-daglu@depdag.go.id), for mining products.

3. Article 6 shall be abolished.

4. Article 7 shall be amended so that it reads as follows:

#### Article 7

- (1) The obligation to use the method of L/C payment through a domestic foreign exchange bank for the export of goods as referred to in Article 1 paragraph (1) shall take effect as of November 1, 2009.
- (2) The export of goods as referred to in paragraph (1) may use the method of L/C payment or other method of payment acceptable to the international trade from September 1, 2009 to October 31, 2009.
- (3) The obligation to put the number and date of L/C in PEB as referred to in Article 3 paragraph (1) shall take effect as of November 1, 2009.
- (4) The obligation to put in PEB the method of L/C payment as well as its number and date, or other method of payment as well as the number and date of its payment document, if any, as referred to in Article 3 paragraph (2) shall take effect as of April 1, 2009.

5. Article 8 shall be amended so that it reads as follows:

#### Article 8

The exporters who violate provisions in Article 1 paragraph (1), Article 2, Article 3, Article 5 and Article 7 shall be liable to a sanction of having their next export of goods as contained in Attachment I to this Ministerial Regulation deferred and/or other sanctions based on the law and regulation.

6. Article 9 shall be amended so that it reads as follows:

#### Article 9

The exporters as referred to in Article 8 can resume the export of goods as contained in Attachment I to this Ministerial Regulation if they have met provisions in Article 1 paragraph (1), Article 2, Article 3, Article 5 and Article 7.

7. Attachment I, Attachment II and Attachment III to Regulation of the Trade Minister No. 10/M-DAG/PER/3/2009 on the Export of Goods Required to Use Letters of Credit shall be changed into Attachment I, Attachment II and Attachment III to this Ministerial Regulation.

#### Article II

This Ministerial Regulation shall come into force as from the date of stipulation.

For public cognizance, this Ministerial Regulation shall be announced by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

on August 31, 2009

THE TRADE MINISTER

sgd.

MARI ELKA PANGESTU

**A LIST OF EXPORT GOODS REQUIRED TO USE THE METHOD OF L/C PAYMENTS**

NO.	HEADINGS	DESCRIPTION OF GOODS
I.		<b>MINING PRODUCTS</b>
	26.01	Iron ores and concentrates, including roasted iron pyrites
		- Iron ores and concentrates, other than roasted iron pyrites:
1.	2601.11.00.00	- Non-agglomerated.
2.	2601.12.00.00	-- Agglomerated.
3.	2601.20.00.00	- Roasted iron pyrites.
4.	2602.00.00.00	Manganese ores and concentrates, including ferruginous manganese ores and concentrates, with a manganese content of 20% or more, calculated on dry weight.
5.	2603.00.00.00	Copper ores and concentrates.
6.	2604.00.00.00	Nickel ores and concentrates.
7.	2606.00.00.00	Aluminium ores and concentrates.
8.	2607.00.00.00	Lead ores and concentrates.
	26.15	Niobium, tantalum, vanadium or zirconium ores and concentrates.
9.	2615.10.00.00	- Zirconium ores and concentrates.
10.	2615.90.00.00	- Other .
	27.01	Coal: briquettes, ovoids and similar solid fuels manufactured from coal.
		- Coal, whether or not pulverised, but not agglomerated :
11.	2701.11.00.00	-- Anthracite.
	2701.12	-- Bituminous coal :
12.	2701.12.10.00	--- Fuel coal.
13.	2701.12.90.00	--- Other.
14.	2701.19.00.00	- Other coal.
	80.01	Unwrought tin
15.	8001.10.00.00	- Tin, not alloyed.
16.	8001.20.00.00	- Tin alloys.

NO.	HEADINGS	DESCRIPTION OF GOODS
<b>II.</b>		<b>PALM OIL (CPO)</b>
17.	1511.10.00.00	--- Palm oil, crude.
<b>III.</b>		<b>COFFEE</b>
	09.01	Coffee, whether or not roasted or decaffeinated, coffee husks and skins, coffee substitutes containing coffee in any proportion.
		- Coffee, not roasted :
	0901.11	- Not decaffeinated :
18.	0901.11.10.00	--- Arabica WIB or Robusta OIB.
19.	0901.11.90.00	--- Other.
	0901.12	--Decaffeinated :
20.	0901.12.10.00	--- Arabica WIB or Robusta OIB.
21.	0901.12.90.00	--- Other.
		- Coffee, roasted :
	0901.21	- Not decaffeinated :
22.	0901.21.10.00	--- Not pounded.
23.	0901.21.20.00	--- Pounded.
	0901.22	-- Decaffeinated :
24.	0901.22.10.00	--- Not pounded.
25.	0901.22.20.00	--- Pounded.
	0901.90	-- Other
26.	0901.90.10.00	--- Coffee husks and coats.
27.	0901.90.20.00	--- Coffee substitutes containing coffee.
<b>IV.</b>		<b>COCOA</b>
28.	1801.00.00.00	Cocoa beans, whole or broken, raw or roasted.
<b>V.</b>		<b>RUBBER</b>
	40.01	Natural rubber, balata, gutta percha, guayule, chicle and similar natural gums, in primary forms or in plates, sheets or strip.
	4001.10	- Natural rubber latex, whether or not prevulcanised ; -- Containing more than 0.5% ammonia :

NO.	HEADINGS	DESCRIPTION OF GOODS
29.	4001.10.11.00	--- Centrifuge concentrates.
30.	ex.4001.10.19.00	--- Other (only applicable to cream latex). -- Containing not more than 0.5% ammonia :
31.	4001.10.21.00	--- Centrifuge concentrates.
32.	ex.4001.10.29.00	---Other (only applicable to cream latex). - Natural rubber in other forms :
	4001.21	-- Smoked sheets :
33.	4001.21.10.00	--- RSS Grade 1.
34.	4001.21.20.00	--- RSS Grade 2.
35.	4001.21.30.00	--- RSS Grade 3.
36.	4001.21.40.00	--- RSS Grade 4.
	4001.22	-- Technically Specified Natural Rubber (TSNR) : (Or SIR, or block rubber, or crumb rubber, Including technical specifications not fulfilling SIR quality standards, except those meeting SNI evident from the certificate of the accredited test laboratory or the laboratory holding the certificate of SPPT-SNI).
37.	4001.22.10.00	--- TSNR (SIR) 10, TSNR (SIR) 10CV / VK.
38.	4001.22.20.00	--- TSNR (SIR) 20, TSNR (SIR) 20CV / VK.
39.	4001.22.30.00	--- TSNR (SIR) 3 L.
40.	4001.22.40.00	--- TSNR (SIR) 3CV.
41.	ex. 4001.22.90.00	--- Other (only applicable to SIR 3WF).
	4001.29	-- Other.
42.	4001.29.10.00	--- Air-dried sheet.
43.	ex.4001.29.20.00	--- Latex crepe (Thin pale crepe/TPC 1x, 2x, 3x).
44.	ex.4001.29.40.00	--- Remilled crepe (thin brown crepe/TBC 1x, 2x, 3x).
45.	ex.4001.29.70.00	--- Skim rubber (block skim rubber).
	4001.30	- Balata, gutta percha, guayule, chicle and similar natural gums. -- Jelutung.
46.	ex.4001.30.11.00	---In primary forms (primary products obtained from processing in dry and clean forms) -- Other :
47.	ex.4001.30.91.00	---In primary forms (primary products obtained from processing in dry and clean forms).

THE TRADE MINISTER,

sgd

MARI ELKA PANGESTU



**THE REPORT OF EXPORT PROCEEDS**

Name of Company :  
 Address of the Head Office :  
 Phone No. :  
 Fax No. :  
 Contact Person :  
 Email Address :  
 Taxpayer Code Number (NPWP) :

No.	Names of commodities and headings	EXPORT PROCEEDS					
		Date and No. of PEB	Value of Export Proceeds	Method of Payments	No. of Payment Document	No. of credit notes/ current account	No. of account in the receiving foreign exchange bank.

.....

Corporate Chief

(NAME)

Post

—==(S)—=