

SECOND ROUND OF 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

(Regulation of the Trade Minister No. 57/M-DAG/PER/10/2009 dated October 30, 2009)

BY THE GRACE OF GOD ALMIGHTY

THE TRADE MINISTER OF THE REPUBLIC OF INDONESIA,

Considering :

- a. that to ensure the smooth receipt of foreign exchange earnings, synchronized regulation on the flow of natural resources-based export goods and the receipt of export proceeds is needed so that provisions on the export of goods required to use letters of credit need to be readjusted;
- b. that based on the consideration 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 (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 and Imports and the 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. 84/P/2009 on the Formation and Appointment of the United Indonesia Cabinet II;
8. Presidential Regulation No. 9/2005 (**BN No. 7182 pages 2A-23A**) on the Position, Task, Function, Organizational Structure and Work Mechanism of State 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 Unit and Task of First Echelon Officials of State Ministries of the Republic of Indonesia 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 Sector as has been several times amended the latest by Regulation of the Trade Minister No. 01/M-DAG/PER/1/2007;
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 several

times amended the latest 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 Sector;

13. Regulation of the Trade Minister No. 10/M-DAG/PER/3/2009 (**BN No. 7670 pages 28A-32A and so on**) on the Export of Goods Required to Use Letteres of Credit as has been amended by Regulation of the Trade Minister No. 38/M-DAG/PER/8/2009 (**BN No. 7729 pages 2A-6A**);

Observing :

The results of a limited coordination meeting at the Office of the Coordinating Minister for Economic Affairs on October 28, 2009;

DECIDES :

To stipulate :

THE REGULATION OF THE TRADE MINISTER ON THE SECOND ROUND OF 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 as has been amended by Regulation of the Trade Minister No. 38/M-DAG/PER/8/2009, shall be amended as follows:

1. Provisions in Article 5 shall be amended so that the article reads as follows:

Article 5

- (1) Exporters exporting goods referred to in Article 1 shall submit a report on the realization of exports and a report on the receipt of export proceeds every month in a complete and correct manner to the Trade Minister in this case the Director General of Foreign Trade.
- (2) The report on the realization of exports referred to in paragraph (1) shall contain exports that have been or have not been realized.
- (3) The report on the receipt of export proceeds referred to in paragraph (1) shall contain the receipt of export proceeds that has been or has not been realized.
- (4) The report on the realization of exports referred to in paragraph (1) is found in Attachment II to this Ministerial Regulation, containing at least:
 - a. identity of company;
 - b. date and number of export notification (PEB);
 - c. export volume;
 - d. Fre On Board (FOB) value;
 - e. method of payment; and
 - f. account number as well as name and address of the domestic foreign exchange bank receiving export proceeds.
- (5) The report on the receipt of export proceeds referred to in paragraph (1) is found in Attachment III to this Ministerial Regulation, containing at least :
 - a. identity of company;
 - b. date and number of export notification (PEB);
 - c. value of export proceeds received; and
 - d. number of evidence of the receipt of export proceeds.

- (6) The report on the realization of exports and the report on the receipt of export proceeds referred to in paragraph (1) shall be submitted no later than the 10th of the ensuing month through <http://inatrade.depdag.go.id> or by e-mail to dir1-daglu@depdag.go.id, for the commodities of CPO, coffee, cacao and rubber; and to dir2-daglu@depdag.go.id, for mining products.

2. Provisions in Article 7 shall be amended so that the article reads as follows:

Article 7

- (1) The obligation to use L/C payment method through a domestic foreign exchange bank for the export of goods referred to in Article 1 paragraph (1) and to put the number and date of L/C on the PEB referred to in Article 3 paragraph (1) shall begin to take effect on July 1, 2010.
- (2) The export of goods referred to in paragraph (1) may use L/C payment method or other payment methods acceptable to the international trade from September 1, 2009 to June 30, 2010.
- (3) The obligation to put L/C payment method and number and date of L/C or other payment method and number and date of payment document (if any) on the PEB as referred to in Article 3 paragraph (2) shall begin to take effect on April 1, 2009.

3. Provisions in Article 8 shall be amended so that the article reads as follows:

Article 8

Exporters violating provisions in Article 1 paragraph (1), Article 2, Article 3, Article 5, and Article 7 shall be liable to sanctions according to the law.

4. Provisions in Article 9 shall be omitted.

Article II

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

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

Stipulated in Jakarta
on October 30, 2009
THE TRADE MINISTER,
sgd.
MARI ELKA PANGESTU

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