

Type: REGULATION (PER)

By: MINISTER OF ENERGY AND MINERAL RESOURCES OF THE
REPUBLIC OF INDONESIA (MESDM)

Number: 10 YEAR 2018

Date: FEBRUARY 12, 2018 (JAKARTA)

Title: SECOND AMENDMENT TO REGULATION OF THE MINISTER OF
ENERGY AND MINERAL RESOURCES NUMBER 10 YEAR 2017
REGARDING PRINCIPLES IN ELECTRICITY POWER PURCHASE
AGREEMENT

BY THE GRACE OF THE ALMIGHTY GOD

MINISTER OF ENERGY AND MINERAL RESOURCES OF THE REPUBLIC OF
INDONESIA,

Considering:

- a. whereas to provide legal certainty in electricity utility business activities, it is necessary to re-regulate the provision on force majeure in the principles of electricity power purchase agreement between PT Perusahaan Listrik Negara (Persero) and business entities, as provided for in Regulation of the Minister of Energy and Mineral Resources Number 10 Year 2017 regarding Principles in Electricity Power Purchase Agreement as amended by Regulation of the Minister of Energy and Mineral Resources Number 49 Year 2017 regarding the Amendment to Regulation of the Minister of Energy and Mineral Resources Number 10 Year 2017 regarding Principles in Electricity Power Purchase Agreement;
- b. whereas based on the considerations as referred to in point a, it is necessary to stipulate Regulation of the Minister of Energy and Mineral Resources regarding the Second Amendment to Regulation of the Minister of Energy and Mineral Resources Number 10 Year 2017 regarding Principles in Electricity Power Purchase Agreement;

In view of:

1. Law Number [30 Year 2007](#) regarding Energy (State Gazette of the Republic of Indonesia Year 2007 Number 96, Supplement to the State Gazette of the Republic of Indonesia Number 4746);
2. Law Number [30 Year 2009](#) regarding Electricity Affairs (State Gazette of the Republic of Indonesia Year 2009 Number 133, Supplement to the State Gazette of the Republic of Indonesia Number 5052);
3. Law Number [21 Year 2014](#) regarding Geothermal (State Gazette of the Republic of Indonesia Year 2014 Number 217, Supplement to the State Gazette of the Republic of Indonesia Number 5585);

4. Government Regulation Number [23 Year 1994](#) regarding Change of the Form of Public Company (Perum) Listrik Negara into Limited Liability Company (Persero) (State Gazette of the Republic of Indonesia Year 1994 Number 34);
5. Government Regulation Number [14 Year 2012](#) regarding Electricity Supply Business Activities (State Gazette of the Republic of Indonesia Year 2012 Number 28, Supplement to the State Gazette of the Republic of Indonesia Number 5281) as amended by Government Regulation Number [23 Year 2014](#) regarding the Amendment to Government Regulation Number 14 Year 2012 regarding Electricity Supply Business Activities (State Gazette of the Republic of Indonesia Year 2014 Number 75, Supplement to the State Gazette of the Republic of Indonesia Number 5530);
6. Presidential Regulation Number [68 Year 2015](#) regarding the Ministry of Energy and Mineral Resources (State Gazette of the Republic of Indonesia Year 2015 Number 132) as amended by Presidential Regulation Number [105 Year 2016](#) regarding the Amendment to Presidential Regulation Number 68 Year 2015 regarding the Ministry of Energy and Mineral Resources (State Gazette of the Republic of Indonesia Year 2016 Number 289);
7. Regulation of the Minister of Energy and Mineral Resources Number [03 Year 2007](#) regarding the Rules of Java-Madura-Bali Electricity System Grid;
8. Regulation of the Minister of Energy and Mineral Resources Number [37 Year 2008](#) regarding the Rules of Sumatera Electricity System Grid;
9. Regulation of the Minister of Energy and Mineral Resources Number [05 Year 2014](#) regarding the Procedures for Electricity Accreditation and Certification (Official Gazette of the Republic of Indonesia Year 2014 Number 166) as amended by Regulation of the Minister of Energy and Mineral Resources Number [10 Year 2016](#) regarding the Amendment to Regulation of the Minister of Energy and Mineral Resources Number 05 Year 2014 regarding the Procedures for Electricity Accreditation and Certification (Official Gazette of the Republic of Indonesia Year 2016 Number 560);
10. Regulation of the Minister of Energy and Mineral Resources Number [02 Year 2015](#) regarding the Rules of Sulawesi Electricity System Grid (Official Gazette of the Republic of Indonesia Year 2015 Number 29);
11. Regulation of the Minister of Energy and Mineral Resources Number [13 Year 2016](#) regarding the Organization and Work Procedure of the Ministry of Energy and Mineral Resources (Official Gazette of the Republic of Indonesia Year 2016 Number 782);
12. Regulation of the Minister of Energy and Mineral Resources Number [18 Year 2016](#) regarding the Rules of Kalimantan Electricity System Grid (Official Gazette of the Republic of Indonesia Year 2016 Number 982);
13. Regulation of the Minister of Energy and Mineral Resources Number [10 Year 2017](#) regarding Principles in Electricity Power Purchase Agreement (Official Gazette of the Republic of Indonesia Year 2017 Number 151) as amended by Regulation of the Minister of Energy and Mineral Resources Number [49 Year 2017](#) regarding the Amendment to Regulation of the Minister of Energy and Mineral Resources Number 10 Year 2017 regarding Principles in Electricity

HAS DECIDED:

To stipulate: REGULATION OF THE MINISTER OF ENERGY AND MINERAL RESOURCES REGARDING THE SECOND AMENDMENT TO REGULATION OF THE MINISTER OF ENERGY AND MINERAL RESOURCES NUMBER 10 YEAR 2017 REGARDING PRINCIPLES IN ELECTRICITY POWER PURCHASE AGREEMENT.

Article I

Provisions of Article 28 paragraph (2) sub-paragraph b, paragraph (5), and paragraph (6) of Regulation of the Minister of Energy and Mineral Resources Number 10 Year 2017 regarding Principles in Electricity Power Purchase Agreement (Official Gazette of the Republic of Indonesia Year 2017 Number 151) as amended by Regulation of the Minister of Energy and Mineral Resources Number 49 Year 2017 regarding the Amendment to Regulation of the Minister of Energy and Mineral Resources Number 10 Year 2017 regarding Principles in Electricity Power Purchase Agreement (Official Gazette of the Republic of Indonesia Year 2017 Number 1106) shall be deleted, so that Article 28 shall read as follows:

Article 28

- (1) Parties shall be released from their obligations in the event of force majeure.
- (2) The force majeure as referred to in paragraph (1) shall be in the form of:
 - a. natural force majeure;
 - b. deleted;
 - c. deleted;
- (3) In the event that the force majeure due to natural force majeure as referred to in paragraph (2) sub-paragraph a causes delay in COD implementation, COD implementation schedule may be extended in accordance with the duration of natural force majeure including the time required for repair in the project.
- (4) In the event that the force majeure due to natural force majeure as referred to in paragraph (2) sub-paragraph a causes non-distribution of the generated energy, PJBL may be extended in accordance with the duration of natural force majeure including the time required for repair in the project.
- (5) Deleted.
- (6) Deleted.
- (7) Deleted.

Article II

This Ministerial Regulation shall come into effect as from the date of its promulgation.

For public cognizance, hereby ordering the promulgation of this Ministerial Regulation by placing it in the Official Gazette of the Republic of Indonesia.

Stipulated in Jakarta
on February 12, 2018
MINISTER OF ENERGY AND MINERAL RESOURCES OF THE
REPUBLIC OF INDONESIA,
signed
IGNASIUS JONAN

Promulgated in Jakarta
on February 13, 2018
DIRECTOR GENERAL OF
LAWS AND REGULATIONS
MINISTRY OF LAW AND HUMAN RIGHTS OF THE
REPUBLIC OF INDONESIA,
signed
WIDODO EKATJAHJANA

OFFICIAL GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2018 NUMBER 256

Issued as a true copy
MINISTRY OF ENERGY AND MINERAL RESOURCES
Head of the Legal Affairs Bureau,
signed and stamp
Hufron Asrofi
NIP 196010151981031002

NOTE

Source: LOOSE LEAF OF REGULATIONS OF THE MINISTER OF ENERGY
AND MINERAL RESOURCES YEAR 2018