



MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA
REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA
NUMBER 80 YEAR 2018
ABOUT
SECOND AMENDMENT TO THE REGULATION OF THE MINISTER OF TRADE
NUMBER 82 OF 2017 CONCERNING TERMS OF USE
SEA TRANSPORT AND NATIONAL INSURANCE FOR EXPORT AND IMPORT
CERTAIN GOODS

BY THE GRACE OF GOD ALMIGHTY
MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

Considering: a. that to provide legal certainty and allow sufficient time for business actors to make adjustments to the terms of use of sea transport and national insurance for the export and import of certain goods, it is necessary to amend some provisions in Regulation of the Minister of Trade No. 82 of 2017 on Terms of Use of Sea Transport and National Insurance for the Export and Import of Certain Goods as amended by Regulation of the Minister of Trade No. 48 of 2017 on Amendment to Regulation of the Minister of Trade No. 82 of 2017 on Terms of Use of Sea Transport and National Insurance for Export and Import of Certain Goods;

c. that based on the considerations as referred to in letter a, it is necessary to stipulate a Regulation

The Minister of Trade on the Second Amendment to the Regulation of the Minister of Trade No. 82 of 2017 concerning the Terms of Use of Sea Transport and National Insurance for the Export and Import of Certain Goods;

In view of: 1. Law Number 7 Year 2014 on Trade (State Gazette of the Republic of Indonesia Year 2014 Number 45, Supplement to the State Gazette of the Republic of Indonesia Number 5512);

2. Regulation of the Minister of Trade No. 08 / M-DAG / PER / 2/2016 concerning 0 Organizations and Work Procedures of the Ministry of Trade (State Gazette of the Republic of Indonesia Year 2016 Number 202);

3. Regulation of the Minister of Trade No. 82 of 2017 concerning Provisions on the Use of Sea Transportation and National Insurance for Export and Import of Certain Goods (State Gazette of the Republic of Indonesia Number 1520 of 2017) as amended by Regulation of the Minister of Trade Number 48 of 2017 concerning Amendments to Regulation of the Minister of Trade Number 82 Year 2017 on Terms of Use of Sea Transport and National Insurance for Export and Import of Certain Goods (State Gazette of the Republic of Indonesia Year 2018 Number 491);

DECIDES:

Stipulate: REGULATION OF THE MINISTER OF TRADE ON THE SECOND AMENDMENT TO REGULATION OF THE MINISTER OF TRADE NUMBER 82 OF 2017 CONCERNING THE TERMS OF USE OF SEA TRANSPORT AND NATIONAL INSURANCE FOR EXPORT AND IMPORT OF CERTAIN GOODS.

Article I

Several provisions in Regulation of the Minister of Trade No. 82 of 2017 on Terms of Use of Sea Transport and National Insurance for Export and Import of Certain Goods (Berita Negara Republik Indonesia

Year 2017 Number 1520) as amended by Regulation of the Minister of Trade No. 48 of 2017 on Amendment to Regulation of the Minister of Trade No. 82 of 2017 on Terms of Use of Sea Transport and National Insurance for Export and Import of Certain Goods (State Gazette of the Republic of Indonesia Year 2018 Number 491) amended as follows:

1. The provisions of Article 1 are amended to read as follows:

article 1

In this Ministerial Regulation, what is meant by

1. Export is an activity to issue goods from a customs area.
2. Import is an activity to enter goods into a customs area.
3. Sea Transportation is a transportation activity that according to its activities serves sea transportation activities.
4. Insurance is an agreement between two parties, namely insurance companies and policy holders, which form the basis for receiving premiums by insurance companies in return for:
 - a. provide reimbursement to the insured or the policyholder for any loss, damage, expense incurred, loss of profits, or liability to any third party who may be subject to the insured or the policyholder due to an uncertain event; or
 - b. provide payment based on the death of the insured or payment based on the life of the insured with the benefit of which the amount has been determined and / or based on the results of funds management
5. National Sea Transportation Company is a legal entity sea transportation company Indonesia that carries out sea transport activities in Indonesian waters and / and and and ports abroad.
6. The National Insurance Company is a general insurance company and a general sharia insurance company that is incorporated in Indonesia and has obtained permission from the Financial Services Authority.
7. Coal is a deposit of naturally formed carbonaceous compounds and plant debris by Tariff Post HS 27.01, 27.02, 27.03, 27.04, 27.05, 27.06, 27.07, and 27.08.
8. Crude Palm Oil or palm oil, hereinafter abbreviated as CPO, is crude palm oil which is obtained and extracted or pressed for oil palm fruit meat and has not been refined by Tariff Post / HS 1511.10.00.
9. Rice is a skinned, non-skinned, processed or unprocessed grain originating from the oryza sativa species with Tariff Post / HS 10.06.
10. Verification or technical inquiry is research and inspection of goods carried out by the Surveyor.
11. Surveyor is a survey company authorized to perform verification or technical surveillance of goods.
12. Minister is the minister who organizes government affairs in the field of trade.
13. Director General is Director General of Foreign Trade of the Ministry of Trade.

2. The provisions of Article 3 are amended, so as to read as follows:

Article 3

- (1) Exporters who export coal and / or CPO must fulfill the following conditions:
 - a. use Transport. The sea is controlled by the National Sea Transport Company; and
 - b. using Insurance from the National Insurance Company or a consortium of National Insurance Companies in accordance with the provisions of the legislation.
- (2) Importers who import rice and goods for procurement of government goods must fulfill the following conditions:
 - a. using Sea Transportation controlled by the National Sea Transport Company; and
 - b. use Insurance from National Insurance Company or National Insurance Company consortium in accordance with the provisions of legislation.

3. Article 4 is deleted.

4. Between Article 5 and Article 6 is inserted 1 (one) Article, namely Article 5A which reads as follows:

Article 5A

- (1) Goods as intended in Article 3 can only be exported or imported after verification or technical inquiry before loading the goods.

(2) The implementation of verification or technical surveillance as referred to in paragraph (1) shall be conducted by a Surveyor who:

- a. stipulated by the Minister for Coal exports, Rice imports and / or imports of goods for the procurement of government goods; or
- b. determined by the Managing Director of the Palm Oil Plantation Fund Management Agency for CPO exports.

(3) Determination by the Minister or Managing Director of the Coconut Oil Plantation Fund Management Agency as referred to in paragraph (2) in accordance with the provisions of legislation.

(4) To be able to carry out technical verification or search, the exporter and / or importer must submit a request for verification or technical inquiry to the surveyor.

(5) The technical verification or investigation referred to in paragraph (4) includes:

a. Administrative examination of national Sea Transportation usage data:

- 1) name of vessel;
- 2) type of ship;
- 3) vessel capacity; and
- 4) flag of the ship, and

b. Administrative check on national insurance usage data:

- 1) name of National Insurance Company (Insurer);
- 2) number and date of policy, cover note or insurance certificate;
- 3) name of the insured;
- 4) types of goods;
- 5) cargo travel routes (loading and unloading ports);
- 6) name of vessel; and
- 7) coverage period.

6) Verification or technical inquiry as referred to in paragraph (5) is carried out by the Surveyor when the Verification or technical surveillance of goods is in accordance with the provisions of the legislation.

5. The provisions of Article 7 are amended so as to read as follows:

Article 7

- (1) Exporters who export coal and / or CPO must submit reports regarding the use of insurance from the National Insurance Company and / or a consortium of National Insurance Companies
- (2) Importers who import rice must submit reports regarding the use of insurance from the National Insurance Company and / or a consortium of National Insurance Companies.
- (3) Importers who import goods for procurement of government goods must submit reports on the use of insurance from the National Insurance Company and / or a consortium of National Insurance Companies.

6. The provisions of paragraphs (1) and (3) of Article 9 are amended so that Article 9 reads as follows:

Article 9

- (1) Exporters who violate the provisions of Article 3 paragraph (1) are subject to administrative sanctions in the form of license suspension or revocation of permits.
- (2) Exporters who violate the provisions of Article 6 paragraph (1) and / or Article 7 paragraph (1) are subject to administrative sanctions in the form of written warnings, freezing licenses, or revocation of permits.
- (3) Importers who violate the provisions of Article 3 paragraph (2) are subject to administrative sanctions in the form of licensing suspension or revocation of permits.
- (4) Importers who violate the provisions of Article 6 paragraph (2), Article 6 paragraph (3), Article 7 paragraph (2), and / or Article 7 paragraph (3) are subjected to administrative sanctions in the form of written warnings, freezing licenses, or revocation of permits. .
- (5) The imposition of administrative sanctions as referred to in paragraph (1) to paragraph (4) is carried out in accordance with the provisions of the legislation

7. The provisions of paragraph (1) of Article 10 are amended so that Article 10 reads as follows:

Article 10

- (1) Supervision of the implementation of the use of Sea Transportation controlled by the National Sea Transportation Company and Insurance from the National Insurance Company or consortium of National Insurance Companies in the activities of Export and Import of goods as intended in Article 3 carried out by the Minister, the minister who carries out government affairs in the transportation sector , ministers who conduct government affairs

in the financial sector, and state institutions that organize the regulatory and oversight functions of the financial services sector.

(2) The supervision as referred to in paragraph (1) may be done alone or jointly.

(3) Joint supervision as referred to in paragraph (2) is coordinated by the Minister.

8. The provisions of Article 13 are amended to read as follows:

Article 13

(1) Provisions regarding the use of Sea Transportation for Export and Import of Certain Goods as referred to in Article 3, Article 5 paragraph (1), Article 5A, Article 6, Article 8, Article 9, Article 10, Article 11, and Article 12, begin valid on May 1, 2020.

(2) Provisions concerning the use of National Insurance for Export and Import of Certain Goods as referred to in Article 3, Article 5A, Article 7, Article 8, Article 9, Article 10, Article 11, and Article 12, shall take effect on February 1, 2019.

Article II

This Ministerial Regulation comes into force on the date of promulgation.

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

Set in Jakarta

on July 30, 2018

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

Sign

ENGGARTIASTO LUKITA

Promulgated in Jakarta

on August 1, 2018

DIRECTOR GENERAL

LEGISLATION

MINISTRY OF LAW AND HUMAN RIGHTS

REPUBLIC OF INDONESIA,

Sign

WIDODO EKATJAHJANA

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The copy corresponds to the original

Secretariat General of the Ministry of Trade

Head of law firm

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