

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

**REGULATION OF MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA**

**NUMBER: 40/M-DAG/PER/7/2014**

**ON**

**AMANDMENT OF REGULATION OF MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA NUMBER: 03/M-DAG/PER/1/2012 ON IMPORT REGULATIONS FOR OZONE DEPLETING SUBSTANCES**

**IMPORT REGULATIONS FOR OZONE DEPLETING SUBSTANCES**

**BY THE GRACE OF THE GOD ALMIGHTY**

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

|  |  |  |
| --- | --- | --- |
| Considering  | : | 1. That to encourage improvement on national competitiveness, it is needed to amend some provisions in Regulation Of Minister Of Trade Of The Republic Of Indonesia Number: 03/M-Dag/Per/1/2012 On Import Regulations For Ozone Depleting Substances
 |
|  |  | 1. That under consideration as mentioned in letter a, it is needed to establish Regulation of Minister of Trade of The Republic of Indonesia on amendment of Regulation Of Minister Of Trade Of The Republic Of Indonesia Number: 03/M-Dag/Per/1/2012 On Import Regulations For Ozone Depleting Substances
 |
| In View of: | : | 1. Law Number 7 Year 1994 on Ratification of Agreement Establishing The World Trade Organization (State Gazette of Republic of Indonesia Year 1994 Number 57, Addendum of State Letter Number 3564);
 |
|  |  | 1. Law Number 10 Year 1995 on Customs (State Gazette of Republic of Indonesia Year 1995 Number 75, Addendum of State Letter Number 3612) as amended with Law Number 17 Year 2006 (State Gazette of Republic of Indonesia Year 2006 Number 93, Addendum of State Letter Number 4661);
2. Law Number 39 Year 2008 on State Ministry (State Gazette of Republic of Indonesia Year 2008 Number 166, Addendum of State Letter Number 4916);
3. Law Number 32 Year 2009 on Protection And Management Of The Environment (State Gazette of Republic of Indonesia Year 2009 Number 140, Addendum of State Letter Number 5059);
4. Law Number 36 Year 2009 on Health (State Gazette of Republic of Indonesia Year 2009 Number 144, Addendum of State Letter Number 5063);
 |
|  |  | 1. Law Number 7 Year 2014 on Trading (State Gazette of Republic of Indonesia Year 2014 Number 45, Addendum of State Letter Number 5512);
2. Presidential Decree Number 84/P Year 2009 on Formation United Indonesia II Cabinet as amended with Presidential Decree Number 8/P Year 2014;
 |
|  |  | 1. Presidential Regulation Number 47 Year 2009 on formation of State Ministry Organization as amended several times in Presidential Regulation Number 13 Year 2014;
2. Presidential Regulation Number 24 Year 2010 on Positions, Duties, and Functions of State Ministry and Organization Structure, Duties, and Functions of Echelon I of State Ministry as amended several times in Presidential Regulation Number 14 Year 2014;
3. Regulation of Minister of Trade Number 54/M-DAG/PER/9/2009 on General Regulation in Imports;
4. Regulation of Minister of Trade Number 31/M-DAG/PER/7/2010 on Organization and Working Procedure Ministry of Trade as amended with Regulation of Minister of Trade Number 57/M-DAG/PER/8/2012;
5. Regulation Of Minister Of Trade Of The Republic Of Indonesia Number: 03/M-Dag/Per/1/2012 On Import Regulations For Ozone Depleting Substances
 |
| Stipulated | : | 1. Regulation of Minister of Trade Number 27/M-DAG/PER/5/2012 on Importer Identification Number (API) as amended several times in Regulation of Minister of Trade Number 84/M-DAG/PER/12/2012;

HAS DECIDED:REGULATION OF MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA ON AMENDMENT OF REGULATION OF MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA NUMBER: 03/M-DAG/PER/1/2012 ON IMPORT REGULATIONS FOR OZONE DEPLETING SUBSTANCESArticle ISome provisions of Regulation Of Minister Of Trade Of The Republic Of Indonesia Number: 03/M-Dag/Per/1/2012 On Import Regulations For Ozone Depleting Substances is changed as follows:1. Provisions in Article 1 is changed to read as follows:

Article 1In this Minister Regulation what is meant by:1. Ozone Depleting Substances hereinafter referred to as BPO is a chemical substances that can potentially react with ozone molecules in stratosphere layer
2. Import is an activity to supply goods to Customs area
3. Producer Importer Ozone Depleting Substances, hereinafter referred to as IP-BPO is industrial or industrial services company that uses BPO as raw material or supplementary material on their own industrial process.
4. Recommendation is a letter which is issued by related authorities instance/unit, contains technical explanation and not a license or import agreement
5. Verification or technical examination is research and checking for imported goods which is done by surveyor.
6. Surveyor is a survey company which granted authorization to do verification or technical examination for imported goods.
7. Minister is minister which organizes government matter in trade
8. Directorate General is Foreign Trade Directorate General, Ministry of Trade
9. Directorate General of BIM is Directorate General that in charge of manufacture industry, in Ministry of Industry
10. Deputy for Environmental Damage Control is deputy that in charge of efforts to protect the ozone layer, Ministry of Environment
11. Provisions in Article 6 Paragraph(1) is changed to read as follows:

Article 61. To get acknowledge as IP-BPO as mentioned in Article 3 paragraph (1), company must apply electronically to Directorate General by attaching:
2. API-U for company that conduct business activities in ODS trading;
3. API-P for company which conduct business activities in industry that use ODS in raw materials or auxiliary materials;
4. Copy of Ministry Decree of Minister of Agriculture on Pesticide Registration, for import of Methyl Bromide ODS;
5. Recommendation from Directorate General of Climate Change Control, Ministry of Environment and Forestry;
6. Distribution planning for 1 (one) year, for company that own API-U; and
7. Production needs planning for 1 (one) year, for company that own API-P;
8. For application as mentioned in paragraph (1) Directorate General issues acknowledgment as IP-BPO no longer than 5 (five) working days starting at time when application is received completely and correctly
9. Acknowledgement as IP-BPO as mentioned in paragraph(2) issued with regard to capacity and production plan for 1(one) year
10. In case of incorrect and incomplete ODS IA as mentioned in paragraph (1), Directorate General express application rejection with rejection reason no longer than 5 (Five) working days.
11. Acknowledgment as IP-BPO as mentioned in paragraph(2) at least contain information on destination port, amount and type of BPO, and Tariff Item/HS that can be imported by IP-BPO with technical provision of import implementation.
12. Acknowledgment as IP-BPO as mentioned in paragraph(2) is valid for 1(one) year
13. Between Article 19 and Article 20 is inserted 1(one) Article, which is Article 19A that read as follows:

Article 19AException from provisions laid down in this Minister Regulation is stipulated by Minister with taking into account suggestion from related instances.Article II.This Regulation shall enter into force on the date of promulgation. For public cognizance, this Ministerial Regulation shall be promulgated and published in the State Gazette of the Republic of Indonesia.Enacted in Jakartaon July 15, 2014MINISTER OF TRADE THE REPUBLIC OF INDONESIA,SignedMUHAMMAD LUTFI |

This is a true copy of the original

Secretary General

Ministry of Trade

Head of Law Bureau

Signed

LASMININGSIH