

# THE AMENDMENT TO REGULATION OF THE MINISTER OF TRADE NUMBER 03/M-DAG/PER/1/2012 CONCERNING PROVISION ON THE IMPORT OF MATERIALS DESTROYING OZONE LAYER (BPO)

(Regulation of the Minister of Trade Number  
40/M-DAG/PER/7/2014, dated July 15, 2014)

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

Considering:

- a. that in order to enhance the effectiveness of the import of materials destroying ozone layer ( BPO), it is necessary to amend several provisions in Regulation of the Minister of Trade Number 03/M-DAG/PER/1/2012 concerning Provision on the Import of Materials Destroying Ozone Layer (BPO);
- b. that having regards to letter a, it is necessary to stipulate a regulation of the Minister of Trade on the Amendment to Regulation of the Minister of Trade Number 03/M-DAG/PER/1/2012 t concerning Provision on the Import of Materials Destroying Ozone Layer (BPO);

In view of:

1. Law Number 7 Year 1994 on Agreement Establishing The World Trade Organization (Statute Book of the Republic of Indonesia Year 1994

Number 57, Supplement to Statute Book of the Republic of Indonesia Number 3564);

2. Law Number 10 Year 1995 on Customs Affairs (Statute Book of the Republic of Indonesia Year 1995 Number 75, Supplement to Statute Book of the Republic of Indonesia Number 3612) as already amended by Law Number 17 Year 2006 (Statute Book of the Republic of Indonesia Year 2006 Number 93, Supplement to Statute Book of the Republic of Indonesia Number 4661);
3. Law Number 39 Year 2008 on State Ministry (Statute Book of the Republic of Indonesia Year 2008 Number 166, Supplement to Statute Book of the Republic of Indonesia Number 49 16);
4. Law Number 32 Year 2009 on Environmental Protection and Management (Statute Book of the Republic of Indonesia Year 2009 Number 140, Supplement to Statute Book of the Republic of Indonesia Number 5059);
5. Law Number 36 Year 2009 on Health (Statute Book of the Republic of Indonesia Year 2009 Number 144, Supplement to Statute Book of the

- Republic of Indonesia Number 5063);
6. Law Number 7 Year 2014 on Trade (Statute Book of the Republic of Indonesia Year 2014 Number 45, Supplement to Statute Book of the Republic of Indonesia Number Number 5512);
  7. Presidential Decree Number 84/P Year 2009 on the Establishment of the Second United Indonesia Cabinet as already amended by Presidential Decree Number 8P Year 2014;
  8. Presidential Regulation Number 47 Year 2009 on the Establishment and Organization of State Ministries as already amended several times and the latest by Presidential Regulation Number 13 Year 2014;
  9. Presidential Regulation Number 24 Year 2010 on Status, Tasks, Functions of State Ministries as well as First-echelon Organizational Structures, Tasks and Functions of State Ministries as already amended by Presidential Regulation Number 14 Year 2014;
  10. Regulation of the Minister of Trade Number 54/M-DAG/PER/9/2009 concerning General Import Provision;
  11. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2010 on Organization and Working Mechanism of the Ministry of Trade as already amended by Regulation of the Minister of Trade Number 57/M-DAG/PER/8/2012;
  12. Regulation of the Minister of Trade Number 03/M-DAG/PER/1/2012 concerning Provision on the Import of Materials Destroying Ozone Layer (BPO);

13. Regulation of the Minister of Trade Number 27/M-DAG/PER/5/2012 concerning Provision on Importer Identity Number (API) as already amended several times and the latest by Regulation of the Minister of Trade Number 84/M-DAG/PER/12/2012;

## D E C I D E S :

To stipulate:

THE REGULATION OF THE MINISTER OF TRADE ON THE AMENDMENT TO REGULATION OF THE MINISTER OF TRADE NUMBER 03/M-DAG/PER/1/2012 CONCERNING PROVISION ON THE IMPORT OF MATERIAL DESTROYING OZONE LAYER (BPO).

## Article I

Several provisions in Regulation of the Minister of Trade Number 03/M-DAG/PER/1/2012 concerning Provision on the Import of Materials Destroying Ozone Layer (BPO) shall be amended as follows:

1. The provision of Article 1 is amended so as to read as follows:

## Article 1

Referred to in this regulation as:

1. Material Destroying Ozone Layer hereinafter abbreviated to BPO shall be chemical compound potential to react with ozone molecule in stratosphere.
2. Producer Importer of Material Destroying Ozone Layer hereinafter abbreviated to IP-BPO

shall be an industrial company or industrial service company using BPO as raw material or auxiliary material in production process.

3. Approved Importer of Material Destroying Ozone Layer, hereinafter abbreviated to IT-BPO shall be a trading company securing stipulation from the government to import and distribute BPO.
  4. Recommendation shall be a letter issued by the related authorized institution/agency, which contains technical explanation and does not constitute import licence/approval.
  5. Verification or technical inquiry shall be an activity of technical inspection of imported goods by surveyor.
  6. Surveyor shall be a survey company authorized to verify or inquire technically imported product.
  7. Minister shall be the minister in charge of trading affairs.
  8. Director General shall be the Director General of International Trade, Ministry of Trade.
  9. Dirjen BIM shall be the Director General in charge of manufacturing industry affairs, Ministry of Industry.
  10. Deputy for Control over Environmental Destruction and Climate Change shall be deputy responsible for the protection of ozone layer, Ministry of Environmental Affairs.
2. The provision of Article 6 paragraph (1) is amend-

ed so as to read as follows:

#### Article 6

- (1) In order to secure recognition as IP-BPO as meant in Article 3 paragraph (1), companies shall submit application in writing to the Director General by enclosing the following documents:
  - a. copy of industrial business license/industry registration identity or other business license from technical institution;
  - b. copy of Producer Importer Identity Number (API-P);
  - c. copy of Corporate Registry Number (TDP);
  - d. copy of Taxpayer Code Number (NPWP);
  - e. copy of decree of the Minister of Agriculture on Registration of Pesticides, especially for the import of BPO belonging to Methyl Bromide category;
  - f. recommendation from Deputy for Control over Environmental Destruction and Climate Change, Ministry of Environmental Affairs;
  - g. recommendation from Dirjen BIM; and
  - h. production plan for one year.
- (2) Based on the written application as meant in paragraph (1), the Director General shall issue recognition as IP-BPO in no later than 5 (five) working days as from the date of receipt of application completely and truthfully.
- (3) The recognition as IP-BPO as meant in paragraph (2) shall be issued by observing production capacity and plan in one year.

- (4) In the case of the written application as meant in paragraph (1) being not complete and true, the Director General shall inform of the rejection of application in no later than 5 (five) working days as from the date of receipt of application.
- (5) The recognition as IP-BPO as meant in paragraph (2) shall contain at least informatio about destination port, quantity and kind of BPO, as well as tariff heading /HS, which may be imported by IP-BPO along with technica provision on the import of the materials.
- (6)The recognition as IP-BPO as meant in paragraph (2) shall be valid for one year.

3. A new article is supplemented between Article 19 and Article 20 to become Article 19A, which reads as follows:

**Article 19A**

The exception from the provision governed in this regulation shall be stipulated by the minister by considering recommendation from related institutions.

**Article II**

The regulation shall come into force as from the date of promulgation.

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

Stipulated in Jakarta

On July 15, 2014

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

sgd

MUHAMMAD LUTFI

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