

RECLAMATION AND POST-MINING IN MINERAL AND COAL MINING BUSINESS ACTIVITY

(Regulation of the Minister of Energy and Mineral Resources
Number 7 Year 2014 dated February 28, 2014)

BY GRACE OF GOD THE ALMIGHTY

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

Considering:

That in order to implement the provisions of Article 9, Article 12, Article 15, Article 18, Article 28, Article 36, Article 43, Article 49, and Article 51 of Government Regulation Number 78 Year 2010 on Reclamation and Post Mining, it is necessary to stipulate a regulation of the Minister of Energy and Mineral Resources on Reclamation and Post Mining in Mineral and Coal Mining Business Activity;

In view of:

1. Law Number 4 Year 2009 on Mineral and Coal Mining (Statute Book of the Republic of Indonesia Year 2009 Number 4, Supplement to Statute Book of the Republic of Indonesia Number 4959);
2. 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);
3. Government Regulation Number 38 Year 2007 on the Sharing of Public Administration Affairs between the Government, Provincial Administration and Regency/Municipal Administration (Statute Book of the Republic of Indonesia Year 2007 Number 82, Supplement to Statute Book of the Republic of Indonesia Number 4737);
4. Government Regulation Number 76 Year 2008 on Forest Rehabilitation and Reclamation (Statute Book of the Republic of Indonesia Year 2008 Number 201, Supplement to Statute Book of the Republic of Indonesia Number 4947);
5. Government Regulation Number 23 Year 2010 on the Execution of Mineral and Coal Mining Business Activity (Statute Book of the Republic of Indonesia Year 2010 Number 29, Supplement to Statute Book of the Republic of Indonesia Number 5111) as already amended twice and the latest by Government Regulation Number 1 Year 2014 (Statute Book of the Republic of Indonesia Year 2014 Number 1, Supplement to Statute Book of the Republic of Indonesia Number 5489);
6. Government Regulation Number 55 Year 2010 on the Fostering and Supervision over the Implementation of Mineral and Coal Mining Business

Management (Statute Book of the Republic of Indonesia Year 2010 Number 138, Supplement to Statute Book of the Republic of Indonesia Number 5142);

7. Government Regulation Number 78 Year 2010 on Reclamation and Post Mining (Statute Book of the Republic of Indonesia Year 2010 Number 85, Supplement to Statute Book of the Republic of Indonesia Number 5172);
8. Presidential Decree Number 59/P Year 2011 dated October 18, 2011;
9. Regulation of the Minister of Energy and Mineral Resources Number 18 Year 2010 on Organization and Working Mechanism of the Ministry of Energy and Mineral Resources (State Gazette of the Republic of Indonesia Year 2010 Number 552) as already amended by Regulation of the Minister of Energy and Mineral Resources Number 22 Year 2013 (State Gazette of the Republic of Indonesia Year 2013 Number 1022);
10. Regulation of the Minister of Energy and Mineral Resources Number 02 Year 2013 on Supervision over the Implementation of Mining Business Management Executed by Provincial Governments and Regency/Municipal Governments (State Gazette of the Republic of Indonesia Year 2013 Number 78);

D E C I D E S :

To stipulate:

REGULATION OF THE MINISTER OF ENERGY AND MINERAL RESOURCES ON RECLAMATION AND POST MINING IN MINERAL AND COAL MINING BUSINESS ACTIVITY

CHAPTER I

GENERAL PROVISION

Article 1

Referred to in this regulation as:

1. Reclamation shall be an activity executed during the phase of mining business to arrange, restore and improve the quality of environment and ecosystem so as to be able to function again in accordance with the allocation thereof.
2. Post-Mining Activity hereinafter called Post Mining shall be a planned, systematic and sustainable activity after the mining business activity ends partly or wholly in order to restore the function of natural environment and social function according to local condition in the whole mining area.
3. Mining shall be a part of or the whole phase of activity in the framework of mineral or coal survey, management and exploitation, covering general survey, exploration, feasibility study, construction, mining, processing and refinery, hauling and sales as well as post mining activity.
4. Mineral shall be inorganic compound formed in the nature, which has specified physical and chemical characteristics as well as has regular crystal composition or combination thereof that forms rocks, either disintegrated or integrated.

5. Coal shall be sedimen of carbonized organic compound which is formed naturally from rests of plants.
6. IUP Exploration shall be a business license issued to execute phases of general survey, exploration and feasibility study.
7. IUPK Exploration shall be a business license issued to execute phases of general survey, exploration, and feasibility study in area of special mining business license.
8. IUP Production Operation shall be a business license issued following the completion of IUP Exploration to conduct phase of production operation.
9. IUP Production Operation shall be a business license issued following the completion of IUPK Exploration to conduct phase of production operation in area of special mining business license.
10. Exploration shall be a phase of mining business activity to obtain detailed and accurate information about location, form, dimension, distribution, quality and measurable resources and quarried materials as well as information about social and life environment.
11. Feasibility Study shall be a phase of mining business activity to obtain detailed information about the whole related aspects to determine economic and technical feasibility of mining business, including environmental impact analysis as wel as post-mining planning.
12. Production Operation shall be a phase of mining business activity, covering construction, extraction, processing, refinery, including hauling and sales as well as environmental impact controlling instrument in accordance with result of feasibility study.
13. Extraction shall be a part of mining business activity to produce minerals and/or coal and associated minerals thereof.
14. Mining Business License Area hereinafter called WIUP shall be an area granted to holder of mining business license.
15. Special Mining Business License Area hereinafter called WIUPK shall be an area granted to holder of special mining business license.
16. Reclamation Guarantee shall be a specified amount of funds provided by holders of mining business license or special mining business license as guarantee for the execution of reclamation.
17. Post-Mining Guarantee shall be a specified amount of funds provided by holders of mining busines license or special mining business license as guarantee for the execution of post mining activity.
18. Environmental Document shall be environmental impact analysis or environmental management program-environmental monitoring program or statement of environmental management.
19. Minister shall be the minister in charge of public administration affairs in the mineral and coal mining sector.

20. Director General shall be the Director General assigned and responsible for the formulation as well as implementation of technical policy and standardization in the mineral and coal sector.

CHAPTER II

PRINCIPLES

Article 2

(1) Reclamation executed by Holders of IUP Exploration and IUPK Exploration shall be obliged to fulfill the following principles:

- a. mining environment protection and management; and
- b. occupational safety and health.

(2) Reclamation and post-mining executed by holders of IUP Production Operation and IUP Production Operation shall be obliged to fulfill the following principles:

- a. mining environment protection and management;
- b. occupational safety and health; and
- c. mineral and coal conservation.

(3) The principle of mining environment protection and management as meant in paragraph (1) letter a and paragraph (2) letter a shall cover at least:

- a. protection of the quality of surface water, ground water, sea water as well as air on the basis of the standard quality or criteria for environmental damage in accordance with the provision of legislation;
- b. protection and restoration of biological diver-

sity;

- c. guaranty for stability and security of stacks of side rocks and/or covering soil/land, tailing pool, ex-, mining site and other rock structure;
- d. utilization of ex-mining site in accordance with the allocation thereof;
- e. observing local social and cultural values; and
- f. protection of the quantity of ground water in accordance with the provision of legislation.

(4) The principle of occupational safety and health as meant in paragraph (1) letter b and paragraph (2) letter b shall cover:

- a. protection of safety of every worker/labor; and
- b. protection of every worker/labor from disease attributable to work.

(5) The principle of mineral and coal conservation as meant in paragraph (2) letter c shall cover:

- a. optimum mining;
- b. the use of effective and efficient processing and/or refinery method and technology;
- c. management and/or utilization of marginal reserves, low-rank minerals and associated minerals as well as low-rank coal; and
- d. collection of data about mineral and coal resources and reserves which are not extracted, as well as rests of the processing and/or refinery.

Article 3

(1) Holders of IUP Exploration and IUPK Exploration shall be obliged to integrate the principle of mining

environment protection and management as well as the principle of occupational safety and health as meant in Article 2 paragraph (1), paragraph (3), and paragraph (4) into the exploration plan and environmental document in accordance with the provision of legislation.

- (2) Holders of IUP Production Operation and IUPK Production Operation shall be obliged to integrate the principle of mining environment protection and management, principle of occupational safety and health and principle of mineral and coal conservation as meant in Article 2 paragraph (2), paragraph (3), paragraph (4) and paragraph (5) into mining planning formulatd in feasibility study report and environmental document in accordance with the provision of legislation.

CHAPTER III

FORMULATION OF RECLAMATION AND POST-MINING PLAN

Part One

General

Article 4

- (1) Before executing exploration, holders of IUP Exploration and IUPK Exploration shall be obliged to formulate a plan for reclamation in the exploration phase on the basis of environmental document already approved by the authorized institution in accordance with the provision of environmental protection and manegement legislation.
- (2) The reclamation plan in the exploration phase as

meant in paragraph (1) shall meet the principles as meant in Article 2 paragraph (1), paragraph (3), and paragraph (4) as well as take into account:

- a. exploration method;
- b. specific condition of local area; and
- c. provision of legislation.

Article 5

- (1) The exploration method as meant in Article 4 paragraph (2) letter a shall cover among others:
- a. geological mapping;
 - b. pilot project with wide distance;
 - c. making pit; and
 - d. drilling.
- (2) Exploration by the exploration method as meant in paragraph (1) may cause land to be affected, among others, drilling hole, test well, test pit and/or exploration supporting facility.

Article 6

- (1) Holders of IUP Exploration and IUPK Exploration already completing feasibility study shall be obliged to formulate plan for reclamation in the production operation phase and post-mining plan on the basis of environmental document already approved by the authorized institution in accordance with the provision of environmental protection and management legislation.
- (2) The reclamation plan in the production operation phase and post-mining plan as meant in paragraph

(1) shall meet the principles as meant in Article 2 paragraph (2), paragraph (3), paragraph (4), and paragraph (5) as well as take into account:

- a. mining system and method on the basis of result of feasibility study;
- b. specific condition of local area; and
- c. provision of legislation.

Article 7

(1) The mining system and method as meant in Article 6 paragraph (2) letter a shall cover:

- a. open mining; and
- b. underground mining.

(2) The production operation by the mining system and method as meant in paragraph (1) may cause land to be affected, covering among others:

- a. mining area;
- b. stockpile of side rocks and/or covering soil/rock;
- c. stockpile of rooting zone land;
- d. stockpile of mining commodity;
- e. mining road and/or carrying road;
- f. processing and/or refinery installation and facility;
- g. supporting facility;
- h. office and housing;
- i. special seaport/pier; and/or
- j. land of stockpile and/or tailing sedimentation.

Article 8

The specific condition of local area as meant

in Article 4 paragraph (2) letter b and Article 6 paragraph (2) letter b shall cover:

- a. status of land;
- b. form of ecosystem;
- c. condition of biological diversity; and
- d. social and cultural condition.

Article 9

The provision of legislation as meant in Article 4 paragraph (2) letter c and Article 6 paragraph (2) letter c shall cover among other provision of forestry, coastal area and isle legislation as long as it is related to reclamation and post mining.

Part Two

Formulation of Reclamation Plan

Paragraph 1

Plan for Reclamation During Exploration Phase

Article 10

(1) Holders of IUP Exploration and IUPK Exploration shall be obliged to formulate plan for reclamation during the exploration phase as meant in Article 4 paragraph (1) in accordance with the period of exploration by annual detail.

(2) The plan for reclamation during the exploration period as meant in paragraph (1) shall cover:

- a. land resource management before and after exploration;
- b. plan for the opening of land of exploration causing land to be affected as meant in Article 5 paragraph (2);

- c. reclamation program during the exploration phase;
 - d. criteria for the success of reclamation during the exploration phase, covering standard of the success of land resource management, re-vegetation and final settlement; and
 - e. planned cost of reclamation during the exploration phase.
- (3) The planned cost of reclamation during the exploration phase as meant in paragraph (2) letter e shall be counted on the basis of:
- a. direct cost, consisting of cost of:
 - 1. land resource management; and
 - 2. re-vegetation;
 - b. indirect cost consisting of cost of:
 - 1. mobilization and demobilization of equipment;
 - 2. reclamation planning;
 - 3. administration and profit of the third party as executor of reclamation during the exploration phase; and
 - 4. supervision.
- (4) The planned cost of reclamation during the exploration phase as meant in paragraph (3) shall cover the whole operational cost of reclamation during the exploration phase, including reclamation executed by the third party during the exploration phase.
- (5) The cost of reclamation during the exploration phase shall be counted on the basis of the plan for reclamation during the exploration phase as

wide as the land which is opened for the need of exploration.

Article 11

- (1) Holders of IUP Exploration and IUPK Exploration shall be obliged to submit the plan for reclamation during the exploration period as meant in Article 10 to the Minister through the Director General, governor or regent/mayor by virtue of their authority in no later than 45 (forty five) calendar days before starting exploration.
- (2) The plan for reclamation during the exploration phase as meant in paragraph (1) shall be formulated in accordance with guidance for the formulation of plan for reclamation during the exploration phase as contained in Attachment I, which constitutes an integral part of this regulation.

Paragraph 2

Plan for Reclamation During Production Operation Phase

Article 12

- (1) Holders of IUP Exploration and IUPK Exploration shall be obliged to formulate plan for reclamation during the production operation phase as meant in Article 6 paragraph (1) for a period of 5 (five) years by annual detail.
- (2) In the case of the mining age being less than 5 (five) years, the plan for reclamation during the production operation phase as meant in Article 6 paragraph (1) shall be formulated in accordance

with the mining age.

(3) The plan for reclamation during the production operation phase as meant in paragraph (1) and paragraph (2), shall cover:

- a. land resource management before and after the production operation phase;
- b. plan for the opening of land for activity in the production operation phase, which causes land to be affected as meant in Article 7 paragraph (2);
- c. reclamation program during the production operation phase;
- d. criteria for the success of reclamation during the production operation phase, covering standard of the success of land resources management, re-vegetation, civil work, and final settlement; and
- e. planned cost of reclamation during the production operation phase.

(4) The reclamation program during the production operation phase as meant in paragraph (3) letter c may be executed in the form of re-vegetation and/or other allocation.

(5) The other allocation as meant in paragraph (4) may be in the form of:

- a. resettlement area;
- b. tourism;
- c. water resources; or
- d. cultivation area.

(6) In the case of the execution of mining activity technically leaving ex-mining hole, the plan for

the utilization of ex-mining hole shall be prepared, covering:

- a. stabilization of slope;
- b. security for ex-mining hole (void);
- c. restoration and monitoring of quality of water as well as management of water inside ex-mining hole (void) in accordance with the designation thereof; and
- d. maintenance of ex-mining hole (void).

(7) The planned cost of reclamation during the production operation phase as meant in paragraph (3) letter e shall be counted on the basis of:

- a. direct cost, consisting of cost of:
 1. land resources management;
 2. re-vegetation;
 3. prevention and mitigation of mining acid water; and
 4. civil work in accordance with the post-mining land designation; or
 5. utilization of ex-mining hole (void).
- b. indirect cost, consisting of cost of:
 1. mobilization and demobilization of equipment;
 2. reclamation planning;
 3. administration and profit of the third party as executor of reclamation during the production operation phase; and
 4. supervision.

(8) The planned cost of reclamation during the production operation phase as meant in paragraph (7) shall cover the whole operational cost of

reclamation during the production operation phase, including reclamation executed by the third party during the production operation phase.

- (9) The cost of reclamation during the production operation phase in the first 5 (five) years period shall be counted on the basis of the plan for reclamation during the production operation phase as wide as the land opened in the first 5 (five) years period for the need of production operation.

Article 13

- (1) Holders of IUP Exploration and IUPK Exploration shall be obliged to submit plan for reclamation during the production operation phase as meant in Article 12 at the same time as the submission of application for IUP Production Operation or IUPK Production Operation to the Minister through the Director General, governor, or regent/mayor by virtue of their authority.
- (2) The plan for reclamation during the production operation phase as meant in paragraph (1) shall be formulated in accordance with guidance for the formulation of plan for reclamation during the production operation phase as contained in Attachment II, which constitutes an integral part of this ministerial regulation.

Article 14

In the case of the activity of reclamation during the production operation phase being located offshore, the plan for reclamation during the production

operation phase in the area shall be submitted by containing the following activities:

- a. management of sea water quality;
- b. mitigation of abrasion and/or coast sedimentation; and
- c. protection of biological diversity.

Article 15

Holders of IUP Production Operation and IUPK Production Operation shall be obliged to submit plan for reclamation during the production operation phase for the next 5 (five) years period to the Minister through the Director General, governor, regent/mayor by virtue of their authority in no later than 45 (forty five) calendar days before the expiration of reclamation during the production operation phase for the previous 5 (five) years period.

Part Three

Formulation of Post-Mining Plan

Article 16

- (1) Holders of IUP Exploration and IUPK Exploration shall be obliged to formulate post mining plan on the basis of feasibility study and environmental document already approved by the authorized institution in accordance with the provision of environmental protection and management legislation as meant in Article 6 paragraph (1) as a requirement to secure IUP Production Operation and IUPK Production Operation.
- (2) The post-mining plan as meant in paragraph (1)

shall contain:

- a. profile of area, covering:
 1. location and coverage of area;
 2. land ownership and designation;
 3. initial environmental condition, covering allocation of land, morphology, surface water, groundwater, aquatic and terrestrial biology, as well as social, culture and economy in accordance with environmental document already approved;
 4. other activity around mining.
 - b. description of mining activity, covering initial condition of reserves, mining system and method, processing and/or refinery as well as supporting facility;
 - c. final environmental condition of post-mining land, covering condition of the left-over reserves, designation of land, morphology, surface water and groundwater, aquatic and terrestrial biology, as well as social, culture and economy;
 - d. post-mining program, covering:
 1. reclamation in ex-mining site and land outside ex-mining site;
 2. social, cultural and economic development;
 3. maintenance of reclamation outcomes; and
 4. monitoring.
 - e. organization, including timetable of the execution of post mining;
 - f. criteria for the success of post mining, covering standard of the success in ex-mining site, processing and/or refinery facility, supporting facility and monitoring; and
 - g. planned cost of post mining.
- (3) The planned cost of post mining as meant in paragraph (2) letter g shall be counted on the basis of:
- a. direct cost, consisting of cost:
 1. in ex-mining site, composed of costs:
 - a) demobilization;
 - b) reclamation;
 - c) security for the whole mining pits.
 2. in processing and/or refinery facilities, composed of costs:
 - a) demobilization;
 - b) Reclamation;
 - c) restoration (remediation) of the contaminated land.
 3. in supporting facilities, composed of costs:
 - a) demobilization;
 - b) Reclamation;
 - c) treatment of rest of fuel oil, lubricant and chemical substances;
 - d) restoration (remediation) of the contaminated land.
 4. social, cultural and economic development;
 5. maintenance;
 6. monitoring.
 - b. indirect cost, consisting of cost of:

1. mobilization and demobilization of equipment;
2. post-mining planning;
3. administration and profit of the third party as executor of post mining; and
4. supervision.

- (4) The cost of social, cultural and economic development as meant in paragraph (3) letter a point 4 shall be regulated in the framework of enhancing entrepreneurship after entering post mining.
- (5) The planned cost of post mining as meant in paragraph (3) shall count the future value of money upon the execution of post mining.
- (6) The future value of money as meant in paragraph (5) shall refer to interest rate of government bond if the currency is in the rupiah or interest rate of US Dollar bond if the currency is the US Dollar.
- (7) The planned cost of post mining as meant in paragraph (3) shall cover the whole operational costs of post mining, including post mining activity executed by the third party.

Article 17

- (1) In formulating the post mining plan as meant in Article 16, Holders of IUP Exploration and IUPK Exploration shall consult with stakeholders.
- (2) The stakeholders as meant in paragraph (1) shall consist of:
 - a. the Ministry of Energy and Mineral Resources, provincial and/or regency/municipal government service in charge of mineral and coal

mining affairs;

- b. other related institutions; and
- c. communities to be affected directly by mining business activity.

- (3) Result of the consultation as meant in paragraph (1) shall be written down into account signed by the stakeholders as meant in paragraph (2).

Article 18

- (1) Holders of IUP Exploration and IUPK Exploration shall be obliged to submit the post mining plan as meant in Article 16, along with the account of result of consultation as meant in Article 17 paragraph (3) at the same time as the submission of application for IUP Production Operation or IUPK Production Operation to the Minister through the Director General, governor, or regent/mayor by virtue of their authority.
- (2) The post mining plan as meant in paragraph (1) shall be formulated in accordance with guidance for the formulation of post mining plan as contained in Attachment III, which constitutes an integral part of this ministerial regulation.

CHAPTER IV

EVALUATION AND APPROVAL

Part One

Evaluation and Approval of Reclamation Plan

Paragraph 1

Evaluation and Approval of Reclamation Plan in the Exploration Phase

Article 19

- (1) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall evaluate and approve the reclamation plan in the exploration phase as meant in Article 11 in no later than 30 (thirty) calendar days as from the receipt of the reclamation plan in the exploration phase, excluding the number of days needed to improve the reclamation plan in the exploration period.
- (2) In the case of the reclamation plan in the exploration phase not yet fulfilling the provision as meant in Article 10, The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall return the reclamation plan in the exploration phase to holders of IUP Exploration or IUPK Exploration to be perfected.
- (3) Holders of IUP Exploration or IUPK Exploration shall be obliged to submit again the reclamation plan in the exploration phase already perfected as meant in paragraph (2) to the Minister through the Director General, governor or regent/mayor by virtue of their authority in no later than 30 (thirty) calendar days as from the returning of the reclamation plan in the exploration phase.
- (4) In the case of the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority not recommending the improvement or not approving in 30 (thirty) calendar days as from the receipt of the reclamation plan in the exploration phase or the revised reclamation plan

in the exploration phase, the submitted reclamation plan in the exploration phase shall be deemed approved.

Article 20

- (1) Holders of IUP Exploration and IUPK Exploration shall be obliged to change the approved plan for reclamation in the exploration phase as meant in Article 19, in the case of any change in exploration plan or environmental document.
- (2) The change in the plan for reclamation in the exploration period as meant in paragraph (1) shall be submitted to the Minister through the Director General, governor or regent/mayor by virtue of their authority, in no later than 180 (one hundred eighty) calendar days before executing reclamation in the exploration phase in the following year.
- (3) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall evaluate and approve the change in the plan for reclamation in the exploration phase as meant in paragraph (2) in no later than 30 (thirty) calendar days as from the receipt of the change in the plan for reclamation in the exploration phase, excluding the number of days needed to perfect the change in the plan for reclamation in the exploration phase.
- (4) In the case of the change in the plan for reclamation in the exploration phase not yet fulfilling the provision as meant in Article 10, the Director General on behalf of the Minister, governor or

regent/mayor by virtue of their authority shall return the change in the plan for reclamation in the exploration phase to holders of IUP Exploration or IUPK Exploration to be perfected.

(5) Holders of IUP Exploration or IUPK Exploration shall be obliged to submit again the perfected change in the plan for reclamation in the exploration phase as meant in paragraph (4) to the Minister through the Director General, governor or regent/mayor by virtue of their authority in no later than 30 (thirty) calendar days as from the returning of the change in the plan for reclamation in the exploration phase.

(6) In the case of the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority not granting recommendation about the improvement or approval in 30 (thirty) calendar days as from the receipt of the change in the plan for reclamation in the exploration period or the perfection of the change in plan for reclamation in the exploration phase, the submitted change in the plan for reclamation in the exploration phase shall be deemed approved.

Article 21

The approval of the plan for reclamation in the exploration phase as meant in Article 19 and Article 20 shall include the stipulation of the amount of reclamation guarantee in the exploration phase in accordance with the exploration period by annual detail.

Paragraph 2

Evaluation and Approval of Plan for Reclamation in Production Operation Phase

Article 22

(1) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall evaluate and approve the plan for reclamation in the production operation phase as meant in Article 13 in no later than 30 (thirty) calendar days as from the issuance of IUP Production Operation or IUPK Production Operation, excluding the number of days needed to perfect the plan for reclamation in the production operation phase.

(2) In the case of the plan for reclamation in the production operation phase not yet fulfilling the provision as meant in Article 12, the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall return the plan for reclamation in the production phase to holders of IUP Production Operation or IUPK Production Operation to be perfected.

(3) Holders of IUP Production Operation or IUPK Production Operation shall be obliged to submit again the perfected plan for reclamation in the production operation phase as meant in paragraph {2} to the Minister through the Director General, governor or regent/mayor by virtue of their authority in no later than 30 (thirty) calendar days as from the returning of the plan for reclamation in the production operation phase.

- (4) The plan for reclamation in the production operation phase shall be deemed approved if the Director General on behalf of the Minister, governor or regent/mayor does not approve or recommend the perfection in 30 (thirty) calendar days as from the issuance of IUP Production Operation or IUPK Production Operation or the receipt of the perfection of plan for reclamation in the production operation phase.

Article 23

- (1) Holders of IUP Production Operation and IUPK Production Operation shall be obliged to change the approved plan for reclamation in the production operation phase as meant in Article 22, in the case of any change in:
- a. mining system and method;
 - b. production capacity;
 - c. mining age;
 - d. land affairs management; and/or
 - e. environmental documents already approved by the authorized institution in accordance with the provision of environmental protection and management legislation.
- (2) The change in the plan for reclamation in the production operation phase as meant in paragraph (1) shall be submitted to the Minister through the Director General, governor or regent/mayor by virtue of their authority in no later than 180 (one hundred eighty) calendar days before the execution of reclamation in the production phase for the following year.
- (3) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall evaluate and approve the change in the plan for reclamation in the production operation phase as meant in paragraph (2) in no later than 30 (thirty) calendar days as from the receipt of the plan for reclamation in the production operation phase, excluding the number of days needed to perfect the change in the plan for reclamation in the production operation phase.
- (4) In the case of the change in the plan for reclamation in the production phase not yet fulfilling the provision as meant in Article 12, the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall return the change in the plan for reclamation in the production operation phase to holders of IUP Production Operation or IUPK Production Operation to be perfected.
- (5) Holders of IUP Production Operation or IUPK Production Operation shall be obliged to submit again the perfected change in the plan for reclamation in the production operation as meant in paragraph (4) to the Minister through the Director General, governor or regent/mayor by virtue of their authority in no later than 30 (thirty) calendar days as from the returning of the change in the plan for reclamation in the production operation phase.
- (6) The change in the plan for reclamation in the production operation phase shall be deemed

approved unless the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority recommends the improvement or approves in 30 (thirty) calendar days as from the receipt of the change in the plan for reclamation in the production operation phase or the improvement of the change in the plan for reclamation in the production operation phase.

Article 24

The approval of the plan for reclamation in the production operation phase as meant in Article 22 and Article 23 shall include the stipulation of the amount of guarantee for reclamation in the production operation phase for a period of 5 (five) years by annual detail.

Part Two

Evaluation and Approval of Post-Mining Plan

Article 25

- (1) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall evaluate and approve the post-mining plan as meant in Article 18 in no later than 60 (sixty) calendar days as from the issuance of IUP Production Operation or IUPK Production Operation, excluding the number of days needed to perfect the post-mining plan.
- (2) In the case of the post-mining plan not yet fulfilling the provision as meant in Article 16 and Article 17, the Director General on behalf of the

Minister, governor or regent/mayor by virtue of their authority shall return the post-mining plan to holders of IUP Production Operation or IUPK Production Operation to be perfected.

- (3) Holders of IUP Production Operation or IUPK Production Operation shall be obliged to submit again the perfected post-mining plan as meant in paragraph (2) to the Minister through the Director General, governor or regent/mayor by virtue of their authority in no later than 30 (thirty) calendar days as from the returning of the post-mining plan.
- (4) The submitted post-mining plan shall be deemed approved in the case of the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority not recommending the improvement or not approving in 60 (sixty) calendar days as from the issuance of IUP Production Operation or IUPK Production Operation or the receipt of the improvement of the post-mining plan.

Article 26

- (1) Holders of IUP Production Operation and IUPK Production Operation shall be obliged to change the approved post-mining plan as meant in Article 25 in the case of any change in the plan for reclamation in the production operation phase as meant in Article 23.
- (2) The change in the post-mining plan as meant in paragraph (1) shall be submitted to the Minister through the Director General, governor or regent/

mayor by virtue of their authority in no later than 2 (two) years before the expiration of mining activity.

- (3) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall evaluate and approve the change in the post-mining plan as meant in paragraph (1) in no later than 90 (ninety) calendar days as from the receipt of the change in post-mining plan, excluding the number of days needed to perfect the change in the post-mining plan.
- (4) In the case of the change in the post-mining plan not yet fulfilling the provision as meant in Article 16 and Article 17, the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall return the change in the post-mining plan to holders of IUP Production Operation or IUPK Production Operation to be perfected.
- (5) Holders of IUP Production Operation or IUPK Production Operation shall be obliged to submit again the perfected change in the post-mining plan as meant in paragraph (4) to the Minister through the Director General, governor or regent/mayor by virtue of their authority in no later than 30 (thirty) calendar days as from the returning of the post-mining plan.
- (6) Unless the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority recommends the perfection or approves in 90 (ninety) calendar days as from the receipt

of the change in the post-mining plan or the perfection of the post-mining plan, the submitted change in the post-mining plan shall be deemed approved.

Article 27

The approval of the post-mining plan as meant in Article 25 and Article 26 shall contain the stipulation of the amount of post-mining guarantee, timetable of placement and period of placement thereof.

CHAPTER V

RECLAMATION GUARANTEE AND POST-MINING GUARANTEE

Part One

Reclamation Guarantee

Paragraph 1

Guarantee for Reclamation in Exploration Phase

Article 28

- (1) Holders of IUP Exploration and IUPK Exploration shall be obliged to provide guarantee for reclamation in exploration phase in accordance with the amount of guarantee for reclamation in the exploration phase, which is stipulated by the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority as meant in Article 21.
- (2) The guarantee for reclamation in the exploration phase as meant in paragraph (1) shall be placed wholly at the beginning in accordance with the determination of reclamation cost in the exploration

phase as meant in Article 10 paragraph (5) and shall be written down into work plan and budget of exploration cost.

- (3) The placement of guarantee for reclamation in the exploration phase as meant in paragraph (2) shall be done in no later than 30 (thirty) calendar days as from the approval of work plan and budget of cost in the exploration phase by the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority.

Article 29

- (1) The gurantee for reclamation in the exploration phase as meant in Article 28 shall be in the form of time deposit at government bank in Indonesia in the name of the Director General, governor or regent/mayor qq the said holders of IUP Exploration or IUPK Exploration with the guaranty period according to the timetable of reclamation in the exploration phase.
- (2) The guarantee for reclamation in the exploration phase as meant in paragraph (1) shall be place in the Rupiah or the US Dollar.
- (3) Procedure for the placement of guarantee for reclamation in the exploration phase as meant in paragraph (1) shall be accordance with the provision of legislation.

Article 30

The Director General on behalf of the Minister, governor or regent/mayor by virtue of their au-

thority may order holders of IUP Exploration and IUPK Exploration to change the amount of the guarantee for reclmation in the exploration phase in the case of:

- a. any change in the exploration plan as meant in Article 20; or
- b. the operational cost of exploration in the exploration phase not matching the plan for reclamation in the exploration phase.

Article 31

- (1) The placement of guarantee for reclamation in the exploration phase shall not eliminate the obligation of holders of IUP Exploration and IUPK Exploration to conduct reclamation.
- (2) The shortfall of the cost needed to settle reclamation in the exploration phase from the stipulated guarantee shall become responsibility of holders of IUP Exploration or IUPK Exploration.

Paragraph 2

Guarantee for Reclamation in Production Operation Phase

Article 32

- (1) Holders of IUP Production Operation and IUPK Production Operation shall be obliged to provide guarantee for reclamation in the production operation phase in accordance with the amount of guarantee for reclamation in the production operation phase stipulated by the Director General on behalf of the Minister, governor or regent/mayor

by virtue of their authority as meant in Article 24.

- (2) The guarantee for reclamation in the production operation phase for the first 5 (five) years period shall be placed wholly for the 5 (five) years period.
- (3) In the case of mining age being less than 5 (five) years, the guarantee for reclamation in the production operation phase shall be placed in accordance with the mining age.
- (4) The guarantee for reclamation in the production operation phase as meant in paragraph (2) for the next 5 (five) years period may be placed wholly for the 5 (five) years period or every year.
- (5) The placement of guarantee for reclamation in the production operation phase every year as meant in paragraph (4) shall be written down into annual work plan and budget of production operation cost.
- (6) The placement of guarantee for reclamation in the production operation phase as meant in paragraph (2) shall be done in no later than 30 (thirty) calendar days as from the approval of the plan for reclamation in the production operation phase by the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority.
- (7) The placement of guarantee for reclamation in the production operation phase for the next year period as meant in paragraph (4) shall be done in no later than 14 (fourteen) calendar days as from the commencement of the current year.

Article 33

- (1) Holders of IUP Production Operation and IUPK Production Operation shall be obliged to submit model of guarantee for reclamation in the production operation phase to the Minister through the Director General, governor or regent/mayor by virtue of their authority.
- (2) The model of guarantee for reclamation in the production operation phase as meant in paragraph (1) may be in the form of:
 - a. joint account placed at government bank in the name of the Director General, governor, or regent/mayor and holders of IUP Production Operation or IUPK Production Operation;
 - b. time deposit placed at government bank in Indonesia in the name of the Director General, governor or regent/mayor and the said holders of IUP Production Operation or IUPK Production Operation with the guaranty period according to the timetable of reclamation in the production operation phase;
 - c. bank guarantee issued by government bank in Indonesia or national private bank in Indonesia with the guaranty period according to the timetable of reclamation in the production operation phase; or
 - d. Accounting Reserve, which may be placed if the holders of IUP Production Operation or IUPK Production Operation comply with the following requirements:

1. registered at stock exchange in Indonesia and already placing over 40% (fourty percent) of the total shares which are owned; and
 2. having paid-up capital minimally US\$ 50,000,000 (fifty thousand US Dollar) as contained in the deed of the establishment of the company and/or the amendment thereof legalized by notary.
- (3) The guarantee for reclamation in the production operation phase as meant in paragraph (2) shall be placed in the rupiah or US Dollar.
- (4) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall stipulate model of guarantee for reclamation in the production operation phase, which is placed by the holders of IUP Production Operation or IUPK Production Operation as meant in paragraph (2).
- (5) In the case of the guarantee for reclamation in the production operation phase in the form of the bank guarantee as meant in paragraph 2 letter c having validity period already expired, the holders of IUP Production Operation or IUPK Production Operation shall be obliged to extend the validity period of the guarantee before the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority declares in writing that it may be released.
- (6) Procedures for the placement of guarantee for reclamation in the production operation phase

as meant in paragraph (2) shall be in accordance with the provision of legislation.

Article 34

- (1) Holders of IUP Production Operation and IUPK Production Operation placing guarantee for reclamation in the form of accounting reserves already fulfilling the requirement as meant in Article 33 paragraph (2) letter d shall be obliged to submit statement of placement of guarantee for reclamation legalized by notary to the Minister through the Director General, governor or regent/mayor by virtue of their authority.
- (2) The statement as meant in paragraph (1) shall be accompanied by annual financial statement already audited by public accountant.

Article 35

- (1) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority may order the holders of IUP Production Operation and IUPK Production Operation to change the amount of guarantee for reclamation in the production operation phase in the case of:
- a. any change in the plan for reclamation in the production operation phase as meant in Article 23; or
 - b. the operational cost of reclamation in the production operation phase not marching the plan for reclamation in the production operation phase.

(2) The Director General in the name of the Minister, governor, or regent/mayor by virtue of their authority may order the holders of IUP Production Operation and IUPK Production Operation to change the model of guarantee for reclamation in the production operation phase on the basis of consideration about:

- a. performance of the holders of IUP Production Operation and IUPK Production Operation; and/or
- b. financial capability of the holders of IUP Production Operation and/or IUPK Production Operation.

Article 36

(1) Holders of IUP Production Operation and IUPK Production Operation may submit the change in the model of guarantee for reclamation in the production operation phase as meant in Article 33 to the Minister through the Director General, governor or regent/mayor by virtue of their authority.

(2) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall approve the change in the model of guarantee for reclamation in the production operation phase as meant in paragraph (1) on the basis of consideration about:

- a. performance of the holders of IUP Production Operation and IUPK Production Operation; and/or
- b. financial capability of the holders of IUP Pro-

duction Operation and IUPK Production Operation.

Article 37

- (1) The placement of guarantee for reclamation in the production operation phase shall not eliminate the obligation of IUP Production Operation and IUPK Production Operation to execute reclamation in the production operation phase.
- (2) The shortfall of cost needed to complete reclamation in the production operation phase from the stipulated guarantee shall continue to become responsibility of the holders of IUP Production Operation and IUPK Production Operation.

Part Two

Post-Mining Guarantee

Article 38

- (1) Holders of IUP Production Operation and IUPK Production Operation shall be obliged to provide post mining guarantee in accordance with the amount of post mining guarantee already stipulated by the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority as meant in Article 27.
- (2) The post mining guarantee as meant in paragraph (1) shall be placed every year and written down into annual work plan and budget of production operation.
- (3) The placement of the post mining guarantee as meant in paragraph (2) shall be done in no later

than 30 (thirty) calendar days in accordance with the timetable of the placement of post mining guarantee stipulated in the approval of post mining plan.

- (4) The post mining guarantee shall be collected totally in 2 (two) years before embarking on the execution of post mining.
- (5) Procedures for the placement of post mining guarantee as meant in paragraph (3) shall be in accordance with the provision as contained in Attachment IV, which constitutes an integral of this regulation.

Article 39

- (1) The post mining guarantee as meant in Article 38 shall be in the form of time deposit placed at government bank in Indonesia in the name of the Director General, governor or regent/mayor of the holders of IUP Production Operation or IUPK Production Operation with the guaranty period according to the timetable of post mining.
- (2) The post-mining guarantee as meant in paragraph (1) shall be placed in the Rupiah or the US Dollar.
- (3) Model of the currency of post mining guarantee as meant in paragraph (2) already stipulated may not be changed.
- (4) Interest on the time deposit as meant in paragraph (1) may only be disbursed upon the disbursement of post-mining guarantee.

Article 40

- (1) The placement of the post mining guarantee shall not eliminate the obligation of the holders of IUP Production Operation and IUPK Production Operation to execute post mining.
- (2) The shortfall of cost needed to complete the post mining from the stipulated guarantee shall continue to become responsibility of the holders of IUP Production Operation and IUPK Production Operation.

CHAPTER VI

RECLAMATION AND POST MINING

Part One

General

Article 41

- (1) Holders of IUP Exploration, IUP Production Operation, IUPK Exploration and IUPK Production Operation shall be obliged to execute reclamation in accordance the approved reclamation plan as meant in Article 19, Article 20, Article 22, and Article 23.
- (2) Holders of IUP Production Operation and IUPK Production Operation shall be obliged to execute post mining in accordance with the post mining plan as meant in Article 25 and Article 26.
- (3) The execution of the reclamation and post mining shall be led by chief of mining technique assisted by officer competent in the execution of reclamation and post mining.

Part Two

Execution of Reclamation

Paragraph 1

Execution of Reclamation in the Exploration Phase

Article 42

- (1) Holders of IUP Exploration and IUPK Exploration shall be obliged to execute reclamation in the exploration phase, which has been approved as meant in Article 19 and Article 20 on land affected by exploration activity.
- (2) The affected land as meant in paragraph (1) shall be land formerly used as location of exploration, which is not used anymore.
- (3) The former exploration site as meant in paragraph (2) shall be among others:
 - a. ex-exploration site; and
 - b. ex-site of exploration supporting facility site.
- (4) The ex-site of exploration activity as meant in paragraph (3) letter a shall be among others drilling holes, test wells and test drainage.
- (5) The ex-site of exploration supporting facility as meant in paragraph (3) letter b shall be among others exploration way, base camp, helipad, and/or workshop which are not used anymore.
- (6) The execution of reclamation in the exploration phase shall be done in no later than 30 (thirty) calendar days following the termination of exploration activity in the affected land as meant in paragraph (2), paragraph (3), paragraph (4), and paragraph (5).

Paragraph 2

Execution of Reclamation in the Production Operation Phase

Article 43

- (1) Holders of IUP Production Operation and IUPK Production Operation shall be obliged to execute reclamation in the production operation phase as meant in Article 22 and Article 23 on land affected by production operation activity.
- (2) The affected land as meant in paragraph (1) shall cover ex-mining site and land outside ex-mining site, which is not used anymore.
- (3) The ex-mining site as meant in paragraph (2) by underground mining system shall be among others shaft, raise, stope, adit, decline, pit, tunnel, and/or final void.
- (4) The land outside ex-mining site as meant in paragraph (2) by open pit system shall be among others:
 - a. stockpile of side rocks and/or covering rocks;
 - b. stockpile of rooting zone soil;
 - c. stockpile of mining commodity;
 - d. mining road and/or hauling road;
 - e. processing and/or refinery installation and facility;
 - f. supporting facility;
 - g. office and housing;
 - h. special seaport/jetty; and/or
 - i. land used to collect and/or sediment tailing.
- (5) The execution of reclamation in the production operation phase shall be done in no later than 30

(thirty) calendar days following the termination of activity on the affected land as meant in paragraph (2), paragraph (3), and paragraph (4).

- (6) In the case of the absence of activity on the affected land as meant in paragraph (5) and re-mining activity being planned to continue in the area, holders of IUP Production Operation and IUPK Production Operation shall be obliged to execute reclamation in the production operation phase in the framework of controlling the quality of surface water, erosion and sedimentation.

Article 44

- (1) In the event that the reclaimed area is to be reopened for mining activity, holders of IUP Production Operation and IUPK Production Operation shall be obliged to submit the plan for mining activity to secure approval from the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority.
- (2) The plan for mining activity as meant in paragraph (1) shall be obliged to count the scale of economy of the executed reclamation.

Part Three

Execution of Post Mining

Article 45

Holders of IUP Production Operation and IUPK Production Operation shall be obliged to execute the post mining as meant in Article 25 and Article 26 in no later than 30 (thirty) calendar days

following the expiration of mining, processing and/or refinery activity in accordance with the approved post-mining plan.

CHAPTER VII

REPORTING AND DISBURSEMENT OF RECLAMATION AND POST-MINING GUARANTEE

Part One

Reporting of Reclamation and Disbursement of Reclamation Guarantee

Paragraph 1

Reporting of Reclamation in Exploration Phase and Disbursement of Guarantee for Reclamation in Exploration Phase

Article 46

- (1) Holders of IUP Exploration and IUPK Exploration shall be obliged to submit report on the execution of reclamation in the exploration phase every one year to the Minister through the Director General, governor or regent/mayor by virtue of their authority.
- (2) The report on the execution of reclamation in the exploration phase as meant in paragraph (1) shall be accompanied by application for the disbursement of reclamation guarantee in the exploration phase.
- (3) The report as meant in paragraph (1) shall be formulated in accordance with Guidance for the Formulation of Report on the Execution of Reclamation in the exploration phase as contained in Attachment V, which constitutes an integral part

of this ministerial regulation.

Article 47

- (1) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall approve the approval of the disbursement of guarantee for reclamation in the exploration phase in no later than 30 (thirty) calendar days after the report as meant in Article 46 is received.
- (2) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority, before approving the disbursement of guarantee for reclamation in the exploration phase as meant in paragraph (1) shall be obliged to evaluate the report on the execution of reclamation in the exploration phase.
- (3) The evaluation as meant in paragraph (2) shall be executed by referring to Success Criteria for Reclamation in the Exploration Phase as contained in Attachment IV, which constitutes an integral part of this ministerial regulation.

Article 48

- (1) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority, before approving the disbursement of reclamation guarantee in the exploration phase, shall evaluate to disburse the reclamation guarantee in the exploration phase, besides executing the evaluation as meant in Article 47 paragraph (2).

- (2) The disbursement of reclamation guarantee in the exploration phase as meant in paragraph (1) may only be done after the score of evaluation reaches 100 % (one hundred percent) in accordance with Guidance for Reclamation in the Exploration Phase as contained in Attachment VII, which constitutes an integral part of this ministerial regulation.

Article 49

- (1) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority may conduct site visit in evaluating the disbursement of reclamation guarantee in the exploration phase as meant in Article 48.
- (2) The site visit as meant in paragraph (1) shall be down after the formulation of document of feasibility study is completed.
- (3) Result of the site visit as meant in paragraph (1) shall be written down into account which contains evaluation of the success of reclamation in the exploration phase as contained in Attachment VIII, which constitutes an integral part of this ministerial regulation.

Paragraph 2

Reporting of Reclamation in Production Operation Phase and Disbursement of Reclamation Guarantee in Production Operation Phase

Article 50

- (1) Holders of IUP Production Operation and IUPK

Production Operation shall be obliged to submit report on the execution of reclamation in the production operation phase every year to the Minister, through the Director General, governor or regent/mayor by virtue of their authority.

- (2) The report on the execution of reclamation in the production operation phase as meant in paragraph (1) shall be accompanied by application for the disbursement or release of reclamation guarantee in the production operation phase.
- (3) The report as meant in paragraph (1) shall be formulated in accordance with Guidance for the Formulation of Report on the Execution of Reclamation in the Exploration Phase as contained in Attachment IX, which constitutes an integral part of this ministerial regulation.

Article 51

- (1) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall approve the disbursement or release of guarantee for reclamation in the production operation phase in no later than 30 (thirty) calendar days as from the receipt of the report as meant in Article Article 50.
- (2) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority, before approving the disbursement or release of reclamation guarantee in the production operation phase as meant in paragraph (1) shall be obliged to evaluate report on the execu-

tion of reclamation in the production operation phase.

- (3) The evaluation as meant in paragraph (2) shall be executed by referring to Success Criteria for Reclamation in the Production Operation Phase as contained in Attachment X, which constitutes an integral part of this regulation.

Article 52

- (1) The application for the disbursement of reclamation guarantee in the production operation phase as meant in Article 50 shall be done for reclamation guarantee in the production operation phase in the form of joint account and time deposit along with the interest thereon.
- (2) The application for the release of reclamation guarantee in the production operation phase as meant in Article 50 shall be done for reclamation guarantee in the production operation phase in the form of bank guarantee and accounting reserves.

Article 53

- (1) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority, before approving the disbursement or release of reclamation guarantee in the production operation phase, shall evaluate to disburse or release the reclamation guarantee in the production operation phase, besides executing the evaluation as meant in Article 51.

(2) The evaluation determining the amount of the disbursement or release of reclamation guarantee in the production operation phase as meant in paragraph (1) shall be determined as follows:

a. maximally 60% (sixty percent) of the amount of reclamation guarantee in the production operation phase if the following land management activity has been completed:

1. arrangement of land surface or refill of examining site;
2. distribution of rooting zone soil;
3. erosion control and water management
In accordance with the designation thereof, as set forth in the reclamation plan in the production operation phase already stipulated;

b. maximally 80% (eighty percent) of the amount of reclamation guarantee in the production operation phase if the activity as meant in letter a and the following vegetation work have been completed:

1. planting of cover crop;
2. planting of fast-growing crop;
3. planting of local species plant; and/or
4. control over mining acid water,

As set forth in reclamation plan in the production operation phase already approved.

c. 100% (one hundred percent) of the amount of reclamation guarantee in the production operation phase after the reclamation phase in the production phase meets the final settle-

ment,

in accordance with Guidance for Evaluation of Reclamation in the Production Operation Phase as contained in Attachment XI, which constitutes an integral part of this ministerial regulation.

Article 54

- (1) In evaluating the disbursement or release of reclamation guarantee in the production operation phase as meant in Article 53, the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall conduct site visit.
- (2) The site visit as meant in paragraph (1) shall be done in no later than 15 (fifteen) calendar days as from the receipt of report on the execution of reclamation in the production operation phase.
- (3) Result of the site visit as meant in paragraph (1) shall be written down into account containing evaluation of the success of reclamation in the production operation phase as contained in Attachment XII, which constitutes an integral part of this ministerial regulation.

Article 55

- (1) In the case of the evaluation showing that the success of reclamation in the production operation phase as meant in Article 53 has not reached 100% (one hundred percent), the value of the disbursement or release of reclamation guarantee in

the production operation phase shall be adjusted to result of evaluation in the field.

- (2) The reset of reclamation guarantee in the production operation phase, which has not been disburseable or releasable, shall be placed again as reclamation guarantee in the production operation phase.

Part Two

Reporting of Post Mining and Disbursement of Post Mining Guarantee

Article 56

- (1) Holders of IUP Production Operation and IUPK Production Operation shall be obliged to submit report on the execution of post mining activity every quarter to the Minister through the Director General, governor or regent/mayor by virtue of their authority.
- (2) The report on the execution of post mining activity as meant in paragraph (1) shall be accompanied by application for the disbursement of post mining guarantee.
- (3) The application for the disbursement of post mining guarantee as meant in paragraph (2) along with interest thereon shall contain detail of program planned cost of post mining already executed and to be executed in the following quarter on the basis of the approved post mining plan.
- (4) The report as meant in paragraph (1) shall be formulated in accordance with Guidance for the Formulation of Quarterly Report on the Execution

of Post Mining as contained in Attachment XIII, which constitutes an integral part of this ministerial regulation.

Article 57

- (1) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall approve the disbursement of post mining guarantee in no later than 30 (thirty) calendar days following the receipt of the report as meant in Article 56.
- (2) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority, before approving the disbursement of post mining guarantee as meant in paragraph (1) shall be obliged to evaluate report on the execution of post mining.
- (3) The evaluation as meant in paragraph (2) shall be executed by referring to Success Criteria for the Post Mining as contained in Attachment XIV, which constitutes an integral part of this ministerial regulation.

Article 58

- (1) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall evaluate to disburse post mining guarantee before approving the disbursement of post mining guarantee as meant in Article 57.
- (2) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their

authority may only approve the disbursement of the post mining guarantee along with the interest thereon as meant in paragraph (1) in accordance with Guidance for Evaluation of Post Mining as contained in Attachment XV, which constitutes an integral part of this ministerial regulation

Article 59

- (1) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall conduct site visit in evaluating the post mining guarantee as meant in Article 58.
- (2) The site visit as meant in paragraph (1) shall be done in no later than 15 (fifteen) calendar days following the receipt of the report on the execution of post mining.
- (3) Result of the site visit as meant in paragraph (1) shall be written down into account containing evaluation of the success of post mining as contained in Attachment XVI, which constitutes an integral part of this ministerial regulation.

Article 60

- (1) In the case of holders of IUP Production Operation and IUPK Production Operation failing to meet the success criteria for the execution of post mining on the basis of evaluation of report and site evaluation less than 80% (eighty percent) following the expiration of the post mining period, the holders of IUP Production Operation and IUPK Production Operation may submit application for the extension of the period to settle the post mining

activity to the Minister through the Director General, governor or regent/mayor by virtue of their authority.

- (2) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall approve the extension of the period as meant in paragraph (2) in no later than 2 (two) years following the expiration of post mining activity.
- (3) Holders of IUP Production Operation and IUPK Production Operation may not disburse the rest of post mining guarantee during the extension period as meant in paragraph (2).
- (4) Holders of IUP Production Operation and IUPK Production Operation may only be granted the disbursement of the rest of post mining guarantee if the evaluation of the success has reached 100% (one hundred percent).

Part Three

Stipulation of Third Party

Article 61

- (1) In the case of holders of IUP Exploration or IUPK Exploration failing to meet the success criteria for the execution of reclamation in the exploration phase on the basis of the evaluation of report and site visit as meant in Article 47 dan Article 49, the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall stipulate the third party to execute reclamation in the exploration phase by using reclamation

guarantee in the exploration phase

- (2) In the case of holders of IUP Production Operation and IUPK Production Operation failing to meet the success criteria for the execution of reclamation in the production operation phase on the basis of the evaluation of the report and site visit as meant in Article 51 and Article 54, the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall stipulate the third party to execute reclamation in the production phase by using the reclamation guarantee in the production operation phase.
- (3) The stipulation of the third party as meant in paragraph (1) and paragraph (2) shall be done if the reclamation has not reached the success 60% (sixty percent) after 2 (two) years of evaluation period consecutively.
- (4) The third party as meant in paragraph (1), paragraph (2), and paragraph (3) shall be stipulated by the following methods:
- a. the holders of IUP Exploration, IUP Production Operation, IUPK Exploration and IUPK Production Operation are obliged to recommend the third part having business license to provide mining service in the post mining and reclamation field to the Minister through the Director General, governor or regent/mayor by virtue of their authority; and
 - b. the Director General on behalf of the Minister, governor or regent/mayor by virtue of their au-

thority evaluates to stipulate the third party.

Article 62

- (1) In the case of holders of IUP Production Operation and IUPK Production Operation failing to meet the success criteria for the execution of post mining on the basis of the evaluation of report and site visit as meant in Article 57 and Article 59 less than 60% (sixty percent) until the expiration of the post mining period, the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall stipulate the third party to execute the post mining.
- (2) The third party as meant in paragraph (1) shall be stipulated by method:
- a. the holders of IUP Production Operation and IUPK Production Operation are obliged to recommend the third part having business license to provide mining service in the post mining and reclamation field to the Minister through the Director General, governor or regent/mayor by virtue of their authority; and
 - b. the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority evaluates to stipulate the third party.

Article 63

to be continued

(R)

RECLAMATION AND POST-MINING IN MINERAL AND COAL MINING BUSINESS ACTIVITY

(Regulation of the Minister of Energy and Mineral Resources
Number 7 Year 2014 dated February 28, 2014)

[Continued from Business news No. 8648 page 20-48]

Article 63

Holders of IUP Production Operation and IUPK Production Operation shall be prohibited from executing mining activity before reclamation executed by the third party as meant in Article 61 is declared to reach the success criteria for reclamation minimally 80% (eighty percent) by the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority .

CHAPTER VIII

DELIVERY OF RECLAMATION LAND

Article 64

(1) Holders of IUP Production Operation or IUPK Production Operation already executing reclamation in the production operation phase shall be obliged to give land already reclaimed to the entitled party in accordance with the provision of legislation through the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority after fulfilling:

a. the principles of environmental protection and management, occupational safety and health and mineral and coal conservation as meant

in Article 2; and

- b. the evaluation of the success of reclamation 100% (one hundred percent) as contained in Attachment XI, which constitutes an integral part of this ministerial regulation.
- (2) Holders of IUP Production Operation and IUPK Production Operation before granting the land as meant in paragraph (1) shall submit application to the Minister through the Director General, governor or regent/mayor by virtue of their authority to secure approval of the delivery of reclamation land.
- (3) The delivery of the land as meant in paragraph (1) shall constitute a part of the post mining plan for WIUP Production Operation and WIUPK Production Operation.
- (4) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall be obliged to conduct site visit before granting approval of the delivery of the reclaimed land.
- (5) Result of the site visit as meant in paragraph (4) shall be written down into account.
- (6) The Director General on behalf of the Minister,

governor or regent/mayor by virtue of their authority shall approve the delivery of the reclamation land as meant in paragraph (1) in no later than 60 (sixty) days as from the receipt of application for the delivery of reclamation land.

- (7) Responsibility for the maintenance and monitoring of the land already reclaimed by holders of IUP Production Operation and IUPK Production Operation shall be declared ending after the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority approves the delivery of the reclaimed land as meant in paragraph (6).

CHAPTER IX

DELIVERY OF POST MINING LAND

Article 65

- (1) Holders of IUP Production Operation and IUPK Production Operation already finishing post mining shall be obliged to deliver post mining land to the entitled part in accordance with the provision of legislation through the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority after fulfilling:
- a. the principles of environmental protection and management, occupational safety and health and mineral and coal conservation as meant in Article 2; and
 - b. the evaluation of the success of post mining 100% (one hundred percent) as contained in Attachment XII, which constitutes an integral

part of this ministerial regulation.

- (2) Holders of IUP Production Operation and IUPK Production Operation, before granting the land as meant in paragraph (1) shall submit application to secure approval of the delivery of post-mining land.
- (3) The delivery of the land as meant in paragraph (1) shall the whole area of post mining in the whole WIUP Production Operation and WIUPK Production Operation.
- (4) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall be obliged to conduct site visit before approving the delivery of land wherein post mining already executed.
- (5) Result of the site visit as meant in paragraph (4) shall be written down into account.
- (6) The Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall approve the delivery of the post mining land as meant in paragraph (1) in no later than 60 (sixty) days as from the receipt of application for the delivery of post mining land.
- (7) Responsibility for the maintenance and monitoring of land already reclaimed by holders of IUP Production Operation or IUPK Production Operation shall be declared to end after the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority approves the delivery of the reclaimed land as meant in paragraph (6).

Article 66

- (1) IUP Production Operation and IUPK Production Operation having validity period already expiring shall not eliminate the obligation of the holders of IUP Production Operation and IUPK Production Operation to execute post mining.
- (2) In the framework of executing the post mining as meant in paragraph (1), the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority shall issue letter regarding the execution of post mining to holders of IUP Production Operation and IUPK Production Operation.

CHAPTER X

ADMINISTRATIVE SANCTION

Article 67

- (1) Holders of IUP Exploration or IUPK Exploration violating the provision as meant in Article 2 paragraph (1), paragraph (3), or paragraph (4), Article 3 paragraph (1), Article 4, Article 6, Article 10, Article 11, Article 12, Article 13, Article 14, Article 16, Article 17, Article 18, Article 19 paragraph (3), Article 20 paragraph (1), paragraph (2), atau paragraph (5), Article 28, Article 29, Article 41 paragraph (1) or paragraph (3), Article 42, Article 46, or Article 61 paragraph (4) shall be subject to administrative sanction.
- (2) Holders of IUP Production Operation or IUPK Production Operation violating the provision as meant in Article 2 paragraph (2), paragraph (3), paragraph (4), or paragraph (5), Article 3 para-

graph (2), Article 15, Article 22 paragraph (3), Article 23 paragraph (1), paragraph (2), atau paragraph (5), Article 25 paragraph (3), Article 26 paragraph (1), paragraph (2), or paragraph (5), Article 31, Article 32, Article 33, Article 34, Article 37, Article 38 paragraph (1), paragraph (3), atau paragraph (5), Article 39, Article 40, Article 41 paragraph (1), paragraph (2), or paragraph (3), Article 43 paragraph (1), paragraph (5), atau paragraph (6), Article 44, Article 45, Article 50, Article 56, Article 61 paragraph (4), Article 62 paragraph (2), Article 63, Article 64, or Article 65 shall be subject to administrative sanction.

Article 68

- (1) The administrative sanction as meant in Article 67 may be in the form of:
- a. written warning;
 - b. suspension of mining activity partly or wholly; and/or
 - c. revocation of IUP Exploration, IUP Production Operation, IUPK Exploration or IUPK Production Operation.
- (2) The administrative sanction as meant in paragraph (1) shall be imposed by the Director General on behalf of the Minister, governor or regent/mayor by virtue of their authority.

Article 69

The administrative sanction in the form of written warning as meant in Article 68 paragraph (1)

letter a shall be imposed maximally 3 (three) times with the period 30 (thirty) calendar days each.

Article 70

- (1) In the case of holder of IUP Exploration, IUP Production Operation, IUPK Exploration or IUPK Production Operation subject to the written warning not yet executing their obligation following the expiration of the warning period as meant in Article 69, the holders shall be subject to administrative sanction in the form of the suspension of the mining activity as meant in Article 68 paragraph (1) letter b partly or wholly.
- (2) The administrative sanction in the form of the suspension of the mining activities as meant in paragraph (1) partly or wholly shall be imposed in a period of 90 (ninety) calendar days at the maximum.

Article 71

The administrative sanction in the form of revocation of IUP Exploration, IUP Production Operation, IUPK Exploration or IUPK Production Operation as meant in Article 68 paragraph (1) letter c shall be imposed on holders of IUP Exploration, IUP Production Operation, IUPK Exploration or IUPK Production Operation not executing the obligation until the expiration of the period of the suspension of mining activity partly or wholly as meant in Article 70.

CHAPTER XI

TRANSITIONAL PROVISION

Article 72

- (1) Reclamation plan and/or post plan already approved by the Minister, governor or regent/mayor by virtue of their authority before the enforcement of this ministerial regulation shall be declared to remain effective and the execution of the plans shall be adjusted to this regulation in no later than one year as from the promulgation of this regulation.
- (2) Reclamation plans and/or post mining plans submitted by holders of IUP Production Operation, Contract of Work and Coal Mining Contract of Work and not yet securing approval before the enforcement of this ministerial regulation shall be processed in accordance with the provision in this ministerial regulation.

Article 73

Holders of IUP Production Operation, Contract of Work and Coal Mining Contract of Work already placing reclamation guarantee or post mining guarantee before the enforcement of this regulation shall be adjusted to the provision in this regulation in no later than one year following the promulgation of this regulation.

CHAPTER XII

CONCLUSION

Article 74

Following the enforcement of this regulation, Regulation of the Minister of Energy and Mineral Resources Number 18 Year 2008 dated May 29, 2008 on Reclamation and Post Mining shall be revoked and declared null and void.

Article 75

The ministerial 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 February 28, 2014

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

sgd

JERO WACIK

Promulgated in Jakarta

On February 28, 2014

THE MINISTER OF LAW AND HUMAN RIGHTS OF
THE REPUBLIC OF INDONESIA

sgd

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA
YEAR 2014 NUMBER 274

Editor's Note:

- Due to technical reason, the attachments are not published.

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