

DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF COMMUNICATIONS

**JOINT DECREE OF THE MINISTER OF AGRICULTURE
AND THE MINISTER OF COMMUNICATIONS
NO. 493/KPTS/IK.410/7/96 AND NO. SK.2/AL.106/PHB-96
DATED JULY 4, 1996**

R E

THE OPERATION OF FISHING PORTS AS FISHING INFRASTRUCTURES

THE MINISTER OF AGRICULTURE AND THE MINISTER OF COMMUNICATIONS,

- Consideration :**
- a. that in the framework of optimizing the utilization of, improving the services of and raising state's non-tax revenues from fishing ports as fishing infrastructures, it is necessary to lay down stipulations concerning the operation of fishing ports as fishing infrastructures;
 - b. that to achieve the above-mentioned purpose, it is necessary to make formulation in a Joint Decree of the Minister of Agriculture and the Minister of Communications;

- Bearing in mind :**
1. Act No. 5/1983 on the Indonesian Exclusive Economic Zone (State Gazette No. 44/1983, Supplementary to State Gazette No. 3260);
 2. Act No. 9/1985 on Fisheries (State Gazette No. 46/1985, Supplementary to State Gazette No. 3299);
 3. Act No. 21/1992 on Navigation (State Gazette No. 98/1992, Supplementary to State Gazette No. 3493);

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4. Government Regulation No. 11/1983 on the Nurturing of Port Affairs (State Gazette No. 14/1983, Supplementary to State Gazette No. 3251), as already amended, the latest by Government Regulation No. 23/1985 (State Gazette No. 31/1985, Supplementary to State Gazette No. 3290);
5. Government Regulation No. 17/1988 on the Operation and Management of Sea Transportation (State Gazette No. 37/1988, Supplementary to State Gazette No. 3378);
6. Presidential Decree No. 96/M/1993 on the Establishment of 6th Development Cabinet;
7. Joint Decree of the Minister of Home Affairs and the Minister of Communications No. 191/1969 and No. 83/0/1969 on the Provision and Land for Port Purposes;

Observing of : The Directive of the President of the Republic of Indonesia on June 28, 1996;

HAVE DECIDED :

To stipulate : **THE JOINT DECREE OF THE MINISTER OF AGRICULTURE AND THE MINISTER OF COMMUNICATIONS CONCERNING THE OPERATION OF FISHING PORTS AS FISHING INFRASTRUCTURES.**

**CHAPTER I
GENERAL PROVISIONS
Article 1**

Referred to in this joint decree as :

1. A public port shall be a port which is operated to serve the public;
2. The operation of a public port shall be all activities encompassing planning, development, operation, management, maintenance, supervision and control;
3. A fishing port as a fishing infrastructure shall be a public service site for the community of fishermen and the fishery business, serving as a centre for the development and improvement of fishery economic activities and completed with facilities on land and in the surrounding waters, to be used as an operational base and a place for docking, mooring, taking fishing catch to land and also for managing, processing, distributing and marketing fishing catch;
4. The operation of fishing ports as fishing infrastructures shall be all activities encompassing the stipulation of locations, planning, construction, operation, maintenance, supervision and control;
5. A Technical Executive Unit (UPT) of a fishing port as a fishing infrastructure shall be the Technical Executive Unit of the Directorate General of Fisheries in the area of fishing ports;
6. PT (Persero) Pelabuhan Indonesian shall be a state-owned company set up to provide port services in a public port;

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7. A Port Working Territory (DLKR) shall be waters and land areas in a public port used directly for port activities;
8. A Port Interest Territory (DLKP) shall be the waters around a port's water working territory used to guarantee sea navigation safety.

**CHAPTER II
O P E R A T I O N S
Article 2**

- (1) The operation of a fishing port as a fishing infrastructure shall be regulated and stipulated by the Minister of Agriculture.
- (2) As for the fostering of a fishing port as a fishing infrastructure with respect to the aspect of sea navigation safety, the stipulation of Act No. 21/1992 on Navigation shall be enforced.

Article 3

Stipulations on the locations for and the construction and operation of fishing ports as fishing infrastructures located inside the waters of DLKR of public ports, stipulations related to the aspects of navigation safety and integration with a public port shall be laid down by the Director General of Sea Communications at the suggestion of the Director General of Fisheries.

Article 4

- (1) The stipulations as meant in Article 3 shall be granted at the latest within 14 working days as from the receipt of the application, with administrative and technical requirements being completed and submitted as attachments.
- (2) The application for the stipulations shall be considered as having been approved if the period of time as meant in paragraph (1) has elapsed.

Article 5

Stipulations on the location of and the construction and operation of a fishing port as a fishing infrastructure located outside the water DLKR of a public port shall be laid down by the Minister of Agriculture, after hearing the opinion of the Minister of Communications, and the stipulations shall be granted at the latest within 14 working days as from the receipt of the request for an opinion.

**CHAPTER III
RIGHTS OVER LAND
Article 6**

- (1) A Technical Executive Unit (UPT) of a fishing port located inside the land DLKR of public port shall obtain the right of utilisation on part of the land with the right of management leased from PT (Persero) Pelabuhan Indonesia as the holder of the right of management (HPL).
- (2) The amount of the tariff of the lease as meant in paragraph (1) shall be stipulated by PT (Persero) Pelabuhan Indonesia and a special tariff shall be set in accordance with the classification of fishing ports.

- (3) The UPT of a fishing port may lease the land as meant in apargraph (1) to a third party for fishery business activities upon the approval of PT (Persero) Pelabuhan Indonesia.
- (4) The fee tariff of the land lease as meant in paragraph (3) shall be stipulated by the Minister of Agriculture and shall be deposited at the State' Treasury Offie through the account of the Minister of Agriculture.

Article 7

A fishing port located outside the land DLKR of a public port shall obtain an HPL from the National Land Agency (BPN).

CHAPTER IV FACILITY USE CHARGES

Article 8

- (1) The regulation and collection of docking charges with respect to a fishing port managed by the UPT of a fishing port located inside the wafer DLKR of a public port shall be stipulated by the Minister of Communications and the charges shall constitute the receipts of the Ministry of Communications.
- (2) The amount of the docking charges as meant in paragraph (1) shall be stipulated by the Minister of Communications at the suggestion of the Minister of Agriculture with account taken of the classification of fishing ports.
- (3) The regulation and the amount of mooring charges, and other charges other than the docking charges for a fishing port managed by the UPT of a fishing port located inside the water DLKR of a public port shall be stipulated by the Minister of Agriculture and the charges shall constitute the receipts of the ministry of Agriculture.

Article 9

The regulation and the amounts of docking, mooring and other charges for the UPT of a fishingport located outside the water DLKR of a public port shall be stipulated by the Minister of Agriculture and the charges shall constitute the receipts of the Ministry of Agriculture.

Article 10

The implementation directive for this joint decree shall be further regulated individually or jointly by the Director General of Fisheries and or the Director General of Sea Communications.

Article 11

This joint decree shall take effect as from the date of stipulation.

Stipulated in : Jakarta
On : July 4, 1996

THE MINISTER OF COMMUNICATIONS
sgd.

Dr. HARYANTO DHANUTIRTO

THE MINISTER OF AGRICULTURE
sgd.

Dr. Ir. SJARIFUDDIN BAHARSJAH

F I N A N C E

THE DEPARTMENT OF FINANCE

**DECREE OF THE MINISTER OF FINANCE
NUMBER : 228/KMK.05/1996 ; DATED : MARCH 29, 1996**

R E

**THE DETERMINATION OF EXCISE RATES AND RETAIL SELLING PRICES
OF TOBACCO PRODUCTS**

THE MINISTER OF FINANCE,

Considering : that on the basis of Article 5, Article 6 and Article 7 of Act No. 11 of 1995 on Excise, provisions concerning excise rates on, retail selling prices of and settlement of excise on tobacco products need to be further stipulated.

Bearing in mind :
1. Act No. 10 of 1995 on Customs Affairs (State Gazette of 1995 No. 75, Supplement to State Gazette No. 3612);
2. Act No. 11 of 1995 on excise (State Gazette of 1995 No. 76, Supplement to State Gazette No. 3613).

HAS DECIDED :

To stipulate : **THE DECREE OF THE MINISTER OF FINANCE CONCERNING THE DETERMINATION OF EXCISE RATES AND RETAIL SELLING PRICES OF TOBACCO PRODUCTS.**

Article 1

The excise rates for the calculation of excise on tobacco products shall be determined on the basis of the ad valorem tariff system.

Article 2

Tobacco products which are manufactured by domestically based tobacco product manufacturing companies and imported tobacco products shall be subject to excise rates as those contained in Attachment I to this decree.

Article 3

In the case of a company manufacturing more than one type of tobacco products with different excise rates, "total production in 1 (one) calendar year" as referred to in Attachment I to this decree shall be the total of all types/kinds of tobacco products manufactured in the calendar year of 1994 based on excise tape orders including tobacco products for employees and third parties, by one company one or more business licences.

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Article 4

- (1) Manufacturing companies of kretek (clove) cigarettes (SKT/manually made clove cigarettes, SKM/mechanically made clove cigarettes, KLB/corn-husk wrapped and KLM/incense flavoured cigarettes) shall be grouped on the basis of total production in the calendar year of 1994, as the following :

<u>Manufacturers :</u>	<u>Total production :</u>	
a. Large scale	-	more than 45,000 million cigarettes.
b. Large-medium scale	-	more than 5,000 million up to 45,000 million cigarettes.
c. Medium scale	-	more than 750 million up to 5,000 million cigarettes.
d. Small scale	-	750 million cigarettes or less.
e. K - 1000	-	not more than 18 million cigarettes.

- (2) K-1000 tobacco product manufacturing companies producing not more than 18,000,000 cigarettes, corn-husk wrapped cigarettes (KLB) and incense flavoured cigarettes (KLM) or not more than 14,400,000 cigars or not more than 3,600,000 chipped tobacco (TIS) per annum, shall have the following daily maximum production rates :

Cigarettes/KLM/KLB	:	50,000 cigarettes
C i g a r s	:	40,000 cigars
T I S	:	10,000 packs.

- (3) If K-1000 tobacco product manufacturing companies with annual production as meant in paragraph (2) produce various kinds of tobacco products, their daily maximum production rates shall be calculated according to the proportions of the respective kinds of tobacco products.

Article 5

- (1) Excise tapes shall be ordered by tobacco product manufacturing companies by submitting documents of excise tape orders (CK-1) according to the model contained in Attachment II to this decree.
- (2) Every order with CK-1 shall be used for one tobacco product and one excise rate.
- (3) CK-1 for April 1996 can be submitted for the order of excise tapes at the maximum of twice the average monthly order for excise tapes, calculated from orders in the last 1 (one)-year period.
- (4) The order of excise tapes as meant in point (1) can be placed by cash payment or by referred payment of not more than three months starting from the date of receipt or the date of registration of CK-1 with bank guarantees.
- (5) The requirements for and periods of postponement for tobacco product manufacturing companies or importers granted excise payment postponement shall be further stipulated by the Director General of Taxes.

Article 6

- (1) Floor prices for the calculation of excise on domestically produced and imported tobacco products shall be retail selling prices proposed by manufacturing companies or by importers.
- (2) The calculations of retail selling prices proposed by manufacturing companies or importers shall serve as material for consideration by the Minister in determining floor prices.

Article 7

The retail selling prices as meant in Article 6 paragraph (1) shall be tape prices of prices printed on excise tapes.

Article 8

- (1) The Director General of Customs and Excise shall be authorised :
 - a) to regulate and determine retail selling prices of tobacco products, for the purpose of adjustment between retail selling prices or tape prices and sale prices, so as to create balance between production and marketing of tobacco products and ensure fair competition between tobacco product manufacturing companies;
 - b) to regulate and determine the minimum retail selling price per cigarette for each group of manufacturing companies each type of tobacco products, including tobacco products for employees and third parties.
 - c) to regulate and determine the retail selling price (maximum, per cigarette) of tobacco products for K-1000 manufacturing companies, so as not to exceed the minimum retail price per cigarette for small-scale non K-1000 manufacturers with production of up to 50 million cigarettes;
 - d) to regulate and determine the retail selling price (maximum, per cigarette) of tobacco products for the type of ordinary cigarettes/SPM with hard packs;
 - e) to regulate and determine extra excise on tobacco products for the types of SKM and SKT whose retail price reaches or exceeds twice the minimum retail selling price per cigarette already determined, at the rate of 2%.
 - f) to regulate and determine contents of packs for retail sale, for the respective groups of manufacturing companies and types of tobacco products.

Article 9

- (1) The granting of postponement as meant in Article 5 paragraph (4) to tobacco product manufacturing companies/importers shall be valid for companies which in selling their tobacco products do not :
 - a. put goods or money into packages or cartons, which are not included in retail selling price calculations;

- b. put certain signs or codes on the inside or outside of packages or cartons for the purpose of granting prizes;
 - c. grant goods in any form or money upon the purchase of tobacco products in certain quantities;
 - d. grant goods or money upon the return and/or gathering of used packages of tobacco products or parts thereof, by whatever means and wherever this is done;
 - e. make announcements through mass media or other means in whatever forms for the purpose of promising prizes connected with promotional activities in the sale of their tobacco products.
- (2) Tobacco product manufacturing companies/importers violating the provisions as meant in paragraph (1) shall be liable to a review of the payment postponement for their excise tape orders in line with the degrees of violations committed, and its implementation shall be further regulated by the Director General of Customs and Excise.

Article 10

- (1) On the date of enforcement of this decree, heads of local inspection offices of the Directorate General of Customs and Excise supervising tobacco product manufacturing companies shall make an inventory of the stocks of excise tapes at local tobacco product factories.
- (2) Tobacco product manufacturing companies still possessing excise tape stocks based on the provisions before the stipulation of this decree, shall be allowed to use/stick the tapes for/on their tobacco products.
- (3) The excise tape stocks as meant in paragraph (2) and excise tapes ordered up to April 30, 1996 shall be allowed to be used for/stuck to tobacco products up to May 31, 1996 and to remain in free circulation not later than August 31, 1996.
- (4) At the end of the time limit as fixed in paragraph (2), manufacturing companies shall be obligated to return the remaining excise tapes, and regarding those withdrawn from free circulation, manufacturing companies can submit requests for their destruction to local inspection offices of the Directorate General of Customs and Excise.
- (5) Heads of local inspection offices of the Directorate General of Customs and Excise shall issue recommendations on the return of excise tapes and requests for excise tape destruction as meant in paragraph (3) to be submitted to the head office of the Directorate General of Customs and Excise in this case the Director of Excise, through heads of regional offices of the Directorate General of Customs and Excise as their superiors.

Article 11

- (1) Tobacco products which are withdrawn from free circulation as meant in Article 10 paragraph (4) and kept in factories or through local inspection offices of the Directorate General of Customs and Excise not later than September 15, 1996, can have their excise tapes destroyed by obtaining excise restitution; if the withdrawal takes place after September 15, 1996, the destruction of excise tapes shall be done but no restitution can be obtained.

- (2) The tobacco products which are withdrawn from free circulation as meant in paragraph (1) to be kept in factories through local inspection offices of the Directorate General of Customs and Excise shall have separate accounts for the respective factories, and their return to the relevant factories shall be accompanied by delivery documents issued by the local inspection offices of the Directorate General of Customs and Excise.

Article 12

- (1) The following sanctions shall be imposed on tobacco product manufacturing companies which use excise tapes based on previous provisions, after May 31, 1996 :
- a. in the case of tobacco products being not yet released from factories, their excise tapes are destroyed without any excise restitution;
 - b. in the case of tobacco products being already released from factories, the excise payment postponement as meant in Article 7 paragraph (6) of Act No. 11 of 1995 on Excise is not granted .
- (2) The sanctions imposed on tobacco product manufacturing companies involved in the above violation shall be limited to the quantities of tobacco products as meant in paragraph (1).

Article 13

This decree shall come into force from April 1 through April 30, 1996.

For public cognizance, this decree shall be announced by publishing it in the State Gazette of the Republic of Indonesia.

Stipulated at : JAKARTA
On : MARCH 29, 1996

THE MINISTER OF FINANCE,

signed
MAR'IE MUHAMMAD

Attachment I

I. DOMESTIC TOBACCO PRODUCTS

KINDS OF TOBACCO PRODUCTS		PRODUCTION IN ONE CALENDAR YEAR		EXCISE RATES	BASIS
A. CIGARETTES					
1.	Kretek (clove) cigarettes, non mechanically made (SKT), with or without filters.	1.	Above 60,000 million cigarettes	18%	Retail
		2.	Above 45,000 million up to 60,000 million cigarettes	16%	Retail
		3.	Above 15,000 million up to 45,000 million cigarettes	14%	Retail
		4.	Above 5,000 million up to 15,000 million cigarettes	12%	Retail
		5.	Above 2,000 million up to 5,000 million cigarettes	8%	Retail
		6.	Above 750 million up to 2,000 million cigarettes	6%	Retail
		7.	Above 50 million up to 750 million cigarettes	2%	Retail
		8.	Up to 50 million cigarettes including K-1000 manufacturers	1%	Retail
2.	Kretek cigarettes, mechanically made (SKM), with or without filters	1.	Above 60,000 million cigarettes	38%	Retail
		2.	Above 45,000 million up to 60,000 million cigarettes	36%	Retail
		3.	Above 15,000 million up to 45,000 million cigarettes	34%	Retail
		4.	Above 5,000 million up to 15,000 million cigarettes	31%	Retail
		5.	Above 2,000 million up to 5,000 million cigarettes	28%	Retail
		6.	Above 750 million up to 2,000 million cigarettes	24%	Retail
		7.	Up to 750 million cigarettes	20%	Retail
3.	KLB dan KLM	1.	Above 60,000 million cigarettes	8%	Retail
		2.	Above 45,000 million up to 60,000 million cigarettes	7%	Retail
		3.	Above 15,000 million up to 45,000 million cigarettes	6%	Retail
		4.	Above 5,000 million up to 15,000 million cigarettes	5%	Retail
		5.	Above 2,000 million up to 5,000 million cigarettes	4%	Retail
		6.	Above 750 million up to 2,000 million cigarettes	3%	Retail

KINDS OF TOBACCO PRODUCTS	PRODUCTION IN ONE CALENDAR YEAR	EXCISE RATES	BASIS
	7. Above 50 million up to 750 million cigarettes	2%	Retail
	8. Up to 50 million cigarettes including K-1000 manufacturers	1%	Retail
B. CIGARS	-	10%	Retail
C. CHIPPED TOBACCO	-	10%	Retail
1. Partly or wholly made of imported tobacco			
2. Made of non import tobacco :		6%	Retail
a. Fully produced mechanically		2%	Retail
b. Partly produced mechanically		0,5%	Retail
c. Fully produced non-mechanically (manualy) and K-1000			
D. Ordinary cigarettes, mechanically produced (SPM), with or without filters			
	1. Above Rp 85.-	38%	Retail
	2. Above Rp 65.- up to Rp 85.-	36%	Retail
	3. Above Rp 45.- up to Rp 65.-	34%	Retail
	4. Above Rp 25.- up to Rp 45.-	24%	Retail
	5. Up to Rp 25.-	22%	Retail

II. IMPORTED TOBACCO PRODUCTS

KINDS OF TOBACCO PRODUCTS	EXCISE RATES	BASIS
1. S K M	38%	Retail
2. S K T / K L B	18%	Retail
3. S P M	38%	Retail
4. C I G A R S	10%	Retail
5. T I S and other tobacco products	10%	Retail

THE MINISTER OF FINANCE,
signed
MAR' IE MUHAMMAD

Attachment II

Sheets :	First
	Second
	Third

To be completed by Inspection Office of Directorate General of Customs & Excise						

Number :						
Date :						
Office code :						

EXCISE TAPE ORDER

1. Name of Entrepreneur/Importer :
2. Name of Company :
3. Address of Company :
4. Number & Date of Licence :
5. Proxy :
6. Method of Payment : Cash/Credit *)
7. Type of Excisable Goods :
8. Excise Rate : 9. Excise Tape Colour :

Serial	Brand	Content/ pack	Retail selling Price/HJE	Sheet	Total Sheet x Retail price/HE x Serial	Total Excise Total HE X % Rate
1	2	3	4	5	6	7
Total						

10. Reduced by excise restitution based on CK...No.... dated.....

CAFI 90 / AUGUST 3, 1996 Total excise due

11. Other levies.
- a. Value added tax :
 - b. Sales tax on luxury goods :
 - c. D C U :
 - d. Others :

12. Note of officer

Number	Excise tape delivered	Date	Initial
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Requested on

ENTREPRENEUR/IMPORTER

Seal

(.....)

I.

<u>Column for Treasurer</u>	
1.	Treasurer of Directorate General of Customs & Excise in.....
2.	Certifying that Company/Importer in.....
3.	Dokument of excise tape order No.dated.....
4.	Total of excise Rp (.....)
5.	Excise payment by cash. Customs payment form No..... dated
6.	Excise payment by credit. Entered in Credit Account Book volumefolio..... item.....
7.	Postponement of payment expires on
<p>In....., date</p> <p>Treasurer,</p> <p style="text-align: center;">(.....)</p> <p style="text-align: center;">NIP.....</p>	

II.

Receipt of Excise Tapes

- 1. Name of recipient of excise tapes :
- 2. Address of recipient of excise tapes :
- 3. Proxy of :

On this day we have received excise tapes ordered with document of order CK ... No. dated

In....., date

ENTREPRENEUR/IMPORTER/PROXY

(.....)

III.

Delivery of Excise Tapes

It is herewith notified to the Treasurer of Directorate General of Customs & Excise inthat the excise tapes ordered with document of order CK No. dated have been delivered on

In....., date.....

EXCISE TAPE SECTION

(.....)

NIP.

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