

**THE EXEMPTION FROM IMPORT DUTY ON
THE IMPORT OF SEA PRODUCTS CAUGHT BY PERMITTED CATCHING INSTRUMENTS
(Regulation of the Minister of Finance Number 113/PMK.04/2007 dated September 19, 2007)**

THE MINISTER OF FINANCE,

Article 1

Referred to in this regulation as:

Considering:

- a. that pursuant to the provision of Article 26 paragraph (1) f of Law Number 10 Year 1995 regarding Customs as already amended by Law Number 17 Year 2006, the import of sea products caught by permitted catching instruments is exempt from import duty;
- b. that having regards letter a and in order to execute the provision of Article 26 sentence 3 of Law Number 10 Year 1995 regarding Customs as already amended by Law Number 17 Year 2006, it is necessary to stipulate a regulation of the Minister of Finance regarding the Exemption from Import Duty on the Import of Sea Products Caught by Permitted Catching Instruments;

In view of:

1. Law Number 5 Year 1983 regarding the Exclusive Economy Zone of Indonesia (Statute Book of Republic of Indonesia Year 1983 Number 44, Supplement to Statute Book Number 3260);
2. Law Number 10 Year 1995 (**BN Number 5812 pages 19A-20A, and so on**) regarding the Customs (Statute Book of Republic of Indonesia Year 1995 Number 75, Supplement to Statute Book Number 3612) as already amended with Law Number 17 Year 2006 (**BN Number 7476 pages 23A-27A and so on**) (Statute Book of Republic of Indonesia Year 2006 Number 93, Supplement to Statute Book Number 4661);
3. Presidential Decree Number 20/P Year 2005 (**BN Number 77⁰⁷ pages 29A-30A**);

D E C I D E S :

To stipulate:

THE REGULATION OF THE MINISTER OF FINANCE REGARDING THE EXEMPTION FROM IMPORT DUTY ON THE IMPORT OF SEA PRODUCTS CAUGHT BY PERMITTED CATCHING INSTRUMENTS

1. Customs Law shall be Law Number 10 Year 1995 regarding Customs as already amended by Law Number 17 Year 2006.
2. Catching Instrument shall be one or a group of Indonesian or foreign flagged ships having the equipment to catch or take sea products, including processing equipment, also has already obtained the permit from the Indonesia government to catch or take sea products.
3. Sea products shall be all kinds of sea plants, fish or animal which is fit for consumption like fish, shrimp, shell, and crab not yet processed or already processed in catching instrument.
4. Indonesian Economic Exclusive Zone shall be the outmost line and border of Indonesian sea territory as stipulated according to the law in force regarding Indonesian waters, covering sea base, land under the sea and the water above the sea with the outmost border as far as 200 (two hundred) nautical miles from the sea base point line of the Indonesia region.
5. Customs office shall be an office within the Directorate General of Customs and Excise where the customs liabilities are settled in accordance with the provisions of the customs law.
6. Minister is the Minister of Finance of Republic of Indonesia.
7. Director General is the Director General of Customs and Excise.

Article 2

- (1) The import of sea products caught and taken by catching instruments from the Indonesian Economic Exclusive Zone shall be exempt from import duty.
- (2) The exemption from import duty as referred to paragraph (1) shall be granted to importers securing license to undertake fishery business and catch sea products in the Indonesia Economic Exclusive Zone.

(3) The catching instruments as meant in paragraph (1), which are used by the importers as referred to in paragraph (1), either with the Indonesia flag or foreign flag, obliges to be completed with the Permit Letter of Fish Catching (SIPI) which is published by the related technical institution.

Article 3

(1) To obtain the exemption from import duty as referred to in Article 2, importers shall apply for the exemption from import duty to the Minister through the Director General.

(2) The application as referred at sentence 1 shall be completed with:

- a. License from related institution (API and fishery business license);
- b. Taxpayer Code Number (NPWP) and validation of Taxable Entrepreneur (PKP);
- c. Fishing permit (SIPI) from the related institution;
- d. List of the catching instruments to be used for catching or taking sea products; and
- e. Details of the estimated value of import duty on sea products exempt from import duty and importing port.

Article 4

(1) Based on the application as referred to in Article 3, approval or rejection shall be issued.

(2) In case the application as referred to in Article 3 being approved, the Director General on behalf of the Minister shall issue a decision on the exemption from import duty.

(3) The decision on the exemption from import duty as referred to in paragraph (2) shall contain the details of the estimated value of import duty on sea products exempt from import duty as well as the importing port which is appointed.

(4) In case the application as referred to in Article 3 being rejected, the Director General or the appointed

official shall issue notification about the rejection of application for the exemption from import duty by mentioning the reason for rejection.

Article 5

In the case of the exemption from import duty as referred to in Article 4 paragraph (2) being given and sea products imported by importers being not suitable to the quantity mentioned in the decision on the exemption from import duty, the difference shall be subject to the collection of import duty.

Article 6

Provision regarding technical procedures for monitoring the exemption from import duty on the import of sea products caught by licensed catching instruments in the Indonesia Economic Exclusive Zone shall be regulated by a regulation of the Director General.

Article 7

Following the enforcement of this regulation, Decree of the Minister of Finance Number 134/KMK.05/1997 regarding the Dispensation or the Relief of the Entrance Customs on the Import of the Sea Crop which is Caught with the Catcher Equipment which has obtained the permit, is cancelled and stated not valid.

Article 8

This regulation shall come into force after 30 (thirty) days as from the date of stipulation.

For public cognizance, this Regulation of the Minister of Finance shall be published by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On September 19, 2007

THE MINISTER OF FINANCE

sgd.

SRI MULYANI INDRAMATI

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