

**AMENDMENT TO REGULATION OF THE TRADE MINISTER
NO. 58/M-DAG/PER/12/2008 ON THE IMPORT OF
NON HAZARDOUS AND TOXIC (NON-B3) WASTES**

(Regulation of the Trade Minister No. 26/M-DAG/PER/6/2009 dated June 23, 2009)

BY THE GRACE OF GOD ALMIGHTY

THE TRADE MINISTER OF THE REPUBLIC OF INDONESIA,

Considering :

- a. that in an effort to ensure effective and efficient implementation of a policy on the importation of non hazardous and toxic (non-B3) waste, it is necessary to review the period of time to conduct technical verification or inspection of non-B3 waste imports as referred to in sequence numbers 6 to 63 in Attachment I to Regulation of the Trade Minister No. 58/M-DAG/PER/12/2008;
- b. that in consideration of the matter in letter a, it is necessary to stipulate a Regulation of the Trade Minister;

In view of :

1. Trade Ordinance of 1934 (Statute Book of 1938 No. 86);
2. Law No. 5/1984 on Industrial Affairs (Statute Book of 1984 No. 22, Supplement to Statute Book No. 3274);
3. Law No. 7/1994 on the Ratification of Agreement Establishing The World Trade Organization (Statute Book of 1994 No. 57, Supplement to Statute Book No. 3564);
4. Law No. 10/1995 (*BN No. 5812 pages 19A-20A and so on*) on Customs Affairs (Statute Book of 1995 No.

75, Supplement to Statute Book No. 3612) as has been amended by Law No. 17/2006 (BN No. (Statute Book of 2006 No. 93, Supplement to Statute Book No. 4661);

5. Law No. 23/1997 (*BN No. 6092 pages 19A-21A and so on*) on Environmental Management (Statute Book of 1997 No. 68, Supplement to Statute Book No. 3699);
6. Government Regulation No. 18/1999 (*BN No. 6427 pages 1A-6A and so on*) on the Management of Hazardous and Toxic Waste (Statute Book of 1999 No. 31, Supplement to Statute Book No. 3815) as has been amended by Government Regulation No. 85/1999 (*BN No. 6441 pages 2A-6A*) (Statute Book of 1999 No. 190, Supplement to Statute Book No. 3910);
7. Presidential Decree No. 260/1967 on the Affirmation of Tasks and Responsibilities of the Trade Minister in the Foreign Trade Sector;
8. Presidential Decree No. 61/1993 on the Ratification of Basel Convention on The Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Statute Book of 1993 No. 62);
9. Presidential Decree No. 187/M/2004 (*BN No. 7128 pages 30A-31A*) on the Formation of United

- Indonesia Cabinet as has been several times amended the latest by Presidential Decree No. 171/M Tahun 2005;
10. Presidential Regulation No. 9/2005 (*BN No. 7182 pages 2A-23A*) on the Position, Task, Function, Organizational Structure and Work Mechanism of Ministries of the Republic of Indonesia as has been several times amended the latest by Presidential Regulation No. 20/2008;
11. Presidential Regulation No. 10/2005 on the Organizational Unit and Task of First Echelon Officials of Ministries of the Republic of Indonesia as has been several times amended the latest by Presidential Regulation No. 21/2008;
12. Decree of the Industry and Trade Minister No. 229/MPP/Kep/1/1991 (*BN No. 6032 pages 5A-7A*) on General Provisions in the Import Sector;
13. Decree of the Industry and Trade Minister No. 520/MPP/Kep/8/2003 on Ban on the Import of Hazardous and Toxic Wastes (B3);
14. Regulation of the Trade Minister No. 01/M-DAG/PER/3/2005 on the Organizational Structure and Work Mechanism of the Trade Ministry as has been several times amended the latest by Regulation of the Trade Minister No. 34/M-DAG/PER/8/2007;
15. Regulation of the Trade Minister No. 31/M-DAG/PER/7/2007 (*BN No. 7587 pages 23A-32A*) on Importer's Identification Number (API);
16. Regulation of the Trade Minister No. 58/M-DAG/PER/12/2008 (*BN No. 7762 pages 4A-11A*) on Provisions on the Import of Non-Hazardous and Toxic (Non-B3) Wastes;

DECIDES:

To stipulate :

REGULATION OF THE TRADE MINISTER ON AMENDMENT TO REGULATION OF THE TRADE MINISTER NO. 58/M-DAG/PER/12/2008 ON THE IMPORT OF NON HAZARDOUS AND TOXIC (NON-B3) WASTES

Article I

Provisions in Article 8 paragraph (5) and paragraph (9) of Regulation of the Trade Minister No. 58/M-DAG/PER/12/2008 on the Import of Non-Hazardous and Toxic (Non B3) Wastes shall be amended so that Article 8 reads as follows:

Article 8

- (1) Any import of non-B3 wastes by IP of non-B3 wastes shall be subject to technical verification or inspection in the country of loading prior to shipment.
- (2) The technical verification or inspection as referred to in paragraph (1) shall be conducted by the surveyors fulfilling technical qualifications set by the Minister.

- (3) The scope of the technical verification or inspection as referred to in paragraph (1) shall cover:
- a. correct and clear identities (names and addresses) of the importer and exporter;
 - b. number and date of acknowledgement as IP of non-B3 wastes;
 - c. amount/volume or weight, types and specifications as well as headings of imported non-B3 wastes;
 - d. information on the time and the exporting country/port of loading imported non-B3 wastes;
 - e. information on the place or port of destination/unloading imported non-B3 wastes;
 - f. information that imported non B3 wastes are not B3 wastes; and
 - g. other information considered necessary.
- (4) The technical verification or inspection as referred to in paragraph (1) particularly for non-B3 wastes under sequence numbers 1 to 5 in Attachment I to this Ministerial Regulation shall be conducted by PT. Surveyor Indonesia (PT. SI) and PT. Superintending Company of Indonesia (PT. SUCOFINDO) or other surveyors that meet technical qualifications and conduct technical verification or inspection in accordance with the scope as referred to in paragraph (3).
- (5) The technical verification or inspection as referred to in paragraph (1) for the import of non-B3 wastes under sequence numbers 6 to 63 in Attachment to this Ministerial Regulation can be conducted by the surveyors that have been appointed by the relevant IP of non-B3 wastes until September 24, 2009 and conduct technical verification or inspection in accordance with the scope as referred to in paragraph (3).
- (6) The results of technical verification or inspection based on the scope as referred to in paragraph (3) shall be contained in a surveyor's report (LS) to be used as a supplement to customs documents in the customs settlement in the import sector.
- (7) The surveyors must be responsible for the results of technical verification or inspection as referred to in paragraph (6).
- (8) If the imported non-B3 wastes prove to be B3 wastes as referred to in Article 6 paragraph (1) letter b based on the results of technical verification or inspection conducted by the surveyors as referred to in paragraph (5), the reexport of the said wastes shall become the responsibility of the relevant IP of non-B3 wastes.
- (9) After September 24, 2009, technical verification or inspection of imported non-B3 wastes under sequence numbers 6 to 63 in Attachment I to this Ministerial Regulation shall be conducted by the surveyors appointed by the Minister as referred to in paragraph (2).

- (10) Non-B3 wastes in bulk shall be transshipped in a transit port and subject to repeat technical verification or inspection at the time non-B3 wastes are to be reloaded onto the ship.
- (11) The surveyors shall collect recompenses from importers for the technical verification or inspection as referred to in paragraph (1) and paragraph (10) and the amount of recompenses shall be set under the principles of benefit.
- (12) The surveyors as referred to in paragraph (2) shall submit monthly reports on their technical verification or inspection to the Director General.

Article II

This Ministerial Regulation shall come into force as from the date of stipulation.

For public cognizance, this Ministerial Regulation shall be announced by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

on June 23, 2009

THE TRADE MINISTER,

sgd.

MARI ELKA PANGESTU

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