

PROVISION ON THE IMPORT OF NON-HAZARDOUS AND TOXIC WASTE (NON B3 WASTE)

(Regulation of the Minister of Trade Number 39/M-DAG/PER/9/2009 dated September 2, 2009)

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

Considering:

- a. that certain industries in the country still use non-hazardous and toxic waste (non B3 waste) as raw materials and/or auxiliary materials for the need of production;
- b. that non-B3 waste as raw materials and/or auxiliary materials needed for the need of the certain industries could not be obtained wholly from domestic source so that additional supply from overseas sources is needed;
- c. that the provision of non-B3 waste as raw materials and/or auxiliary materials from overseas sources must continue to observe environmental protection programs in the country so that the import thereof needs to be controlled and restricted;
- d. that in the framework of assuring the availability of raw materials for certain industries in the country without reducing effectiveness of supervision over the import of non B3 waste, it's necessary to re-regulate provision on the import of non B3 waste;
- e. that having regards to letters a, b, c, and d, it's necessary to stipulate a regulation of the Minister of Trade;

In view of:

1. Trade Ordinance of 1934 (Statute Book of 1938 No. 86);
2. Law No. 5/1984 on Industry (Statute Book of the Republic of Indonesia Year 1984 No. 22, Supplement to Statute Book of the Republic of Indonesia No. 3274);
3. Law No. 7/1994 on Ratification of Agreement Establishing the World Trade Organization (Statute Book of the Republic of Indonesia Year 1994 No. 57, Supplement to Statute Book of the Republic of Indonesia No. 3564);
4. Law No. 10/1995 (*BN No. 5812 pages 19A-20A and so on*) on Customs (Statute Book of the Republic of Indonesia Year 1995 No. 75, Supplement to Statute Book of the Republic of Indonesia No. 3612) as already amended by Law No. 17/2006 (*BN No. 7476 pages 23A-27A*) (Statute Book of the Republic of Indonesia Year 2006 No. 93, Supplement to Statute Book of the Republic of Indonesia No. 4661);
5. Law No. 23/1997 (*BN No. 6092 pages 19A-21A and so on*) on Environmental Management (Statute Book of the Republic of Indonesia Year 1997 No. 68, Supplement to Statute Book of the Republic of Indonesia No. 3699);
6. Government Regulation No. 18/1999 (*BN No. 6427 pages 1A-6A and so on*) on Treatment of Waste of Hazardous and Toxic Materials (Statute Book of the Republic of Indonesia Year 1999 No. 31, Supplement to Statute Book of the Republic of Indonesia No. 3815) as already amended by Government Regulation No. 85/ 1999 (*BN No. 6441 pages 2A-6A*) (Statute Book of the Republic of Indonesia Year 1999

- No. 190, Supplement to Statute Book of the Republic of Indonesia No. 3910);
7. Presidential Decree No.260/1967 on Affirmation of Tasks and Responsibility of the Minister of Trade in the Foreign Trade Sector;
 8. Presidential Decree No. 61/1993 on Ratification of Basel Convention on The Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Statute Book of the Republic of Indonesia Year 1993 No. 62);
 9. Presidential Decree No. 187/M/ 2004 (***BN No. 7128 pages 29A-30A***) on the Establishment of United Indonesia Cabinet as already amended several times and the latest by Presidential Decree No. 171/M/2005;
 10. Presidential Regulation No. 9/ 2005 on Status, Tasks, Functions, Organizational Structures and Working Arrangements of State Ministries of the Republic of Indonesia as already amended several times and the latest by Presidential Regulation No. 20/ 2008;
 11. Presidential Regulation No. 10/2005 on First-echelon Organizational Units and Tasks of State Ministries of the Republic of Indonesia as already amended several times and the latest by Presidential Regulation No. 21/ 2008;
 12. Decree of the Minister of Industry and Trade No. 229/MPP/Kep/7/1997 (***BN No. 6092 pages 5A-7A***) on Import General Provisions;
 13. Decree of the Minister of Industry and Trade No. 520/MPP/Kep/8/2003 (***BN No. 6964 pages 8A-9A***) on Prohibition on the Import of Waste of Hazardous and Toxic Materials (B3);
 14. Regulation of the Minister of Trade No. O1/M-DAG/PER/3/2005 on the Organization and Working Arrangement

- of the Ministry of Trade as already amended several times and the latest by Regulation of the Minister of Trade No. 34/M-DAG/PER/8/2007;
15. Regulation of the Minister of Trade No. 31/M-DAG/PER/7/2007 on Importer Identity Number (API);

D E C I D E S :

To stipulate:

THE REGULATION OF THE MINISTER OF TRADE CONCERNING PROVISION ON THE IMPORT OF NON-HAZARDOUS AND TOXIC WASTE (NON B3)

Article 1

Referred to in this regulation as:

1. Non-Hazardous and Toxic Waste hereinafter called Non B3 Waste shall be remains of a business and/or activity in the form of waste, scrap and parings excluding from classification/category of hazardous and toxic waste.
2. Waste shall be a product which has not been used up in production or goods that still share of the same characteristic but the function has changed from the original goods.
3. Scrap shall be goods consisting of components of the same kind or not, broken down from the original form and the function is not the same as the original goods.
4. Parings shall be goods in the form of cuts and still having the same characteristic as the original goods but the function is different from the original goods.
5. Hazardous and Toxic Waste hereinafter called B3 Waste shall be every kind of waste containing hazardous and/

or toxic substances directly or indirectly potential to pollute the environment and/or endanger human health because of their characteristic and/or concentrate and/or quantity.

6. Producer Importer of Non B3 Waste hereinafter called IP of Non B3 Waste shall be a company undertaking industrial business activity, which is approved to import personally Non-B3 Waste which is solely needed for production of its industry and/or may not be transferred to other party.
7. Exporter of Non B3 Waste shall be a company in country where non-B3 waste is produced and/or shipped, which send non-B3 waste to Indonesia.
8. Surveyor shall be a survey company verifying and inquiring technically the import of non-B3 waste.
9. Recommendation shall be a letter issued by official of related institution/working unit authorized to submit technical recommendation as a basis in the issuance of recognition as IP of Non B3 Waste.
10. Minister shall be the Minister in charge of trading affairs.
11. Director General shall be the Director General of Foreign Trade of the Ministry of Trade.

Article 2

- (1) Non B3 waste may only be imported in the form of waste, scraps or parings used for raw materials and/or auxiliary materials of industry.
- (2) Non B3 waste which may be imported as meant in paragraph (1) shall be contained in Attachment, which constitutes an integral part of this regulation.

Article 3

- (1) The non B3 waste as meant in Article 2 may only be imported by companies undertaking industrial business activities and already securing recognition as IP of Non B3 Waste from the Director General.
- (2) The recognition as IP of Non B3 waste as meant in paragraph (1) shall contain at least the quantity and kind of non-B3 waste which may be imported by IP of Non-B3 Waste along with technical provision on the import thereof.

Article 4

- (1) Every application for securing the recognition as IP of Non-B3 Waste as meant in Article 3 paragraph (1) shall be submitted in writing to the Director General by enclosing the following documents:
 - a. copy of industrial business license/industrial registration identity from technical ministry/institution;
 - b. copy of corporate registry number (TDP);
 - c. copy of taxpayer code number (NPWP);
 - d. Producer Importer Identity Number (API-P) or Limited Importer Identity Number (API-T);
 - e. copy of customs identity number (NIK);
 - f. recommendation from the Director General of Metal, Machine, Textile and Multifarious Industry or Director General of Agro Chemical Industry, Ministry of Industry; and
 - g. recommendation from Deputy for the Management of Hazardous and Toxic Materials and Hazardous and Toxic Waste, State Ministry for Environmental Affairs.

- (2) The Director General shall issue recognition as IP of Non B3 Waste as meant in paragraph (1) in not later than 7 (seven) working days as from the date of receipt of application completely and truthfully.

Article 5

- (1) Recognition as IP of Non B3 Waste issued on the basis of the provision as meant in Article 4 paragraph (2) shall apply for one year and may be extended.
- (2) The extension of recognition as IP of Non B3 Waste may be done before the expiration of IP of Non-B3 Waste as meant in paragraph (1) in the case of the import of the approved Non B3 waste being already realized wholly.
- (3) Application for the extension of recognition as IP of Non B3 Waste as meant in paragraph (1) shall be submitted in writing to the Director General by enclosing the following documents:
- a. recommendation from the Director General of Metal, Machine, Textile and Multifarious Industry or Director General of Agro Chemical Industry, Ministry of Industry; and
 - b. recommendation from Deputy for the Management of Hazardous and Toxic Materials and Hazardous and Toxic Waste, State Ministry for Environmental Affairs;
 - c. original recognition as IP of Non B3 waste already expiring; and
 - d. change in the documents as meant in Article 4 paragraph (1) letters a, b, c, d and e.

Article 6

- (1) Every activity of the import of non-B3 waste by IP of

Non B3 waste shall be accompanied statement from exporter of non-B3 waste, which certifies that:

- a. the exported waste is not B3 waste; and
 - b. the export is ready to hold responsibility and accept again the exported non-B3 waste if the non-B3 waste is proven as B3 waste.
- (2) In the case of the imported non-B3 waste being partly or wholly proven as B3 waste as meant in paragraph (1) letter b, the said non-B3 waste shall be sent back by IP of Non-B3 waste in not later than 90 (ninety) days as from the arrival of the goods on the basis of the effective customs documents.

Article 7

- (1) IP of Non B3 Waste shall be obliged to convey a written report no matter whether the said IP imports Non-B3 waste or not every 3 (three) months on the 15th of the ensuing month.
- (2) The report as meant in paragraph (1) shall be submitted through <http://inatrade.depdag.go.id>.
- (3) Model of the report as meant in paragraph (1) shall be contained in Attachment II, which constitutes an integral part of this regulation.

Article 8

- (1) Every kind of non-B3 waste imported by IP of Non-B3 waste shall be verified or inquired technically in the loading country before the shipment.
- (2) The technical verification or inquiry as meant in paragraph (1) shall be done by surveyors already fulfilling the technical requirements and stipulated by the Minister.

- (3) The technical requirements as meant in paragraph (2) shall be as follows:
- a. having a business license to conduct survey (SIUJS);
 - b. having experience as surveyor for five years at the minimum;
 - c. having branch or representative and/or affiliate abroad and having information network to support effectiveness of verification service; and
 - d. having good track record in the field of management of import verification.
- (4) The scope of the technical verification or inquiry as meant in paragraph (1) shall cover:
- a. identity (name and address) of importer and exporter truthfully and clearly;
 - b. number and date of recognition as IP of Non B3 waste;
 - c. quantity/volume or weight, kind and specification as well as tariff heading of the imported non-B3 waste;
 - d. information about moment and exporting country/loading port of the imported non-B3 waste;
 - e. information about destination place or port where the imported Non-B3 waste is unloaded;
 - f. remark from exporter in the form of the statement as meant in Article 6 paragraph (1); and
 - g. other information if necessary.
- (5) In executing the technical verification or inquiry, the surveyors as meant in paragraph (2) may cooperate with surveyors abroad.
- (6) Results of the technical verification or inquiry on the basis of the scope as meant in paragraph (4) shall be written down in the form of Surveyor Report (LS) to be used as customs complementary document in the settlement of customs obligation in the import field.
- (7) In the case of non-B3 waste in the form of bulk going to be transferred to another ship at transit port, the said non-B3 waste shall be verified or inquired technically again when the waste is to be loaded into the ship.
- (8) Surveyors shall collect service fee from importers with regards to the implementation of technical verification or inquiry as meant in paragraph (1) with the value stipulated by observing the benefit principle.
- (9) The surveyors as meant in paragraph (2) shall be obliged to submit report on technical verification or inquiry in writing to the Director General every 15th of the ensuing month.

Article 9

Surveyors shall be responsible for the results of technical verification or inquiry as meant in Article 8 paragraph (6) in accordance with the effective provisions in the the field of survey service business.

Article 10

- (1) Recognition as IP of Non-B3 waste shall be frozen if the said IP does not execute the obligation to submit the report as meant in Article 7 paragraph (1).
- (2) The freezing of recognition as IP of Non B3 waste as meant in paragraph (1) may be re-activated in one month as from the date when the said IP of Non-B3 waste has executed the obligation to submit the report.
- (3) The freezing and re-activation of recognition as IP of Non-B3 waste as meant in paragraphs (1) and (2) shall be done by the Director General.

Article 11

- (1) The recognition as IP of Non-B3 waste shall be revoked in the case of the said IP of Non-B3 waste:
- a. changing, supplementing and/or replacing contents contained in the document of recognition as IP of Non-B3 waste;
 - b. changing, supplementing and/or replacing contents contained in the statement of exporter;
 - c. not executing the obligation to send back non-B3 waste as meant in Article 6 paragraph (2);
 - d. selling or transferring the imported non-B3 waste to other party; and/or
 - e. being declared guilty by the court for committing crime related to the misuse of recognition as IP of Non-B3 waste.
- (2) The revocation of recognition as IP of Non-B3 waste as meant in paragraph (1) shall be stipulated by the Director General.
- (3) Owners of IP of Non-B3 waste subject to the sanction of revocation as meant in paragraph (2) may only submit application for regaining recognition as IP of Non-B3 waste after one year as from the date of revocation of recognition as IP Of Non-B3 waste.

Article 12

- (1) Surveyors violating the provision as meant in Article 8 paragraph (9) shall be subject to administrative sanction in the form of revocation of the appointment as surveyors.
- (2) The revocation of appointment as meant in paragraph (1) shall be preceded by written warning 3 (three) times at a time interval of 10 (ten) days each.

Article 13

Importers importing non-B3 waste not suitable to the provisions in this regulation shall be subject to sanction in accordance with the provision of legislation.

Article 14

- (1) In executing this regulation, the Minister shall coordinate related technical ministers to set up task force handling the import of non-B3 waste.
- (2) The Director General may establish a supervisory team in the framework of evaluating and monitoring the import of non-B3 waste by IP of Non-B3 waste.

Article 15

Further provision on this regulation may be regulated by the Director General.

Article 16

With the enforcement of this regulation, Regulation of the Minister of Trade No. 58/M-DAG/PER/12/2009 concerning Provision on the Import of Non-Hazardous and Toxic Waste as already amended by Regulation of the Minister of Trade No. 26/M-DAG/PER/6/2009 shall be revoked and declared null and void.

Article 17

Recognition as IP Of Non-B3 Waste already issued on the basis of:

- a. Decree of the Ministry of Industry and Trade No. 230/MPP/Kep/7/1997 on Goods Subject to Import Control and Decree of the Minister of Industry and Trade No. 231/MPP/Kep/7/1997 on Procedures for Importing Waste;

- b. Regulation of the Minister of Trade No. 41/M-DAG/PER/10/2008 concerning Provision on the Import of Non-Hazardous and Toxic Waste; and
- c. Regulation of the Minister of Trade No. 58/M-DAG/PER/12/2009 concerning Provision on the Import of Non-Hazardous and Toxic Waste as already amended by Regulation of the Minister of Trade No. 26/M-DAG/PER/6/2009, shall be declared to remain effective until the validity period of the said IP of Non-B3 waste expires.

Article 18

- (1) In the case of the import of non-B3 waste as contained in serial number 1 up to serial number 5 in Attachment I to this regulation, Surveyor Report (LS) issued by PT. Surveyor Indonesia (PT. SI) and PT. Superintending Company of Indonesia (PT. SUCOFINDO) or other surveyors complying with the technical requirements shall be effective up to December 31,2009.
- (2) In the case of the import of non-B3 waste as contained in serial number 6 up to serial number 63 in Attachment I to this regulation, surveyor report (LS) issued by surveyors appointed by IP of Non-B3 waste shall apply up to December 31,2009.
- (3) The surveyor report (LS) as meant in paragraphs (1) and (2) shall be proven by customs document in the form of manifest (BC.1.1).
- (4) The surveyor report (LS) as meant in Article 8 paragraph (6) shall start to apply on January 1,2010.

Article 19

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

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

Stipulated in Jakarta

On September 2,2009

THE MINISTER OF TRADE

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MARI ELKA PANGESTU

LIST OF IMPORTABLE NON-B3 WASTE

NO	HSNUMBER	DESCRIPTION OF GOODS	REMARKS
	39.15.	Waste, parings and scrap, of plastics	
1.	3915.10.00.00	- Of polymers of ethylene	
2.	3915.20.00.00	- Of polymers of styrene	
3.	3915.30.00.00	- Of polymers of vinyl chloride	
	3915.90	- Of other plastics:	
4.	3915.90.10.00	- Of copolymers of vinyl acetate and vinyl chloride in which the vinyl acetate monomer predominates	
5.	3915.90.90.00	- Others	
6.	4004.00.00.00	Waste, parings and scrap of rubber (other than hard rubber) and powder as well as granules obtained therefrom.	
	47.07	Restored paper or paperboard (waste and scrap).	
	4707.10.00	- Of unbleached kraft paper or paperboard or of corrugated paper or paperboard:	
7.	4707.10.00.10	- For paper making purpose	
8.	4707.10.00.90	-Other	
	4707.20.00	- Of other paper or paperboard made mainly of bleached chemical pulp, not colored in the mass:	
9.	4707.20.00.10	- For paper making purpose	
10.	4707.20.00.90	- Other	
	4707.30.00	- Of paper or paperboard made mainly of mechanical pulp (or example, newspaper, journals and similar printed manner) :	
11.	4707.30.00.10	- For paper making purpose	
12.	4707.30.00.90	--Others	
	4707.90.00	- Others, including unsorted waste and scrap:	
13.	4707.90.00.10	- For paper making purpose	
14.	4707.90.00.90	- Others	

NO	HSNUMBER	DESCRIPTION OF GOODS	REMARKS
15.	5003.00.00.00	Silk waste (including cocoons unsuitable for reeling, yarn waste and garneted stock.	
	51.03	Waste of wool or of fine coarse animal hair, including yarn waste, but excluding garnette stock.	
16.	5103.10.00.00	- Noils of wool or of fine animal hair	
17.	5103.20.00.00	- Waste of wool or of fine animal hair	
18.	5103.30.00.00	Waste of coarse animal hair	
	52.02	Cotton waste (including yarn waste and garnetted stock).	
19.	5202.10.00.00	- Yarn waste (including waste of thread waste) - Others:	
20.	5202.91.00.00	--Garnetted stock	
21.	5202.99.00.00	--Others	
	53.01	Flax, raw or processed but not spun, flax tow and waste (including yarn waste and garnetted stock).	
22.	5301.30.00.00	- Flax tow and waste	
	53.02	True hemp (cannabis sativa L), raw or processed but not spun; tow and waste of true hemp (including yarn waste and garnetted stock).	
23.	5302.90.00.00	- True hemp, raw or retted	
	53.03	Jute and other textile bast fibres (excluding flax, true hemp and ramie), raw or processed but not spun; tow and waste of these fibres (including yarn waste and ganetted stock).	
24.	5303.90.00.00	- Others	
	53.04	Other textile fibers of genus Agave, raw or processed but not spun, tow and waste of these fibres (including yarn waste and garneted stocks).	
25.	ex 5304.90.000	- Waste of parings or other textile fibrers of gemus agave (including yarn waste and garneted stock).	
	53.05	Coconut, , abaca (Manila hemp Musa Tekstilis Nee), ramie and other vegetable textile fibres, not elsewhere specified, raw or processed, but not spun; tow, noils and waste of these fibres (including yarn waste and garneted stock). - Of coconut (coir) :	

NO	HSNUMBER	DESCRIPTION OF GOODS	REMARKS
26.	5305.00.00.19	- Other. - Of abaca fibres:	
27.	5305.00.00.29	- Others	
28.	5305.00.00.30	- Of ramie	
	63.10	Rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables, of textile materials.	
	6310.10	- Sorted:	
29.	6310.10.90.00	--Others	
	306310.90.90.00	--Others	
31.	7001.00.00.00	Cullet and other waste and scrap of glass; glass in the mass.	
	71.12	Waste and scrap of precious metal or of metal clad with precious materials; other waste and scrap containing precious metal or compound of precious metal	
32.	7112.30.00.00	- Dust containing precious metal or compound of precious metal - Other:	
33.	7112.91.00.00	- Of gold, including metal clad with gold but excluding sweepings containing other precious metal	
34.	7112.92.00.00	- Of platinum, including metal clad with platinum but excluding sweepings containing other precious metal	
	72.04	Ferrous waste and scrap; remelting scrap ingots of iron or steel	
35.	7204.10.00.00	- Waste and scrap of cast iron - Waste and scrap of alloy steel:	
36.	7204.21.00.00	- Of stainless	
37.	7204.29.00.00	--Others	
38.	7204.30.00.00	- Waste and scrap of tinned iron or steel - Other waste and scrap:	
39.	7204.41.00.00	- Turnings, shavings, chips, milling waste, sawdust, filings, trimmings, and stampings, whether or not in bundle	
40.	7204.49.00.00	--Others	
41.	7404.00.00.00	Waste and scrap of copper	
42.	7503.00.00.00	Waste and scrap of nickel	

NO	HSNUMBER	DESCRIPTION OF GOODS	REMARKS
43.	7602.00.00.00	Waste and scrap of aluminium	only in ingot form
44.	Ex.7802.00.00.00	Waste and scrap of lead	
45.	7902.00.00.00	Waste and scrap of zinc	
46.	8002.00.00.00	Waste and scrap of tin	
	81.01	Tungsten (wolfram) and article thereof, including waste and scrap. - Others:	
47.	8101.97.00.00	- Waste and scrap	
	81.02	Molibdenum and articles thereof, including waste scrap. - Others:	
48.	8102.97.00.00	--Waste and scrap	
	81.03	Tantalum and articles thereof, including waste and scrap.	
49.	8103.30.00.00	- Waste and scrap	
	81.04	Magnesium and articles thereof, including waste and scrap	
50.	8104.20.00.00	- Waste and scrap	
	81.05	Cobalt mattes and other intermediate products of cobalt metallurgy; cobalt and articles thereof, including waste and scrap.	
51.	8105.30.00.00	- Waste and scrap	
52.	8106.00.10.00	- Unwrought bismuth; waste and scrap; powder	
	81.07	Cadmium and articles thereof, including waste and scraps	
53.	8107.30.00.00	- Waste and scraps	
	81.08	- Titanium and articles thereof, including waste and scrap	
54.	8108.30.00.00	- Waste and scrap	
	81.09	Zirkonium and articles thereof, including waste and scrap	
55.	8109.30.00.00	- Waste and scrap	
	81.10	Antimonium and articles thereof, including waste and scrap	
56.	8110.20.00.00	- Waste and scrap	
57.	8111.00.00.00	Manganese and articles thereof, including waste and scrap	
	81.12	Berilium, Chromium, germanium, vanadium, gallium, hafnium, indium, niobium, (columbium), renium and thallium as well as articles thereof, including waste and scrap	
58.	8112.13.00.00	- Berilium:	
		- Waste and scrap	
59.	8112.22.00.00	- Waste and scrap	
60.	8112.52.00.00	- Waste and scrap	
61.	8112.92.00.00	- Unwrought, waste and scrap; powder	
62.	8112.99.00.00	--Others	
63.	8113.00.00.00	Cermets and articles thereof, including waste and scrap	

THE MINISTER OF TRADE

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MARI ELKA PANGESTU

REPORT ON THE REALIZATION OF THE IMPORT OF NON-B3 WASTE

Name of Company : No. & Date of recognition :
 Address of Office : as IP of Non B3 Waste :
 Address of Factory/Warehouse : Total Quota/year :
 Telephone/fax No. :

No.	Date of Import	Exporter	Address (Tel & fax)	Total			Unit	L/S		PIB	
				License	Realization of import	Rest		No	Date	No.	Date

Corporate executive

(NAME)

Position

*) The report is submitted through <http://inatrade.depdag.go.id>

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