

THE APPLICATION OF ELECTRONIC REGISTRATION SYSTEM OF HAZARDOUS AND TOXIC SUBSTANCES IN THE FRAMEWORK OF INDONESIA NATIONAL SINGLE WINDOW IN THE MINISTRY OF ENVIRONMENTAL AFFAIRS
(Regulation of the State Minister for Environmental Affairs Number 02 Year 2010 dated January 18, 2010)

THE STATE MINISTER FOR ENVIRONMENTAL AFFAIRS,

Considering:

a. that pursuant to the provision of Article 6 of Government Regulation Number 74 Year 2001 regarding Management of Hazardous and Toxic Substances, every hazardous and toxic substance shall be registered by producers and/or importers;

b. that based on the consideration as meant in letter a and in order to implement the provision of Article 16 of Presidential Regulation Number 10 Year 2008 regarding the Operational of Electronic System in the Framework of Indonesia National Single Window, it is necessary to stipulate a regulation of the State Minister for Environmental Affairs regarding the Application of Electronic Registration System of Hazardous and Toxic Substances in the Framework of Indonesia National

Single Window in the Ministry of Environmental Affairs;

In view of:

1. Law Number 19 Year 2009 regarding Ratification of Stockholm Convention concerning Persistent Organic Pollutants (Statute Book of the Republic of Indonesia Year 2009 Number 89, Supplement to Statute Book of the Republic of Indonesia Number 5020);
2. Law Number 32 Year 2009 (*BN No. 7933 pages 11A-27A and so on*) regarding 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 74 Year 2001 regarding Management of Hazardous and Toxic Substances (Statute Book of the Republic of Indonesia Year 2001 Number 138, Supplement to Statute Book of the Republic of Indonesia Number 4153);
4. Presidential Regulation Number 10 Year 2008 regarding the Operation of Electronic System in the Framework of Indonesia National Single Window;

DECIDES:

To stipulate:

THE REGULATION OF THE STATE MINISTER FOR ENVIRONMENTAL AFFAIRS REGARDING THE APPLICATION OF ELECTRONIC REGISTRATION SYSTEM OF HAZARDOUS AND TOXIC SUBSTANCES IN THE FRAMEWORK OF INDONESIA NATIONAL SINGLE WINDOW IN THE MINISTRY OF ENVIRONMENTAL AFFAIRS.

Article 1

Referred to in this regulation as:

1. Hazardous and Toxic Substances hereinafter abbreviated to B3 shall be substances, energies and/or components potential to pollute and/or destroy environment and/or endanger environment, health, continuity of human life as well as other creatures directly and indirectly because of their characteristics and/or concentration.
2. Registration of B3 shall be the registration and number of B3 in the territory of the Republic of Indonesia.
3. Import of B3 shall be an activity importing B3 into Indonesia customs area.
4. Export of B3 shall be an activity taking out of B3 from Indonesia customs area.
5. Electronic System shall be a system used for collecting, preparing, storing, processing, analyzing and disseminating electronic information.
6. Indonesia National Single Window hereinafter abbreviated to INSW shall be Indonesian national system enabling single submission of data and information, single and synchronous processing of data and information and single decision-making for custom release and clearance of cargoes.

Article 2

Electronic registration of B3 shall aim at handling customs documents related to licensing and/or requirement for the import and/or export of B3 in the framework of INSW.

Article 3

- (1) Importers of B3 and/or exporters of B3 shall be obliged to register B3 at the Ministry of Environmental Affairs.
- (2) The registration as meant in paragraph (1) shall be done electronically through INSW System.

- (3) The standard operating procedure for INSW in the Ministry of Environmental Affairs shall be contained in Attachment I, which constitutes an integral part of this regulation.

Article 4

The registration as meant in Article 3 paragraph (1) may be executed manually if:

- a. the electronic system does not work because of natural disaster, malfunction in any of the systems, application failure and/or inaccessible website; and/or
- b. internet network is not available adequately for applicant.

Article 5

- (1) The registration of B3 as meant in Article 3 and Article 4 may be submitted by applicant by using the form of B3 registration as contained in Attachment II, which constitutes an integral part of this regulation.
- (2) Every application for the registration of B3 as meant in paragraph (1) shall be accompanied by:
 - a. deed of establishment of company;
 - b. trading business license;
 - c. trading business registration number;
 - d. taxpayer code number (NPWP);
 - e. importer identity number (API);
 - f. material safety data sheet (MSDS);
 - g. certificate of analysis; and
 - h. photo of storage warehouse.
- (3) Besides the requirement as meant in paragraph (2), in the case of B3 being used as pesticides and/or active agents of pesticides, the registration applicant shall enclose letter of brand holder of pesticide registration from the Minister of Agriculture.
- (4) Besides the requirements as meant in paragraph (2), in the case of B3 being categorized as ozon depleting substance, the registration application shall enclose letter of recognition

of producer importer of ozon destructing substance (IP-BPO) or letter of recognition of approved importer of ozone destructing substances (IT-BPO) from the Ministry of Trade.

- (5) Besides the requirements as meant in paragraph (2), in the case of B3 being categorized as B3 with limited use according to legislation in force, the registration applicant shall enclose letter of approval of notification of B3 from the Ministry of Environmental Affairs.
- (6) Besides the requirements as meant in paragraph (2), in the case of the registration applicant being not owner of B3, the registration applicant shall enclose power of attorney from the owner of B3.

Article 6

- (1) The registration of B3 as meant in Article 3 and Article 4 shall be executed by Deputy Minister in charge of B3 Management Affairs.
- (2) The Deputy Minister as meant in paragraph (1) shall be obliged to issue certificate of registration of B3 in no later than 5 (five) working days as from the date of receipt of complete and true application.

Article 7

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

Stipulated in Jakarta

On January 18, 2010

THE STATE MINISTER FOR ENVIRONMENTAL AFFAIRS

SGD

PROF. DR. IR. GUSTI MUHAMMAD HATTA, MS

Editor's note:

- Due to technical reason, the attachment is not published.

—===(R)==—