
AUTHORIZED TRANSLATION



MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF

INDONESIA

NUMBER 84/M-DAG/PER/10/2015

CONCERNING

PROVISIONS FOR IMPORT OF COOLING SYSTEM BASED GOODS

UPON GRACE OF THE ONE ALMIGHTY GOD

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

- Considering:
- a. that in order to encourage the improvement of the national competitiveness, it is necessary to simplify the licensing in the trade sector, particularly for import of cooling system based goods;
 - b. that the import of cooling system based goods, as regulated in the Regulation of the Minister of Trade Number 55/M-DAG/PER/9/2014 concerning Import of Cooling System Based Goods, as has been amended with the Regulation of the Minister of Trade Number 47/M-DAG/PER/7/2015, is considered no more relevant;

- c. that based on the considerations, as meant in letter a and letter b, it is necessary to withdraw the Regulation of the Minister of Trade Number 55/M-DAG/PER/9/2014 concerning Import of Cooling System Goods, as has been amended with the Regulation of the Minister of Trade Number 47/M-DAG/PER/2015, and reregulate the provisions for import of cooling system based goods.

- d. that based on the considerations, as meant in letter a, letter b, and letter c, it is necessary to determine the Regulation of the Minister of Trade concerning Provisions for Import of Cooling System Based Goods.

- In view of:
- 1. Law Number 7 of 1994 concerning the Ratification of the Agreement Establishing the World Trade Organization (State Gazette of the Republic of Indonesia of 1994 Number 57, Supplement to the State Gazette of the Republic of Indonesia Number 3564);

 - 2. Law Number 10 of 1995 concerning Customs (State Gazette of the Republic of Indonesia of 1995 Number 75, Supplement to the State Gazette of the Republic of Indonesia Number 4661);

 - 3. Law Number 8 of 1999 concerning Consumer Protection (State Gazette of the Republic of Indonesia of 1999 Number 22, Supplement to the State Gazette of the Republic of Indonesia Number 3821);

4. Law Number 36 of 2000 concerning Determination of Government Regulation as Replacement of Law Number 1 of 2000 concerning Free Trade Zone and Free Port to Become the Law (State Gazette of the Republic of Indonesia of 2000 Number 251, Supplement to the State Gazette of the Republic of Indonesia Number 4053), as has been amended with Law Number 44 of 2007 concerning Determination of Government Regulation as Replacement of Law Number 1 of 2007 to Become the Law (State Gazette of the Republic of Indonesia of 2007 Number 30, Supplement to the State Gazette of the Republic of Indonesia Number 4775);
5. Law Number 39 of 2008 concerning State Ministry (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 4916);
6. Law Number 32 of 2009 concerning Environmental Protection and Management (State Gazette of the Republic of Indonesia of 2009 Number 140, Supplement to the State Gazette of the Republic of Indonesia Number 5059);
7. Law Number 36 of 2009 concerning Health (State Gazette of the Republic of Indonesia of 2009 Number 144, Supplement to the State Gazette of the Republic of Indonesia Number 5063);

8. Law Number 3 of 2014 concerning Industry (State Gazette of the Republic of Indonesia of 2014 Number 4, Supplement to the State Gazette of the Republic of Indonesia Number 5492);
9. Law Number 7 of 2014 concerning Trade (State Gazette of the Republic of Indonesia of 2014 Number 45, Supplement to the State Gazette of the Republic of Indonesia Number 5512);
10. Government Regulation Number 10 of 2012 concerning Treatment of Customs, Taxation, and Excise as well as Implementation System of Taking In and Taking Out Goods Into and Out Of and that are in the Zone that is Determined as Free Trade Zone and Free Port (State Gazette of the Republic of Indonesia of 2012 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 5277);
11. Presidential Decree Number 23 of 1992 concerning the Ratification of the Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer as Adjusted and Amended by the Second Meeting of the Parties London, 27-29 June 1990;
12. Presidential Decree Number 92 of 1998 concerning the Ratification of the Montreal Protocol on Substances that Deplete the Ozone Layer, Copenhagen 1992);

13. Presidential Decree Number 121/P Number 2014 concerning Formation of Ministries and Appointment of Ministers of the Working Cabinet for the Period of 2014-2019;
14. Presidential Regulation Number 7 of 2015 concerning State Ministry Organization;
15. Presidential Regulation Number 48 of 2015 concerning Ministry of Trade;
16. Presidential Decree Number 79/P of 2015 concerning Replacement of Several State Ministers of the Working Cabinet for the Period of 2014-2019;
17. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2010 concerning Organization and Work System of the Ministry of Trade, as has been amended with the Regulation of the Minister of Trade Number 57/M-DAG/PER/8/2012;
18. Regulation of the Minister of Industry Number 41/M-IND/PER/5/2014 concerning Prohibition of Using Hydrochlorofluorocarbon (HCFC) in the Industrial Sector;
19. Regulation of the Minister of Trade Number 46/M-DAG/PER/8/2014 concerning General Provisions for Verification or Technical Tracing in the Trade Sector;
20. Regulation of the Minister of Trade Number 48/M-DAG/PER/7/2015 concerning General Provisions in the Import Sector;

21. Regulation of the Minister of Trade Number 70/M-DAG/PER/9/2015 concerning Provisions for the Importer Identity Number;
22. Regulation of the Minister of Trade Number 83/M-DAG/PER/9/2015 concerning Provisions for Import of Ozone Layer Depleting Substances.

HAS DECREED:

To determine: **THE REGULATION OF THE MINISTER OF TRADE CONCERNING PROVISIONS FOR IMPORT OF COOLING SYSTEM BASED GOODS.**

Article 1

The meaning of the following in this Regulation of the Minister is as follows:

1. Cooling System Based Goods are goods which in the operation use the cooling system and use and/or contain refrigerant as the cooling media.
2. Hydrochlorofluorocarbon 22, hereinafter abbreviated HCFL-22 is the chemical compound that functions as refrigerant and has the potential to deplete ozone molecules in the stratosphere layer.
3. Import is the activity of taking goods into the customs area.
4. Verification or technical tracing is the investigation and examination on import goods carried out by the Surveyor.

5. Surveyor is the survey company that has obtained the authorization to carry out the verification or technical tracing on import goods.
6. Minister is the minister who organizes the administration affairs in the trade sector.
7. Director General is the Director General of Foreign Trade, Ministry of Trade.

Article 2

- (1) The import of Cooling System Based Goods is limited.
- (2) The Cooling System Based Goods, which import is limited, are contained in the Appendix, which is an inseparable part of this Regulation of the Minister.

Article 3

- (1) The Cooling System Based Goods, as meant in Article 2, may be imported if they are not using the HCFC-22 refrigerant.
- (2) The Cooling System Based Goods, as meant in Article 2, are prohibited to be imported if they use HCFC-22 refrigerant, either in filled or in empty condition.

Article 4

The import of Cooling System Based Goods may only be carried out by the Importer Identity Number (API) owner company.

Article 5

Each import of Cooling System Based Goods, as meant in Article 2, may only be carried out through the following ports of destination:

- a. Land port: Cikarang Dry Port in Bekasi;
- b. Seaport: Belawan in Medan, Tanjung Emas in Semarang, Tanjung Perak in Surabaya, Soekarno Hatta in Makassar, Batu Ampar in Batam; and/or
- c. Airport: all international airports.

Article 6

- (1) The Verification or technical tracing should be carried at each import implementation of Cooling System Based Goods, as meant in Article 2, at the port of loading.
- (2) The implementation of Verification or technical tracing, as meant in paragraph (1), is carried out by the Surveyor, which is determined by the Minister.

Article 7

In order to be determined as implementer of the Verification or technical tracing, the Surveyor should comply with the following requirements:

- a. In possession of the Survey Service Business License (SIUJS);
- b. Has the experience in carrying out the Verification or technical tracing for minimum 5 (five) years;

- c. Has branches or representatives and/or affiliates abroad and has the network to support the effectiveness of the Verification or technical tracing service; and
- d. In possession of good track records with regard to the management of the Verification or technical tracing activities.

Article 8

- (1) The Verification or technical tracing by the Surveyor as meant in Article 6 paragraph (1), covers the investigation and examination minimum on the data or information concerning:
 - a. Names and addresses of the importer and exporter;
 - b. Type, Tariff Post/HS of 10 (ten) digits and the description;
 - c. Type and specification of refrigerant that is used on the goods;
 - d. Amount, volume or weight;
 - e. Country of goods origin;
 - f. Country and port of loading; and
 - g. Port of destination.

- (2) The Surveyor provides the marking of examination as result of the Verification or technical tracing in form of seal on the transportation packing with the type of Full Container Load (FCL) or examination mark of the Surveyor in form of label on the goods or other type of transportation packing.

- (3) The result of Verification or technical tracing, as meant in paragraph (1), is issued in form of Surveyor Report (LS) in order to be used as the customs supplementary document for the customs clearance in the import sector.
- (4) The Surveyor Report (LS), as meant in paragraph (3), contains the statement on the correctness of the Verification or technical tracing result and is the full responsibility of the Surveyor.
- (5) The Surveyor collects the service reward for the implementation of Verification or technical tracing on the import of Cooling System Based Goods carried out by the Surveyor, which amount is determined by taking account of the benefit principle.

Article 9

- (1) The entering of Cooling System Based Goods for the need of inhabitants into the Free Trade Zone and Free Port from outside the customs area is regulated in accordance with the legislative regulations concerning Free Trade Zone and Free Port.
- (2) The Cooling System Based Goods originating from outside the Customs Area, as meant in paragraph (1), are prohibited to be taken out from the Free Trade Zone and Free Port to other locations in the customs area.

Article 10

- (1) The company that carries out the import of Cooling System Based Goods, as meant in Article 4, should submit the the

import realization report, either realized or not realized, to the Director General.

- (2) The report, as meant in paragraph (1), is electronically submitted every 3 (three) months within not later than the 15th day of the first month of the next quarter through the <http://inatrade.kemendag.go.id> website.

Article 11

The Surveyor is required to submit:

- a. The Surveyor Report (LS) that has been electronically issued through the <http://inatrade.kemendag.go.id> website; and
- b. The recapitulation on the result of Verification or technical tracing on the import of Cooling System Based Goods by the importer once every 3 (three) months to the Director General within not later than the 15th day of the first month of the following quarter.

Article 12

- (1) The company that violates the provision on the obligation of reporting, as meant in Article 10, is imposed the sanction of postponement of the next import of Cooling System Based Goods.
- (2) The company that violates the following provisions:
 - a. Prohibition on the import of Cooling System based Goods, as meant in Article 3 paragraph (2);
 - b. Import port of destination, as meant in Article 5; and/or

- c. Obligation of the import Verification or technical tracing, as meant in Article 6,
is imposed the sanction of the Importer Identity Number (API) and/or other sanctions based on the provisions of the legislative regulations.
- (3) The Cooling System Based Goods that are imported not in accordance with the provisions in this Regulation of the Minister should be re-exported by the importer.
- (4) The costs for re-export, as meant in paragraph (3), are borne by the importer.

Article 13

- (1) The Surveyor that violates the following provisions:
- a. Verification or technical tracing, as meant in Article 8; and/or
 - b. Obligation to submit the report, as meant in Article 11, of 2 (two) times,
- is imposed the sanction of withdrawal of the determination as Surveyor.
- (2) The withdrawal of determination as Surveyor for violation of the provision on the obligation to submit the report, as meant in paragraph (1) letter b, is preceded by 1 (one) time written warning.
- (3) The withdrawal of determination as Surveyor, as meant in paragraph (1), is determined by the Minister.

Article 14

The technical instructions of this Regulation of the Minister may be determined by the Director General.

Article 15

At the time this Regulation of the Minister commences applicable:

- a. The provisions on the Verification or technical tracing for import of non new capital goods that are included in the Cooling System Based Goods, which are regulated in the Regulation of the Minister of Trade Number 75/M-DAG/PER/12/2013 concerning Provisions for Import of Non New Capital Goods, are subject to the provisions of this Regulation of the Minister;
- b. The Cooling System Based Goods-IT that is issued based on the Regulation of the Minister of Trade Number 55/M-DAG/PER/9/2014 concerning Provisions for Import of Cooling System Based Goods, as has been amended with the Regulation of the Minister of Trade Number 47/M-DAG/PER/7/2015, is declared as still applicable until the expiration of its validity term; and
- c. The Surveyor Report (LS) that is issued based on the Regulation of the Minister of Trade Number 55/M-DAG/PER/9/2014 concerning Provisions for Import of Cooling System Based Goods, as has been amended with the Regulation of the Minister of Trade Number 47/M-DAG/PER/7/2015 is declared as still applicable and is used as the customs

supplementary document for customs clearance in the import sector.

Article 16

At the time this Regulation of the Minister commences applicable, the Regulation of the Minister of Trade Number 5 5/M-DAG/PER/9/2014 concerning Provisions for Import of Cooling System Based Goods, as has been amended with the Regulation of the Minister of Trade Number 47/M-DAG/PER/7/2015, is withdrawn and declared not applicable.

Article 17

This Regulation of the Minister commences applicable on 1 January 2016.

So that it is known by everyone, the enactment of this Regulation of the Minister is instructed with its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

On 8 October 2015

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

THOMAS TRIKASIH LEMBONG

Copy conforms to the original
Secretariat General
Ministry of Trade
Head of Legal Bureau,

signed and sealed

LASMININGSIH

APPENDIX

**REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA**

NUMBER 84/M-DAG/PER/10/2015

CONCERNING

PROVISIONS FOR IMPORT OF COOLING SYSTEM BASED GOODS

COOLING SYSTEM BASED GOODS WHICH IMPORT IS LIMITED

No.	Description of Goods	Tariff Post/HS
1.	Regulator machine for air temperature, humidity and/or sanitation, including such machine that is unable to separately regulate the air humidity.	8415.10.10.00 8415.10.90.00 8415.20.10.00 8415.20.90.00 8415.81.11.00 8415.81.12.00 8415.81.19.00 8415.81.21.00 8415.81.29.00 8415.81.31.00 8425.81.39.00 8415.81.91.00 8415.81.93.00 8415.81.94.00 8415.81.99.00 8415.82.11.00

		8415.82.19.00 8415.82.21.00 8415.82.29.00 8415.82.31.00 8415.82.39.00 8415.82.91.00 8415.82.99.00 8415.83.11.00 8415.83.19.00 8415.83.21.00 8415.83.29.00 8415.83.31.00 8415.83.39.00 8415.83.91.00 8415.83.99.00
2.	Refrigerator, freezer and other cooling or freezing appliances, including heat pumps, other than for domestic need.	8418.10.90.00 8418.30.10.00 8418.30.90.00 8418.40.10.00 8418.40.90.00 8418.50.11.00 8418.50.19.00 8418.50.91.00 8418.50.99.00 8418.61.00.00

		8418.69.10.00 8418.69.30.00 8418.69.41.00 8428.69.49.00 8428.69.50.00 8418.69.00.00
3.	Container with cooling and/or freezing appliances.	8609.00.00.10 8609.00.00.20 8609.00.00.90

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

THOMAS TRIKASIH LEMBONG

Copy conforms to the original

Secretariat General

Ministry of Trade

Head of Legal Bureau,

signed and sealed

LASMININGSIH

Translated from Indonesian Language
Jakarta, September 30, 2016
Authorized and Sworn Translator,

FIKRI SAID OBED