
AUTHORIZED TRANSLATION



MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

REGULATION OF THE MINISTER OF TRADE OF

THE REPUBLIC OF INDONESIA

NUMBER 83/M-DAG/PER/10/2015

CONCERNING

PROVISIONS FOR IMPORT OF OZONE LAYER DEPLETING SUBSTANCES

UPON GRACE OF THE ONE ALMIGHTY GOD

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

- Considering:
- a. that in order to encourage the national competitiveness, it is necessary to simplify the licensing in the import sector, particularly on import of the ozone layer depleting substances;
 - b. that the provisions on import of the ozone layer depleting substances, as regulated in the Regulation of the Minister of Trade Number 03/M-DAG/PER/1/2012 concerning Provisions for Import of the Ozone Layer Depleting Substances, as has been amended with the Regulation of the Minister of Trade

Number 40/M-DAG/PER/7/2014, is considered no more relevant;

- c. that based on the consideration, as meant in letter b, it is necessary to withdraw the Regulation of the Minister of Trade Number 03/M-DAG/PER/1/2012 concerning Provisions for Import of the Ozone Layer Depleting Substances, as has been amended with the Regulation of the Minister of Trade Number 40/M-DAG/PER/7/2014, and reregulate the provisions for import of the ozone layer depleting substances;
- 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 the Ozone Layer Depleting Substances.

- 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 3612), as has been amended with Law Number 17 of 2006 (State Gazette of the Republic of Indonesia of 2006 Number 93,

Supplement to the State Gazette of the Republic of Indonesia Number 4661);

3. 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);
4. 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);
5. 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);
6. 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);
7. 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);
8. Government Regulation Number 74 of 2001 concerning Management of Hazardous and Toxic Substances (State Gazette of the Republic of Indonesia of 2001 Number 138,

Supplement to the State Gazette of the Republic of Indonesia Number 4153);

9. Presidential Decree Number 23 of 1992 concerning 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;
10. Presidential Decree Number 92 of 1998 concerning Ratification of the Montreal Protocol on Substances that Deplete the Ozone Layer, Copenhagen 1992;
11. Presidential Decree Number 121/P of 2014 concerning Formation of Ministries and Appointment of Ministers of the Working Cabinet for the Period of 2014-2019;
12. Presidential Regulation Number 7 of 2015 concerning State Ministry Organization;
13. Presidential Regulation Number 48 of 2015 concerning Ministry of Trade;
14. Presidential Decree Number 79/P of 2015 concerning Replacement of Several State Ministers of the Working Cabinet for the Period of 2014-2019;

15. 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;
16. Regulation of the Minister of Industry Number 41/M-IND/PER/5/2014 concerning Prohibition to use *Hydrochlorofluorocarbon (HCPC)* in the Industrial Sector;
17. Regulation of the Minister of Trade Number 46/M-DAG/PER/8/2014 concerning General Provisions for Verification and Technical Tracing in the Trade Sector;
18. Regulation of the Minister of Trade Number 53/M-DAG/PER/9/2014 concerning Trade Integrated Service Unit;
19. Regulation of the Minister of Trade Number 48/M-DAG/PER/7/2015 concerning General Provisions in the Import Sector;
20. Regulation of the Minister of Trade Number 70/M-DAG/PER/9/2015 concerning Importer Identity Number.

HAS DECREED:

To determine: **THE REGULATION OF THE MINISTER OF TRADE CONCERNING PROVISIONS FOR IMPORT OF OZONE LAYER DEPLETING SUBSTANCES.**

Article 1

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

1. Ozone Layer Depleting Substances, hereinafter referred to as BPO are chemical compounds that have the potential of being able to react with ozone molecules in the stratosphere layer.
2. Import is the activity of taking in goods into the customs area.
3. Approval for BPO Import, hereinafter referred to as PI BPO is the license to import BPO.
4. Coordination Meeting is the inter ministry/institution meeting organized by the ministry that implements the administration affairs in the environmental and forestry sector.
5. Recommendation is the letter issued by the related authorized agency/unit that contains the technical clarification and is not the import license/approval.
6. Verification or technical tracing is the investigation and examination on imported goods, which is carried out by the Surveyor.
7. Surveyor is the survey company that obtains the authority to perform the verification or technical tracing on imported goods.
8. Trade Integrated Service Unit I, hereinafter referred to as UPTP I, is the unit that organizes the trade integrated service.
9. Minister is the minister who organizes the administration affairs in the trade sector.

10. Director General is the Director General of Foreign Trade, Ministry of Trade.

Article 2

- (1) The BPO that can be imported are contained in Appendix I, which is an integral part of this Regulation of the Minister.
- (2) The BPO that are prohibited to be imported are contained in Appendix II, which is an integral part of this Regulation of the Minister.

Article 3

The determination on the national need of BPO and the determination on the volume of BPO that may be annually imported by each BPO importer are determined and agreed upon in the Coordination Meeting.

Article 4

- (1) The BPO, as meant in Article 2 paragraph (1), may only be imported by the API-U owner company or API-P owner company that has obtained the PI BPO from the Minister.
- (2) The Minister provides the mandate on the authority to issue the PI BPO, as meant in paragraph (1), to the Director General.

Article 5

- (1) In order to obtain the PI BPO, as meant in Article 4 paragraph (1), the company should electronically submit the request to the Director General by attaching the following:

- a. API-U, for the company that carries out the BPO trade business activities;
 - b. API-P, for the company that carries out the business activities in the industrial sector that uses the BPO raw materials or supporting materials;
 - c. Decree of the Minister of Agriculture on the Pesticide Registration, for import of the methyl bromide type BPO;
 - d. Recommendation from the Director General of Climate Change Control, Ministry of Environment and Forestry;
 - e. Distribution plan for 1 (one) year for the API-U owner company; and
 - f. Production need plan for 1 (one) year for the API-P owner company.
- (2) The Director General issues the PI BPO within not later than 3 (three) working days effective as of the date the request, as meant in paragraph (1), is completely and correctly.
- (3) In case the request of the PI BPO, as meant in paragraph (1), is incomplete and incorrect, then the Director General submits the rejection of request including the reason (s) within not later than 3 (three) working days.
- (4) The Director General provides the mandate of authority to submit the rejection of request, as meant in paragraph (3), to the Director of Import.

Article 6

The PI BPO, as meant in Article 5 paragraph (2), applies for 1 (one) year.

Article 7

- (1) The submission of the PI BPO request, as meant in Article 5 paragraph (1), may only be electronically served through the <http://inatrade.kemendag.go.id> website.
- (2) In case of force majeure, which causes that the electronic service is not functioning, then the submission of request, as meant in paragraph 91), is submitted manually.

Article 8

The API-U owner company that has obtained the PI BPO may only import BPO for distribution to the end user industry.

Article 9

- (1) The API-P owner company that has obtained the PI BPO may only import BPO for the need of the production process of the industry that is owned.
- (2) The API-P owner company, as meant in paragraph (1), is prohibited to trade and/or transfer its imported BPO.

Article 10

The implementation of import of the methyl bromide type BPO should be accompanied by the additional label that contains the information of “For Quarantine and Pre Shipment Only” from the producer country.

Article 11

- (1) The import of BPO, as meant in Article 2 paragraph (1), may only be carried out through the following seaports:
 - a. Belawan in Medan;
 - b. Tanjung Priok in Jakarta;
 - c. Merak in Cilegon;
 - d. Tanjung Emas in Semarang;
 - e. Tanjung Perak in Surabaya;
 - f. Soekarno Hatta in Makassar; and
 - g. Batu Ampar in Batam.
- (2) The import of BPO through the Batu Ampar seaport in Batam, as meant in paragraph (1) letter g, may only be carried out by the API-P owner company.

Article 12

- (1) The Verification or technical tracing should be carried out on each implementation of the BPO import at the country of goods loading.
- (2) The implementation of the Verification or technical tracing, as meant in paragraph (1), is carried out by the Surveyor determined by the Minister.

Article 13

The Surveyor, as meant in Article 12 paragraph (2), should comply with the following requirements:

- a. In possession of the Surveyor Service Business License (SIUJS);
- b. Experienced as Surveyor for minimum 5 (five) years in the import sector;
- c. In possession of 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 in the sector of the Verification or technical tracing activities management.

Article 14

- (1) The Verification or technical tracing, as meant in Article 12 paragraph (1), is carried out on the import of BPO, which covers the data or information on the:
 - a. Name and address of importer and exporter;
 - b. Type, volume and specification;
 - c. Tariff Post/HS and description of good;
 - d. Additional label that contains the information of “For Quarantine and Pre Shipment Only” from the producer country for the type of methyl bromide BPO;
 - e. Country and port of loading;
 - f. Time of shipment; 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 packing of the Full Container Load (FCL) type transportation or examination marking in form of label on the goods or other type transportation packing.
- (3) The result of Verification or technical tracing, as meant in paragraph (1), is entered into the form of Surveyor Report (LS) in order to be used as the customs complementary document for the customs clearance in the import sector.
- (4) The Surveyor Report (LS), as meant in paragraph (3), should contain the statement of correctness on the result of Verification or technical tracing and is the full responsibility of the Surveyor.
- (5) The Surveyor collects the service reward from the BPO importer for the implementation of the Verification or technical tracing, which amount is determined by taking account of the benefit principle.

Article 15

The provision for the Verification or technical tracing, as meant in Article 12 paragraph (1), does not apply for the import of BPO that is carried out by the API-P owner company.

Article 16

- (1) The company that has obtained the PI BPO is required to submit the report on the implementation of BPO import to the Director General, in this case the Director of Import, 1 (one) time every month within not later than the 15th (fifteenth) day of the following month, either realized or not realized, with copies submitted to:
 - a. The Director General of Climate Change Control, Ministry of Environment and Forestry; and
 - b. The Director General of Means and Infrastructures, Ministry of Agriculture, for import of the methyl bromide type BPO.
- (2) The report, as meant in paragraph (1), is electronically submitted through the <http://inatrade.kemendag.go.id> website and attaching the scan of the Import Realization Control Card, which has been initialed and sealed by the Customs officer.

Article 17

The Surveyor, as meant in Article 12 paragraph (2), is required to monthly submit the written report on the implementation of the Verification or technical tracing to the Director General within not later than the 15th (fifteenth) day of the following month.

Article 18

- (1) The PI BPO is frozen in case the company:
 - a. Does not implement the obligation of submitting the report, as meant in Article 16, during 2 (two) times; and/or
 - b. Is in the investigation process on the suspected criminal act relates to the misuse of the PI BPO.

- (2) The freezing of the PI BPO may be reactivated in case the company:
 - a. Has complied with the obligation, as meant in Article 16, within the period of maximum 2 (two) months as of the date of freezing; and/or
 - b. Is not proven as conducting the criminal act related to the misuse of the PI BPO.

Article 19

The PI BPO is withdrawn in case the company:

- a. Is proven as distributing its imported BPO to other than the final user industry, as meant in Article 8, for the API-U owner company;
- b. Is proven as trading and/or transferring its imported BPO to another party, as meant in Article 9, for the API-P owner company;
- c. Does not perform the obligation of submitting the report, as meant in Article 16, after exceeding the period of 2 (two) months as of the date of freezing the PI BPO;
- d. Amends, adds and/or replaces the contents in the PI BPO;

- e. Is proven as submitting incorrect data or information in the request for PI BPO;
- f. Imports BPO not in accordance with the data contained in the PI BPO; and/or
- g. Is declared guilty based on the court sentence that has permanent legal power for the criminal act that is related to the misuse of PI BPO.

Article 20

The freezing of PI BPO and the reactivation of PI BPO, as meant in Article 18, and the withdrawal of PI BPO, as meant in Article 19, are determined by the Director General.

Article 21

The BPO importer that is imposed the sanction, as meant in Article 19, may only submit the request to re-obtain the PI BPO after 1 (one) year as of the date of withdrawal.

Article 22

- (1) The importer who imports BPO not in accordance with the provisions in this Regulation of the Minister is imposed the sanction in accordance with the provisions of the legislative regulations.

- (2) The BPO that is imported not in accordance with the provisions in this Regulation of the Minister should be re-exported by the importer.
- (3) The costs that are incurred to carry out the re-export, as meant in paragraph (2), is the responsibility of the importer.

Article 23

The determination as the Verification or technical tracing implementing Surveyor on the import of BPO is withdrawn in case the Surveyor:

- a. Conducts breaches in the implementation of the Verification or technical tracing, as meant in Article 14; and/or
- b. Does not carry out the obligation of submitting the written report, as meant in Article 17, during 2 (two) times.

Article 24

The withdrawal of the determination as Surveyor, as meant in Article 23, is determined by the Minister.

Article 25

- (1) In the framework of monitoring and evaluating the policy of BPO import, the Director General may carry out the control on the implementation of BPO import.
- (2) The monitoring and evaluation, as meant in paragraph (1), may be carried out by way of coordination with the Director General of Climate Change Control, Ministry of Environment and

Forestry and the Director General of Means and Infrastructure,
Ministry of Agriculture.

Article 26

Exception from the provisions that are regulated in this Regulation of the Minister is determined by the Minister by considering the proposal from the related agency.

Article 27

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

Article 28

The recognition as IP BPO, the determination as IT BPO, and the Import Approval that have been issued based on the Regulation of the Minister of Trade Number 03/M-DAG/PER/1/2012 concerning Import of Ozone Layer Depleting Substances (BPO), as has been amended with the Regulation of the Minister Number 40/M-DAG/PER/7/2014, is declared still applicable until the expiration of its validity term.

Article 29

At the time this Regulation of the Minister commences applicable, the Regulation of the Minister of Trade Number 03/M-DAG/PER/1/2012 concerning Import of Ozone Layer Depleting Substances (BPO), as has been amended with the Regulation of the Minister Number 40/M-DAG/PER/7/2014, is withdrawn and declared as not applicable.

Article 30

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

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Secretariat General

Ministry of Trade

Head of Legal Bureau,

signed and sealed

LASMININGSIH

APPENDIX I**REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA****NUMBER 83/M-DAG/PER/10/2015****CONCERNING****PROVISIONS FOR IMPORT OF OZONE DEPLETING SUBSTANCES****TYPES OF OZONE LAYER DEPLETING
SUBSTANCES THAT MAY BE IMPORTED**

No.	Name of Goods	Description of Goods	Tariff Post/HS	Remarks
1.	HCFC-21	Dichlorofluoromethane	Ex. 2903.79.00.00	
2.	HCFC-22	Chlorodifluoromethane	Ex. 2903.71.00.00	
3.	HCFC-31	Chlorofluoromethane	Ex. 2903.79.00.00	
4.	HCFC-121	Tetrachlorofluoroethane	Ex. 2903.79.00.00	
5.	HCFC-122	Trichlorodifluoroethane	Ex. 2903.79.00.00	
6.	HCFC-123	Dichlorotrifluoroethane	Ex. 2903.72.00.00	
7.	HCFC-123	Dichlorotrifluoroethane	Ex. 2903.72.00.00	
8.	HCFC-124	Chlorotetrafluoroethane	Ex. 2903.79.00.00	
9.	HCFC-124	Chlorotetrafluoroethane	Ex. 2903.79.00.00	
10.	HCFC-131	Trichlorofluoroethane	Ex. 2903.79.00.00	
11.	HCFC-132	Dichlorodifluoroethane	Ex. 2903.79.00.00	
12.	HCFC-133	Chlorotrifluoroethane	Ex. 2903.79.00.00	
13.	HCFC-141	Dichlorofluoroethane	2903.73.00.00	
14.	HCFC-141b	Dichlorofluoroethane	2903.73.00.00	

No.	Name of Goods	Description of Goods	Tariff Post/HS	Remarks
15.	HCFC-142	Chlorodifluoroethane	2903.74.00.000	
16.	HCFC-142b	Chlorodifluoroethane	2903.74.00.00	
17.	HCFC-151	Chlorofluoroethane	Ex. 2903.79.00.00	
18.	HCFC-221	Hexachlorofluoropropane	Ex. 2903.79.00.00	
19.	HCFC-222	Pentachlorodifluoropropane	Ex. 2903.79.00.00	
20.	HCFC-223	Tetrachlorofluoropropane	Ex. 2903.79.00.00	
21.	HCFC-224	Trichlorotetrafluoropropane	Ex. 2903.79.00.00	
22.	HCFC-225	Dichloropentafluoropropane	2903.75.00.00	
23.	HCFC-225ca	Dichloropentafluoropropane	2903.75.00.00	
24.	HCFC-225cb	Dichloropentafluoropropane	2903.75.00.00	
25.	HCFC-226	Chlorohexafluoropropane	Ex. 2903.79.00.00	
26.	HCFC-231	Pentachlorofluoropropane	Ex. 2903.79.00.00	
27.	HCFC-232	Tetrachlorodifluoropropane	Ex. 2903.79.00.00	
28.	HCFC-233	Trichlorotrifluoropropane	Ex. 2903.79.00.00	
29.	HCFC-234	Dichlorotetrafluoropropane	Ex. 2903.79.00.00	
30.	HCFC-235	Chloropentafluoropropane	Ex. 2903.79.00.00	
31.	HCFC-241	Tetrachlorofluoropropane	Ex. 2803.79.00.00	
32.	HCFC-242	Trichlorodifluoropropane	Ex. 2903.79.00.00	
33.	HCFC-243	Dichlorotrifluoropropane	Ex. 2903.79.00.00	
34.	HCFC-244	Chlorotetrafluoropropane	Ex. 2903.79.00.00	

No.	Name of Goods	Description of Goods	Tariff Post/HS	Remarks
35.	HCFC-251	Trichlorofluoropropane	Ex. 2903.79.00.00	
36.	HCFC-252	Dichlorodifluoropropane	Ex. 2903.79.00.00	
37.	HCFC-253	Chlorotrifluoropropane	Ex. 2903.79.00.00	
38.	HCFC-261	Dichlorofluoropropane	Ex. 2903.79.00.00	
39.	HCFC-262	Chlorodifluoropropane	Ex. 2903.79.00.00	
40.	HCFC-271	Chlorofluoropropane	Ex. 2903.79.00.00	
41.	Methyl bromide	Methyl bromide	2903.39.10.00.	For treatment of Quarantine and Pre Shipment

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

THOMAS TRIKASIH LEMBONG

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Secretariat General

Ministry of Trade

Head of Legal Bureau,

signed and sealed

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APPENDIX II**REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA****NUMBER 83/M-DAG/PER/10/2015****CONCERNING****PROVISIONS FOR IMPORT OF OZONE LAYER DEPLETING SUBSTANCES****TYPES OF OZONE LAYER DEPLETING SUBSTANCES
THAT ARE PROHIBITED TO BE IMPORTED**

No.	Name of Goods	Description of Goods	Tariff Post/HS	Remarks
1.	Halon 1211	Bromo Chlorodifluoro Methane	2903.76.00.00	
2.	Halon 1301	Bromo Trifluoro Methane	2903.76.00.00	
3.	Halon 2402	Dibromo Tetra Fluoro Ethane	2903.76.00.00	
4.	CCL4/CTC	Carbon Tetrachloride	2903.14.00.00	
5.	CH3CCI3/Methyl Chloroform/TCA	1,1,1 Trichloroetana	2903.19.20.00	
6.	CFC-11	Trichlorofluoro Methane	Ex. 2903.77.00.00	
7.	CFC-12	Dichloro Difluoro Methane	Ex. 2903.77.00.00	
8.	CFC-13	Chloro Trifluoro Methane	Ex. 2903.77.00.00	
9.	CFC-111	Pentachlorofluoro Ethane	Ex. 2903.77.00.00	
10.	CFC-112	Tetrachloro Difluoro Ethane	Ex. 2903.77.00.00	

No.	Name of Goods	Description of Goods	Tariff Post/HS	Remarks
11.	CFC-113	Trichloro Trifluoro Ethane	Ex. 2903.77.00.00	
12.	CFC-114	Dichloro Tetra Fluoro Ethane	Ex. 2903.77.00.00	
13.	CFC-115	Chloro PentafluoroEthane	Ex. 2903.77.00.00	
14.	CFC-211	Heptachloro Fuoro Propane	Ex. 2903.77.00.00	
15.	CFC-212	Hexachloro difluoro Propane	Ex. 2903.77.00.00	
16.	CFC-213	Pentachloro Trifluoro Propane	Ex. 2903.77.00.00	
17.	CFC-214	Tetrachloro Tetrafluoro Propane	Ex. 2903.77.00.00	
18.	CFC-215	Dichloro Hexafluoro Propane	Ex. 2903.77.00.00	
19.	CFC-216	Dichloro Hexafluoro Propane	Ex. 2903.77.00.00	
20.	CFC-217	Chloro Heptafluoro Propane	Ex. 2903.77.00.00	
21.	Methyl Bromide	Bromo methane	2903.39.10.00	Warehouse
22.	R-500	Blended between CFC-12/HFC-152a, R-502 blended HCFC	Ex. 3824.71.90.00	

No.	Name of Goods	Description of Goods	Tariff Post/HS	Remarks
23.	R-502	Mixture containing derivative of perhalogenation from HC Asiklik perhalogenation only fluor and chlor	Ex. 3824.71.90.00	
		Containing R-115/HCFE-22 (Chlorodifluorethane)		

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

signed

THOMAS TRIKASIH LEMBONG

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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