

[Coat of Arms of the Republic of Indonesia]

REGULATION OF THE MINISTER OF TRADE OF

THE REPUBLIC OF INDONESIA

NUMBER 32/M-DAG/PER/6/2013

CONCERNING

AMENDMENT TO REGULATION OF THE MINISTER OF TRADE

NUMBER 78/M-DAG/PER/12/2012

CONCERNING

PROVISIONS ON TIN EXPORT

BY THE GRACE OF GOD ALMIGHTY,

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

Considering: a. that in order to support proper process of Tin export, fulfillment of domestic industry needs for tin raw materials, and adjustment to the existing legislations on mineral mining, it is necessary to amend some clauses of Regulation of the Minister of Trade No. 78/M-



DAG/PER/12/2012 on Provisions on
Tin Export;

- b. that based on consideration as referred to in letter (a), it is necessary to stipulate Regulation of the Minister of Trade on Amendment to Regulation of Minister of Trade No. 78/M-DAG/PER/12/2012 concerning Provisions on Tin Export;

- In view of :
1. Bedrijfsreglementerings Ordonnantie (Trade Law) 1934 (State Gazette Number 86 of 1938);
 2. Law Number 7 of 1994 concerning Ratification of Agreement Establishing The World Trade Organization (State Gazette of the Republic of Indonesia Number 57 of 1994, Supplement to State Gazette



of the Republic of Indonesia Number 3564);

3. Law Number 10 of 1995 concerning Customs (State Gazette of the Republic of Indonesia Number 75 of 1995, Supplement to State Gazette of the Republic of Indonesia Number 3612) as amended by Law Number 17 of 2006 (State Gazette of the Republic of Indonesia Number 93 of 2006, Supplement to State Gazette of the Republic of Indonesia Number 4661);

4. Law Number 32 of 1997 concerning Commodity Futures Trading (State Gazette of the Republic of Indonesia Number 93 of 1997, Supplement to State Gazette Number 3720) as amended by Law Number 10 of 2011 (State Gazette of the Republic of Indonesia Number 79 of 2011, Supplement to State Gazette



of the Republic of Indonesia Number 5232);

5. Law Number 39 of 2008 concerning State Ministries (State Gazette of the Republic of Indonesia Number 166 of 2008, Supplement to State Gazette of the Republic of Indonesia Number 4916);
6. Law Number 4 of 2009 concerning Mineral and Coal Mining (State Gazette of the Republic of Indonesia Number 4 of 2009, Supplement to State Gazette of the Republic of Indonesia Number 4959);
7. Law Number 32 of 2009 concerning Environmental Protection and Management (State Gazette of the Republic of Indonesia Number 140 of 2009, Supplement to State Gazette



of the Republic of Indonesia Number 5059);

8. Government Regulation Number 1 of 1982 concerning Implementation of Export, Import, and Foreign Exchange Traffic (State Gazette of the Republic of Indonesia Number 1 of 1982, Supplement to State Gazette of the Republic of Indonesia Number 3210) as amended by Government Regulation Number 24 of 1985 (State Gazette of the Republic of Indonesia Number 33 of 1985, Supplement to State Gazette of the Republic of Indonesia Number 3291);

9. Government Regulation Number 22 of 2010 concerning Mining Areas (State Gazette of the Republic of Indonesia Number 28 of 2010, Supplement to State Gazette of the Republic of Indonesia Number 5110);



10. Government Regulation Number 23 of 2010 concerning Implementation of Mineral and Coal Mining Business Activities (State Gazette of the Republic of Indonesia Number 29 of 2010, Supplement to State Gazette of the Republic of Indonesia Number 5111) as amended by Government Regulation Number 24 of 2012 (State Gazette of the Republic of Indonesia Number 45 of 2012, Supplement to State Gazette of the Republic of Indonesia Number 5282);

11. Government Regulation Number 55 of 2010 concerning Development and Supervision on the Implementation of Mineral and Coal Mining Business Management (State Gazette of the Republic of Indonesia Number 85 of 2010, Supplement to State Gazette of the Republic of Indonesia Number 5142);



12. Government Regulation Number 9 of 2012 concerning Types and Tariffs of Non Tax State Revenues Applicable to the Ministry of Energy and Mineral Resources (State Gazette of the Republic of Indonesia Number 16 of 2012, Supplement to State Gazette of the Republic of Indonesia Number 5276);

13. Presidential Decree Number 260 of 1967 concerning Affirmation of Duties and Responsibility of the Minister of Trade in the field of Foreign Trade;

14. Presidential Regulation Number 10 of 2008 concerning Application of Electronic System in the Framework of Indonesia National Single Window;



15. Presidential Decree Number 84/P of 2009 concerning Establishment of United Cabinet II of Indonesia as amended by Presidential Decree Number 59/P of 2011;

16. Presidential Regulation Number 47 of 2009 concerning Establishment and Organization of State Ministries as amended several times, and lastly by Presidential Regulation Number 91 of 2011;

17. Presidential Regulation Number 24 of 2010 concerning Position, Duties, and Functions of State Ministries as well as Organization Structure, Duties and Functions of Echelon I of State Ministries as amended several times, and lastly by Presidential Regulation Number 92 of 2011;



18. Regulation of the Minister of Finance Number 145/PMK.04/2007 concerning Customs Provisions in the Export Sector;

19. Regulation of the Minister of Trade Number 28/M-DAG/PER/6/2009 concerning Provisions on the Export and Import Permits Service by Electronic System via INATRADE in the Framework of Indonesia National Single Window;

20. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2010 concerning Organization and Work Procedures of the Ministry of Trade as amended by Regulation of the Minister of Trade Number 57/M-DAG/PER/8/2012;

21. Regulation of the Minister of Energy and Mineral Resources Number



07 of 2012 concerning Increasing Mineral Value Added Through Mineral Processing and Purification Activities as amended by Regulation of the Minister of Energy and Mineral Resources Number 11 of 2012;

22. Regulation of the Minister of Trade Number 13/M-DAG/PER/3/2012 concerning General Provisions in the Export Sector;

23. Regulation of the Minister of Trade Number 78/M-DAG/PER/12/2012 concerning Provisions on Tin Export;

HAS DECIDED:

To stipulate : REGULATION OF THE MINISTER OF TRADE ON AMENDMENT TO REGULATION OF MINISTER OF TRADE NO. 78/M-DAG/PER/12/2012 ON PROVISIONS ON TIN EXPORT;



Article I

A number of clauses of Regulation of Minister of Trade No. 78/M-DAG/PER/12/2012 on Provisions on Tin Export are amended as follows:

1. Article 1 is amended to read as follows:

Article 1

In this Ministerial Regulation, what is referred as:

1. Tin is a silvery white colored metal with low hardness, specific gravity of 7.3 g/cm³ and has thermal and electrical conductive characteristic.
2. Tin Ore is unrefined Tin and still in the form of Tin ore or Tin concentrates sand or not in the form of bar.
3. Tin Bar and other-shaped Tin are Tin whether is combined or not that is the result from processing and purifying activities.



4. Solder Tin is Tin in the form of bar and other shapes used for soldering.
5. Tin Export is release of Tin from the customs territory.
6. Registered Tin Exporter, hereinafter referred to as RE-Tin, is a company that has been recognized to carry out Tin Export.
7. Mining Business License hereinafter referred to as IUP is a license to carry out mining operations.
8. Mining Business License for Production Operations, hereinafter referred to as Production Operation IUP, is a business license granted after the completion of an Exploration IUP to carry out the production operation stage.
9. People's Mining License, hereinafter referred to as IPR, is a license to carry out mining operations in the people mining



site with limited area and limited investment.

10. Special Mining Business License hereinafter referred to as IUPK is a license to conduct mining operations in the special mining concession area.
11. Special Mining Business License for Production Operations hereinafter referred to as Production Operation IUPK, is a business license granted after completion of Exploration IUPK to carry out production operation stage activities in the special mining concession area.
12. Contract of Work hereinafter referred to as COW, is a contract between the Government of the Republic of Indonesia and a company incorporated in Indonesia in the framework of Foreign Investment to carry out mineral mining, excluding petroleum, natural gas, geothermal, radioactive and coal.



13. Cooperation Agreement is an agreement containing arrangements between the holder of Production Operation IUP with the holder of Production Operation IUP specifically for processing and purifying and/or Production Operation IUP specifically for transportation and sales with the holder of IUP validated by the authorized issuing official.
14. Smelter is a place where processing and purifying of Tin Ore take place.
15. Tin Exchange is an international tin market in Indonesia, which is an organized market and a part of future exchange.
16. Verification or Technical Inquiry is a research and inspection of export goods conducted by Surveyor.
17. Surveyor is a survey service company that is authorized to



conduct verification or technical inquiry on the Tin Export.

18. Indonesia National Single Window, hereinafter referred to as INSW, is Indonesian national system that allows 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.

19. INSW Portal is a system that will perform the integration of information relating to the handling of customs documents and clearance of cargoes, ensuring data and information security as well as combined flow and processes of information across internal systems automatically, which includes system of customs, licensing, port/airport, and other systems related to the handling of customs documents and clearance of cargoes.



20. Mandatory Ports are ports that are designated as ports which fully implemented the National Single Window (NSW) for exports.
21. Minister is the minister who held government affairs in the field of trade.
22. Director General is the Director General of Foreign Trade of the Ministry of Trade.
2. Article 3 paragraph (3) is amended and paragraph (4) is deleted, to read as follows:

Article 3

- (1) Tin Bar and other-shaped Tin as referred to in Article 2 may be exported if it contains minimum Stannum of 99.85% Sn.
- (2) The provisions as referred to in paragraph (1) shall be effective from January 1, 2013 to June 30, 2013.



(3) Effective on July 1, 2013, Tin Bar and other-shaped Tin as referred to in Article 2 may be exported if it contains minimum Stannum of 99.9% Sn and maximum impurity as follows:

a. for Iron, maximum 0.005% Fe;
and

b. for Lead, maximum 0.030% Pb;

(4) Deleted.

3. Article 4 is amended to read as follows:

Article 4

Solder Tin as referred to in Article 2 may be exported if it contains Iron maximum 0.005% Fe.

4. Article 11 is amended to read as follows:

Article 11

(1) Tin Bar and other-shaped Tin as referred to in Article 2 shall,



prior to being exported, be traded through Tin Exchange.

- (2) Tin traded through Tin Exchange as referred to in paragraph (1) shall originate from RE-Tin.
- (3) Provisions as referred to in paragraph (1) shall be:
 - a. effective on August 30, 2013 for Tin Bar
 - b. effective on January 1, 2015 for other-shaped Tin
- (4) Tin obtained from trading through Tin Exchange as referred to in Article 11 paragraph (1) may only be exported by RE-Tin as referred to in Article 6 paragraph (1).
- (5) The RE-Tin who has made transactions in the Tin Exchange but its recognition as RE-Tin is suspended or revoked, the Tin as referred to in Article 11 paragraph (1) may be exported by an RE-Tin appointed by the Director General



taking into account the proposal of
Tin buyer.

5. Article 13 paragraph (1) is amended to
read as follows:

Article 13

- (1) Tin as referred to in Article 2 and
Article 11 paragraph (1) which will
be exported shall be subject to
Verification or Technical Inquiry
before loading.
- (2) The Verification or Technical
Inquiry as referred to in paragraph
(1) shall be conducted by Surveyor
stipulated by the Minister.
- (3) Minister shall delegate its
authority to the Director General
in stipulating the Surveyor as
referred to in paragraph (2).
- (4) The Director General shall
stipulate Surveyor as referred to
in paragraph (2) for and on behalf
of the Minister.



6. Article 14 paragraph (1) is amended to read as follows:

Article 14

(1) To be stipulated as an executor of Verification or Technical Inquiry, Surveyor as referred to in Article 13 paragraph (2) shall meet the following requirements:

- a. has a Survey Service Business License (SIUJS);
- b. has at least 5 (five) years of experience as a Surveyor of Tin Products;
- c. has branch / representative office in the area with potential Tin as per the proposed type of Tin product being its scope of work;
- d. has certified experts taking role as verifier, drafter, laboratory analysts and geologists;



- e. has at least 1 (one) fully equipped laboratory in accordance with the scope of Tin products;
- f. in each of its working areas, there is at least 1 (one) fully equipped laboratory being its own property and/or under a cooperation with other laboratory in accordance with the scope of Tin products; and
- g. has a good track record in the management of Verification or Technical Inquiry activities in the field of export.

(2) To be stipulated as an executor of Verification or Technical Inquiry, Surveyor as referred to in Article 13 paragraph (2) shall submit a written application to the Director General by enclosing:



- a. photocopy of Survey Service Business License (SIUJS);
- b. photocopy of Company Registration Certificate (TDP);
- c. photocopy of Taxpayer Identification Number (NPWP);
- d. description of company work area, at least contains address of head office, branch/representative offices and location of laboratory;
- e. information of Tin type in the work area;
- f. information of Tin type it has verified;
- g. list of experts accompanied by Curriculum Vitae (CV) and location of working area in format as set forth in Appendix IIa and Appendix IIb which constitute an integral



part of this Ministerial Regulation;

- h. evidence of laboratory ownership as referred to in paragraph (1) e;
- i. laboratory hiring contract as referred to in paragraph (1) f, if applicable;
- j. complete list of laboratory equipment in accordance with the scope of Tin products in format as set forth in Appendix III which constitutes an integral part of this Ministerial Regulation; and
- k. list of LS (Surveyor's Report) signatories, signature specimen and company's stamp specimen in format as set forth in Appendix IV which constitutes an integral part of this Ministerial Regulation.



7. Article 15 paragraph (3) is amended to read as follows:

Article 15

(1) To have Verification or Technical Inquiry process, RE-Tin shall apply for Verification or Technical Inquiry to the Surveyor.

(2) Verification or Technical Inquiry activities by the surveyor as referred to in paragraph (1) shall include:

a. analysis and inspection of data or information in respect of validity of administration and origin area of Tin;

b. quantity of Tin;

c. type and specifications of Tin that include Tariff Post/HS Code based on laboratory qualitative analysis; and



d. time of shipment and port of loading.

(3) Verification or Technical Inquiry as referred to in Article 13 paragraph (1) shall include at least data or information on:

- a. origin of Tin Ore being raw material of the Tin product;
- b. Tin Ore in Smelter being raw material reserve and Tin Ore under processing or purifying in the Smelter at the time of Verification or Technical Inquiry;
- c. Tin specification which includes Tariff Post/HS Code;
- d. metal Sn content of the Tin;
- e. Fe and Pb impurities content of the Tin;
- f. quantity and type of Tin;
- g. evidence of purchase of Tin Bar and other-shaped Tin from Tin Exchange;



- h. time of shipment;
- i. loading port;
- j. country and port of export destination;
- k. payment receipt of production fee/royalty related with the quantity of exported Tin;
- l. Tin reserves owned by RE-Tin, and
- m. Annual Work and Budget Plan (RKAB) legalized by the local Mining Office covering Tin Ore reserve balance, Tin Ore sales plan, Tin sales plan and remaining Tin Ore reserves.

(4) The results of Verification or Technical Inquiry by the Surveyor as referred to in paragraph (3) shall be made in writing in the form of Surveyor's Report (LS).



- (5) LS shall be issued by the Surveyor no later than 1 (one) day after the inspection of goods loading.
- (6) LS shall be used as supporting customs documents for registration of Export Declaration (PEB).
- (7) LS issued by Surveyor can only be used for one time shipment.
- (8) Costs incurred for the Verification or Technical Inquiry of Tin Export by the Surveyor is charged to RE-Tin.
- (9) Upon its Tin Export Verification or Technical Inquiry services, Surveyor charges the RE-Tin for its service fee the amount of which is determined based on the cost-benefit principle.

8. Article 19 paragraph (3) is amended to read as follows:

Article 19



(1) Recognition as RE-Tin shall be suspended if RE-Tin's company and/or the management/director:

a. fails to perform the obligations as referred to in Article 9 and/or Article 10 herein;

b. fails perform the obligation as referred to in Article 16 paragraph (1) as many as 2 (two) times;

c. is being subject to investigation for criminal offenses relating to the misuse of recognition as RE-Tin; and/or

d. fails to perform Tin Export within a period of 6 (six) consecutive months.

(2) Suspended recognition as RE-Tin can be reactivated if the RE-Tin's company and/or management/director:



- a. has fulfilled its obligations as referred to in Article 9 and/or Article 10 within a period of 30 (thirty) days from the date of suspension;
- b. has fulfilled its obligation as referred to in Article 16 paragraph (1) within a period of 30 (thirty) days from the date of suspension;
- c. has obtained investigation discontinuation order from investigator; and/or
- d. is declared not guilty or discharged from all lawsuits under a binding court decision.

(3) Recognition as RE-Tin is revoked if the RE-Tin's company and/or the management/director:

- a. fails to perform the obligations as referred to in Article 9 and/or Article 10 within a period of 30



- (thirty) days from the date of suspension;
- b. is proven to have exported Tin Bar and/or other-shaped Tin which is not traded through the Tin Exchange as referred to in Article 11 paragraph (1);
 - c. fails to perform the obligation as referred to in Article 16 paragraph (1) within a period of 30 (thirty) days from the date of suspension;
 - d. is proven to have submitted incorrect/false information or data at the time of submission of application for recognition as RE-Tin;
 - e. is proven to have submitted incorrect/false information or data about the origin of Tin Ore;



f. is convicted for violations and criminal offenses relating to the misuse of recognition as RE-Tin under a binding court decision; and/or

g. has been subject to suspension of recognition as RE-Tin as many as 2 (two) times and fulfills the reason for re-suspension.

(4) Suspension, reactivation and revocation of recognition as RE-Tin as referred to in paragraph (1), paragraph (2), and paragraph (3) shall be carried out by the Director General.

Article II

This Ministerial Regulation shall come into force on July 1, 2013.

For public cognizance, this Ministerial Regulation shall be promulgated by placing it



in the State Gazette of the Republic of
Indonesia.

Stipulated in Jakarta

on June 28, 2013

**MINISTER OF TRADE OF REPUBLIC OF
INDONESIA,**

signed.

GITA IRAWAN WIRJAWAN

This copy conforms to the original
Secretariat General of Ministry of Trade
Head of Legal Bureau,
[signed and sealed]
LASMININGSIH

Jakarta, May 28, 2018
Translated from Indonesian into English by
Authorized & Sworn Translator

- **FATCHUROZAK** -

