

**MINISTER OF TRADE OF REPUBLIC OF INDONESIA**

REGULATION OF MINISTER OF TRADE OF REPUBLIC OF INDONESIA

NO. 82/2017

CONCERNING

PROVISIONS FOR THE USE OF SEA TRANSPORTATION AND NATIONAL  
INSURANCE FOR THE EXPORT AND IMPORT OF CERTAIN GOODS

BY THE GRACE OF GOD ALMIGHTY

MINISTER OF TRADE OF REPUBLIC OF INDONESIA,

Considering : a. whereas in order to provide transportation and insurance opportunities for exported goods and imported goods to sea freight companies and national insurance companies, it is necessary to set out the provisions for the use of sea transportation and national insurance for the export and import of certain goods;

b. whereas in consideration of letter a, it is necessary to stipulate Regulation of the Minister of Trade concerning Provisions for the Use of Sea Transportation and National Insurance for the Export and Import of Certain Goods;

In view of : 1. Law No. 10/1995 concerning Customs (State Gazette of the Republic of Indonesia No. 75/1995, Supplement to the State Gazette of the Republic of Indonesia No. 3612) as amended by Law No. 17/2006 concerning Amendment to Law No. 10/1995 concerning Customs (State Gazette of the Republic of Indonesia No. 93/2006, Supplement to the State Gazette of the Republic of Indonesia No. 4661);

2. Law No. 17/2008 concerning Shipping (State Gazette of the Republic of Indonesia No. 64/2008, Supplement to the State Gazette of the Republic of Indonesia No. 4849);

3. Law No. 39/2008 concerning State Ministries (State Gazette of the Republic of Indonesia No. 166/2008, Supplement to State Gazette of the Republic of Indonesia No. 4916);

4. Law No. 7/2014 concerning Trade (State Gazette of the Republic of Indonesia No. 45/2014, Supplement to the State Gazette of the Republic of Indonesia No. 5512);

5. Law No. 40/2014 concerning Insurance (State Gazette of the Republic of Indonesia No. 337/2014, Supplement to the State Gazette of the Republic of Indonesia No. 5618);

6. Government Regulation No. 20/2010 concerning Foreign Sea Transportation (State Gazette of the Republic of Indonesia No. 26/2010, Supplement to the State Gazette of the Republic of Indonesia No. 5108);
7. Government Regulation No. 29/2017 concerning Payment of Goods Method and Delivery of Goods Method in Export and Import Activities (State Gazette of the Republic of Indonesia No. 167/2017);
8. Presidential Regulation No. 7/2015 concerning Organization of State Ministries (State Gazette of the Republic of Indonesia No. 8/2015);
9. Presidential Regulation No. 48/2015 concerning the Ministry of Trade (State Gazette of the Republic of Indonesia No. 90/2015);
10. Regulation of the Minister of Trade No. 13/M-DAG/PER/3/2012 concerning General Provisions in the Export Sector (State Gazette of the Republic of Indonesia No. 395/2012);
11. Regulation of the Minister of Trade No. 08/M-DAG/PER/2/2016 concerning the Organization and Administration of the Ministry of Trade

(State Gazette of the Republic of Indonesia  
No. 202/2016);

12.Regulation of the Minister of Trade No. 36/M-  
DAG/PER/5/2016 concerning Procedures for  
Imposing Administrative Sanctions on  
Exporters and Importers (State Gazette of the  
Republic of Indonesia No. 798/2016);

DECIDES:

To stipulate : REGULATION OF MINISTER OF TRADE CONCERNING  
PROVISIONS FOR THE USE OF SEA TRANSPORTATION AND  
NATIONAL INSURANCE FOR THE EXPORT AND IMPORT OF  
CERTAIN GOODS.

#### Article 1

In this Ministerial Regulation:

1. Export means the activity of removing Goods  
from Customs Area.
2. Import means the activity of entering goods  
into the customs area.
3. Sea Transportation means a transportation  
activity which according to its activities  
serves sea transportation activities.
4. Insurance means an agreement between two  
parties, namely the insurance company and the  
policyholder, under which the premium is

received by the insurance company in return for:

- a. providing compensation to the insured or the policyholder for any loss, damage, expense incurred, loss of profits or legal liability to any third parties, which may be suffered by the insured or the policyholder due to an uncertain event; or
  - b. providing payments based on the death of the insured or payments based on the life of the insured with the benefits of which amount has been determined and/or based on the results of the fund management.
5. National Sea Transportation Companies mean marine transportation companies incorporated in Indonesia, which carry out sea transportation activities within the territorial waters of Indonesia and/or from and to ports abroad.
  6. Insurance Companies mean insurance companies, sharia insurance companies, reinsurance companies, sharia reinsurance companies, insurance brokerage companies, reinsurance brokerage companies and loss appraisal companies.
  7. Coal means a precipitate of naturally occurring carbonaceous organic compounds of vegetable

residue with Tariff Headings/HS 27.01, 27.02, 27.03, 27.04, 27.05, 27.06, 27.07 and 27.08.

8. Crude Palm Oil hereinafter referred to as CPO means crude palm oil which is obtained from the extraction of or process of foraging the palm fruit flesh, and has not been purified, with Tariff Headings/HS 1511.10.00.
9. Rice means seeds skinned or unskinned, processed or unprocessed, originating from oryza sativa species with Tariff Heading/HS 10.06.
10. Minister means a minister who performs government affairs in the trade sector.
11. Director General means the Director General of Foreign Trade of the Ministry of Trade.

## Article 2

- (1) Exporters and Importers may use Sea Transportation which is controlled by National Sea Transportation Companies and/or Sea Transportation which is controlled by foreign sea transportation companies to transport Exported goods and Imported goods.
- (2) Exporters and Importers may use Insurance from national Insurance Companies and/or

Insurance from foreign Insurance Companies to insure the Exported goods and Imported goods.

### **Article 3**

- (1) Exporters exporting Coal and/or CPO shall use Sea Transportation which is controlled by the National Sea Transportation Companies for their transportation activities.
- (2) Importers importing Rice shall use Sea Transportation which is controlled by the National Sea Transportation Companies for their transportation activities.
- (3) Importers importing goods for the procurement of government goods shall use Sea Transportation which is controlled by the National Sea Transportation Companies for their transportation activities.

### Article 4

- (1) To insure the Exported goods as referred to in Article 3 paragraph (1), Exporters shall use the Insurance from the national Insurance Companies.
- (2) To insure the Imported goods as referred to in Article 3 paragraph (2) and/or paragraph

(3), Importers shall use the Insurance from the national Insurance Companies.

#### Article 5

(1) In case the availability of Sea Transportation controlled by the National Sea Transportation Companies is still limited or it is not available, the Exporters and Importers as referred to in Article 3 may use Sea Transportation which is controlled by the National Sea Transportation Companies and/or foreign sea transportation companies.

(2) In case the availability of insurance from the national Insurance Companies is still limited or it is not available, the Exporters and Importers as referred to in Article 4 may use Insurance from national Insurance Companies and/or foreign Insurance Companies.

#### Article 6

(1) Exporters exporting Coal and/or CPO shall submit report on the use of Sea Transportation controlled by the National Sea Transportation Companies and/or the use of Sea Transportation controlled by foreign sea transportation companies.



- (2) Importers importing Rice shall submit report on the use of Sea Transportation controlled by the National Sea Transportation Companies and/or the use of Sea Transportation controlled by foreign sea transportation companies.
- (3) Importers importing goods for the procurement of government goods shall submit report on the use of Sea Transportation controlled by the National Sea Transportation Companies and/or use of Sea Transportation controlled by foreign sea transportation companies.

#### Article 7

- (1) Exporters exporting Coal and/or CPO shall submit report on the use of Insurance from the national Insurance Companies and/or Insurance from foreign Insurance Companies.
- (2) Importers importing Rice shall submit report on the use of Insurance from the national Insurance Companies and/or the use of Insurance from foreign Insurance Companies.
- (3) Importers importing goods for the procurement of government goods shall submit

report on the use of Insurance from the national Insurance Companies and/or the use of Insurance from Foreign Insurance Companies.

#### Article 8

- (1) The reports as referred to in Articles 6 and 7 shall be submitted to the Director General no later than the 15<sup>th</sup> day of the subsequent month.
- (2) The reports as referred to in paragraph (1) shall be submitted electronically through *<http://inatrade.kemendag.go.id>*.
- (3) The format of report on the use of Sea Transportation and National Insurance for Coal and/or CPO Exports as referred to in Article 6 paragraph (1) and Article 7 paragraph (1) is as listed in Attachment I, which is an integral part of this Ministerial Regulation.
- (4) The format of report on the use of Sea Transportation and Insurance for the Import of Rice and/or Import for the procurement of government goods as referred to in Article 6 paragraph (2) and paragraph (3), and Article 7 paragraph (2) and paragraph (3) is as listed in

Attachment II, which is an integral part of this Ministerial Regulation.

Article 9

- (1) Exporters violating the provisions of Article 3 paragraph (1) and/or Article 4 paragraph (1) shall be subject to administrative sanctions in the form of license freezing or license revocation.
- (2) Exporters violating the provisions of Article 6 paragraph (1) and/or Article 7 paragraph (1) shall be subject to administrative sanctions in the form of written warnings, license freezing or license revocation.
- (3) Importers violating the provisions of Article 3 paragraph (2), paragraph (3) and/or Article 4 paragraph (2) shall be subject to administrative sanctions in the form of license freezing or license revocation.
- (4) Importers violating the provisions of Article 6 paragraph (2), Article 6 paragraph (3), Article 7 paragraph (2) and/or Article 7 paragraph (3) shall be subject to administrative sanctions in the form of written warning, license freezing or license revocation.

- (5) The imposition of administrative sanctions as referred to in paragraphs (1) through paragraph (4) shall be made in accordance with the provisions of laws and regulations.

#### Article 10

- (1) Supervision over the implementation of use of Sea Transportation controlled by National Sea Transportation Companies and Insurance from national Insurance Companies in Exports and Imports of goods as referred to in Article 3 and Article 4 shall be performed by the Minister, the minister who organizes the governmental affairs in transportation sector and the minister who organizes governmental affairs in financial sector.
- (2) Supervision as referred to in paragraph (1) may be performed individually or jointly.
- (3) Joint supervision as referred to in paragraph (2) shall be coordinated by the Minister.

#### Article 11

The exclusion from this Ministerial Regulation shall be stipulated by the Minister after receiving consideration from the minister/chairman

of the non-ministerial government  
institution/agency head.

Article 12

The technical guidelines for the implementation of  
this Ministerial Regulation may be determined by  
the Director General.

Article 13

This Ministerial Regulation shall come into force  
after 6 (six) months from the date of  
promulgation.

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 26 October 2017

MINISTER OF TRADE OF REPUBLIC OF INDONESIA,

Signed

ENGGARTIASTO LUKITA

Promulgated in Jakarta

On 31 October 2017

DIRECTOR GENERAL

OF LAWS AND REGULATIONS

MINISTER OF LAW AND HUMAN RIGHTS

OF REPUBLIC OF INDONESIA,

Signed

WIDODO EKATJAHJANA

STATE GAZETTE OF REPUBLIC OF INDONESIA NO. 1520/2017

Certified true copy

Secretariat General

of Ministry of Trade

Chairman of Bureau for Legal Affairs,

[signature]

M. SYIST

ATTACHMENT I  
 REGULATION OF MINISTER OF TRADE OF REPUBLIC OF INDONESIA  
 NO. 82/2017  
 CONCERNING  
 PROVISIONS ON THE USE OF SEA TRANSPORTATION AND NATIONAL  
 INSURANCE FOR EXPORT AND IMPORT OF CERTAIN GOODS

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REPORT ON THE USE OF SEA TRANSPORTATION AND INSURANCE FOR  
 THE EXPORT OF COAL AND/OR CPO

PT/CV .....

MONTH .....

No .	Bc 3. 0 Pe b No .	Dat e Of Feb	Tariff Heading/Headings, Description Of Goods Quantity & Type	Unit Quantity & Type, Net Weight	Fob/Cif Value	Name Of Sea Transportation Company	Name And Flag Of Carrier (Ship)	Transport (Voyage) No.	Freight	Name Of Insurance Company (Dn)	Type Of Insurance

MINISTER OF TRADE OF REPUBLIC OF INDONESIA,  
 Signed  
 ENGGARTIASTO LUKITA

Certified true copy  
 Secretary General  
 Ministry of Trade  
 Head of Bureau for Legal Affairs,  
 [seal & signature]  
 M. SYIST

ATTACHMENT II  
REGULATION OF MINISTER OF TRADE OF REPUBLIC OF INDONESIA  
NO. 82/2017  
CONCERNING  
PROVISIONS ON THE USE OF SEA TRANSPORTATION AND NATIONAL  
INSURANCE FOR EXPORT AND IMPORT OF CERTAIN GOODS

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REPORT ON THE USE OF SEA TRANSPORTATION AND INSURANCE FOR  
THE IMPORT OF RICE AND/OR IMPORT FOR THE PROCUREMENT OF GOVERNMENT GOODS  
PT/CV .....  
MONTH .....

No .	Bc 2. 0 Pic No .	Date Of Peb	Tariff Heading/Headings, Description Of Goods Quantity & Type	Unit Quantity & Type, Net Weight	Fob/Cif Value	Name Of Sea Transportation Company	Name And Flag Of Carrier (Ship)	Transport (Voyage) No.	Freight	Name Of Insurance Company (Dn)	Type Of Insurance

MINISTER OF TRADE OF REPUBLIC OF INDONESIA,  
Signed  
ENGGARTIASTO LUKITA

Certified true copy  
Secretary General  
Ministry of Trade  
Head of Bureau for Legal Affairs,  
[seal & signature]  
M. SYIST