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EUCC Meeting

September 2020



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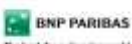


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AGENDA

Updates on MoT Regulation No. 50/2020 on Provisions on Business Licensing, Advertising, Guidance and Supervision of Businesses in Trade through Electronic Systems

MoT Regulation No. 51 of 2020 on Inspection and Supervision of Post Border Trade Procedures

MoT Regulation No. 59 of 2020 on Amendment to Regulation No. 118/M-DAG/PER/12/2015 on Import Provision for Complementary Good, Good for Market Test, and After Sales

MoA Decree No. 136/KPTS/HK.150/M/2/2020 on Type of Pest Carrier Media and Quarantine Animal Disease and Quarantine Plant-Disturbing Organism.

Draft MoI Regulation on BEV

Draft MoI Regulation on BEV Industry Development Using CKD and IKD Scheme

Provisions on Business Licensing, Advertising, Guidance and Supervision of Businesses in Trade through Electronic Systems - MoT Reg. No. 50 of 2020

MoT Reg. No. 50 of 2020

1. will be effective on 19 November 2020
2. Set out guidelines for both domestic and foreign e-commerce business in relation to activities within Indonesia
3. Business players regulated: a) merchants (seller), b) e-commerce organizers (platform provider), and c) intermediary service organizers

Requirements for merchants

- Domestic merchants must secure a trading business license and relevant sectoral business license (application to OSS)
- Domestic merchants must register the number, name and issuing agency of a valid business license issued in the relevant country of origin with any domestic platform provider which provides electronic communications facilities to said foreign merchants. The domestic platform provider is required to store the data

Requirements for Platform Provider

- Domestic platform provider is obligated to:
 1. secure a business license for trade through electronic system
 2. Submit required data to Statistic Indonesia
 3. Provide facilities which inform about and/or connect to OSS
- Foreign platform provider is obligated to:
 1. Appoint representative office
 2. Submit required data to Statistic Indonesia
 3. Provide facilities which inform about and/or connect to OSS

Intermediary Service Organizers

- Must secure Business License for Trade through Electronic System, with an exception of Intermediary Service Organizers which meet the following conditions:
 1. Must not be direct beneficiaries of the e-commerce transactions in questions, or
 2. Must not be directly involved in any contractual relationships between parties to e-commerce activities

Minister of Trade Regulation No. 51 of 2020 on Inspection and Supervision of Post Border Trade Procedures

Background

- Issued on 28 May 2020 and will be effective 90 days after issuance (25 August 2020)
- To enhance effectivity of post border supervision

Main Changes

1. mandatory self-declarations by importers are no longer required. Said self-declarations were previously required to be made by importers in order to affirm the validity of the relevant import requirements and supporting import documents. Under the previous regulation, the MoT was required to validate the conformity of all data contained within these self-declarations made by the Importer.
2. The self-declaration requirement is now replaced by obligation that importers are required to undergo post-border examinations and are also required to disclose any valid data within the relevant Import Notifications (**PIB**). Said valid data comprise the following:
 - a. Import approval,
 - b. Surveyor's report; and
 - c. Amount or volume of imported goods, as set out under the relevant PI.

Mechanism

- The MoT is authorized to carry out examinations and supervisions of certain specific products, including:
 - a. PIB conformity assessment (compare PIB data in the INSW with INATRADE related to PI, LS, and Amounts/Volume)
 - b. Special examination of import documents (is conducted based on conformity assessment, for example in case the required PI or LS is missing).
 - c. Supervision of import regulations (assessment of compliance to MoT Reg. No. 36 of 2018 on Implementation of the Supervision of Trading Activities)

Minister of Trade Regulation No. 59 of 2020 on Amendment to Regulation No. 118/M-DAG/PER/12/2015 on Import Provision on Complementary Good, Good for Market Test, and After Sales (effective since 29 June 2020)

Provisions

- ❖ To obtain an Import Approval, the NIB holders company who apply as API-P and industrial business licenses must apply application electronically to the MoT through the INATRADE system integrated with:
 - SIINAS system, to get consideration from the ministry of industry; and / or
 - the E-BPOM system, to get consideration from BPOM, by attaching the scanned original documents proof of Special Relationship with the company at abroad, for Complementary Goods.
 - Submission of application can only be made after acquiring access rights.
- ❖ The MoT issues an Import Approval using an Electronic Signature (Digital Signature) which does not require a stamp and a wet signature and included signature QR code (Quick Response) no later than 5 working days (if application is received completely and correctly).
- ❖ If the application is not accepted by the system INATRADE and / or application is incomplete, an electronic rejection will be made no later than 5 (five) working days.
- ❖ The validity period of the Import Approval is determined by MoI or BPOM
- ❖ Companies that have obtained Import Approval are obliged to submit a monthly import realization reports electronically, supplemented by a scan of the company's tax invoice
- ❖ The report shall be submitted electronically via INATRADE with a copy to the relevant technical agencies.
- ❖ Non compliance is subject to sanctions in accordance with statutory provisions and must be withdrawn from circulation and destroyed by importers.
- ❖ This regulation adds an appendix that listed the sectors and subsectors that can import complementary goods, goods for market test, and after sales

**Minister of Agriculture Decree No. 136/KPTS/HK.150/M/02/2020 -
Type of Pest Carrier Media and Quarantine Animal Disease and
Quarantine Plant-Disturbing Organism**

MoA Decree No. 136/KPTS/HK.105/M/02/2020

1. This Decree was released on 17 February 2020
2. Implementing regulation from Law No. 21/2019 on Animal, Fish, and Plant Quarantine
3. Type of carrier media is aligned with the Indonesian Custom Tariff Book:
 - a. Quarantine animal pest and disease
 - b. Quarantine plant disturbing organism
4. Quarantine measures are taken to type of carrier media that:
 - a. Imported to Indonesia
 - b. Exported from Indonesia
 - c. Inserted and released from one area to other area within Indonesia
5. List of carrier media is available in the appendix of the regulation

Matrix of Provisions

Details	Law 16/1992	Law 21/2019
Type HPHK and OPTK	MoA 31/2018 on Types of OPTK	MoA 31/2018 on Types of OPTK
Type of Carrier Media	Not regulated (using MoA 31/2018 on Types of OPTK)	Regulated by Kepmentan 136/2020
Carrier Media subject to quarantine	<p>Import: in accordance with the MoA 12/2015 on quarantines</p> <p>Export: if the destination country requires</p>	<p>all types of HPHK and OPTK carrier media in Kepmentan 136/2020 are subject to quarantine measures for Import, Export and inter area.</p> <p>Export > required destination country/not Inter area > there is target/not Import > addition of types of commodities is subject to quarantine</p>
	<p>Inter area: from non-free areas to OPTK-free areas (there are OPTK targets)</p>	

Example of Carrier Media

Types of Carrier Media	Previous provisions (Law 16/1992)	New provisions (Law 21/2019)
Oil (olive, soy, palm, sunflower, coconut ...) HS Code 15 ...	Not subject to quarantine	Subject to quarantine
Sugar cane (including glukosa, fruktosa), <i>Tetes tebu</i> HS Code 17 ...		
Cacao paste, HS Code 18 ...		
Pasta, cooked or filled (with meat or others) ... HS Code 19 ...		
Instant coffee, baking powder, soy sauce HS Code 21 ...		
Etc. on Kepmentan 136/2020		



KEMENTERIAN PERTANIAN
BALAI BESAR KARANTINA PERTANIAN SURABAYA
 Jl. Raya Bandara Il. H. Juanda Sidoarjo (81313)
 TELEPON / FAKS/LE : (031) 8123971 / (031) 8123988
 Website : http://karantina.pertanian.go.id
 E-mail : info@karantina.pertanian.go.id

Nomor : J/11/170/2020/A/07/0202
 Balai : Pening
 Lampiran :
 Hal : Elemen

PK
 Penerima Jasa Karantina Pertanian
 Di Tempat

Mendukung Surat Elemen Kepala Balai Karantina Pertanian no. 7.763 HK.100/KO/0200 tgl. 18 Juni 2020 dan Surat Sekretaris Balai Karantina Pertanian no. 5403/TU.020K.107/0200 tgl. 1 Juli 2020, mengenai adanya Surat Elemen Kepala Balai Besar Karantina Pertanian Surabaya no. 2.114/TU.020K.A/96/0200 tgl. 30 Mei 2020 dengan isi disimpulkan hal-hal sebagai berikut:

1. Bahwa ketentuan dalam Pasal 27 Undang-Undang no.31 tahun 2019 tentang Karantina Hewan, Ikan dan Tumbuhan harus ditindaklanjuti dengan Peraturan Perundang-undangan.
2. Untuk Jenis Media Pembawa Hama Penyakit Hewan Karantina (HPHK) dan Media Pembawa Organisme Pengganggu Tumbuhan Karantina (OPTK) saat ini masih mengacu pada Keputusan Menteri Pertanian no. 323/Kpts/PO.830 /02000 tentang Penggolongan Jenis-jenis HPHK, Penggolongan dan Kualifikasi Media Pembawa serta Peraturan Menteri Pertanian no. 31/Permentan/OT.010/2018 tentang Perubahan kedua atas Peraturan Menteri Pertanian no. 60/Permentan/OT.143/12/2011 tentang Jenis OPTK.
3. Pelaksanaan Tindakan Karantina mengenai pada:
 - a. Karantina Hewan berdasarkan ketentuan PP no. 52 tahun 2020 tentang Karantina Hewan dan Keputusan Menteri Pertanian no. 3026/Kpts/PO.030 /02000 tentang Penggolongan Jenis-jenis HPHK, Penggolongan dan Kualifikasi.
 - b. Karantina Tumbuhan berdasarkan ketentuan PP no. 14 tahun 2002 tentang Karantina Tumbuhan dan Peraturan Menteri Pertanian no. 31/Permentan/OT.143/12/2011 tentang Jenis OPTK.

dan 010/2018 tentang Perubahan kedua atas Peraturan Menteri Pertanian no. 31/Permentan/OT.143/12/2011 tentang Jenis OPTK

4. Keputusan Menteri Pertanian no. 1206/Kpts/PO.100/MN/01000 tentang Jenis Media Pembawa (MP) Hama dan Penyakit Hewan Karantina (HPHK) dan Keputusan Penggolongan Tumbuhan Karantina (OPTK) dibuatkan untuk mengakomodasi dalam rangka mengontrol seluruh nilai barang komoditas pertanian beserta turunannya yang datang dari luar dan keluar Balai Karantina Pertanian serta Badan Pusat Statistik (BPS) dengan menggunakan sistem code 010 Codes yang disesuaikan pada BTKI (Batas Wilayah Kepabeanan Indonesia). Demikian disimpulkan, untuk dipatuhi/dipertahankan.



Kepala Balai Karantina Pertanian di Jember
 Dr. H. Mulyadi, S.Pd., S.H., M.Si.,
 Mak. 19011231 199003 1 Ops

- Terdahulu:
1. Kepala Balai Karantina Pertanian di Jember
 2. Penerima

Notes:

Quarantine Implementation is based on:

- Government Regulation (GR) No. 82/2000 on Animal Quarantine and Minister of Agriculture (MoA) Decree No. 3238/2009 on Types of Quarantine Animal Diseases, Classification of Carrier Media
- GR No. 14/2002 on Plant Quarantine and MoA Regulation No. 31/2018 on Types of Quarantine Plant Disturbing Organism (OPTK)
- MoA Decree No. 136/2020 is used as guidelines for Customs and Excise as well as BPS to calculate the value of the commodity products and its derivatives – in accordance with HS Code and BTKI



MENTERI PERINDUSTRIAN REPUBLIK INDONESIA

Nomor Lampiran : B/537/M-IND/IND/VII/2020 Jakarta, 20 Juli 2020

Sifat : Penting & Segera
Hal : Penyempaian Tanggapan Terkait Kebijakan Karantina Dalam Keppeman No. 136 Tahun 2020

Yth. Menteri Pertanian
Kementerian Pertanian RI
di- Tempat.

Sehubungan dengan telah diterbitkannya Keputusan Menteri Pertanian Nomor 136/KP/TS/SHK/150/M/02/2020 tentang Jenis Media Pembawa Hama dan Penyakit Hewan Karantina dan Organisme Pengganggu Tumbuhan Karantina (Keppeman 136/2020) pada tanggal 17 Februari 2020 dengan ini dapat kami sampaikan beberapa hal sebagai berikut:

- 1. Untuk mendapatkan penjelasan terkait kebijakan karantina sebagaimana diatur dalam Keppeman 136/2020 dan Surat Edaran Kepala Badan Karantina Pertanian kepada Kepala Balai Besar/Balai/Stasiun Karantina Pertanian No. 7783/SHK/150/K/06/2020, Kemenerin telah berkoordinasi dengan Kementan c.q. Pusat Kepatuhan, Kerjasama, dan Informasi Perkarantinaan, Badan Karantina Pertanian dalam rapat yang telah diselenggarakan melalui Zoom video conference pada tanggal 2 Juli 2020.
2. Dari hasil rapat koordinasi tersebut, didapatkan informasi bahwa:
a. Keppeman 136/2020 diterbitkan untuk kepentingan pencatatan data perdagangan komoditas pertanian dalam rangka pencapaian Gerakan Tiga Kali Ekspor Pertanian (Gratieks), dan
b. Jenis media pembawa yang dilakukan tindakan karantina masih mengacu pada Keppeman 3238/2009 serta Permentan 31/2018. Sehingga terhadap media pembawa lainnya dalam Keppeman 136/2020 yang tidak tercantum dalam Keppeman 3238/2009 dan Permentan 31/2018 tidak dilakukan tindakan karantina, melainkan hanya tindakan pencatatan oleh Unit Pelaksanaan Teknis Karantina Pertanian untuk mengetahui capaian target Gratieks terhadap produk pertanian serta produk hlr olahan hasil pertanian.
3. Sampai saat ini, terdapat 6 (enam) Asosiasi yang telah menyampaikan masukan/tanggapan secara formal melalui surat kepada Menteri Perindustrian, Menteri Koordinator Bidang Perekonomian, atau Menteri Pertanian yang ditembuskan pada Menteri Perindustrian terkait diberlakukannya Keppeman 136/2020 (Gabungan Pengusaha Makanan dan Minuman Seluruh Indonesia-GAPMMI, Asosiasi Pulp dan Kertas Indonesia-APKI, Gabungan Perusahaan Ekspor Indonesia-GPEI, Gabungan Eksportir Kopi Indonesia-GAEKI, Asosiasi Eksportir dan Industri Kopi Indonesia-AEKI, serta Asosiasi Industri Rumpuk Laut Indonesia-ASTRULI). Dalam suratnya, keenam Asosiasi menyampaikan kekhawatiran terhadap potensi permasalahan dengan diterbitkannya Keppeman 136/2020.

- 4. Untuk menghindari multitafsir, jika Keppeman 136/2020 diterbitkan untuk kepentingan pencatatan data perdagangan komoditas pertanian dalam rangka pencapaian Gratieks, maka seharusnya hal tersebut tertulis dalam klausul 'Menimbang'.
5. Pada prinsipnya Kemenerin mendukung kebijakan karantina dalam rangka pencegahan hama penyakit dan organisme pengganggu masuk dan tersebar di dalam wilayah Negara Kesatuan Republik Indonesia (NKRI). Namun demikian, kebijakan tersebut sebaiknya:
a. tidak diterapkan untuk produk-produk hlr olahan hasil pertanian mengingat produk tersebut sudah melalui berbagai proses produksi dan sertifikasi/pengujian sehingga sudah tidak berpotensi menjadi media hama penyakit dan organisme pengganggu;
b. tidak diterapkan terhadap produk yang dikeluarkan dari NKRI dalam hal negara tujuan ekspor tidak mempersyaratkan hal tersebut mengingat waktu karantina yang diperlukan beragam dan umumnya cukup lama sehingga dapat menghambat ekspor (tidak sejalan dengan upaya Pemerintah dalam mengurangi defisit neraca perdagangan melalui kegiatan peningkatan ekspor); dan
c. tidak diterapkan terhadap produk yang dimasukkan/dikeluarkan dari suatu area ke area lain di dalam NKRI (memberatkan pelaku usaha industri dan menyebabkan ekonomi biaya tinggi).
6. Terhadap pencatatan data perdagangan untuk produk hlr olahan hasil pertanian sebagaimana tercantum pada Lampiran Keppeman 136/2020 (yang dalam hal mengacu pada Keppeman No. 104 tahun 2020 tentang Komoditas Binaan Kementerian Pertanian), akan terjadi duplikasi pencatatan yang dilakukan oleh Kementan dan Kemenerin. Data perdagangan serta data produksi industri pengolahan saat ini sudah dicatat oleh Ditjen Bea dan Cukai dan Kemenerin baik melalui sistem Indonesia National Single Window (INSW) maupun SIIHNAS. Untuk menghindari duplikasi, proses pencatatan data perdagangan yang dilakukan oleh Kementan seharusnya terbatas pada lingkup produk hulu pertanian saja, sedangkan pencatatan produk hlr olahan hasil pertanian cukup dilakukan oleh Kemenerin sebagai Kementerian teknis pembina sektor industri. Dalam hal Kementan membutuhkan data-data terkait industri pengolahan, dapat berkoordinasi lebih lanjut dengan Pusdatin Kemenerin.
7. Dalam upaya meningkatkan kelancaran arus barang produk industri serta dalam rangka menjamin kepastian berusaha bagi para pelaku usaha, mohon bantuan Saudara untuk dapat mempertimbangkan tanggapan kami, khususnya terkait tindakan karantina terhadap produk sebagaimana diatur dalam Keppeman 136/2020 dimaksud.

Demikian, atas perhatian dan kerjasama Saudara disampaikan terima kasih.



Notes:
Minister of Industry sent response to Minister of Agriculture:

- To avoid multiple interpretation, if it is wisely to write " the Decree is issued for the purpose of recording agricultural commodity trade data in the context of achieving Gratieks (three-time export movement)," in the Considering Clause
- MoI hopes that the policy from MoA will:
a. Not applied to downstream processed agricultural products considering that these products have gone through the production process and certification / testing so that they do not have the potential to become a medium for pests and diseases
b. Not applied to products issued from the Republic of Indonesia in the event that the destination country does not require this
c. Not applied to products imported / excluded from one area to another within the Republic of Indonesia (burdens business actors and causes high cost economy)

Draft Minister of Industry Regulation on BEV (as per July 21)

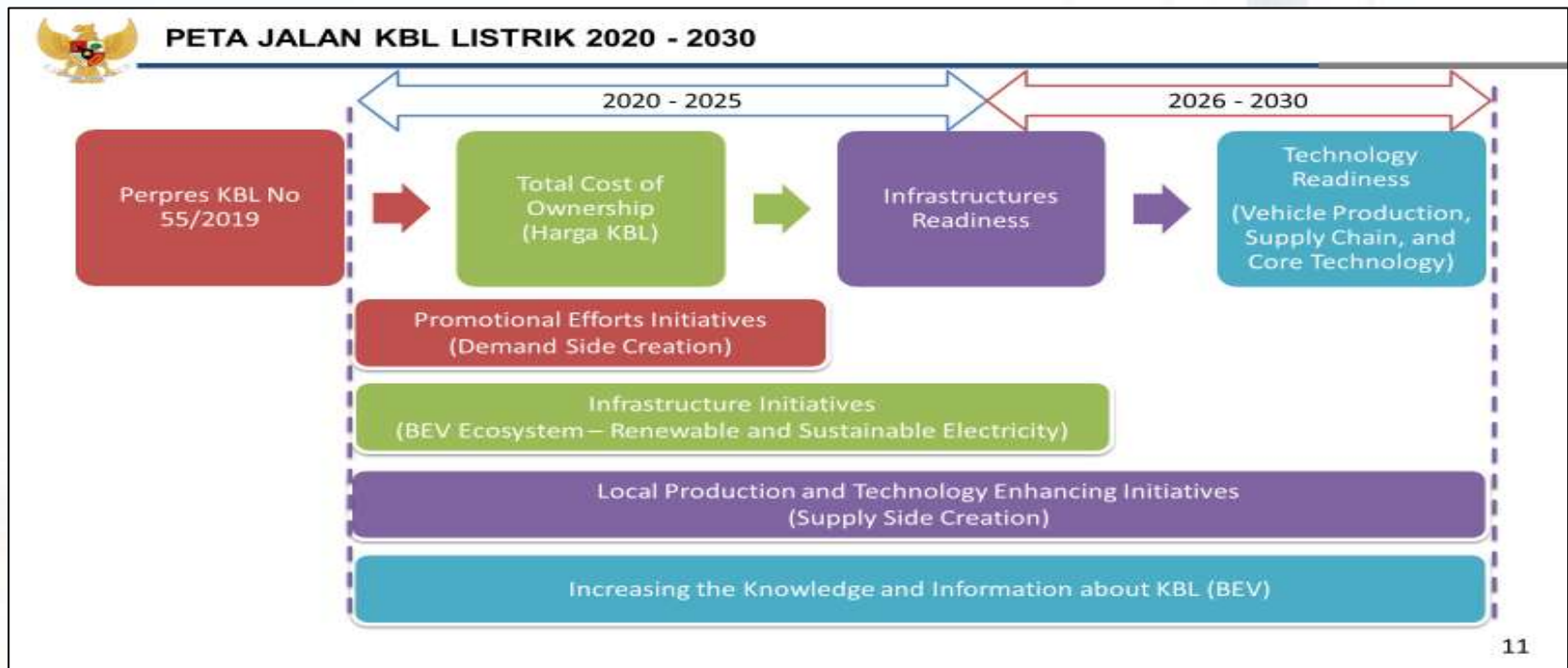
Stipulation

1. BEV industry cover: 2,3,4 or more wheels
2. Specification of BEV should fulfill technical requirements and road worthiness, and can be indicated by at least: power rate of the electric motor, battery capacity, and electricity charge
3. Roadmap (for 10 years – in appendix I) for BEV is stipulated by the Minister of Industry and serves as a guidelines for the government, industry, and education or research institutions
4. BEV industry should prioritize usage of domestic production
5. Local content calculation for BEV with 2 or 3 wheels: 40% until 2023, 60% for 2024-2025, and 80% for 2026 onward
6. Local content calculation for BEV with 4 or more wheels: 35% until 2021, 40% for 2022-2023, 60% for 2024-2029, and 80% for 2030 onward
7. Local content calculation weighing for 2, 3, 4 or more wheels : manufacturing aspect for main component (65%), supporting components (15%), aspect of design development and engineering R&D (10%), and assembling (10%) → available in appendix II

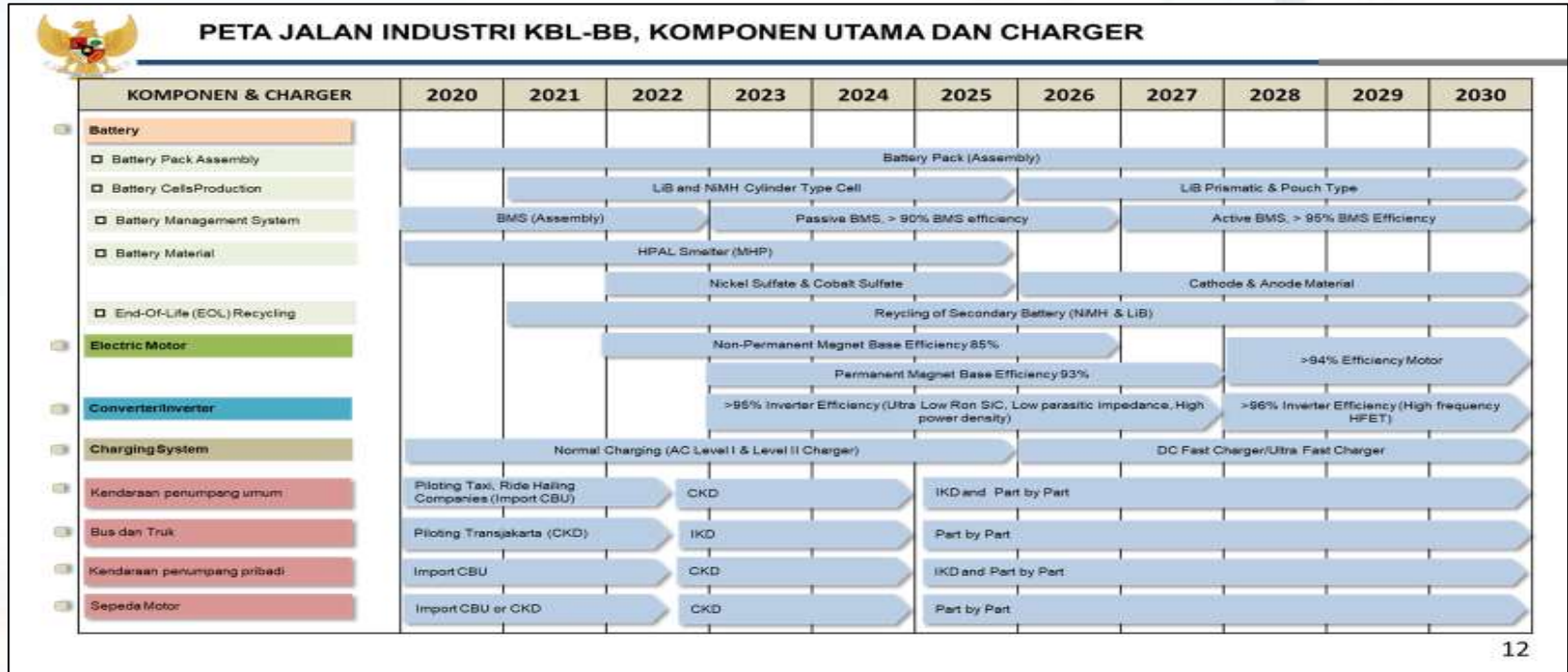
Application Procedures

1. Based on application from the BEV industry company, the ministry conduct the calculation and verification to the local content and issued a certificate of BEV local content.
2. This would requires:
 - a. Industrial business license
 - b. NIK
 - c. Structure and profile of the industrial company
 - d. Self calculation of local content
 - e. Picture of product or components with explanation of functions
 - f. Picture of working tools/facilities in the production process
 - g. Long-term plan related to fulfilment of local content
3. BEV industrial company submitted the approval letter acquired from the Ministry to an independent verification agency to be calculated its local content
4. Based on the verification result the Chair of Center for Enhancement of Domestic Product Usage will issue a certificate of BEV local content

BEV Roadmap 2020 – 2030



Roadmap of main component and charger industry



Draft Minister of Industry Regulation on BEV Industry Development Using CKD and IKD Scheme (as per July 21)

Development of BEV Industry

1. Cover 4, 3, and 2 wheels BEV. These industries conduct a domestic manufacturing process:
 - a) conduct their own facilities
 - b) handover part of manufacturing process to 3rd party
2. BEV Industry Company is required to have: industrial production license, stipulation of company's code, and registration of mark or agreement to produce
3. Required to comply to SNI for NIK (placement of NIK and usage of 17 characters)

Component Industry

1. Required to have industrial business license, use an adequate equipment
2. Raw material: from CKD import, IKD import, or BEV components

BEV with 4 or more wheels

1. Main component of BEV and/or part of other fittings, are required to undergo a manufacturing process in a form: body printing, welding, painting, manufacturing or assembling of cabin, chassis, electric motor, axle, battery, assembling of BEV, or testing and quality control .
2. Main component of BEV consists of body, cabin, or chassis, electric motor including inverter, battery, axle, and power control unit
3. need to have right handed steering if used in Indonesia

CKD BEV

1. Must at least consists of 5 main components
2. BEV industry of 4 wheels or more conduct a domestic manufacturing process on CKD BEV (assembling of battery, testing and quality control)
3. Importation must fulfill minimum completeness (Appendix I)
4. CKD BEV can be imported from several countries

Draft Minister of Industry Regulation on BEV Industry Development Using CKD and IKD Scheme (as per July 21)

IKD BEV

1. Manufacturing process of IKD BEV should at least consist of 2 out of 10 manufacturing processes
2. IKD BEV should also meet maximum completeness (Appendix I): at least 2 type of description of goods, and are not part of components that are excluded from IKD BEV
3. IKD BEV can be imported from several countries

Exempted Components from IKD BEV

1. BEV industry company of 4 wheels or more can procure component of IKD BEV that are exempted by:
 - a. Production by themselves
 - b. Sub-contract with other party in Indonesia
 - c. Use local BEV components
 - d. Import (conducted based on post of tariffs based on Import Approval from the DG)

2 and 3 wheels BEV

1. Manufacturing process in a form of: manufacturing of chassis, motor mover, transmission, painting, assembling of battery, testing and quality control
2. Manufacturing process is conducted to main components of BEV, or other parts
3. Main components include: body/frame, electric motor, controller, transmission, battery, wheel and brake systems
4. CKD BEV and BEV components can be imported

CKD BEV

1. 2 or 3 wheels BEV should cover a number of main components (has not been decided)
2. 4 wheels or more BEV conduct domestic manufacturing to CKD BEV (body welding, painting, assembling, testing and quality control)
3. Importation of CKD BEV should meet minimum completeness (appendix I)
4. Importation of CKD BEV for 2 or 3 wheel should be within one customs notification

Importation CKD or IKD and Non IKD BEV

1. Conducted through: a stipulation letter or an approval letter
2. Application for an approval letter to the DG: require industrial business license, stipulation letter of company's code, NIB, and mark registration or agreement
3. Application for an approval letter to the DG: require list of production equipment, import plan for IKD / CKD BEV for 1 year, production and import realization of CKD/IKD BEV, sub-contract agreement that has been legalized by a notary (in case)

Upcoming activities

No.	Activities	Date
1.	Socialization of Bank Indonesia Regulation No. 21/14/PBI/2019 on Export Proceeds and Import Payments	10 Sept 2020
2.	Automotive Webinar on Mandatory B40	22 Sept 2020
3.	Energy Working Group	24 Sept 2020
4.	Chemical Webinar on Supply of Raw Materials: Impact of Covid and Unforeseen Changes in the Future Landscape of Supply Chain	TBC
5.	Webinar on National Logistics Ecosystem	TBC
6.	Sustainable Development Webinar	TBC






THANK YOU



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