

REGULATION OF THE MINISTER OF TRADE
No. 35/M-DAG/PER/8/2009

CONCERNING
THE SECOND AMENDMENT TO REGULATION OF THE
MINISTER OF TRADE NO. 12/M-DAG/PER/4/2008
CONCERNING PROVISIONS ON THE IMPORT AND
EXPORT OF RICE

BY GRACE OF THE ALMIGHTY GOD,
THE MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA,

Considering:

- a. that in view of the current conducive national rice condition, it is potential to export national rice by observing food security;
- b. that rice export policy needs to support the export of rice belonging to certain kinds, the increase in income and welfare of rice farmers as well as create national economic stability;
- c. that based on the considerations as described in a and b, it is necessary to stipulate a regulation of the Minister of Trade;

In view of:

1. Trade Ordinance of 1934 (Statute Book No. 86/1938) as already amended and supplemented;
2. Law No. 16/1992 concerning Animal, Fish and Plant Quarantine (Statute Book of the Republic of Indonesia No. 56/1992, Supplement to Statute Book of the Republic of Indonesia No. 3482);
3. Law of the Republic of Indonesia No. 7/1994 concerning Ratification of Agreement Establishing the World Trade Organization (Statute Book of the Republic of Indonesia No. 57/1994, Supplement to Statute Book of the Republic of Indonesia No. 3564);
4. Law of the Republic of Indonesia No. 10/1995 concerning Customs (Statute Book of the Republic of Indonesia No. 75/1995, Supplement to Statute Book of the Republic of Indonesia No. 3612) that is amended by Law No. 17/2006 (Statute Book of the Republic of Indonesia No. 93/2006, Supplement to Statute Book of the Republic of Indonesia No. 4661);
5. Law of the Republic of Indonesia No. 7/1996 concerning Food (Statute Book of the Republic of Indonesia No. 99/1996, Supplement to Statute Book of the Republic of Indonesia No. 3656);
6. Government Regulation No. 14/2002 concerning Plant Quarantine (Statute Book of the Republic of Indonesia No. 35/2002, Supplement to Statute Book of the Republic of Indonesia No. 4196);

7. Government Regulation No. 68/2002 concerning Food Security (Statute Book of the Republic of Indonesia No. 142/2003, Supplement to Statute Book of the Republic of Indonesia No. 4254);
8. Presidential Decision No. 260/1967 concerning Affirmation of Tasks and Responsibility of the Minister of Trade in the Foreign Trade Sector;
9. Presidential Decision No. 187/M/2005 concerning the Establishment of Work Together Indonesia Cabinet that is amended several times and the latest by Presidential Decision No. 171/M/2005;
10. Presidential Regulation No. 9/2005 concerning Status, Tasks, Functions, Organizational Structures and Working Arrangements of State Ministries of the Republic of Indonesia that is amended several times and the latest by Presidential Regulation No. 20/2008;
11. Presidential Regulation No. 10/2005 concerning First-echelon Organizational Units and Tasks of State Ministries of the Republic of Indonesia that is amended several times and the latest by Presidential Regulation No. 50/2008;
12. Decision of the Minister of Industry and Trade No. 558/MPP/Kep/12/1998 concerning General Provision in Export that is amended the latest by Regulation of the Minister of Trade No. 01/M-DAG/PER/1/2007;
13. Regulation of the Minister of Trade No. 01/M-DAG/PER/3/2005 concerning the Organization and Working Arrangement of the Ministry of Trade that is amended several times and the latest by Regulation of the Minister of Trade No. 24/M-DAG/PER/6/2009;
14. Regulation of the Minister of Trade No. 12/M-DAG/PER/4/2008 concerning Provisions on the Import and Export of Rice that is amended by Regulation of the Minister of Trade 13/M-DAG/PER/3/2009;

Observing:

Letter of the Minister of Agriculture to the Minister of Trade No. 155/PP.310/M/7/2009 dated July 16, 2009 concerning the Export of Rice Belonging to Certain Kinds;

HAS DECIDED:

To stipulate:

THE REGULATION OF THE MINISTER OF TRADE CONCERNING THE SECOND AMENDMENT TO REGULATION OF THE MINISTER OF TRADE No. 12/M-DAG/PER/4/2008 CONCERNING PROVISIONS ON THE IMPORT AND EXPORT OF RICE

Article I

Several provisions in Regulation of the Minister of Trade No. 12/M-DAG/PER/4/2008 concerning Provisions on the Import and Export of Rice that is amended by Regulation of the Minister of Trade 13/M-DAG/PER/3/2009 shall be amended as follows:

1. The provision in Chapter V Article 10 is amended so as to read as follows:

*"CHAPTER V
EXPORT OF RICE*

Article 10

- (1) The export of rice belonging to certain kinds as contained in Attachment III to this regulation may only be done if domestic rice stocks have exceeded the need.*
- (2) The export of rice as described in paragraph (1) in the case of rice having shell or specific un-husked rice for the need of seeds with Tariff Post/HS 1006.10.00.00, Non-Thai Hom Mali fragrant rice with Tariff Post/HS 1006.30.19.00, and rice of other kinds with Tariff Post/HS 1006.30.90.00, which are not produced through organic agriculture system:*
 - a. with the maximum broken rate 5% may be done by State-owned Enterprises, Regional Administration owned Enterprises or Private Companies;*
 - b. with the broken rate exceeding 5% up to 25% may only be done by BULOG Corporation.*
- (3) Every company may export the rice as described in paragraph (1) throughout year for:*
 - a. glutinous rice with Tariff Post/HS 1006.30.30.00; and*
 - b. rice produced through organic agriculture system Tariff Post/HS 1006.30.90.00 and HS 1006.30.19.00 with the broken rate ranging from 0% to 25%.*
- (4) The export of rice belonging to:*
 - a. the kind of rice as described in paragraph (2) a and paragraph (3) may only be done after securing export approval from the Minister or the appointed official by regarding recommendation from the Minister of Agriculture or the appointed official;*
 - b. the kind of rice as described in paragraph (2) b may only be done after securing export approval from the Minister by regarding recommendation from the Coordinating Team.*
- (5) The companies as described in paragraph (2) and paragraph (3) planning to secure the approval to export of rice as described in paragraph (4) shall submit a written application to the Minister through the Director General by enclosing:*
 - a. Trading Business License (SIUP);*
 - b. Corporate Registry Number (TOP);*
 - c. Organic Certificate obtained from domestic or overseas organic certification institutes already accredited by the Accreditation Board or Competent Authorities in the country or abroad, in the case of the export of rice as described in paragraph (3) b;*
 - d. Recommendation from the Minister of Agriculture or the appointed official, in the case of the export of rice as described in paragraph (2) a and paragraph (3);*

- e. Recommendation from the Coordinating Team, in the case of the export of rice as described in paragraph (2) b; and*
- f. Confirmation Order from prospective buyer abroad.*

- (6) Based on the application as described in paragraph (5), in the case of the rice as described in paragraph (2) a, the Minister or Director General on behalf of the Minister shall issue export approval per shipment.*
- (7) Based on the application as described in paragraph (5), in the case of the rice as described in paragraph (2) b, the Minister shall issue export approval effective for 3 (three) months.*
- (8) Based on the application as described in paragraph (5), in the case of the rice as described in paragraph (3) a and b, the Minister or Director General on behalf of the Minister shall issue export approval effective for 6 (six) months.*
- (9) The approval or rejection of the export application as described in paragraph (5) shall be issued in not later than 5 (five) working days as from the date of receipt of application completely.*
- (10) The exported rice as described in paragraph (2) and paragraph (3) shall be packed in a package by mentioning identity of company, produced in Indonesia, Prime Quality/Level of Broken."*

2. The provision of Article 15 is amended so as to read as follows:

"Article 15

- (1) The companies as described in Article 4 paragraph (3), Article 10 paragraph (2) a and b, as well as Article 10 paragraph (3) already securing import or export approval of rice shall be obliged to convey report on the realization of the import and export of rice, whether realized or not, in writing to the Minister with a copy made available to:
 - a. the Coordinating Minister for Economics Affairs; and*
 - b. the Minister of Agriculture.**
- (2) The report as described in paragraph (1) shall be conveyed every month on the 15th of the ensuing month."*

3. Attachment III to Regulation of the Minister of Trade No. 12/M-DAG/PER/4/2008 concerning Provisions on the Import and Export of Rice that is amended by Regulation of the Minister of Trade 13/M-DAG/PER/3/2009 shall be amended so as to become as contained in the attachment that is integral part of this regulation.

Article II

This regulation shall come into force as from the date of stipulation.

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 August 11, 2009
THE MINISTER OF TRADE,
signed
MARI ELKA PANGESTU
