



THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

**REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA NUMBER 40 OF 2020**

CONCERNING

**PROVISIONS ON THE USE OF NATIONAL SEA TRANSPORT AND
NATIONAL INSURANCE FOR CERTAIN EXPORT AND IMPORT OF
GOODS**

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

- Considering
- a that for the implementation of export and import of goods, in order to provide the certainty of business and to provide the sea transportation business opportunities to national sea transportation companies, as well as insurance business opportunities to national insurance companies, it is necessary to re-regulate the use of national sea transportation and national insurance for the export and import of certain goods;
 - b That the provisions on the use of sea transportation and national insurance for the export and import of certain goods as stipulated in the Regulation of the Minister of Trade No. 82 of 2017 concerning Provisions for the Use of Sea Transportation and National Insurance for the Export and Import of Certain Goods as amended several times, most recently by the Regulation of Trade Meriteri No. 80 of 2018 concerning the Second Amendment to the Regulation of the Minister of Trade No. 82

of 2017 concerning Provisions for the Use of Sea Transportation and National Insurance for the Export and Import of Certain Goods that are not in accordance with the development and legal needs of the community so that they need to be replaced;
c That based on considerations as referred to in letter a and letter b, it is necessary to stipulate the Regulation of the Minister of Trade concerning Provisions for the Use of National Sea Transportation and National Insurance for the Export and Import of the Certain Goods;

- Remembering :
- 1 Article 17 paragraph (3) of the 1945 Constitution of the Republic of Indonesia;
 - 2 Law Number 7 of 1994 concerning Ratification of the Agreement on 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)
 - 3 Law Number 10 of 1995 concerning the Customs (Statute Book of the Republic of Indonesia Number 75 of 1995, Supplement to Statute Book of the Republic of Indonesia Number 3612) as amended by Law Number 17 of 2006 concerning Amendment to Law Number 10 of 1995 concerning Customs (State Gazette of the Republic of Indonesia Year 2006 Number 93, Supplement to the State Gazette of the Republic of Indonesia Number 4661);
 - 4 Law Number 17 of 2008 concerning the Shipping (State Gazette of the Republic of Indonesia Number 64 of 2008, Supplement to the State Gazette of the Republic of Indonesia Number 4849);
 - 5 Law Number 39 of 2008 concerning the State Ministries (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 49 16);
 - 6 Law Number 7 of 2014 concerning the Trade

- (State Gazette of the Republic of Indonesia of 2014 Number 45, Supplement to the State Gazette of the Republic of Indonesia Number US12);
- 7 Law Number 40 of 2014 concerning the Insurance (State Gazette of the Republic of Indonesia of 2014 Number 337, Supplement to the State Gazette of the Republic of Indonesia Number 5618);
- 8 Government Regulation Number 10 of 2010 concerning the Transportation in Water (State Gazette of the Republic of Indonesia of 2010 Number 26, Supplement to State Gazette of the Republic of Indonesia Number 5108] as amended by Government Regulation Number 22 of 2011 concerning the Amendment to Government Regulation Number 20 of 2010 concerning the Water Transportation (State Gazette of the Republic of Indonesia 2011 Number 43, Supplement to State Gazette of the Republic of Indonesia Number 5208);
- 9 Government Regulation Number 29 of 2017 concerning the Payment Methods for Goods and Delivery of Goods in Export and Import Activities (State Gazette of the Republic of Indonesia of 2017 Number 167, Supplement to State Gazette of the Republic of Indonesia Number 6102);
- 10 Presidential Regulation Number 48 of 2015 concerning the Ministry of Trade (State Gazette of the Republic of Indonesia of 2015 Number 90);
- 11 Presidential Regulation Number 68 of 2019 concerning the Organization of State Ministry (State Gazette of the Republic of Indonesia of 2019 Number 203);
- 12 Regulation of the Minister of Trade Number 13/M-DAG/PER/3/2012 concerning the General Provisions in the Field of Export (State Gazette of the Republic of Indonesia Number 395 in 2012);

- 13 Regulation of the Minister of Trade Number 48/M-DAG/PER/7/2015 concerning the General Provisions in Import (State Gazette of the Republic of Indonesia of 2015 Number 1006);
- 14 Regulation of the Minister of Trade No. 08/M-DAG/PER/2/2016 concerning the Organization and Work Procedure of the Ministry of Trade (State Gazette of the Republic of Indonesia of 2016 Number 202);
- 15 Regulation of the Minister of Trade Number 36/M-DAG/PER/5/2016 concerning the Procedures for Imposing the Administrative Sanctions for Exporters and Importers (State Gazette of the Republic of Indonesia of 2016 Number 798);

DECIDED:

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

Article 1

In this Ministerial Regulation what is meant by:

- 1 Export is the activity of removing goods from customs areas.
- 2 Exporter is an individual or institution or business entity, whether in the form of a legal entity or not a legal entity, conducting export.
- 3 Import is the activity of entering goods into a customs area.
- 4 Importers are individuals or institutions or business entities, temples in the form of legal or non-legal entities, which import.
- 5 National Sea Transportation is a sea transportation owned or leased by a national sea transportation company in the form of bare boats, time charters, voyage charters, contracts of affreightment or other contract boat rentals.

- 6 National Insurance is a product insurance of goods (marine cargo insurance) issued by national insurance companies or export financing institutions formed by the government to provide compensation for loss / damage / loss of goods to risks that may occur during sea transportation.
- 7 National Sea Transportation Company is an Indonesian legal entity sea transportation company that carries out the Sea Transportation activities within Indonesian territorial waters and/or from and to ports overseas.
- 8 National Insurance Company is an insurance company or a consortium of insurance companies incorporated in Indonesia and has obtained a license from the Financial Services Authority.
- 9 Coal is a deposit of carbon organic compounds formed naturally from plants with heading/HS 27.01,27.02,27.03,27.04,27.05, 27.06, 27.07 and 27.08.
- 10 Crude Palm Oil or CPO, hereinafter abbreviated as CPO, is crude palm oil obtained from the extraction process or pressing process for palm fruit flesh and has not been refined by Tariff Post/HS 1511.10.00.
- 11 Rice is grain whether skinned, non-skinned, processed or unprocessed originating from oryza sativa species with Tariff Post/HS 10.06.
- 12 Access Right is a right granted to interact with inatrade.
- 13 Inatrade is an integrated trade service system at the Ministry of Trade conducted online through the official website <http://inatrade.kemendag.go.id>
- 14 Verification or technical inquiry is research and inspection of goods carried out by surveyors.
- 15 Surveyor is a survey company that has authorization to conduct the verification or technical exploration of goods.

16 Minister is the minister who organizes the
government affairs in the field of trade.
17 Director General of Foreign Trade,
hereinafter referred to as Director General,
is the Director General of Foreign Trade at
the Ministry of Trade.

Article 2

1 Director General of Foreign Trade,
hereinafter referred to as Director
General, is the Director General of Foreign
Trade at the Ministry of Trade.
2 Importers who import the rice and/or goods
for the procurement of government goods are
required to use National Sea Transportation
and National Insurance.

Article 3

1 The obligation to use the National Sea
Transportation as referred to in Article 2
paragraph (1) applies to Exporters who
export Coal and/or CPO using sea freight
with a transport capacity of up to 15,000
(fifteen thousand) deadweight tonnage.
2 The obligation to use the National Sea
Transportation as referred to in Article 2
paragraph (2) applies to Importers that
import Rice and / or goods for the
procurement of government goods using sea
transportation with a transport capacity of
up to 15,000 (fifteen thousand) deadweight
tonnage.

Article 4

1 National Sea Transportation as referred to
in Article 3 is organized by the National
Sea Transportation Company.
2 National Sea Transportation Company as
referred to in paragraph (1) which provides
sea transportation with a transport capacity
of up to 15,000 (fifteen thousand)
deadweight tonnage for:

- a Exporters who export the Coal and/or CPO as referred to in Article 3 paragraph (1);
or
 - b Importers who import the rice and/or goods for the procurement of government goods as referred to in Article 3 paragraph (2), must submit the data on the use of National Sea Transportation electronically to the Director General through Inatrade.
- 3 Submission of data as referred to in paragraph (2) shall be carried out before sea transportation rests at Indonesian ports.
- 4 Submission of data on the use of Sea Transportation National as referred to in paragraph (2) at most put a at least mention:
- a ship name;
 - b International Maritime Organization number; and
 - c contract/charter/chartered period of the ship.

Article 5

- 1 National Insurance as referred to in Article 2 organized by:
- a National Insurance Company; or
 - b export finance institutions formed by the government, which has received a list from the Minister
- 2 The Minister delegates the authority to issue a sign list as referred to in paragraph (1) to the Director General.

Article 6

- 1 To get the registration certificate as referred to in Article 5 paragraph (1), the National Insurance Company must meet the following requirements:
- a To have a permit to market a freight insurance product (marine cargo insurance) from the Financial Services Authority, for insurance companies;
 - b To have a joint insurance product approval

letter from the Financial Services Authority, for a consortium of insurance companies; has a paid up capital value of at least Rp 100,000,000,000.00 (one hundred billion rupiah);

- c To have a paid up capital value of at least Rp 100,000,000,000.00 (one hundred billion rupiah);
- d To have equity of at least Rp 500,000,000,000.00 (five hundred billion rupiah);
- e To build the systems connected to the Internet; and
- f not be subject to sanctions the restricting business activities from the Financial Services Authority.

2 To get the registration certificate as referred to in Article 5 paragraph (1), export financing institutions established by the government shall meet the following requirements:

- a To have a branch or representative office in the territory of Indonesia or certain goods export centers;
- b To have a claim agent in the export destination country and/or in a country that has an insurance service business relationship with the export destination country; and
- c To build a system that is connected to Inatrade.

3 To get the registration certificate as referred to in Article 5 paragraph (1), export financing institutions established by the government shall meet the following requirements:

- a a license to market a marine cargo insurance product from the Financial Services Authority, for insurance companies;
- b a joint insurance product approval letter from the Financial Services Authority, for a consortium of insurance companies;
- c statement from the Financial Services

Authority stating:

1 the amount of paid-in capital;

2 total equity; and

3 not be subject to sanctions limiting
activities effort; and

d a statement of ability to build a system
connected to Inatrade.

4 To obtain the registration certificate as
referred to in Article 5 paragraph (1),
export financing institutions established by
the government must submit applications
electronically to the Director General
through Inatrade by attaching the scanned/
scanned original documents:

a certificate which at least states the
address of the branch office or
representative in the territory of
Indonesia or the center
export certain goods;

b certificate which at least states the
address of the claim agent owned in the
export destination country and / or in the
country that has an insurance service
business relationship with export
destination country; and

c a statement of ability to build a system
connected to Inatrade.

5 Submission of applications as referred to in
paragraph (3) and paragraph (4) can only be
done after obtaining access rights.

6 Upon the application as referred to in
paragraph (3) and paragraph (4), the
Director General issues a registration sign
using an electronic signature that does not
require a stamp and a paperless signature
and includes the QR code (Quick Response
Code) at most 5 (five) working days from the
date the application is received completely
and correctly.

7 In the case of the application as referred
to in paragraph (3) and paragraph (4) is
incomplete and incorrect, an electronic
rejection shall be made not later than 3

(three) working days from the date the application was received.

Article 7

The registration certificate as referred to in Article 6 paragraph (6) is valid for 5 (five) years from the date of issuance.

Article 8

- 1 In the event the validity period of the registration as referred to in Article 7 has expired, the National Insurance Company or export financing institution established by the government may re-submit the application to obtain an electronic registration certificate to the Director General through Inatrade.
- 2 Provisions regarding the submission of an application to obtain a registration mark as referred to in Article 6 shall apply mutatis mutandis to the resubmission of an application forget a list sign.

Article 9

- 1 In the event that there is a change in the company documents as stated in Article 6 paragraph (3) and paragraph (4), the National Insurance Company or export financing institution established by the government must submit an application for amendment to the registration no later than 30 (thirty) days from the date of occurrence document changes.
- 2 Application for change of registration as referred to in paragraph (1) shall be submitted electronically to the Director General through Inatrade.
- 3 Application for change of registration as referred to in paragraph (2) shall be submitted by attaching the scan/scan of the original document:
a certificate of registration of the National Insurance Company or export financing institution established by the

government; and

b documents undergoing changes which are signed by an authorized official at the Financial Services Authority, specifically the National Insurance Company.

4 Based on the application as referred to in paragraph (2), the Director General issues a change of registration using an electronic signature that does not require a stamp and a paperless signature and includes a QR code (Quick Response Code) no later than 5 (five) working days from the date of the application received completely and correctly.

5 In case the application as referred to in paragraph (2) is incomplete and incorrect, an electronic rejection shall be made no later than 3 (three) working days from the date the application was received.

6 Changes to the registration certificate shall be valid for the remainder of the validity period as stated in Article 7.

Article 10

1 Coal exporters and/or CPO or Rice Importers and/or goods for the procurement of government goods using sea transportation with a transport capacity of up to 15,000 (fifteen thousand) deadweight tonnage as referred to in Article 3, must include cost and freight in the Notification of Export of Goods or Notification of imports of goods.

2 Coal Exporter and/or CPO or Rice Importers and/or goods for the procurement of government goods using sea transportation with a transport capacity of more than 15,000 (fifteen thousand) deadweight tonnage, must include cost and freight in the Goods Export Notification or Notification Imported goods.

Article 11

Exporters as referred to in Article 2 paragraph

(1) or Importers as referred to in Article 2 paragraph (2) who already have an insurance policy from a National Insurance Company or export financing institution established by the government that is registered with the Ministry of Trade as referred to in Article 5 paragraph (1), shall specify:

- a policy number;
- b policy date;
- c premium value; and
- d the name of the National Insurance Company or export financing institution established by the government, registered with the Ministry of Trade, in the Notification of Imported Goods.

Article 12

1 National Insurance Companies or export financing institutions formed by the government as referred to in Article 5 paragraph (1) must submit policy data or insurance certificates electronically to the Director General electronically via a web service connected to Inatrade no later than 1 (one) day from the insurance policy or an insurance certificate is issued.

- 2 Policy data or insurance certificates as referred to in paragraph (1) shall at least state
- a number and date of policy or insurance certificate;
 - b value of insurance premiums;
 - c identity of the National Insurance Company (guarantor);
 - d identity of the insured;
 - e ship identity;
 - f loading port and export destination country;
 - g port of destination and country of origin of import; and
 - h types of goods.

Article 13

National Insurance Companies and export financing institutions established by the government are prohibited to:

- a submit incorrect data and / or information as a requirement to obtain registration marks; and
- b change the information contained in the sign registration document.

Article 14

- 1 Coal exporters as referred to in Article 2 paragraph (1) can only export coal after verification or technical tracing by the Surveyor before loading the goods.
- 2 Rice Importers as referred to in Article 2 paragraph (2) can only import Rice after a Verification or technical inspection has been carried out by the Surveyor before loading the goods.
- 3 Verification or technical inquiry as referred to in clause (1) and clause (2) is carried out in accordance with statutory provisions.
- 4 To be able to do Verification or technical inquiry, the Exporter or Importer must submit a Verification or technical inquiry to the Surveyor.
- 5 Verification or technical inquiry as referred to in paragraph (1) is carried out through administrative examination of the policy data or insurance certificate as referred to in Article 12 paragraph (2).
- 6 Verification or technical inquiry as referred to in paragraph (3) is carried out at the time of Verification or technical inquiry of Coal Exports and Rice Imports in accordance with statutory provisions.
- 7 Verification results or technical surveillance as referred to in paragraph (5) shall be contained in the form of surveyor reports, to be used as customs complementary documents required in the notification of Coal Exports and Rice Imports to customs offices.
- 8 Surveyor reports as referred to in paragraph (7) may only be issued if the results of administrative examination prove that Coal Exports and Rice Imports use National Insurance.

Article 15

- 1 Coal and/or CPO exporters as referred to in Article 2 paragraph (1) and Rice Importers and/or goods for the procurement of government goods as referred to in Article 2 paragraph (2) must submit reports on the use of National Sea Transportation and National Insurance.
- 2 Reports on the use of National Sea Transportation and National Insurance as referred to in paragraph (1) shall be submitted in the submission of the report on the realization of Coal Exports and Rice Imports to the Director General in accordance with statutory provisions.
- 3 Reports on the use of National Sea Transportation and National Insurance as referred to in paragraph (1) shall be submitted by CPO exporters and importers of goods for the procurement of government goods to the Director General through Inatrade.
- 4 Reports on the use of National Sea Transportation and National Insurance as referred to in paragraph (1) include at least:
 - a the name of the National Sea Transportation Company;
 - b International Maritime Organization number;
 - c the name of the National Insurance Company or export financing institution established by the government; and
 - d Number and date of insurance policy or certificate.

Article 16

- 1 Ministers and ministers who carry out the government affairs in the field of transportation in accordance with their authority, supervise the implementation of the use of National Sea Transportation in Coal and/or CPO Exports, and Rice Imports and/or goods for government procurement.
- 2 Minister, the minister who carries out government affairs in the financial sector, and

the Head of the Financial Services Authority in accordance with its authority, supervises the implementation of the use of National Insurance in Coal Export and / or CPO, and Imported Rice and/or goods for the procurement of government goods.

- 3 Supervision as referred to in paragraph (1) and paragraph (2) can be carried out alone or together.

Article 17

- 1 Exporters or importers who do not carry out the obligations referred to in Article 2 and Article 15 are subjected to administrative sanctions in the form of recommendations for freezing the Business Identification Number
- 2 Exporters or importers who do not carry out the obligations referred to in Article 10 and Article 11 are subjected to administrative sanctions in the form of recommendations for the suspension of Coal Export and / or CPO and Rice Imports and/or goods for the procurement of government goods.

Article 18

- 1 The National Sea Transportation Company that provides sea transportation with a carrying capacity of up to 15,000 (fifteen thousand) deadweight tonnage and does not carry out the obligations referred to in Article 4 paragraph (2) is subjected to administrative sanctions in the form of a recommendation for the freezing of the Business Identification Number.
- 2 National Insurance Companies and export financing institutions established by the government that do not carry out the obligations referred to in Article 9 and Article 12 will be subjected to administrative sanctions in the form of freezing of registration marks of the National Insurance Company or export financing institutions established by the government.

Article 19

The imposition of administrative sanctions as referred to in Article 17 and Article 18 shall be carried out by the Director General.

Article 20

In the event that the National Insurance Company or export financing institution established by the government has carried out the obligations referred to in Article 9 and Article 12 within 30 (thirty) days from the date of freezing, the certificate of registration of the National Insurance Company and export financing institutions established by the government which have been frozen can be reactivated.

Article 21

- 1 In the event that the National Insurance Company and export financing institutions established by the government do not carry out the obligations as referred to in Article 9 and Article 12 within 30 (thirty) days from the date of freezing, the registration certificate of the National Insurance Company or the list of export financing institutions established revoked by the government.
- 2 National Insurance Companies and export financing institutions established by the government that violate the provisions referred to in Article 13 are subjected to administrative sanctions in the form of revocation of registration marks.

Article 22

- 1 Provisions in this Ministerial Regulation are exempted from Coal and/or CPO Exports, which are:
 - a sample items not for trading;
 - b goods for scientific research and development purposes;
 - c imported goods which are rejected by domestic buyers are then re-exported in the same

- quantity as the Notification of Imported Goods; and/or
- d goods exported through land borders.
- 2 Provisions in this Ministerial Regulation are exempted from importing the rice and/or goods for the procurement of government, which are:
- a sample items not for trading
 - b goods for scientific research and development purposes;
 - c goods as gifts, gifts or gifts for charitable, social or cultural purposes; and/or
 - d goods imported through land borders.
- 3 Exemptions as referred to in paragraph (1) letter a, letter b, and letter c, and paragraph (2) letter a, letter b, and letter c can only be made after the Exporter and / or Importer has received approval from the Director General.
- 4 To obtain the approval as referred to in paragraph (3), the Exporter and/or Importer must submit a written application to the Director General.

Article 23

Approval of registration of the National Insurance Company or consortium of National Insurance Company that has been issued based on the Regulation of the Director General of Foreign Trade Number 02 / DAGLU / PER / 1/2019 concerning Technical Instructions for Implementing the Provisions for the Use of National Insurance for the Export and Import of Certain Goods must be adjusted to the provisions in the Regulations This Minister is not later than 1 (one) month since this Ministerial Regulation comes into force.

Article 24

When this Ministerial Regulation comes into force, Minister of Trade Regulation Number 82 of 2017 concerning Provisions for the Use of Sea Transport and National Insurance for the Export and Import of Certain Goods (State Gazette of the

Republic of Indonesia of 2017 Number 1520) as amended several times, most recently by the Minister of Trade Regulation Number 80 of 2018 concerning the Second Amendment to the Regulation of the Minister of Trade Number 82 of 2017 concerning Provisions for the Use of National Sea Transportation for the Export and Import of Certain Goods (State Gazette of the Republic of Indonesia 2018 Number 1009) and its implementing regulations, are revoked and declared invalid.

Article 25

This Ministerial Regulation shall come into force on May 1, 2020. For public cognizance, this Ministerial Regulation shall be promulgated by placing it in the State Gazette of the Republic of Indonesia.

Enacted at Jakarta

Date 1 April 2020

MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA,

signed

AGUS SUPARMANTO

Enacted at Jakarta

Date 8 April 2020

DIRECTOR GENERAL OF
LAW AND LEGISLATION

MINISTRY OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA

signed

WIDODO EKATJAHJANA

STATE GAZETTED OF THE REPUBLIC OF INDONESIA OF 2020 NUMBER 348

Certified true copy
Secretary General
Ministry of Trade
Head of Legal Bureau,
Signed, stamped

SRI HARIYATI