

PROCEDURE GIVING RECOMMENDATION TO ISSUE LICENSE FOR TYRE IMPORT

(Regulation of Minister of Industry of R.I
Number 01/M-IND/PER/1/2017, dated January 26, 2017)

WITH THE BLESSING OF THE ONE AND ONLY GOD

MINISTER OF INDUSTRY
OF THE REPUBLIC OF INDONESIA

Considering:

- a. whereas, to motivate fair competitive business on local Tyre industry and to monitor growth of local Tyre industry, it is necessary to give recommendation by the Ministry of Industry as the basis for Tyre Import;
- b. whereas, based on the consideration referred to in letter a, it is necessary to stipulate Regulation of Minister of Industry on procedure for issuing License for Tyre Import.;

In view of:

1. Law Number 3 Year 2014, concerning Industry (Statute Book of the Republic of Indonesia Year 2014 Number 4, Supplement to Statute Book of the Republic of Indonesia Number 5492);
2. Presidential Regulation Number 29 Year 2015, concerning Ministry of Industry (Statute Book of the Republic of Indonesia Year 2015 Number 54);
3. Regulation of Minister of Industry Number 107/M-IND/PER/11/2015, concerning Organization and Work Procedure of the Ministry of Industry (State Gazette of the Republic of Indonesia Year 2015 Number 1806);
4. Regulation of Minister of Trade Number 77/M-DAG/PER/11/2016, concerning provisions on Tyre Import (State Gazette of the Republic of Indonesia Year 2016 Number 1704);

DECIDES:

To stipulate:

REGULATION OF MINISTER OF INDUSTRY CONCERNING PROCEDURE FOR GIVING RECOMMENDATION FOR ISSUING LICENSE FOR TYRE IMPORT.

Article 1

What is meant in this Regulation of Minister by:

1. Tyre shall be important part of vehicle produced from mixed natural rubber and synthetic rubber installed or non-installed to vehicle wheel rim that is covered in Post HS 4011, 4013, and 8708.
2. Recommendation for issuing License for Tyre Import shall be Statement Letter stating technical recommendation for issuing License for Tyre Import.
3. Recommendation for amendment to License for Tyre Import shall be Statement Letter requesting amendment to technical matter to recommend for amendment to valid License for Tyre Import.
4. Certificate on Use of Indonesia National Standard Brand (SPPT-SNI) Tyre shall be Certificate of Product issued by Products Certification Institution to Tyre Producer that is capable to produce Tyre based on the requirements of SNI.
5. Producer Importer shall be company holding Identification Number as Producer Importer (API-P) conducting Tyre Import to be used for its business activity but not for trade and/or to assign the right thereof to other party.
6. General Importer shall be legal entity company as holder of Identification Number General Importer (API-U) exercising activity on Tyre Import into the Customs area in Indonesia for trade.

7. Verification shall be examination process of document authenticity as required to application for recommendation for License for Tyre Import or recommendation to make amendment to the License for Tyre Import.
8. Director General shall be Director General exercising management on Tyre Industry at the Ministry of Industry.
9. Director shall be Director exercising management of Tyre Industry at the Ministry of Industry.

Article 2

- (1) Tyre shall be imported after obtaining Import License from the Ministry exercising Administration affair on Trade.
- (2) The Import License referred to in paragraph (1) will be issued based on Recommendation for issuing License for Tyre Import by the Director General.
- (3) Tyre Import as referred to in paragraph (1) may exercised by:
 - a. Producer Importer; or
 - b. General Importer.

Article 3

Issue of Recommendation for issuing License for Tyre Import as referred to in Article 2 paragraph (2) shall be based on:

- a. local requirements / need;
- b. performance in the past issued by applicant; and/or
- c. plan for Tyre business development by importer company/

Article 4

- (1) Recommendation Import License Tyreas referred to in Article 2 paragraph (2) diberikan berdasarkan permohonan dari Producer Importer atau General Importer.

- (2) The application referred to in paragraph (1) shall be addressed to the Director General using the form as specified in Attachment II constituting inseparable part of this Regulation of Minister.
- (3) The application submitted by Producer Importer as referred to in paragraph (1) must be supported by:
- a. photocopy of Deed of Company Establishment;
 - b. photocopy Business License on Industry (IUI) or business of the same type;
 - c. photocopy Obligatory Taxpayer Identification Number (NPWP);
 - d. photocopy of Identification Number Producer Importer (API-P);
 - e. photocopy of SPPT-SNI, if imported Tyre is Tyre is subject to obligatory SNI; and
 - f. questionnaire using the format as specified in Attachment II constituting inseparable part of this Regulation of Minister.
- (4) The application submitted by General Importer as referred to in paragraph (1) must be supported by:
- a. photocopy of Deed of Company Establishment;
 - b. photocopy of Business License on Trade (SIUP);
 - c. photocopy of NPWP;
 - d. photocopy of Identification Number as General Importer (API-U);
 - e. Letter of Appointment from the Principal Holder of Brand or Factory overseas that is ratified by Public Notary and Attache of Trade of the local country;
 - f. photocopy of SPPT-SNI, if imported Tyre is Tyre subject to obligatory SNI; and
 - g. questionnaire using the format as specified in Attachment II constituting inseparable part of this Regulation of Minister.

Article 5

- (1) The application referred to in Article 4 shall be submitted to the Director General through the Public Service (UP2) Unit of the Ministry of Industry.

- (2) UP2 shall submit the comprehensive application to the Director General in one (1) working day as of receipt thereof.

Article 6

- (1) Director General shall verify authenticity of the application submitted as referred to in Article 5 paragraph (2).
- (2) In conducting verification as referred to in paragraph (1), the Director General shall instruct the Director to conduct field examination.
- (3) In determining to give Recommendation for License for Tyre Import, the Director General shall coordinate with the relevant institution or business player association.

Article 7

- (1) At receipt of comprehensive application, the Director General shall issue recommendation for issuing License for Tyre Import using the format as specified in Attachment- III constituting inseparable part of this Regulation of Minister within five (5) working days after submission of the application as referred to in Article 5 paragraph (2).
- (2) The recommendation for issuing License for Tyre Import referred to in paragraph (2) is valid for six (6) months as of the date of issue.
- (3) The recommendation for issuing License for Tyre Import as referred to in paragraph (2) is valid for one time application for Import License.

Article 8

- (1) The application for grant of recommendation for issuing License for Tyre Import as referred to in Article 5 paragraph (2) shall be rejected if:

- a. supporting document is invalid;
- b. it fails to justify with the application based on the provisions in the statutory regulation or result of clarification; and/or
- c. basis of stipulating import allocation as referred to in Article 3.

(2) The recommendation for issuing License for Tyre Import as referred to in paragraph (1) shall be granted by the Director within five (5) working days after the application referred to in Article 5 paragraph (2) is submitted.

Article 9

The application as referred to in Article 4 and Article 5 and grant of recommendation for issuing License for Tyre Import as referred to in Article 6 and Article 7 or rejection to grant recommendation for issuing License for Tyre Import as referred to in Article 8 shall be submitted using the mechanism as referred to in Regulation of Minister of Industry Number 67/M-IND/PER/8/2016, concerning Guideline to issue consideration on technical, recommendation, statement letter, and registration number by electronic system at the Ministry of Industry (Statute Book of the Republic of Indonesia Year 2016 Number 1212).

Article 10

- (1) Application that obtains recommendation for issuing License for Tyre Import and obtained License for Tyre Import may propose amendment to the License for Tyre Import it possessed.
- (2) If amendment to Import License is made pertaining to Post Tariff, Type of Tyre, total number of Tyres country of origin and port of loading and port of destination, amendment to Import License may be granted based on recommendation for amendment to License for Tyre Import issued by the Director General.

Article 11

- (1) Application for recommendation for amendment to License for Tyre Import as referred to in Article 10 paragraph

(2) is submitted by sending application letter for amendment to the recommendation addressed to the Director

General supported by:

- a. Import License to be amended;
- b. Import Control Card; and
- c. document encountering amendment.

(2) Provision for submitting application and granting recommendation for License for Tyre Import or rejection letter as referred to in Article 5 through Article 9 prevails mutatis mutandis on issue or rejection to recommendation to amend License for Tyre Import.

Article 12

- (1) Recommendation for amendment to License for Tyre Import is valid until expiry of the amended License for Tyre Import.
- (2) Recommendation to amend the License for Tyre Import may be granted once for the respective License for Tyre Import.

Article 13

- (1) The Director General shall exercise supervision on the implementation of License for Tyre Import based on the Recommendation for issuing License for Tyre Import or Recommendation to amend the License for Tyre Import issued.
- (2) The supervision referred to in paragraph (1) shall be exercised once a year and/or at any time as required.

Article 14

- (1) If based on the result of supervision as referred to in Article 13 violation is found out committed by the company holding the Recommendation for issuing License for Tyre Import, the Director General shall reject to provide Recommendation for issuing License for Tyre Import or Recommendation to amend the License for Tyre Import.

- (2) The imposition of penalty as referred to in paragraph (1) does not revoke imposition of other penalty based on the provisions in the statutory regulation.

Article 15

This Regulation of Minister comes to force on the date it is enacted.

For public recognition, this Regulation of Minister shall be announced by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

Dated January 26, 2017

MINISTER OF INDUSTRY

OF THE REPUBLIC OF INDONESIA,

sgd.

AIRLANGGA HARTARTO

Enacted in Jakarta

Dated January 27, 2017

DIRECTOR GENERAL OF STATUTORY REGULATION

OF MINISTRY OF LAW AND HUMAN RIGHTS

OF THE REPUBLIC OF INDONESIA,

sgd.

WIDODO EKATJAHJANA

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