

PROCEDURE OF ACKNOWLEDGING CERTIFICATES OF PRODUCTS AND REPORTS OF ELECTRICAL POWER EQUIPMENT AND USABILITY TESTS ISSUED BY CONFORMITY ASSESSMENT BODIES REGISTERED IN ASEAN (Regulation of the Energy and Mineral Resources Minister No. 01/2016 dated January 7, 2016)

BY THE GRACE OF GOD ALMIGHTY

THE ENERGY AND MINERAL RESOURCES MINISTER OF

THE REPUBLIC OF INDONESIA,

Considering :

That to acknowledge certificates of products and/or reports of electrical power equipment and usability tests issued by Conformity Assessment Bodies registered in ASEAN and to implement Presidential Regulation No. 79/2010 concerning the Ratification of Agreement on The ASEAN Harmonized Electrical and Electronic Equipment Regulatory Regime, it is necessary to stipulate a regulation of the Energy and Mineral Resources Minister concerning the procedure of acknowledging certificates of products and/or reports of electrical power equipment and usability tests issued by Conformity Assessment Bodies registered in ASEAN;

DECIDES :

In view of :

1. Law No. 7/1994 concerning Ratification of Agreement Establishing The World Trade Organization (Statute Book of the Republic of Indonesia of 1994 No. 57, Supplement to Statute Book of the Republic of Indonesia No. 3564);
2. Law No. 30/2009 concerning Electrical Power (Statute Book of the Republic of Indonesia of 2009 No. 133, Supplement to Statute Book of the Republic of Indonesia No. 5052);
3. Law No. 20/2014 concerning Standardization and Assessment of Conformity (Statute Book of the Republic of Indonesia of 2014 No. 216, Supplement to Statute Book of the Republic of Indonesia No. 4020);
4. Government Regulation No. 102/ 2000 concerning National Standardization (Statute Book of the Republic of Indonesia of 2000 No. 199, Supplement to Statute Book of the Republic of Indonesia No.);

5. Government Regulation No. 14/2012 concerning Electrical Power Supply Business (Statute Book of the Republic of Indonesia of 2012 No. 28, Supplement to Statute Book of the Republic of Indonesia No. 5281) as already amended by Government Regulation No. 23/2014 (Statute Book of the Republic of Indonesia of 2014 No. 75, Supplement to Statute Book of the Republic of Indonesia No. 5530);
6. Government Regulation No. 62/2012 concerning Electrical Power Supporting Business (Statute Book of the Republic of Indonesia of 2012 No. 141, Supplement to Statute Book of the Republic of Indonesia No. 5326);
7. Presidential Regulation No. 2/2010 concerning the Ratification of ASEAN Trade in Goods Agreement (Statute Book of the Republic of Indonesia of 2010 No. 2);
8. Presidential Regulation No. 79/2010 concerning the Ratification of Agreement on The ASEAN Harmonized Electrical and Electronic Equipment Regulatory Regime (Statute Book of the Republic of Indonesia of 2010 No. 145);
9. Presidential Regulation No. 68/2015 concerning the Energy and Mineral Resources Ministry (Statute Book of the Republic of Indonesia of 2015 No. 132);
10. Presidential Decree No. 121/P/2014 dated October 27, 2014;
11. Regulation of the Energy and Mineral Resources Minister No. 18/2010 concerning the Organization and Work Mechanism of the Energy and Mineral Resources Ministry (State Gazette of the Republic of Indonesia of 2010 No. 552) as already twice amended the latest by Regulation of the Energy and Mineral Resources Minister No. 30/2014 (State Gazette of the Republic of Indonesia of 2014 No. 1725);

D E C I D E S :

To stipulate :

REGULATION OF THE ENERGY AND MINERAL RESOURCES MINISTER CONCERNING THE PROCEDURE OF ACKNOWLEDGING CERTIFICATES OF PRODUCTS AND REPORTS OF ELECTRICAL POWER EQUIPMENT AND USABILITY REPORTS ISSUED BY CONFORMITY ASSESSMENT BODIES REGISTERED IN ASEAN.

Article 1

Referred to in this Ministerial Regulation as :

1. Indonesian National Standard, hereinafter abbreviated into SNI, is a standard set by the National Standardization Board and is valid in the territory of the Unitary State of the Republic of Indonesia.

2. Certificate of SNI User's Product, hereinafter abbreviated into SPPT-SNI, is a written guarantee issued by a domestic product certification institution to certify that an equipment product or electrical power user has met the standard required in SNI and can use SNI mark.
3. Electrical power equipment is all electrical power devices and facilities used for electrical power supply and use installations.
4. Electrical power user is all products which use electrical power to operate them.
5. Certificate of Product is a written guarantee issued by a product certification institution registered in ASEAN to certify that an electrical power equipment product has met standard requirements in the country of origin referring to the international standard which is the same as that agreed upon in ASEAN.
6. Test report is a document containing data from a test conducted on electrical power product or electrical power user issued by a laboratory registered in ASEAN.
7. Conformity Assessment Institution, hereinafter abbreviated into LPK, is an institution carrying out conformity assessment activities.
8. Product Certification Institution, hereinafter called LSPro, is an institution carrying out certification of products for electrical power equipment and electrical power users.
9. Test laboratory is a laboratory carrying out tests on samples of electrical power equipment and electrical power users according to the international standard test specification/method agreed upon in ASEAN.
10. Sector Coordinator for Joint Sector Committee Electrical and Electronic Equipment for Indonesia, hereinafter called sector coordinator is an echelon II unit at the ministry carrying out government affairs in the trade field.
11. Standard of International Electrotechnical Commission, hereinafter abbreviated into IEC, is an international standard issued by the International Electrotechnical Commission for electrical power equipment and electrical power users.
12. National Accreditation Committee, hereinafter abbreviated into KAN, is a non-structural institution which is tasked with and responsible for accrediting LPK.
13. Minister is the minister carrying out government affairs in the electricity field.
14. Director General is the director general who is tasked with formulating and implementing policies related to development, management, technical matters, occupational safety and the environment in the electricity field.

Article 2

Electrical power equipment or electrical power users produced in ASEAN member states and declared

as SNI mandatory products, can circulate in Indonesia after obtaining SPPT-SNI.

Article 3

- (1) Certificates of products or reports of electrical power equipment and usability tests issued by LSPPro or test laboratory listed at the ASEAN Secretariat are valid in Indonesia after obtaining recognition from domestic LSPPro.
- (2) The domestic LSPPro as referred to in paragraph (1) shall be LSPPro accredited by and listed at the ministry in charge of carrying out government affairs in the trade field.

Article 4

- (1) To obtain recognition as referred to in Article 3, producers or importers holding certificates of products and/or reports of test results shall apply for recognition to accredited domestic LSPPro.
- (2) If accredited domestic LSPPro is not found, the Minister shall appoint a domestic LSPPro to process the application for recognition as referred to in paragraph (1).
- (3) The application for recognition as referred to in paragraph (1) shall be equipped with the following documents:
 - a. a copy of valid certificate of product by showing its original document;
 - b. a copy of report of test results by showing the original document;
 - c. status and scope of LPK listed in ASEAN member states issuing certificates of products;
 - d. agreement between producer and importer if the application is filed by the importer;
 - e. a copy of certificate of brand and/or registration of brand from the ministry in charge of carrying out government affairs in the field of law and human rights;
 - f. technical specification, label rating, full electrical wiring/circuit diagram or service manual from catalogue;
 - g. a list of construction modifications, if any; and critical components;
 - h. color photo showing inside and outside parts of product;
 - i. user manual;
 - j. a copy of the latest factory audit report; and
 - k. evidence that the producer has applied a quality management system by submitting a copy of certificate of Quality Management System ISO 9001:2008 or its revision issued by Quality Management System Certification Institution and accredited by an accreditation board of ASEAN member state

signing Mutual Recognition Arrangement (MRA).

- (4) The required document as referred to in paragraph (3) letter k, does not apply to an application for recognition of certificate of product.
- (5) The required documents as referred to in paragraph (3) letter a and letter j, do not apply to an application for recognition of report of test results.
- (6) If an application is filed for recognition of report of test results, in addition to meeting the provisions as referred to in paragraph (3) and paragraph (5), the report of test results shall have a time limit of no more than 1 (one) from its issuance.
- (7) Copies of certificate of product, report of test results, and report of factory audit as referred to in paragraph (3) letter a, letter b, and letter j shall be made in Indonesian language and English.

Article 5

- (1) Domestic LSPro shall verify the document of application as referred to in Article 4.
- (2) The verification of copies of certificate of product and/or report of test results as referred to in Article 4 paragraph (3) letter a and letter b, covers:
 - a. the validity of certificate of product and/or report of test results;
 - b. data in the certificate of product and/or report of test results;
 - c. the validity period of certificate of product or the date of issuing the report of test results;
 - d. edition of IEC in standard used to issue the certificate of product and/or report of test results;
 - e. status, accreditation, and scope of LPK issuing the certificate of product and/or report of test results; and
 - f. listing status of LPK issuing the certificate of product or report of test results in ASEAN (Listed CABs).
- (3) Based upon the results of verification as referred to in paragraph (2), in case of doubtful data in the certificate of product and/or report of test results, the domestic LSPro shall examine the product with regard to the doubtful data.
- (4) If certificate of product and/or report of test results is issued based upon the standard of IEC edition which is lower than IEC edition referring to mandatory SNI, the domestic LSPro shall test the product over requirements in the compulsory SNI that have not been fulfilled.

Article 6

- (1) Based on the result of verification as referred to in Article 5, the domestic LSPro shall issue a decision accepting or rejecting the application for recognition of certificate of product no later than 15 (fifteen) days after the application has been received in a complete way.
- (2) If the application for recognition of certificate of product as referred to in paragraph (1) is accepted, the domestic LSPro shall issue a SPPT-SNI.
- (3) If the application for recognition is filed for a report of test result, based on the result of verification as referred to in Article 5, the domestic LSPro shall issue a decision granting recognition by continuing certification process and issuing SPPT-SNI or rejecting the application for recognition no later than 60 (sixty) days after the application has been received in a complete way.

Article 7

- (1) The validity period of SPPT-SNI issued as recognition of certificate of product as referred to in Article 6 paragraph (2) is valid according to the validity period of certificate of product.
- (2) SPPT-SNI issued as recognition of report of test results as referred to in Article 6 paragraph (3) is valid for 3 (three) years.

Article 8

- (1) Domestic LSPro shall list SPPT-SNI issued along with data of its product to the Director General.
- (2) The Director General shall announce the product that has been listed as referred to in paragraph (1) by putting it in the list of electrical power equipment and electrical power users with SNI label on the website of the Directorate General of Electricity.

Article 9

- (1) In case of a critical change in the construction and/or components of electrical power equipment and electrical power user that has secured a SPPT-SNI, the producer or importer shall report it to the domestic LSPro by issuing SPPT-SNI.
- (2) Based on the report as referred to in paragraph (1), the domestic LSPro shall evaluate the impact of the critical change in the construction and/or component on the fulfillment of requirements in the SNI.
- (3) If the result of evaluation as referred to in paragraph (2) carries a critical change in the construction and/or component leading to failure to fulfill the requirements in SNI, the domestic LSPro shall freeze SPPT-SNI.

- (4) If the result of evaluation as referred to in paragraph (2), carries a critical change in the construction and/or component but it has no impact on the fulfillment of the requirements in SNI, the domestic LSPro shall issue approval to continue the use of SPPT-SNI.
- (5) The domestic LSPro shall address a copy of the freeze or approval as referred to in paragraph (3) and paragraph (4) to the Director General.

Article 10

- (1) The domestic LSPro that has issued SPPT-SNI shall conduct a market surveillance and ensure that the LSPro issuing the certificate of product has conducted a surveillance of the production process of electrical power equipment and electrical power users and/or a quality system and/or a sample and factory surveillance in the country of origin.
- (2) If the issuance of SPPT-SNI is based on recognition of report of test result, the domestic LSPro shall conduct a market and factory surveillance.

Article 11

- (1) Based on the result of the surveillance as referred to in Article 10, if deviation from provisions required in SNI is found, the domestic LSPro shall freeze SPPT-SNI that has been issued and report the freezing to the agency authorized to conduct a market surveillance and the sector coordinator with a copy addressed to the Director General.
- (2) The sector coordinator as referred to in paragraph (1), shall later report the freezing to the ASEAN Secretariat and the sector coordinator in the country of origin.

Article 12

- (1) The Director General shall conduct the development and supervision of:
 - a. recognition by the domestic LSPro of certificates of products or reports of test results; and
 - b. application of SNI to electrical power equipment and electrical power users.
- (2) In conducting the supervision as referred to in paragraph (1), the Director General can conduct a sample test on the domestic LSPro issuing SPPT-SNI.
- (3) If the result of supervision as referred to in paragraph (2) shows violation committed by the domestic LSPro issuing SPPT-SNI, the Director General shall report the finding to the ministry in charge of government affairs in the trade field and/or the National Accreditation Committee.

Article 13

This Ministerial Regulation shall come into force as from the date of promulgation.

For public cognizance, this Ministerial Regulation shall be promulgated by placing it the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On January 7, 2016

THE ENERGY AND MINERAL RESOURCES MINISTER OF

THE REPUBLIC OF INDONESIA,

sgd.

SUDIRMAN SAID

Promulgated in Jakarta

On January 8, 2016

THE DIRECTOR GENERAL OF LEGISLATION AT

THE LAW AND HUMAN RIGHTS MINISTRY OF

THE REPUBLIC OF INDONESIA,

sgd.

WIDODO EKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

OF 2016 NO. 17

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