

APPROVAL OF INSTITUTION ON CLEARING AND UNDERWRITING OF MARKET BY BID WITH FORWARD DELIVERY

(Regulation of the Head of Supervisory Body on Commodity Trade with Term Number 6 Year 2016, dated October 12, 2016)

WITH THE BLESSING OF THE ONE AND ONLY GOD

HEAD OF SUPERVISORY BODY ON COMMODITY TRADE WITH TERM

Considering:

- a. Whereas, to motivate accelerated economic growth on agro commodity trade, it is necessary to endeavor business environment to support accomplishment of efficiency on agro commodity trade;
- b. Whereas, as an effort to create efficient agro commodity trade, as referred to in letter a, it is necessary to provide extensive business opportunity to Institution on Clearing and Underwriting of by Bid with Forward Delivery;
- c. Whereas, based on the consideration referred to in letter a and letter b, it is necessary to stipulate Regulation of the Head of Supervisory Body on Commodity Trade with Term concerning approval of Institution on Clearing and Underwriting of by Bid with Forward Delivery;

In view of:

1. Law Number 32 Year 1997, concerning Commodity Trade with Term (Statute Book of the Republic of Indonesia Year 1997 Number 93, Supplement to Statute Book of the Republic of Indonesia Number 3720) as amended by Law Number 10 Year 2011, concerning Amendment to Law Number 32 Year 1997, concerning Commodity Trade with Term (Statute Book of the Republic of Indonesia Year 2011 Number 79, Supplement to Statute Book of the Republic of Indonesia Number 5232);

2. Law Number 9 Year 2006, concerning Received at Warehouse System (Statute Book of the Republic of Indonesia Year 2006 Number 59, Supplement to Statute Book of the Republic of Indonesia Number 4630) as amended by Law Number 9 Year 2011, concerning Amendment to Law Number 9 Year 2006, concerning Received at Warehouse System (Statute Book of the Republic of Indonesia Year 2011 Number 78, Supplement to Statute Book of the Republic of Indonesia Number 5231);
3. Law Number 7 Year 2014, concerning Trade (Statute Book of the Republic of Indonesia Year 2014 Number 45, Supplement to Statute Book of the Republic of Indonesia Number 5512);
4. Government Regulation Number 32 Year 2004, concerning Regional Administration (Statute Book of the Republic of Indonesia Year 2004 Number 125, Supplement to Statute Book Republic of Indonesia Number 4437) as amended by Law Number 12 Year 2008 (Statute Book of the Republic of Indonesia Year 2001 Number 78, Supplement to Statute Book of the Republic of Indonesia Number 4437);
5. Presidential Regulation Number 7 Year 2015 concerning Organization of State Ministry (Statute Book of the Republic of Indonesia Year 2015 Number 8);
6. Presidential Regulation Number 48 Year 2015 concerning Ministry of Trade (Statute Book of the Republic of Indonesia Year 2015 Number 90);
7. Regulation of Minister of Trade Number 08/MDAG/PER/2/2016, concerning Organization and Work Procedure of the Ministry of Trade (State Gazette of the Republic of Indonesia Year 2016 Number 202);

D E C I D E S :

To stipulate:

REGULATION OF THE HEAD OF SUPERVISORY BODY ON COMMODITY TRADE WITH TERM ON APPROVAL BY INSTITUTION ON CLEARING AND UNDERWRITING OF MARKET BY BID WITH FORWARD DELIVERY (KE-MUDIAN = LATER?).

Article 1

Approval of Institution on Clearing and Underwriting of Market by Bid with Forward Delivery shall be granted based on the provisions in the statutory regulations.

Article 2

Approval of Institution on Clearing and Underwriting of Market by Bid with Forward Delivery may only be implemented by Limited Liability Company.

Article 3

- (1) Institution on Clearing and Underwriting of Market by Bid with Forward Delivery must at least comply with the requirements below:
- a. has deposited paid-up capital of at least Rp.100.000.000.000,00 (one hundred billion Rupiahs);
 - b. is governed by Regulation and Discipline of Institution on Clearing and Underwriting of Market by Bid with Forward Delivery that has been approved by the Supervisory Body on Commodity Trade with Term;
 - c. has structured, acceptable, efficient, effective and transparent facilities and infrastructure, including a system to support clearing and underwriting of market by bid; and
 - d. enters into joint operation with Operator of Market by Bid with Forward Delivery to guarantee payment of transaction.
- (2) The Regulation and Discipline referred to in paragraph (1) letter b shall at least cover:
- a. the requirements to become member of Institution on Clearing and Underwriting with Forward Delivery;
 - b. mechanism for clearing and underwriting, and payment settlement of transaction;
 - c. mechanism for dispute settlement; and
 - d. penalty on violation of the provisions in Regulation and Discipline.

Article 4

The requirements referred to in Article 3 paragraph (1) shall be notified to the Head of Bappebti using Form Number PL-FRM.II.01 and supported by the document as required in Forms Number PL-FRM.II.01.A, PL-FRM.II.01.B, PLFRM.II.01.C, and Number PL-FRM.II.01.D as specified in the Attachment to Regulation of the Head of Supervisory Body on Commodity Trade with Term constituting inseparable part of this Regulation of the Head of Supervisory Body on Commodity Trade with Term.

Article 5

- (1) Bappebti shall review authenticity with the original document and justifies it with that of the document referred to in Article 4.
- (2) Bappebti shall examine the facilities and infrastructure at the Office of Institution on Clearing and Underwriting of Market by Bid with Forward Delivery and shall draw up Minutes of Examination using Form Number PL-FRM.II.02 as specified in the Attachment to this Regulation of the Head of Supervisory Body on Commodity Trade with Term constituting inseparable part of this Regulation of the Head of Supervisory Body on Commodity Trade with Term.
- (3) Bappebti shall either approve or reject the application of Institution on Clearing and Underwriting of Market by Bid with Forward Delivery within 20 (twenty) working days as of compliance with the completeness of document as referred to in paragraph (1) and (2).
- (4) Bappebti shall grant approval to the application of Institution for Clearing and Underwriting of by Bid with Forward Delivery using Form Number PL-FRM.II.03 as specified in the Attachment to Regulation of the Head of Supervisory Body on Commodity Trade with Term constituting inseparable part of this Regulation Head of Supervisory Body on Commodity Trade with Term.
- (5) Bappebti shall notify rejection to the application for approval by Institution on Clearing and Underwriting of by Bid with Forward Delivery using Form Number PL-RM.II.04 as specified in the Attachment to this Regulation of the Head of Supervisory Body on Commodity Trade with Term constituting inseparable part of this Regulation of the Head of Supervisory Body on Commodity Trade with Term

Article 6

If the Institution on Clearing and Underwriting of Market by Bid with Forward Delivery has obtained approval from Bappebti, this Institution on Clearing and Underwriting of Market by Bid with Forward Delivery shall be obliged to:

- a. safe the fund received from members of Institution on Clearing and Underwriting of Market by Bid with Forward Delivery in separate Account belonging to Institution on Clearing and Underwriting of Market by Bid with Forward Delivery at commercial bank and/or foreign exchange bank;
- b. guarantee confidentiality of information of financial position and business activity of members of Institution on Clearing and Underwriting of Market by Bid with Forward Delivery, except such information is presented for implementation of the provisions in the statutory regulations;
- c. file all data and keep all documents properly that pertain to activities on the Market by Bid with Forward Delivery; and
- d. monitor all activities and the financial condition of members of Institution on Clearing and Underwriting of Market by Bid with Forward Delivery, and take action by dismissing members of Institution on Clearing and Underwriting of Market by Bid with Forward Delivery that fail to comply with financial requirements and reporting, based on the Regulation and Discipline as referred to in Article 3 paragraph (1) letter b.

Article 7

- (1) Amendment to the Articles of Association of Institution on Clearing and Underwriting of Market by Bid with Forward Delivery shall be reported to Bappebti within one (1) week as of the Amendment is lawfully made in line with the provisions in statutory regulation.
- (2) Report on the Amendment to Article of Association of Institution on Clearing and Underwriting of Market by Bid with Forward Delivery as referred to in paragraph (1) must be submitted to Bappebti using Form Number PL-FRM.II.05 and supported by documents as required in Form Number PL-FRM.II.01.A and Number PL-FRM.II.01 as specified in the Attachment to Regulation of the Head of Supervisory Body on Commodity

Trade with Term constituting inseparable part of this Regulation of the Head of Supervisory Body on Commodity Trade with Term.

Article 8

- (1) Any change of address of Institution on Clearing and Underwriting of Market by Bid with Forward Delivery must be reported to Bappebti.
- (2) The change of address of Institution on Clearing and Underwriting of Market by Bid with Forward Delivery referred to in paragraph (1) must be reported to Bappebti using Form Number PL-FRM.II.06 and supported by the document as required in Form Number PL-FRM.II.01.C as specified in the Attachment to Regulation of the Head of Supervisory Body on Commodity Trade with Term constituting inseparable part of this Regulation of the Head of Supervisory Body on Commodity Trade with Term.

Article 9

Institution on Clearing and Underwriting of Market by Bid with Forward Delivery shall be obliged to submit Monthly Report and Annual Report on its activities to Bappebti.

Article 10

Institution on Clearing and Underwriting of Market by Bid with Forward Delivery that violates the provisions governed in this Regulation is subject to administrative penalty in line with the provisions in the statutory regulation on Market by Bid.

Article 11

With this Regulation of the Head of Supervisory Body comes to force:

- a. Institution on Clearing and Underwriting of Market by Bid with Forward Delivery that has obtained approval of Bappebti shall be obliged to make adjustment to the paid-up capital deposited in phases within two (2) years effective as of this Regulation is enacted.

b. The adjustment to paid-up capital referred to in letter a shall be made in phases as follows:

- a. First Phase - Institution on Clearing and Underwriting of Market by Bid with Forward Delivery shall be obliged to increase paid-up capital to Rp.50.000.000.000,00 (fifty billion Rupiahs) within one (1) year as of the date this Regulation is enacted; and
- b. tSceond Phase - Institution on Clearing and Underwriting of Market by Bid with Forward Delivery shall be obliged to increase paid-up capital to Rp.100.000.000.000,00 (one hundred billion Rupiahs) within two (2) years as of the date this Regulation is enacted.

Article 12

By the time this Regulation Head of Supervisory Body on Commodity Trade with Term takes effect, Regulation of the Head of Supervisory Body on Commodity Trade with Term Number 02/BAPPEBTI/PER-PL/08/2010, concerning Approval; of Institution on Clearing and Underwriting of Market by Bid with Forward Delivery shall revoke and declared null and void.

Article 13

This Regulation of Head of Supervisory Body comes to force on the date it is enacted.

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

Stipulated in Jakarta

Dated October 12, 2016

HEAD OF SUPERVISORY BODY OF COMMODITY TRADE WITH TERM,

sgd.

BACHRUL CHAIRI

Enacted in Jakarta

Dated October 14, 2016

DIRECTOR GENERAL OF STATUTORY REGULATIONS

sgd.

WIDODO EKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

YEAR 2016 NUMBER 1530

Note from Editor:

- Due to technical reason no Attachment is provided herein.

(MA)