

THE SECOND AMENDMENT TO REGULATION OF THE MINISTER OF ENERGY AND MINERAL RESOURCES NUMBER 39 YEAR 2014 ON THE CALCULATION OF RETAIL PRICE OF FUEL OIL (Regulation of the Minister of Energy and Mineral Resources Number 39 Year 2015, dated November 6, 2015)

BY GRACE OF GOD THE ALMIGHTY

THE MINISTER OF ENERGY AND MINERAL RESOURCES OF THE REPUBLIC OF INDONESIA

Considering:

- a. that in the framework of creating economic and social stability by regarding dynamics and developments of international oil price as well as the exchange rate of the Rupiah against the US Dollar, it is necessary to re-regulate provision on the calculation of retail price of fuel oil;
- b. that having regards to letter a, it is necessary to stipulate a regulation of the Minister of Energy and Mineral Resources on the Second Amendment to Regulation of the Minister of Energy and Mineral Resources I Number 39 Year 2014 regarding the Calculation of Retail Price of Fuel Oil;

In view of:

1. Law Number 8 Year 1983 on Value Added Tax on Goods and Services and Sales Tax on Luxury Goods (Statute Book of the Republic of Indonesia Year 1983 Number 51, Supplement to Statute Book of the Republic of Indonesia Number 3264) as already amended several times and the latest by Law Number 42 Year 2009 (Statute Book of the Republic of Indonesia Year 2009 Number 150, Supplement to Statute Book of the Republic of Indonesia Number 5069);
2. Law Number 22 Year 2001 on Oil and Natural Gas (Statute Book of the Republic of Indonesia Year 2001 Number 136, Supplement to Statute Book of the Republic of Indonesia Number 4152);
3. Law Number 30 Year 2007 on Energy (Statute Book of the Republic of Indonesia Year 2007 Number 96, Supplement to Statute Book of the Republic of Indonesia Number 4746);
4. Law Number 20 Year 2008 on Micro, Small and Medium-scale Businesses (Statute Book of the Republic of Indonesia Year 2008 Number 93, Supplement to Statute Book of the Republic of Indonesia Number 4866);

5. Law Number 28 Year 2009 on Regional Taxes and Levies (Statute Book of the Republic of Indonesia Year 2009 Number 130, Supplement to Statute Book of the Republic of Indonesia Number 5049);
6. Law Number 23 Year 2014 on Regional Administration (Statute Book of the Republic of Indonesia Year 2014 Number 244, Supplement to Statute Book of the Republic of Indonesia Number 5587);
7. Government Regulation Number 36 Year 2004 on Downstream Oil and Natural Gas Business Activities (Statute Book of the Republic of Indonesia Year 2004 Number 124, Supplement to Statute Book of the Republic of Indonesia Number 4436) as already amended by Government Regulation Number 30 Year 2009 (Statute Book of the Republic of Indonesia Year 2009 Number 59, Supplement to Statute Book of the Republic of Indonesia Number 4996);
8. Presidential Regulation Number 191 Year 2014 on Provision, Distribution and Retail Price of Fuel Oil (Statute Book of the Republic of Indonesia Year 2014 Number 399);
9. Presidential Decree Number 121/P Year 2014 dated October 27, 2014;
10. Regulation of the Minister of Energy and Mineral Resources Number 18 Year 2010 on Organization and Working Mechanism of the Ministry of Energy and Mineral Resources (State Gazette of the Republic of Indonesia Year 2010 Number 552) as already amended twice and the latest by Regulation of the Minister of Energy and Mineral Resources Number 30 Year 2014 (State Gazette of the Republic of Indonesia Year 2014 Number 1725);
11. Regulation of the Minister of Energy and Mineral Resources Number 39 Year 2014 on the Calculation of Retail Price of Fuel Oil (State Gazette of the Republic of Indonesia Year 2014 Number 2029) as already amended by Regulation of the Minister of Energy and Mineral Resources Number 04 Year 2015 (State Gazette of the Republic of Indonesia Year 2015 Number 76);

DECIDES:

To stipulate:

THE REGULATION OF THE MINISTER OF ENERGY AND MINERAL RESOURCES ON THE SECOND AMENDMENT TO REGULATION OF THE MINISTER OF ENERGY AND MINERAL RESOURCES NUMBER 39 YEAR 2014 ON THE CALCULATION OF RETAIL PRICE OF FUEL OIL.

Article I

Several provisions Regulation of the Minister of Energy and Mineral Resources Number 39 Year 2014 on the Calculation of Retail Price of Fuel Oil (State Gazette of the Republic of Indonesia Year 2014 Number 2029) as already amended by Regulation of the Minister of Energy and Mineral Resources Number 04 Year 2015 (State Gazette of the Republic of Indonesia Year 2015 Number 76) shall be amended as follows:

1. Provisions of Article 2 paragraph (1), paragraph (4), paragraph (5), paragraph (6), and paragraph (7) are amended so that Article 2 reads as follows:

Article 2

- (1) The calculation of retail price of certain kinds of fuel oil in the form of gas oil at the point of delivery per liter shall be stipulated by formula in accordance with the basic price plus value added tax (PPN) and motorized vehicle fuel tax (PBBKB), subtracted by subsidy as much as Rp1,000 (one thousand rupiah).
- (2) The retail price of certain kind of fuel oil in the form of kerosene at the point of delivery per liter shall be set by the fixed nominal, including value added tax (PPN).
- (3) The negative difference between the retail price of certain kind of fuel oil in the form of kerosene per liter, after being deducted by value added tax (PPN) as meant in paragraph (2), and the basic price of certain kind of fuel oil in the form of kerosene per liter shall constitute state expenditure in the form of subsidy.
- (4) The retail price of certain kinds of fuel oil shall be stipulated by the minister every 3 (three) months or if necessary, the minister may stipulate more than once in every 3 (three) months.
- (5) The calculation of the basic price as meant in paragraph (1) for every 3 (three) months shall use the average price of market index and the exchange rate of the rupiah against the US Dollar by using the buying rate of Bank Indonesia on the 25th in the previous 3 (three) months up to the 24th of the current month for the calculation of retail price for 3 (three) months to come.
- (6) The calculation of the basic price as meant in paragraph (3) for every 3 (three) months shall use the average price of market index and the exchange rate of the rupiah against the US Dollar by using the buying rate of Bank Indonesia as from the 25th in the previous three months to the 24th of the current month for the calculation of subsidy for 3 (three) months to come.
- (7) In the case of the minister stipulating the retail price more than once in every 3 (three) months as meant in paragraph (4), the basic price shall be calculated by using the average price of market index and the

exchange rate of the rupiah to the US Dollar by using the buying rate of Bank Indonesia as from one day after the end of the previously used calculation period to 3 (three) days before the enforcement of the new retail price, which is stipulated at a range of the 25th in the previous 3(three) months to the 24 of the current month as meant in paragraph (5) and paragraph (6).

- (8) The amount of motorized vehicle fuel tax (PBBKB) as meant in paragraph (1) shall be 5% (five percent).
- (9) The retail price of certain kinds of fuel as meant in paragraph (4) shall be rounded up as much as Rp50 (fifty rupiah).

- 2. A new article is supplemented between Article 2 and Article 3 to become Article 2A, which reads as follows:

Article 2A

The minister shall stipulate the retail price of certain kinds of fuel oil as meant in Article 2 by considering among others:

- a. financial capability of the state or economic situation;
- b. purchasing power of communities; and/or
- c. real economic and social condition.

- 3. Provisions of Article 3 paragraph (2), paragraph (3), and paragraph (4) are amended so that Article 3 reads as follows:

Article 3

- (1) The calculation of retail price of fuel oil for special assignment at the point of delivery per liter shall be stipulated by formula in accordance with the basic price plus distribution cost in the assignment area as much as 2% (two percent) of the basic price plus value added tax (PPN) and motorized vehicle fuel tax (PBBKB).
- (2) The retail price of fuel for special assignment shall be stipulated by the minister every 3 (three) months or if necessary, the minister may stipulate more than once in every 3 (three) months.
- (3) The calculation of the basic price as meant in paragraph (1) for every 3 (three) months shall use the average price of market index and the exchange rate of the Rupiah against the US Dollar as from the

25th in the previous 3 (three) months up to the 24th of the current month for the calculation of retail price for 3 (three) months to come.

- (4) In the case of the minister stipulating the retail price more than once in every 3 (three) months as meant in paragraph (2), the calculation of basic price shall use the average price of market index and the exchange rate of the Rupiah against the US Dollar by using the buying rate of Bank Indonesia as from one day after the end of the previously used calculation period to 3 (three) days before the enforcement of the new retail price, which is stipulated at a range of the 25th in the previous 3 (three) months up to the 24th of the current month as meant in paragraph (3).
- (5) The amount of motorized vehicle fuel tax (PBBKB) as meant in paragraph (1) shall be 5% (five percent).
- (6) The retail price of fuel oil for special assignment as meant in paragraph (2) shall be rounded up as much as Rp50 (fifty rupiah).

4. A new article is supplemented between Article 3 and Article 4 to become Article 3A, which reads as follows:

Article 3A

The minister shall stipulate the retail price of fuel oil for special assignment as meant in Article 3 by considering among others:

- a. financial capability of the state or economic situation;
- b. purchasing power of communities; and/or
- c. real economic and social condition.

Article II

The ministerial regulation shall come into force as from the date of promulgation.

For public cognizance, the ministerial regulation shall be promulgated by placing it in State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On November 9, 2015

THE MINISTER OF ENERGY AND MINERAL RESOURCES OF THE REPUBLIC OF INDONESIA

sgd.

SUDIRMAN SAID

Promulgated in Jakarta

On November 13, 2015

THE DIRECTOR GENERAL OF LEGISLATION OF THE MINISTRY OF LAW AND HUMAN RIGHTS OF
THE REPUBLIC OF INDONESIA

sgd

WIDODO EKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

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