

SUPERVISION OVER THE IMPORT OR EXPORT OF GOODS SUBJECT TO PROHIBITION AND/OR RESTRICTION

(Regulation of the Minister of Finance Number
224/PMK.04/2015, dated December 16, 2015)

BY GRACE OF GOD THE ALMIGHTY
THE MINISTER OF FINANCE OF
THE REPUBLIC OF INDONESIA,

Law Number 17 Year 2006, it is necessary to stipulate a regulation of the Minister of Finance on Supervision over the Import or Export of Goods Subject to Prohibition and/or Restriction;

Considering:

- a. that the provision on supervision over the import or export of goods subject to prohibition and/or restriction has been regulated in Regulation of the Minister of Finance Number 161/PMK.04/2007 on Supervision over the Import or Export of Goods Subject to Prohibition and/or Restriction;
- b. In the framework of simplifying the enforcement of the provision to the import or export of goods subject to the prohibition and/or restriction as well as enhancing the effectiveness of supervision over goods subject to prohibition and/or restriction, it is necessary to re-regulate the provision on supervision over the import or export of goods subject to prohibition and/or restriction;
- c. that having regards to letter a and letter b, as well as in the framework of executing the provision of Article 53 Paragraph (2) of Law Number 10 Year 1995 on Customs Affairs as already amended by

In view of:

Law Number 10 Year 1995 on Customs Affairs (Statute Book of the Republic of Indonesia Year 1995 Number 75, Supplement Statute Book of the Republic of Indonesia Number 3612), as already amended by Law Number 17 Year 2006 (Statute Book of the Republic of Indonesia Year 2006 Number 93, Supplement Statute Book of the Republic of Indonesia Number 4661);

D E C I D E S :

To stipulate:

**THE REGULATION OF THE MINISTER OF FINANCE
ON SUPERVISION OVER THE IMPORT OR EXPORT
OF GOODS SUBJECT TO PROHIBITION AND/OR RE-
STRICTION**

Article 1

Referred to in this ministerial regulation as:

1. Customs Law shall be Law Number 10 Year 1995 on Customs Affairs as already amended by Law Number 17 Year 2006.
2. Customs Area shall be area with specified borders in seaport, airport or other place stipulated for the traffic of goods, fully under supervision of the Directorate General of Customs and Excise.
3. Directorate General of Customs and Excise shall be element executing the main task and function of the Ministry of Finance in the field of customs and excise.
4. Customs Office shall be office within the Directorate General of Customs and Excise where the customs liabilities are fulfilled in accordance with the customs law.
5. Minister shall be the Minister of Finance of the Republic of Indonesia.
6. Director General shall be the Director General of Customs and Excise.
7. Customs and Excise Official shall be employee of the Directorate General of Customs and Excise appointed in a specified position to execute specified tasks on the basis of the customs law.
8. Person shall be individual or legal entity.
9. Customs Declaration shall be a statement prepared by person in the framework of executing customs liabilities in the form and condition stipulated in the customs law.
10. Import shall be an activity importing goods into the customs area.
11. Export shall be an activity exporting goods from customs area.
12. Electronic Data shall be information or set of information prepared and/or accumulated for specific purpose, which are received, recorded, sent, saved, processed, taken back or produced electronically by using computer or electronic, optical data processing apparatuses or other method of the same kind.
13. Customs Complementary Document shall be all documents used as customs complementary document, such as invoice, packing list, bill of lading/airway bill, manifest, and other required documents.
14. Service Computer System shall be a computer system used by customs office in the framework of customs supervision and service.

Article 2

- (1) The imported and/or exported goods subject to the prohibition or restriction shall constitute kinds of goods contained in a regulation ruling prohibition and/or restriction of the import and/or export, which is submitted

- by technical institution to the minister for the need of supervision by the Directorate General of Customs and Excise.
- (2) The technical institution stipulating regulation on the prohibition and/or restriction of the import or export shall be obliged to submit the regulation to the Minister attn. the Director General in accordance with the specimen of format as contained in Attachment I, which constitutes a part inseparable from this ministerial regulation.
- (3) To the submitted regulation as meant in paragraph (2), the Director General shall examine:
- the clarity of kinds of the forbidden or restricted goods;
 - the clarity of kinds and format of the required document/electronic document, if required;
 - the clarity of unit of goods used in licensing document, in the case of the quota being regulated; and
 - the availability of administrative instrument which may be used by the Directorate General of Customs and Excise for the need of supervision.
- (4) In the case of result of the examination as meant in paragraph (3) Letter a, Letter b, and Letter c being already clear and the administrative instrument as meant in paragraph (3) Letter d being already available, the Director General on behalf of the Minister shall stipulate list of goods having import or export prohibited or restricted.
- (5) The list of goods having import or export prohibited or restricted as meant in paragraph (4) shall minimally contain the following data elements:
- description of kind of goods;
 - kind of prohibition and/or restriction;
 - kind of the required document;
 - unit of goods used in licensing document, in the case of the quota of goods being regulated; and
 - administrative instrument used by the Directorate General of Customs and Excise for the need of supervision.
- (6) The goods having import or export prohibited or restricted, which have been stipulated as meant in paragraph (2) shall be mentioned in Portal Indonesia National Single Window as sole reference to the provision on the prohibition and/or restriction of the import or export.
- (7) The list of the prohibited or restricted goods as meant in paragraph (6) shall be submitted to technical institution stipulating the prohibition and/or restriction prohibition.
- (8) In the case of any change in the administrative instrument as meant in paragraph (5) letter e, the revision shall be mentioned in Portal Indonesia National Single Window.

- (9) Stipulation of the list of goods having import or export restricted as meant in paragraph (6) shall be prepared in accordance with specimen of the format as contained in Attachment I, which constitutes a part inseparable from this ministerial regulation.

Article 3

In the case of result of the examination as meant in Article 2 Paragraph (3) Letter a, Letter b, and Letter c needing clarification from related technical institution or the implementation of the prohibition and/or restriction regulation encountering obstacle, the minister shall notify it to the related technical institution.

Article 4

- (1) The Directorate General of Customs and Excise shall supervise the provision on the prohibition and/or restriction as from the enforcement of ministerial stipulation, which is signed by the Director General on behalf of the Minister as meant in Article 2 paragraph (4).
- (2) The supervision over the prohibition and/or restriction provision as meant in paragraph (1) shall be based on customs declaration and/or customs complementary document submitted by importer or exporter.
- (3) The administrative instrument as meant in Article 2 Paragraph (5) Letter e may be in the form of:
 - a. Harmonized System Code, description of the quantity and kind of goods specifically, identity of importer or exporter and/or other information/statement in customs declaration; and/or
 - b. Customs complementary documents in the form of the required documents in accordance with the prohibition and/or restriction provision or statement of importer or exporter.
- (4) The Director General may require importer to notify the description of the quantity and kind of goods specifically in customs declaration by mentioning technical specification as the administrative instrument as meant in paragraph (3) Letter a.

Article 5

- (1) Importers or exporters shall be responsible for the fulfillment of the provision on the prohibition and/or restriction of the import or export.
- (2) The imported or exported goods may be given approval of the release of goods from customs area or other place treated such as temporary collection place for the import or export, after fulfilling the prohibition and/or restriction provision.
- (3) The examination of the fulfillment of the prohibition and/or restriction provision as meant in paragraph (2) shall be done by:

- a. Service Computer System; and/or
- b. Customs and Excise Official handling the examination of prohibition and/or restriction.

(4) The examination as meant in paragraph (3) shall be done by using data obtained from Portal Indonesia National Single Window.

Article 6

(1) In the case of any change in prohibition and/or restriction regulation, the provision on the submission of prohibition and/or restriction provision and stipulation of the list of goods having import or export prohibited or restricted shall apply *mutatis mutandis*.

(2) In the case of the prohibition and/or restriction provision being revoked or not valid anymore, the list of the prohibited or restricted goods in the prohibition and/or restriction regulation shall be abolished from Portal Indonesia National Single Window.

Article 7

With the enforcement of this regulation, stipulation of goods having import or export prohibited or restricted on the basis of Regulation of the Minister of Finance Number 161/PMK.04/2007 on Supervision over the Import or Export of Goods Subject to Prohibition and/or Restriction shall remain effective.

Article 8

With the enforcement of this regulation, Regulation of the Minister of Finance Number 161/PMK.04/2007 on Supervision over the Import or Export of

Goods Subject to Prohibition and/or Restriction shall be revoked and declared null and void.

Article 9

The ministerial regulation shall apply after 30 (thirty) days as from the date of promulgation.

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

Stipulated in Jakarta

On December 16, 2015

THE MINISTER OF FINANCE OF

THE REPUBLIC OF INDONESIA

sgd.

BAMBANG P.S. BRODJONEGORO

Promulgated in Jakarta

On December 17, 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
YEAR 2015 NUMBER 1894

Editor's note:

- Due to technical reason, the attachment is not published.

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