



THE MINISTER OF TRADE REPUBLIC OF INDONESIA
REGULATION OF THE MINISTER OF TRADE REPUBLIC OF INDONESIA
NUMBER 24/M-DAG/PER/5/2013
CONCERNING
SOYBEAN IMPORT PROVISIONS IN THE CONTEXT OF SOYBEAN PRICE
STABILIZATION PROGRAM
BY THE GRACE OF GOD ALMIGHTY
THE MINISTER OF TRADE REPUBLIC OF INDONESIA,

Concerning:

- a. that in the context of supporting the soybean price stabilization program as regulated in Regulation of the Minister of Trade Number 23/M-DAG/PER/5/2013 concerning Soybean Price Stabilization Program, necessitate the arrangement regarding soybean import in the context of soybean price stabilization program;
- b. that based on the consideration as intended in item a, necessitate the stipulation of Regulation of the Minister of Trade concerning Soybean Import Provisions in the Context of Soybean Price Stabilization Program;

In view of:

1. *Bedrijfsreglementerings Ordonnantie* 1934 (*Staatsblad* 1938 Number 86);
2. Law Number 3 Year 1982 concerning Company Compulsory Registration (State Gazette of the Republic of Indonesia Year 1982 Number 7, Addendum Number 3214);
3. Law Number 16 Year 1992 concerning Animal, Fish and Plant Quarantine (State Gazette of the Republic of Indonesia Year 1992 Number 56, Addendum Number 3482);
4. Law Number 7 Year 1994 concerning Ratification of Agreement Establishing The World Trade Organization (State Gazette of the Republic of Indonesia Year 1994 Number 57, Addendum Number 3564);
5. Law Number 10 Year 1995 concerning Customs (State Gazette of the Republic of Indonesia Year 1995 Number 75, Addendum Number 3612)

- as amended by Law Number 17 Year 2006 (State Gazette of the Republic of Indonesia Year 2006 Number 93, Addendum Number 4661);
6. Law Number 5 Year 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition (State Gazette of the Republic of Indonesia Year 1999 Number 33, Addendum Number 3806);
 7. Law Number 8 Year 1999 concerning Consumer Protection (State Gazette of the Republic of Indonesia Year 1999 Number 42, Addendum Number 3821);
 8. Law Number 39 Year 2008 concerning State Ministries (State Gazette of the Republic of Indonesia Year 2008 Number 166, Addendum Number 4916);
 9. Law Number 13 Year 2010 concerning Horticulture (State Gazette of the Republic of Indonesia Year 2010 Number 132, Addendum Number 5170);
 10. Law Number 18 Year 2012 concerning Food (State Gazette of the Republic of Indonesia Year 2012 Number 227, Addendum Number 5360);
 11. Government Regulation Number 69 Year 1999 concerning Food Label and Advertisement (State Gazette of the Republic of Indonesia Year 1999 Number 131, Addendum Number 3867);
 12. Government Regulation Number 14 Year 2002 concerning Plant Quarantine (State Gazette of the Republic of Indonesia Year 2002 Number 35, Addendum Number 4196);
 13. Government Regulation Number 68 Year 2002 concerning Food Security (State Gazette of the Republic of Indonesia Year 2002 Number 142, Addendum Number 4254);
 14. Government Regulation Number 28 Year 2004 concerning Food Safety, Quality, and Nutrition (State Gazette of the Republic of Indonesia Year 2004 Number 107, Addendum Number 4424);
 15. Government Regulation Number 21 Year 2005 concerning Biological Safety of Genetically Engineered Products (State Gazette of the Republic of Indonesia Year 2005 Number 44, Addendum Number 4498);
 16. Government Regulation Number 38 Year 2007 concerning Division of Government Affairs Between Government, Provincial Government and District Government (State Gazette of the Republic of Indonesia Year 2007 Number 82, Addendum Number 4737);

17. Presidential Decree Number 260 Year 1967 concerning Task Affirmation and Responsibility of the Minister of Trade on Trade in the Field of Foreign Trade;
18. Presidential Decree Number 84/P Year 2009 concerning Formation of Indonesia United II Cabinet as amended by Presidential Decree Number 59/P Year 2011;
19. Presidential Decree Number 47 Year 2009 concerning Formation and Organization of State Ministries as amended several times with the latest being Presidential Decree Number 91 Year 2011;
20. Presidential Decree Number 24 Year 2010 concerning Position, Task and Function of State Ministries as well as Organization Structure, Task and Function of First Echelon State Ministries as amended several times with the latest being Presidential Decree Number 92 Year 2011;
21. Presidential Regulation Number 32 Year 2013 concerning The Assignment of Bulog Public Company to Secure the Price and Distribution of Soybean;
22. Regulation of the Minister of Trade Number 54/M-DAG/PER/9/2009 concerning General Provisions in the Field of Import;
23. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2010 concerning Organization and Work Procedures of the Ministry of Trade as amended by Regulation of the Minister of Trade Number 57/M-DAG/PER/8/2012;
24. Regulation of the Minister of Trade Number 88/Pementan/PP.340/12/2011 concerning Food Safety Control Over the Import and Export of Fresh Food of Plant Origin;
25. Regulation of the Minister of Trade Number 27/M-DAG/PER/5/2012 concerning Provisions of Importer Identification Number as amended several times with the most recent Regulation of the Minister of Trade Number 84/M-DAG/PER/12/2012;
26. Regulation of the Minister of Trade Number 23/M-DAG/PER/5/2013 concerning Soybean Price Stabilization Program;

DECIDES:

To stipulate: REGULATION OF THE MINISTER OF TRADE CONCERNING
SOYBEAN IMPORT PROVISIONS IN THE CONTEXT OF SOYBEAN
PRICE STABILIZATION PROGRAM.

Article 1

In this Ministerial Regulation, what is referred to as:

1. Soybean is soybean crop yield (*Glycine max. Merr*) in the form of yellow dried beans with its pod removed and cleaned which is classified in Tariff Post/HS 1201.90.00.00.
2. Soybean Price Stabilization Program hereinafter referred to as SPS Program/*Program SHK* is the arrangement of Soybean purchases from farmers, Soybean import, and Soybean sales to tofu/tempeh producers.
3. Import is the activity of entering goods into the Customs Territory of the Republic of Indonesia.
4. Registered Importer of Soybean, hereinafter referred to as RI-Soybean/*IT-Kedelai* is a cooperative and/or a private party importing Soybean for business purposes by trading and/or transferring it to another party.
5. Import Approval is Soybean import license.
6. Technical verification or investigation is a technical inspection activity of the imported product conducted by the surveyor.
7. Surveyor is a survey company authorized to conduct technical verification or investigation of imported products.
8. Public Company State Logistics Agency hereinafter referred to as Public Company BULOG is a State Owned Enterprise, where all of the capital is owned by the State in the form of separate state property and not divided into shares.
9. Minister is the Minister who held government affairs in the field of trade.
10. Director General is the Director General of Foreign Trade, Ministry of Trade.

Article 2

Soybean import can only be conducted by Public Company BULOG, cooperatives and/or private parties participating in the Soybean Price Stabilization Program.

Article 3

- (1) Soybean import as intended in Article 2 is conducted with regard to the time of Soybean harvest.
- (2) Determination of the time of Soybean harvest as intended in paragraph (1) is conducted by the Minister of Agriculture.
- (3) Implementation of Soybean import as intended in paragraph (1) can only be exempted by the Minister based on the result of Limited Coordination Meeting of Economic Minister.

Article 4

- (1) Soybean import by Public Company BULOG can be performed after receiving the assignment by the Minister.
- (2) Soybean import by cooperatives and/or private parties can be performed after stipulated as RI-Soybean by the Minister.
- (3) The Minister delegate the authority of issuing stipulation as RI-Soybean to the Director General.

Article 5

- (1) To obtain stipulation as RI-Soybean as intended in Article 4, a cooperative and/or a private party must submit written application to the Minister in this matter the Director General, by attaching:
 - a. photocopy of Trading License / *Surat Izin Usaha Perdagangan (SIUP)* or other similar business license published by authorized agency or technical office;
 - b. photocopy of Company Registration Card / *Tanda Daftar Perusahaan (TDP)*;
 - c. photocopy of Tax Identification Number / *Nomor Pokok Wajib Pajak (NPWP)*;

- d. photocopy of Importer Identification Number / *Angka Pengenal Importir (API)*;
 - e. photocopy of Customs Identification Number/*Nomor Identitas Kepabean (NIK)*;
 - f. proof of storage area control in accordance with product characteristics;
 - g. proof of experience of importing and/or distributing Soybean domestically for 3 (three) years;
 - h. a statement letter from foreign exchange bank stating that the applicant has the financial capability which fulfill bank requisite to support the issuance of letter of credit; and
 - i. letter of statement with sufficient stamp duty stating participation in the Soybean Price Stabilization Program according to provisions of the regulatory legislation.
- (2) The Director General on behalf of the Minister issued stipulation as RI-Soybean at most 5 (five) work days after field inspection is conducted by the Team to discern the validity of the document as intended in paragraph (1).
- (3) Inspection as intended in paragraph (2) is conducted at the most 3 (three) work days since the application is received completely.
- (4) The Team as intended in paragraph (2) consists of officials stipulated by the Director General.
- (5) In case of the inspection result, as intended in paragraph (3), where incorrect data was found, the Director General reject issuance of the recognition as RI-Soybean.
- (6) Stipulation as RI-Soybean as intended in paragraph (2) is valid for 3 (three) years commencing from the date issued.
- (7) Stipulation as RI-Soybean as intended in paragraph (2) is forwarded online to the Indonesia National Single Window (INSW) portal.
- (8) In the case of import of Soybean through ports which are not connected to Indonesia National Single Window (INSW), copy of stipulation as RI-Soybean is delivered manually to the related agencies.

Article 6

- (1) Public Company BULOG, cooperatives and/or private parties holder of RI-Soybean status that will import Soyben must obtain Import Approval from the Minister.
- (2) The Minister delegate the authority of issuing Import Approval for cooperative and/or private party holding RI-Soybean status as intended in paragraph (1) to the Director General.

Article 7

- (1) To obtain Import Approval as intended in Article 6, cooperatives and/or private parties holding RI-Soybean must submit written application to the Minister in this matter the Director General by attaching:
 - a. Soybean proof of purchase from farmers; and
 - b. photocopy of stipulation as RI-Soybean.
- (2) In the case where there is no Soybean havest, resulting ini cooperatives and/or private parties holding RI-Soybean unable to purchase soybean from farmers, Soybean proof of purchase as intended in paragraph (1) item a is not required.
- (3) The amount of Soybean purchased from farmers as intended in paragraph (1) item a must comply with the calculations further determined by the Director General.
- (4) Soybean proof of purchase from farmers as intended in paragraph (1) item a is in the form of identification paper of Soybean purchase validated by Public Company BULOG.
- (5) The Director General on behalf of the Minister issues:
 - a. The Import Approval at the latest 5 (five) work days since receiving the application completely and correctly; or
 - b. rejection of Import Approval issuance at the latest 5 (five) work days since receiving application that is incomplete and/or incorrect.
- (6) Import Approval as intended in paragraph (5) item a is valid for 1 (one) year commencing from the issued date.

- (7) Import Approval as intended in paragraph (5) item a is delivered to cooperatives and/or private parties holding RI-Soybean status and a copy is delivered to the related agencies.
- (8) Import Approval as intended in paragraph (5) item a is delivered online to the Indonesia National Single Window (INSW) portal.
- (9) In the case of import of Soybean through ports which are not connected to Indonesia National Single Window (INSW), copy of stipulation as RI-Soybean is delivered manually to the related agencies.

Article 8

Cooperatives and/or private parties holding RI-Soybean status that have obtained Import Approval as intended in Article 7 are required to realize the import of Soybean of at least 70% (seventy percent) from the Import Approval.

Article 9

- (1) Every Soybean import must first go through import technical verification and investigation at the loading port in the country of origin.
- (2) Implementation of technical verification and investigation as intended in paragraph (1) is conducted by Surveyor that has been stipulated by the Minister.
- (3) To obtain stipulation as implementer of Soybean import technical verification or investigation as intended in paragraph (2), the Surveyor must fulfill the following requirements:
 - a. have a Survey Service Business License (SIUJS);
 - b. have a minimal experience of 5 years as a surveyor;
 - c. have branches or representative and/or affiliates in overseas and network to support the effectiveness of verification dan technical inquiry service; and
 - d. have track records in the management of import technical verification or investigation.

Article 10

- (1) Verification as intended in Article 9 paragraph (1) is conducted on importer Soybean, including the data and information regarding:
 - a. Loading port and country of origin;
 - b. Tariff post or HS number and product description;
 - c. Type and volume;
 - d. Shipping date; and
 - e. Port of destination.
- (2) Verification result as intended in paragraph (1) are outlined in the form of Surveyor Report/*Laporan Surveyor* (LS) to be used as customs complimentary document in import customs settlement.
- (3) The Surveyor collect fees from the RI-Soybeans Cooperatives and/or private parties for implementing technical verification or investigation as intended in paragraph (1), in which the amount is determined by observing the principles of benefit.

Article 11

Soybean import technical verification or investigation by Surveyor does not diminish the authority of the Directorate General of Customs and Excise, the Ministry of Finance for customs inspection.

Article 12

- (1) Cooperatives and/or private parties that have obtained stipulation as RI-Soybean are required to deliver written report on the import of Soybean through *<http://inatrade.kemendag.go.id>*.
- (2) The Report as intended in paragraph (1) is delivered at the latest by the 15th (fifteenth) of the following month to the Director General.

Article 13

The Surveyor as intended in Article 9 paragraph (2) is required to submit written report regarding Soybean import technical verification and investigation to the Director General every month at the latest by the 15th (fifteenth) of the following month.

Article 14

Stipulation as RI-Soybean can be frozen if cooperatives and/or private parties do not perform the obligation of Soybean import realization as intended in Article 8.

Article 15

Stipulation as RI-Soybean can be revoked if cooperatives and/or private parties:

- a. do not perform the obligation of submitting report as intended in Article 12 as many as 3 (three) times;
- b. are found altering information in the Soybean import documents; and/or
- c. are found guilty based on court decision and binding on crime that is related to the abuse of the Soybean import documents.

Article 16

Revocation of stipulation as RI-Soybean is determined by the Director General for and on the behalf of the Minister.

Article 17

Cooperatives and/or private parties that have been sanctioned by revocation of the stipulation as RI-Soybean as intended in Article 15, may reapply for stipulation as RI-Soybean after 1 (one) year since the date of revocation.

Article 18

Stipulation as Surveyor can be revoked if:

- a. violation occurred in the implementation of import technical verification or investigation of Soybean; and/or
- b. Surveyor does not comply with the obligation of delivering a written report as intended in Article 13 as many as 2 (two) times.

Article 19

Revocation of stipulation as Surveyor as implementer of Soybean import technical verification or investigation as intended in Article 18 is stipulated by the Minister.

Article 20

- (1) Importer conducting Soybean import not in accordance with this Ministerial Regulation is subject to sanctions according to provisions of the regulatory legislation.
- (2) Imported Soybean not in accordance with this Ministerial Legislation will be re-exported according to provisions of the regulatory legislation.
- (3) The cost of re-export as intended in paragraph (2) is the responsibility of the importer.

Article 21

- (1) Soybean import for:
 - a. the purpose of research, testing, and the development of science; and/or
 - b. samples of goods not to be traded,must obtain Import Approval.
- (2) Soybean import for the purpose as stated in paragraph (1) is not subject to provisions for RI-Soybean and import technical verification and investigation.

Article 22

- (1) Control of import and distribution of Soybean is conducted according to provisions of the regulatory legislation.
- (2) The Minister can establish an Intergrated Team consisting of representatives from related agencies to conduct:
 - a. evaluation and implementation of Soybean import policy; and
 - b. control of Soybean circulation.

Article 23

Technical provisions of the implementation of this Ministerial Regulation ar stipulated by the Director General.

Article 24

Exemption to provisions regulated in this Ministerial Regulation can only be conducted by the Minister.

Article 25

- (1) Surveyor Report as a supplementary document for completing customs on import as intended in Article 10 paragraph (2) shall commence after 60 (sixty) days since this Ministerial Regulation comes into effect.
- (2) Surveyor Report as intended in paragraph (1) must be proven with customs documents in the form of manifest (BC.1.1).

Article 26

- (1) Provisions of this Ministerial Regulation do not apply to Soybean import shipped from its country of origin prior to the validity of this Ministerial Regulation.
- (2) Soybean import as intended in paragraph (1) is proven by Bill of Lading or Airway Bill and Invoice.
- (3) Soybean as intended in paragraph (1) must arrive at the port of destination at the latest 60 (sixty) days commencing from the date of validity of this Ministerial Regulation proven by customs documents in the form of manifest (BC.1.1).

Article 27

This Ministerial Regulation shall come into effect on the date of its legislation.

For public cognizance, ordering the promulgation of this Ministerial Regulation by including it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On 28 May 2013

**MINISTER OF TRADE
REPUBLIC OF INDONESIA**

Signed

GITA IRAWAN WIRJAWAN