

***** OFFICIAL ANNOUNCEMENT *****

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MARINE AND FISHERY

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DEPARTMENT OF MARINE AND FISHERY

DECREE OF THE MINISTER OF MARINE AND FISHERY
NO: KEP-45/MEN/2001 ; DATED : AUGUST 15, 2001

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PROCEDURES FOR COLLECTING FISHERY LEVIES

THE MINISTER OF MARINE AND FISHERY,

- Considering : a. that in the framework of the implementation of article 6, sub-article (2) of Government Regulation No. 142/2000 on Tariff of Non-Tax State Revenues Effectives within the *Ministry of Marine and Fishery*, it is necessary to stipulate Procedures for Collecting Fishery Levies;
- b. that to that end, it is necessary to stipulate a Ministerial decree;
- Bearing in mind : 1. Law No. 9/1985 on Fishery;
2. Law No. 20/1997 on State Non-Tax Revenues;
3. Government Regulation No. 15/1990 on Fishery Businesses already amended for several times and the latest by Government Regulation No. 141/2000;
4. Government Regulation No. 142/2000 on Tariff on the Types of Non-Tax State Revenues effective within the *Ministry of Marine and Fishery*;
5. Presidential Decree No. 165/1999 on the Status, Tasks, Functions, Organizational Structure and Working System of Ministry as already amended by Presidential Decree No. 172/2000;
6. Presidential Decree No. 177/2000 on the Organizational Structure and Working Arrangements of Ministries;
7. Presidential Decree no. 228/2001;
8. Decree of the Minister of Maritime and Fishery No. 45/2000 on Fishery Business Licensing;

9. Decree of the Minister of Maritime and Fishery No. KEP.01/MEN/2001 on the Organizational Structure and Working Arrangement of the Ministry of Marine and Fishery;
10. Decree of the Minister of Marine and Fishery No. 316/KMK.06/2001 on Procedures for Imposing and Remitting Fishery Levies;

HAS DECIDED :

To stipulate : DECREE OF THE MINISTER OF MARINE AND FISHERY ON PROCEDURES FOR COLLECTING FISHERY LEVIES.

Article 1

In this decree, what is meant by :

1. Fisherman is a person who catches fish as his subsistence.
2. National (Pure) Fishery Company is a fishery company whose all domestic capitals invested in the company are owned by the government and/or national private company.
3. Permanent Business License is a permanent business license issued by the Investment Coordinating Board (BKPM).

Article 2

- (1) Fishery levies are imposed on fishermen, pure national fishery companies, national fishery company using the facility of foreign investment (PMA) or domestic investment (PMDN).
- (2) Fishery levies as meant in sub-article (1) consist of :
 - a. Fishery Exploitation Levies (PPP); and
 - b. Fishery Produce Levies (PHP).
- (3) Fishery exploitation levies (PPP) as meant in sub-article (2), letter a are imposed to the holders of fishery business licenses or the holders of the Letter of Recommendation on Investment or the holders of the Letters of Approval for the Use of Foreign Vessels (PPKA).
- (4) Fishery produce levies (PHP) as meant in sub-article (2), letter b are imposed to the holders of the Letters of Approval for Fishing (SPI) and/or the Licenses for Fishing (SIPI) and/or the Licenses for the Use of Indonesian Vessels for Fishing and Transporting Fish (SIKPPH) in accordance with the output of fishery production earned and sold in national and international markets.

Article 3

- (1) Fishery levy as meant in article 2 is imposed to those using a fishing vessel with the weight of more than 30 (thirty) gross tonnage (GT) or a vessel using a motor with the power of more than 90 (ninety) horse power (HP) or a vessel with the total length of minimally 18 (eighteen) meters and a vessel operating in waters 12 miles measured from the coastal line

to offshore.

- (2) Fishery levy as meant in article 2 imposed for a vessel with the weight of 30 GTs and below or a vessel using a motor with the power of 90 HP and below or a vessel with the length of 18 meters and below and operating in the waters of provinces or regencies/municipalities is regulated by the local regional regulations.

Article 4

- (1) The tariff for a fishery exploitation levy per GTs is set as described in the attachment to this decree.
- (2) The amount of owed fishery exploitation levy is stipulated based on the formulation; the per GT tariff times the GTs of the vessel in accordance with the type of the fishing equipment used.
- (3) For single purse seine, the amount of owed fishing exploitation levy is stipulated based on a formulation; the per-GT tariff times the GTs of the vessel with a single purse seine.
- (4) For a fishing vessel using a purse seine equipment and operating in a fishing fleet, the amount of owed fishery exploitation levy is stipulated based on a formulation; the per GT tariff times the GTs of all vessels in the fishing fleet.

Article 5

- (1) The amount of the owed fishery produce levy is stipulated based on a formulation; 2.5% times the productivity of a vessel timing the existing fish benchmark price (HPI).
- (2) For a single purse seine, the amount of the owed fishery produce levy is stipulated based on a formulation; 2.5% times the productivity of the vessel with a single purse seine timing the existing fish benchmark price (HPI).
- (3) For a fishing vessel using a purse seine equipment and operating in a fishing fleet, the amount of the owed fishery produce levy is stipulated based on a formulation; the per GT tariff times the total GTs of the vessels in the fishing fleet timing the existing fish benchmark price.

Article 6

- (1) Fishery exploitation levies are paid when the companies acquire fishery business licenses (IUP) or the letters of recommendation for investment (PPKA) at the amount of 50% of the amount of the GTs of vessels allocated in the fishery business licenses or the letter of recommendation for investment or the letters of approval for the use of foreign vessels (PPKA) in accordance with the types of fishing equipment used.
- (2) The rest of owed fishery exploitation levies must paid out when the companies acquire the letters of approval for fishing (SPI) and/or licenses for fishing and/or the licenses for the use of Indonesian vessel for fishing and transporting fish (SIKPPII).

Article 7

Procedures for paying fishery exploitation levies are regulated as follows :

- a. After receiving an application for a fishery business license or an application for a letter of recommendation for investment or an application for a letter of approval for the use of foreign vessels (PPKA), the Director General of Fishing Fishery or the appointed official issues a letter of instruction for the payment of the fishery exploitation levy (SPP-PPP) to the applicant in 4 (four) copies by stipulating the amount of the owed fishery exploitation levy at 50% of the average amount of GTs of vessels of the allocation of the fishery business license (IUP) or the letter of recommendation for investment or the letter of approval for the use of foreign vessels (PPKA) which must be paid :
 1. Sheet I and II for the applicant;
 2. Sheet III for the Head of the Bureau of Finance of the Ministry of Maritime and Finance; and
 3. Sheet IV for document;
- b. The letter of instruction for the payment of fishery exploitation levy as meant in letter a must be paid the latest in 1 (one) month and if the levy is not paid on the schedule, the application for a fishery business license and/or a letter of recommendation for investment and/or a letter of approval for the use of foreign vessels is declared canceled.
- c. Based on the letter of instruction for the payment of the fishery exploitation levy, the applicant makes payment by using the slip of depositing state non-tax revenues (SSBP) to Perception Bank, as state non-tax revenues from the sector of fishery by submitting Sheet II of the letter of instruction for the payment of the fishery exploitation levy.
- d. Perception Bank issues the slip of depositing state non-tax revenues (SSBP) in 5 (five copies);
 1. Sheet I for the applicant;
 2. Sheet II and III for the Office of the Management of State Assets (KPKN);
 3. Sheet IV for the document of Perception bank; and
 4. Sheet V for the Director General of Fishing Fishery or the official appointed to issue a fishery business license (IUP) and/or the letter of recommendation for investment and/or the letter of approval for the use of foreign vessels (PPKA) for the applicant in accordance with existing provisions.
- e. The deficit of 50% of the owed fishery exploitation levy must be paid out when the letter of approval for fishing (SPI) and/or a license for fishing (SIPI) and/or the license for the use of Indonesian vessels for fishing and transporting fish (SIKPPII) in accordance with the type, size and number of vessels as well as the type of the fishing equipment used.

- f In the case that excessive payment is found in the paying-out of 50% of the owed fishery exploitation levy, the excessive payment is calculated when paying-out the fishery exploitation levy.

Article 8

- (1) Procedure for paying fishery produce levies are regulated as follows :
- a. After receiving an application for a letter of approval for fishing (SPI) and/or a license for fishing and/or the letter of approval for the use of Indonesian vessels for fishing and transporting fish (SIKPPH) in accordance with type, size and number of vessels as well as the type of fishing equipment used, the Director General of Fishing Fishery or the appointed official issues the letter of instruction for the payment of the fishery produce levy (SPP-PHP) for a period of 1 (one) year to the applicant in 4 (four) copies by specifying the amount of the fishery produce levy which must be paid:
 1. Sheet I and II for the applicant;
 2. Sheet III for the Head of the Bureau of the Finance of the Ministry of Maritime and Fishery; and
 3. Sheet IV for document.
 - b. The letter of instruction for the payment of the fishery produce levy (SPP-PHP) as meant in letter a must be paid the latest in 1 (one) month and if the levy is not paid on the schedule, the application for a letter of approval for fishing and/or a license for fishing and/or a letter of approval for the use of Indonesian vessels for fishing and transporting fish is declared canceled.
 - c. Based on the letter of instruction for the payment of the fishery produce levy (SPP-PHP), the applicant makes payment by using the slip of depositing state non-tax revenues (SSBP) to Perception Bank as the state non-tax revenues from the sector of fishery by submitting Sheet II of the letter of instruction for the payment of the fishery produce levy (SPP-PHP).
 - d. Perception Bank issues the slip of depositing state non-tax revenues (SSBP) in 5 (five) copies;
 1. Sheet I for the applicant;
 2. Sheet II and III for the local office of the Management of State Assets (KPKN);
 3. Sheet IV for the document of Perception Bank; and
 4. Sheet V for the Director General of Fishing Fishery.
- (2) Based on the slip of depositing state non-tax revenues (SSBP) the Director General of

Fishing Fishery or the appointed official issues the letter of approval for fishing (SPI) and/or the license for fishing (SIPI) and/or the letter of approval for the use of Indonesian vessels for fishing and transporting fish (SIKPPII) for the applicant and issues the slip of the paying-out the fishery produce levy of Year I.

- (3) The Director General of Fishing Fishery or the appointed official annually issues the letter of instruction for the payment of the fishery produce levy (SPP-PHP) of Year II and III for the holder of the letter of approval for fishing (SPI) and/or the license for fishing and/or the letter of approval for the use of Indonesian vessels for fishing and transporting fish (SIKPPII).
- (4) The letter of instruction for the payment of the fishery produce levy (SPP-PHP) as meant in sub-article (3) must be paid out the latest in 1 (one) month and if the time limit for the payment is over, the company is given the first warning the second month, and if the payment is made in the second month, the company is imposed fine at the amount of 2% of the levy.
- (5) If the limit for the payment as meant in sub-article (4) is over, the company is given the second warning in the third month, and if the payment is made in the third month, the company is imposed fine at the amount of 4%.
- (6) If the time limit for the payment as meant in sub-article (5) is over, the company is given a notification that the letter of approval for fishing (SPI) and/or the license for fishing (SIPI) and/or the letter of approval for the use of Indonesian vessels for fishing and transporting fish (SIKPPII) is frozen for 1(one) month, and if the payment is made in fifth month, the company is imposed fine at the amount of 6%.
- (7) If the time limit for the freezing as meant in sub-article (6) is over, the letter of approval for fishing (SPI) and/or the license for fishing (SIPI) and/or the letter of approval for the use of Indonesian vessels for fishing and transporting fish (SIKPPII) is declared revoked.

Article 9

- (1) For fishermen and pure national fishery companies already possessing fishery business licenses (IUP) and/or the letter of approval for the use of foreign vessels (PPKA) and/or the letter of approval for fishing (SPI) and/or the license for fishing (SIPI) and/or the letter of approval for the use of Indonesian vessels for fishing and transporting fish (SIKPPII) before this decree is stipulated, the Director General of Fishing Fishery or the appointed official issues the letter of instruction for the payment of the fishery exploitation levy (SPP-PHP) and the letter of instruction for the payment of the fishery produce levy (SPP-PHP).
- (2) SPP-PPP and SSPHP as meant in sub-article (1) must be paid the latest in 1 (one) month, and if the time limit for the payment is over, the company is given the first warning in the second month, and the payment is made in the second month, the company is imposed fine at the amount of 25 of the levy.
- (3) If the time limit for the payment as meant in sub-article (2) is over, the company is given the second warning in the third month, and if the payment is made in the fourth month, the company is imposed fine at the amount of 4%.

- (4) If the time limit for the payment as meant in sub-article (3) is over, the company is given a notification that the fishery business license (IUP) and/or the letter of approval for the use of foreign vessels (PPKA) and/or the letter of approval for fishing (SPI) and/or the license for fishing (SIPI) and/or the letter of approval for the use of Indonesian vessels for fishing and transporting fish (SIKPPH) is frozen for 1 (one) month, and if the payment is made in the fifth month, the company is imposed fine at the amount of 6%.
- (5) If the time limit for the freezing as meant in sub-article (4), SPI and/or SIPI and/or SIKPPH is declared revoked.

Article 10

- (1) Fishery companies with the facility of foreign investment of domestic investment already possessing permanent business licenses (IU) or the letter of approval for investment before this decree is stipulated and already paying fishery exploitation levies and fishery produce levies (PHP), are not obliged to pay the fishery exploitation levies in accordance with this decree until the IUP or the letter of approval for investment expires.
- (2) For fishery companies with the facility of foreign investment and domestic investment already possessing SPI and/or SIPI and/or SIKPPH before this decree is stipulated, the Director General of Fishing Fishery or the appointed official issues SPP-PHP.
- (3) SPP-PHP as meant in sub-article (2) must be paid the latest in 1 (one) month, and if the time limit for the payment is over, the company is given the first warning in the second month, and if the payment is made in the second month, the company is imposed fine at the amount of 2%.
- (4) If the time limit for the payment as meant in sub-article (3) is over, the company is given the second warning in the third month, and if the payment is made in the third month, the company is imposed fine at the amount of 4%.
- (5) If the time limit for the payment as meant in sub-article (4) is over, in the fourth month the company is given a notification that SIPI and/or SIPI and/or SIKPPI is frozen for one month, and if the payment is made in the fourth month, the company is given fine at the amount of 6%.
- (6) If the time limit for freezing as meant in sub-article (5) is over, SPI and/or SIPI and/or SIKPPH is declared canceled.

Article 11

- (1) The amount of owed PPP and PHP as meant in articles 4 and 5 is calculated as of January 20, 2001 or as of the date of the issuance of IUP.
- (2) Technical provisions on the calculation of owed PPP and PHP as meant in sub-article (1) are regulated by the Director General of Fishing Fishery.

Article 12

This decree starts to be effective as of the date of stipulation.

Stipulated in Jakarta
On August 15, 2001

THE MINISTER OF MARINE AND FISHERY

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ROKHMIN DAHURI

ATTACHMENT

**TARIFF ON FISHERY EXPLOITATION LEVIES (PPP)
PER GROSS TONNAGE (GT)**

| NO. | TYPE OF FISHING EQUIPMENT | TARIFF |
|-----|-----------------------------------|---------------|
| 1. | Long Line | Rp. 27.154,- |
| 2. | Shrimp Seine | Rp. 109.773,- |
| 3. | Fish Seine | Rp. 98.297,- |
| 4. | Small Pelagis Purse Seine | Rp. 11.250,- |
| 5. | Large Pelagis Purse Seine | Rp. 30.469,- |
| 6. | Fish Gill Net | Rp. 20.391,- |
| 7. | Pole and Line | Rp. 16.875,- |
| 8. | Squid Jigging | Rp. 17.500,- |
| 9. | Bubu (a plaited rattan fish trap) | Rp. 31.500,- |
| 10. | Bottom Prawai Fishing | Rp. 16.406,- |
| 11. | Long Bag Set Net | Rp. 10.000,- |

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