



GOVERNMENT REGULATIONS

PROCUREMENT, DISTRIBUTION AND CONTROL OF HAZARDOUS MATERIALS

(Regulation of the Trade Minister No. 44/M-DAG/PER/9/2009 dated September 15, 2009)

BY THE GRACE OF GOD ALMIGHTY

THE TRADE MINISTER OF THE REPUBLIC OF INDONESIA,
SIA,

Considering :

- a. that the procurement, circulation and use of hazardous materials is on the rise in terms of types and quantities and the hazardous materials can easily be found in the market;
- b. that the condition referred to in letter a can easily trigger abuse of hazardous materials that may cause disturbance to health, security, human safety, animals, plants and the environment;
- c. that as part of efforts to intensively control abuse of hazardous materials, it is necessary to restipulate policies related to the procurement, circulation, sales and control of locally-made and imported hazardous materials;
- d. that based on the considerations in letter a, letter b and letter c, it is necessary to stipulate Regulation of the Trade Minister;

In view of :

1. Trade Ordinance of 1934 (Statute Book of 1938 No. 86);
2. Hazardous Chemicals Ordinance (Statute Book of 1949 No. 377);
3. Emergency Law No. 7/1955 on the Investigation, Prosecution and Trial of Economic Crimes (Statute Book of 1955 No. 27, Supplement to Statute Book No. 801), as has been several times amended the latest by Law No. 17/1964;
4. Law No. 1/1970 on Occupational Safety (Statute Book of 1970 No. 1, Supplement to Statute Book No. 2918);
5. Law No. 3/1982 on Company Compulsory Registration (Statute Book of 1982 No. 7, Supplement to Statute Book No. 3214);
6. Law No. 21/1992 (*BN No. 5317 pages 13A-16A and so on*) on Shipping (Statute Book of 1992 No. 98, Supplement to Statute Book No. 3493);
7. Law No. 23/1992 (*BN No. 5320 page 16A and so on*) on Health (Statute Book of 1992 No. 100, Supplement to Statute Book No. 3495);
8. Law No. 7/1994 on the Ratification of Agreement Establishing The World Trade Organization (Statute Book of 1994 No. 57, Supplement to Statute Book No. 3564);
9. Law No. 10/1995 (*BN No. 5812 pages 19A-20A and so on*) on Customs (Statute Book of 1995 No. 75, Supplement to Statute Book No. 3612) as has been amended by Law No. 17/2006 (*BN No. 7476 pages 23A-27A*) (Statute Book of 2006 No. 93, Supplement to Statute Book No. 4661);
10. Law No. 7/1996 on Food (Statute Book of 1996 No. 99, Supplement to Statute Book No. 3656);

11. Law No. 23/1997 (**BN No. 6092 pages 19A-21A and so on**) on Environmental Management (Statute Book of 1997 No. 68, Supplement to Statute Book No. 3699);
12. Law No. 6/1998 on the Ratification of Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Statute Book of 1998 No. 171);
13. Law No. 5/1999 (**BN No. 6288 pages 1A-7A and so on**) on Anti Monopoly and Unsound Business Competition (Statute Book of 1999 No. 33, Supplement to Statute Book No. 3817);
14. Law No. 8/1999 (**BN No. 6321 pages 1A-7A and so on**) on Consumer Protection (Statute Book of 1999 No. 42, Supplement to Statute Book No. 3821);
15. Law No.32/2004 (**BN No. 7183 pages 1A-11A and so on**) on Regional Government (Statute Book of 2004 No. 125, Supplement to Statute Book No. 4437) as has been several times amended the latest by Law No. 12/2008 (**BN No. 7655 pages 26A-32A and so on**) (Statute Book of 2008 No. 59, Supplement to Statute Book No. 4844);
16. Law No. 29/2007 (**BN No. 7612 pages 14A-26A**) on the Government of the Special Province of Jakarta as the Capital of the Unitary State of the Republic of Indonesia (Statute Book of 2007 No. 93, Supplement to Statute Book No. 4744);
17. Government Regulation No. 69/1999 (**BN No. 6370 pages 14A-15A and so on**) on Food Labels and Advertisements (Statute Book of 1999 No. 131, Supplement to Statute Book No. 3867);
18. Government Regulation No. 58/2001 (**BN No. 6683 pages 6A-9A**) on the Development and Control of Consumer Protection (Statute Book of 2001 No. 103, Supplement to Statute Book No. 4126);
19. Government Regulation No. 74/2001 on the Management of Hazardous and Toxic Materials (Statute Book of 2001 No. 138, Supplement to Statute Book No. 4153);
20. Government Regulation No. 28/2004 on Food Security, Quality and Nutrition (Statute Book of 2004 No. 107, Supplement to Statute Book No.4424);
21. Government Regulation No, 38/2007 on the Sharing of Government Affairs between the Government, Provincial Governments and Regency/Municipal Governments (Statute Book of 2007 No. 82, Supplement to Statute Book No. 4737);
22. Presidential Decree No. 260/1967 on the Affirmation of Tasks and Responsibilities of the Trade Minister in the Foreign Trade Sector;
23. Presidential Decree No. 65/1998 on the Ratification of International Convention on the Safety of Life at Sea 1974;
24. Presidential Decree No. 187/M/2004 (**BN No. 7128 pages 30A-31A**) on the Formation of United Indonesia Cabinet as has been several times amended the latest by Presidential Decree No. 171/M/ 2005;
25. Presidential Regulation No. 9/2005 (**BN No. 7182 pages 2A-23A**) on the Position, Task, Function, Organizational Structure and Work Mechanism of State Ministries of the Republic of Indonesia as has been several times amended the latest by Presidential Regulation No. 20/2008;
26. Presidential Regulation No. 10/2005 on the Organizational Unit and Task of First Echelon Officials of State Ministries of the Republic of Indonesia as has been several times amended the latest by Presidential Regulation No. 50/2008;
27. Decree of the Industry Minister No. 148/M/SK/4/1985 on the Safeguard of Toxic and Hazardous Materials in Industrial Companies;

28. Regulation of the Health Minister No. 239/Menkes/Per/V/1985 on Certain Colouring Matters Declared Hazardous;
29. Regulation of the Health Minister No. 472/Menkes/Per/V/1996 on the Safeguard of Hazardous Materials for Health;
30. Decree of the Industry and Trade Minister No. 229/MPP/Kep/7/1997 (*BN No. 6032 pages 5A-7A*) on General Provisions in the Import Sector;
31. Decree of the Manpower Minister No. 187/MEN/1999 on the Control of Hazardous Chemicals in Work Site;
32. Regulation of the Health Minister No. 722/MENKES/PER/IX/1988 adj. No. 1168/MENKES/PER/X/1999 on Food Supplement;
33. Decree of the Industry and Trade Minister No. 230/MPP/Kep/7/1997 (*BN No. 6032 pages 7A-12A and so on*) on Goods Subject to Import Regulation as has been several times amended the latest by Decree of the Industry and Trade Minister No. 417/MPP/Kep/6/2003;
34. Regulation of the Health Minister No. 1184/Menkes/Per/X/2004 on the Safeguard of Health Instrument and the Preparation of Household Health;
35. Regulation of the Trade Minister No. 01/M-DAG/PER/3/2005 on the Organizational Structure and Work Mechanism of the Trade Ministry as has been several times amended the latest by Regulation of the Trade Minister No. 24/M-DAG/PER/6/2009;
36. Regulation of the Trade Minister No. 16/M-DAG/PER/3/2006 (*BN No. 7360 pages 30A-31A and so on*) on the Arrangement and Development of Warehousing;
37. Regulation of the Trade Minister No. 31/M-DAG/PER/7/2007 (*BN No. 7587 pages 23A-32A*) on Importer Identification Number (API);
38. Regulation of the Trade Minister No. 36/M-DAG/PER/9/2007 (*BN No. 7590 pages 1A-6A*) on the Issuance of Trade Permits;
39. Regulation of the Trade Minister No. 20/M-DAG/PER/5/2009 (*BN No. 7848 pages 23A-26A and so on*) on Provisions and Procedures of Controlling Goods and/or Services;

DECIDES :

To stipulate :

REGULATION OF THE TRADE MINISTER ON THE PROCUREMENT, DISTRIBUTION AND CONTROL OF HAZARDOUS MATERIALS.

CHAPTER I

GENERAL PROVISIONS

Article 1

Referred to in this Ministerial Regulation as :

1. Hazardous materials, hereinafter referred to as B2, are chemical and biological substances and materials, either in a single or mixed form, that may directly or indirectly endanger human health and the environment, and have toxicity, carcinogenic, teratogenic, mutagenic, corrosive and irritation characteristics.
2. Company is any form of individual business or corporate body owned by Indonesian citizen and domiciled in the territory of the Republic of Indonesia, either legal entity or non-legal entity, engaged in B2 trade.
3. Hazardous material producer, hereinafter referred to as P-B2, is a domestic company producing B2 by securing an industrial permit from the authorized agency.
4. Hazardous material producer importer, hereinafter referred to as IP-B2, is a producer importer recognized by the Director General of Foreign Trade and approved

- to import B2 itself only to meet demand from the production activities of the relevant company.
5. Registered hazardous material importer, hereinafter referred to as IT-B2, is a non-producer importer, owner of general importer identification number (API-U) that receives approval and special task from the Director General of Foreign Trade to import B2.
 6. Registered hazardous material distributor, hereinafter referred to as DT-B2, is a company appointed by P-B2 and/or IT-B2 and securing a special trade permit from the Director General of Domestic Trade to distribute B2 to PT-B2 or directly to PA-B2.
 7. Branch office is a company that constitutes a unit or part of the parent company and may be domiciled in a different place and may be self-reliant or assigned to carry out part of the activities of the parent company.
 8. Registered hazardous material retailer, hereinafter referred to as PT-B2, is a company appointed by DT-B2 and securing a special B2 trade permit from the Governor in this case the Head of the Provincial Office to sell B2 to PA-B2.
 9. Hazardous material end-user, hereinafter referred to as PA-B2, is an industrial company using B2 as raw materials/auxiliary materials processed chemically so that their physical and chemical characteristics change to gain added value, and a corporate body or institute using B2 as auxiliary materials according to their appropriation by securing a permit from the authorized agency.
 10. Hazardous material trade permit, hereinafter referred to as SIUP-B2, is a permit to engage in special B2 trade activities.
 11. Procurement of B2 is the process/activity carried out by P-B2, IP-B2 and IT-B2 to provide B2.
 12. Distribution of B2 is the distribution or circulation and sales of B2 from IT-B2 and/or P-B2 to DT-B2, from DT-B2 to PT-B2, from PT-B2 to PA-B2, or IT-B2 and/or PB2 directly to PT-B2, or IT-B2 and/or P-B2 directly to PA-B2.
 13. Control is a series of inspection activities to control the import, distribution and use of B2.
 14. Inspection team is a team checking the legal truth of companies and the physical condition of storing places, repacking facilities, and transportation means used by DT-B2 to distribute B2.
 15. CAS (Chemical Abstract Service) Number, is an internationally-adopted chemical compound index or registration system to identify each chemical compound specifically.
 16. Safety data sheet (SDS) is a guidance form containing B2 information on the physical and chemical characteristics, type of potential danger, method of handling danger, and special act in the state of emergency.
 17. Label is any piece of information on B2 in the form of picture or statement or a combination of the two or other forms containing information on B2 and information on the company and other information according to the law, attached to the product, put inside, placed on or constituting part of the pack.
 18. Pack is a material used to pack and/or wrap up B2, whether or not it directly touches on B2.
 19. Head of the Provincial Office is the Head of the Provincial Office whose tasks and responsibilities cover the trade sector.
 20. Head of the Regency/Municipal Office is the Head of the Regency/Municipal Office whose tasks and responsibilities cover the trade sector.
 21. Director General of Foreign Trade, hereinafter referred to as Dirjen Daglu, is the director general whose tasks and responsibilities cover the foreign trade sector.

22. Director General of Domestic Trade, hereinafter referred to as Dirjen PDN, is the director general whose tasks and responsibilities cover the domestic trade sector.
23. Minister is the minister whose tasks and responsibilities cover the trade sector.

CHAPTER II

TYPES OF HAZARDOUS MATERIALS

Article 2

- (1) The types of B2 subject to import and distribution regulations consist of chemicals that endanger health and destroy the environment as set forth in Attachment I and Attachment II to this Ministerial Regulation.
- (2) The types of B2 referred to in paragraph (1) may be subject to review according to developments.
- (3) The types of B2 referred to in paragraph (1) can only be used according to their appropriation.
- (4) The types of B2 referred to in paragraph (1) are banned from being used for food, cosmetics and food-related industries.
- c. a photocopy of company registration card (TDP);
- d. a photocopy of taxpayer code number (NPWP);
- e. a photocopy of customs identity number (NIK);
- f. a recommendation from authorized official in the industrial sector, for non pharmaceutical industries; and
- g. a recommendation from authorized official in the field of drug and food control, for pharmaceutical, cosmetics, food and food packing industries.
- (3) In connection with the written application referred to in paragraph (2), Dirjen Daglu on behalf of the Minister shall issue IP-B2 recognition status no later than 5 (five) working days after the application has been received in a complete and correct manner.
- (4) B2 imported by IP-B2 shall only be to meet the need from production process and shall not be sold, traded or transferred to other party.

Article 4

- (1) The company named IT-B2 for the types of B2 referred to in Article 2 paragraph (1) is PT (Persero) Perusahaan Perdagangan Indonesia.
- (2) Any import of B2 by the company referred to in paragraph (1) shall secure import approval from Dirjen Daglu after obtaining a recommendation from the authorized official in the field of :
- a. drug and food control, for pharmaceutical, cosmetics, food and food packing industries; or
- b. industries, for non pharmaceutical industries.

Article 5

- IP-B2 status or IT-B2 status is valid for 1 (one) year since the date of issuance and can be extended.

CHAPTER III

THE PROCUREMENT OF IMPORTED B2

Article 3

- (1) P-B2 that will import B2 referred to in Article 2 paragraph (1) shall secure IP-B2 recognition status from the Minister in this case Dirjen Daglu.
- (2) To obtain IP-B2 recognition status referred to in paragraph (1) P-B2 shall file a written application to the Minister in this case Dirjen Daglu, accompanied by :
- a. a photocopy of industrial permit/industrial registration card or other permit from the technical agency;
- b. a photocopy of producer importer identity number (API-P);

CHAPTER IV

THE DISTRIBUTION OF HAZARDOUS MATERIALS

Article 6

The transportation of B2 from the destination port to the IP-B2 or IT-B2 warehouse shall adhere to the procedures and provisions from the relevant agency, complete with emergency transport guide.

Article 7

- (1) The types of B2 referred to in Article 2 can only be distributed by P-B2, IT-B2, IP-B2, DT-B2, and PT-B2.
- (2) In distributing B2 referred to in paragraph (1), P-B2, IT-B2, IP-B2, DT-B2, and PT-B2 shall meet the following requirements:
 - a. IP-B2 distributes B2 only to meet the need from the production process of the relevant company;
 - b. IT-B2 can distribute B2 to DT-B2, PT-B2 and/or PA-B2;
 - c. P-B2 can distribute B2 to DT-B2, PT-B2 and/or PA-B2;
 - d. DT-B2 can distribute B2 to PT-B2 and/or PA-B2;
 - e. PT-B2 can only distribute B2 to PA-B2.
- (3) IT-B2 or DT-B2 can distribute B2 through the branch offices of their company.

Article 8

- (1) The distribution of B2 by P-B2, IT-B2, DT-B2 shall be equipped with LDK/SDS referred to in Attachment III to this Ministerial Regulation.
- (2) B2 distributed as referred to in paragraph (1) shall be packed using packs according to the law and the International Maritime Dangerous Goods Code (IMDG Code/ United Nations Standards).
- (3) The packs referred to in paragraph (2) shall have labels containing the name/type of B2, name and

address of P-B2 or IT-B2 or DT-B2 repacking, net weight/volume, appropriation, pictogram/danger symbol, signal words, and danger statement based on the general guide referred to in Attachment IV to this Ministerial Regulation.

Article 9

- (1) The type of B2 referred to in Article 2 paragraph (1), Attachment II to this Ministerial Regulation, shall be distributed using packs of at least the same size referred to in the Attachment.
- (2) The type of repacked B2 referred to in paragraph (1) shall meet the conditions referred to in Article 8 paragraph (2).
- (3) The repacking referred to in paragraph (2) can only be done by IT-B2 for the type of imported B2 and DT-B2 for the type of locally-made and/or imported B2.

CHAPTER V

LICENCING

Article 10

- (1) The authority to issue SIUP-B2 shall be in the hands of the Minister.
- (2) The Minister shall delegate the authority referred to in paragraph (1) to:
 - a. Dirjen PDN to issue SIUP-B2 to DT-B2;
 - b. the Governor in this case the Head of Provincial Office to issue SIUP-B2 to PT-B2.
- (3) SIUP-B2 is valid for 3 (three) years and can be extended before the date of expiry.
- (4) The original of SIUP-B2 Issued by Dirjen PDN referred to in paragraph (2) letter a, is sent to the company with copies addressed to the Head of Provincial Office and the Head of Regency/Municipal Office.

(5) The original of SIUP-B2 issued by the Head of Provincial Office referred to in paragraph (2) letter b is sent to the company with copies addressed to Dirjen PDN and the Head of Regency/Municipal Office.

Article 11

(1) The application by DT-B2 for SIUP-B2 uses a form referred to in Attachment V to this Ministerial Regulation and is filed to Dirjen PDN by fulfilling the following requirements:

- a. being in the form of limited liability company, partnership or firm;
- b. fulfilling general requirements to engage in trade, namely SIUP, TDP, SITU/Nuisance Act (HO), and NPWP;
- c. holding a letter of appointment from P-B2, IT-B2 or the combination of the two;
- d. having an emergency response system and expert in B2 management; and
- e. having and/or controlling B2 distribution facilities in the form of storage place, repacking place and transport means that meet security, safety, health and environmental requirements, evident from an official report on physical inspection by the provincial inspection team.

(2) The application by PT-B2 for SIUP-B2 uses a form referred to in Attachment V to this Ministerial Regulation and is filed to the Head of Provincial Office by fulfilling the following requirements:

- a. being in the form of corporate body;
- b. fulfilling general requirements to engage in trade, namely SIUP, TDP, SITU/Nuisance Act (HO), and NPWP;
- c. having storing facility that meets security, safety, health and environmental requirements, evident

from an official report on physical inspection by the regency/municipal inspection team; and

d. holding a letter of appointment from DT-B2.

(3) If the application by DT-B2 for SIUP-B2 referred to in paragraph (1) and that by PT-B2 for SIUP-B2 referred to in paragraph (2) have met the requirements, Dirjen PDN issues SIUP-B2 to DT-B2 and the Head of Provincial Office issues SIUP-B2 to DT-B2 no later than 5 (five) working days after the application has been received in a complete and correct manner using a form referred to in Attachment VI to this Ministerial Regulation.

(4) The distribution facility-inspecting team referred to in paragraph (1) letter e is formed by the Governor and consists of elements of provincial offices whose tasks and responsibilities cover the fields of health, industry, trade, manpower, agriculture, drug and food control, and the environment, and/or experts and other technical agencies according to the need.

(5) The storage facility-inspecting team referred to in paragraph (2) letter c is formed by the Regent/Mayor and consists of elements of regency/municipal offices whose tasks and responsibilities cover the fields of health, industry, trade, manpower, agriculture, drug and food control, and the environment, and/or experts and other technical agencies according to the need.

(6) In carrying out its tasks the provincial inspection team or the regency/municipal inspection team referred to in paragraph (4) and paragraph (5) can coordinate with the Directorate General of Domestic Trade.

Article 12

(1) The branches of the company referred to in Article 7 paragraph (3), if their head office has :

a. IT-B2

- a. IT-B2 recognition status, can distribute B2 to DT-B2, PT-B2 and PA-B2; or
 - b. SIUP B2 as DT-B2, can distribute B2 to PT-B2 and PA-B2.
- (2) If the branches of the company referred to in paragraph (1) do not distribute B2 from the head office of the company they can function as retailers to distribute B2 to PA-B2 by having to hold SIUP-B2 as PT-B2.
- (3) In distributing B2, the branches of the company referred to in paragraph (1) shall meet the following requirements:
- a. holding TDP, SITU/Nuisance Act (HO), and NPWP;
 - b. having an emergency response system and expert in B2 management; and
 - c. having and/or controlling B2 distribution facilities in the form of storage place, repacking place and transport means that meet security, safety, health and environmental requirements, evident from an official report on physical inspection by the provincial inspection team.
- (4) The branches of the company that meet requirements referred to in paragraph (3) shall notify their head office's status of IT-B2 or SIUP-B2 as DT-B2 to the Head of Provincial Office.
- (5) The Head of Office referred to in paragraph (4) shall put signature and stamp on the front page of the photocopy of their head office's IT-B2 or SIUP-B2 certificate as DT-B2 no later than 3 (three) working days after the notification has been received and the requirements have been fulfilled.
- a. Dirjen Daglu;
 - b. the Director General of Agro Chemical Industry, Industry Ministry; and
 - c. the deputy for food and hazardous material security supervision to the Head of the Drug and Food Supervisory Agency.
- (2) The report referred to in paragraph (1) shall be submitted no later than 15 (fifteen) calendar days after B2 has arrived at the port of unloading using the model of report on the import of IP-B2 and IT-B2 referred to in Attachment VII to this Ministerial Regulation.
- (3) IP-B2 shall report the use of B2 to the Director General of Agro Chemical Industry, Industry Ministry, with copies addressed to:
- a. Dirjen PDN; and
 - b. the deputy for food and hazardous material security supervision to the Head of the Drug and Food Supervisory Agency.
- (4) IT-B2 shall report the distribution of B2 among DT-B2, PT-B2 and/or PA-B2 to Dirjen PDN, with copies addressed to :
- a. Dirjen Daglu;
 - b. the Director General of Agro Chemical Industry, Industry Ministry; and
 - c. the deputy for food and hazardous material security supervision to the Head of the Drug and Food Supervisory Agency.
- (5) If IT-B2 referred to in paragraph (1) has branches distributing B2 from the head office of the company, the report submitted shall include the distribution of B2 by its branches.
- (6) The report referred to in paragraph (4) shall be submitted every 3 (three) months since the issuance date of IT-B2 status using the model of report on the distribution of imported B2 referred to in Attachment III to this Ministerial Regulation.

CHAPTER VI

REPORTING

Article 13

- (1) IP-B2 and IT-B2 shall report the import of B2 to :

(7) If IT-B2 has not yet imported B2 and distributed imported B2 referred to in paragraph (1) and paragraph (4), it shall remain obliged to submit a zero report.

Article 14

(1) DT-B2 shall submit a report to Dirjen PDN on B2 obtained from P-B2 and/or IT-B2 as well as on B2 distributed, using the model of report referred to in Attachment IX to this Ministerial Regulation, with copies addressed to:

- a. the deputy for food and hazardous material security supervision to the Head of the Drug and Food Supervisory Agency;
- b. the Director General of Agro Chemical Industry, Industry Ministry; and
- c. the Head of Provincial Office overseeing the area where the company is domiciled and distributes B2.

(2) If DT-B2 referred to in paragraph (1) has branches distributing B2 from the head office of the company, the report submitted shall include the distribution of B2 by its branches.

(3) PT-B2 shall submit a report on the distribution of B2 to the Head of Provincial Office using the model of report referred to in Attachment X to this Ministerial Regulation, with copies addressed to:

- a. Dirjen PDN;
- b. the deputy for food and hazardous material security supervision to the Head of the Drug and Food Supervisory Agency;
- c. the Director General of Agro Chemical Industry, Industry Ministry; and
- d. the Head of Regency/Municipal Office overseeing the area where the company is domiciled.

(4) The Head of Provincial Office shall submit a recapitulation of reports referred to in paragraph (3) to Dirjen PDN.

(5) PA-B2 shall submit a report on B2 obtained to the Head of Regency/Municipal Office using the model of report referred to in Attachment XI to this Ministerial Regulation, with copies addressed to:

- a. Dirjen PDN;
- b. the deputy for food and hazardous material security supervision to the Head of the Drug and Food Supervisory Agency;
- c. the Director General of Agro Chemical Industry, Industry Ministry; and
- d. the Head of Provincial Office.

(6) The Head of Regency/Municipal Office shall submit a recapitulation of reports referred to in paragraph (4) to Dirjen PDN.

(7) The report referred to in paragraph (1), paragraph (3), and paragraph (5) and Article 13 paragraph (6) shall be submitted every quarter of the calendar year as follows:

- quarter I, on March 31.
- quarter II, on June 30.
- quarter III, on September 30.
- quarter IV, on December 31.

(8) The obligation for PA-B2 to submit a report referred to in paragraph (5) does not apply to industrial companies as IP-B2 using B2 as raw materials/auxiliary materials for their industrial activities.

Article 15

The report on the distribution of B2 referred to in Article 14, for:

- a. DT-B2, shall at least contain:
 - 1) name and address of PT-B2 and/or PA-B2;
 - 2) type and CAS number of B2;
 - 3) net weight or volume of B2;
 - 4) beginning stocks and ending stocks;

- 5) B2 sales time (date, month, year); and
 - 6) name and address of P-B2 and IT-B2 distributing B2.
- b. PT-B2, shall at least contain:
- 1) name and address of PA-B2;
 - 2) type and CAS number of B2;
 - 3) net weight or volume of B2;
 - 4) B2 sales time (date, month, year); and
 - 5) name and address of P-B2, IT-B2, and DT-B2 distributing B2.
- c. PA-B2, shall at least contain:
- 1) type and net weight or volume of B2 bought and its appropriation;
 - 2) beginning stocks and ending stocks;
 - 3) B2 purchase time (date, month, year); and
 - 4) name and address of P-B2, IT-B2, DT-B2, and PT-B2 distributing B2.

Article 16

- (1) If DT-B2, PT-B2, and PA-B2 cease their business activities, they shall report the position of B2 stocks to :
- a. Dirjen PDN, for DT-B2;
 - b. the Governor in this case the Head of Provincial Office, for PT-B2 and PA-B2 domiciled in the province.
- (2) The report referred to in paragraph (1) shall be submitted no later than 5 (five) working days after the business activities are stopped, evident from a statement of ceased business activities from the party concerned.
- (3) In case of B2 reminders at the companies referred to in paragraph (1), the B2 remainders shall be returned to :

- a. P-B2 and/or IT-B2, for B2 originating from DT-B2 concerned;
- b. DT-B2, for B2 originating from PT-B2 and/or PA-B2 concerned; and
- c. PT-B2, for B2 originating from PA-B2 concerned.

CHAPTER VII

BAN

Article 17

- (1) IP-B2 is prohibited to :
- a. sell and/or transfer B2 to other party;
 - b. import goods/materials whose type and/or volume do not match those contained in the certificate of recognition as IP-B2; and
 - c. import goods/materials referred to in the certificate of recognition as IP-B2 whose validity period has expired.
- (2) IT-B2 is prohibited to:
- a. import goods/materials whose type and/or volume do not match those contained in the certificate of recognition as IT-B2;
 - b. import goods/materials referred to in the certificate of recognition as IT-B2 whose validity period has expired; and
 - c. use imported B2 by violating its appropriation referred to in the certificate of recognition as IT-B2.

Article 18

Anybody or corporate body that does not have certificate of recognition as IP-B2, IT-B2 or SIUP-B2, is prohibited to :

- a. distribute

- a. distribute/circulate or sell B2; and/or
- b. repack B2 from the original pack.

CHAPTER VIII
DEVELOPMENT AND CONTROL

Article 19

The development of IP-B2, IT-B2, DT-B2, PT-B2 in distributing B2 and PA-B2 in using B2 shall be done by the Trade Minister in coordination with the relevant ministries/agencies.

Article 20

- (1) The control of the distribution, packing and labelling B2 covers aspects of licencing/legality of companies, distribution of B2 (type, distribution, and stock of B2), distribution facility to ensure smooth distribution of B2, an emergency response system and expert in B2 management, reporting of B2 distributed, labels and packs of B2 and safety data sheet (SDS).
- (2) The control of PA-B2 referred to in paragraph (1) covers aspects of the use of B2 according to its appropriation.

Article 21

- (1) The control referred to in Article 20 can be done individually or jointly by the employees/officials of the Directorate General of Domestic Trade, employees/officials of the Provincial Office, Regency/Municipal Office and/or along with relevant technical agencies.
- (2) The control by the employees/officials referred to in paragraph (1) shall be equipped with a letter of assignment issued by the authorized officials for a certain period of time.
- (3) The authorized officials referred to in paragraph (2) shall be:

- a. Dirjen PDN, for employees/officials of the Directorate General of Domestic Trade;
- b. the Governor in this case the Head of Provincial Office, for employees/officials of the Provincial Office;
- c. the Regent/Mayor in this case the Head of Regency/Municipal Office, for employees/officials of the Regency/Municipal Office; and
- d. the head of relevant agency overseeing employees/officials controlling B2.

- (4) IP-B2, IT-B2, P-B2, DT-B2, PT-B2, and PA-B2 shall give widest possible access on the truth of B2 distribution to the employees/officials conducting the control referred to in paragraph (1).

Article 22

- (1) The employees/officials referred to in Article 21 paragraph (2) shall submit the results of control to the official assigning them.
- (2) If preliminary evidence of alleged criminal offence is found in the execution of control, the employees/officials referred to in paragraph (1) shall immediately hand the finding to the investigator of the Police of the Republic of Indonesia by showing a letter of introduction from the official assigning them.

CHAPTER IX
SANCTIONS

Article 23

- (1) IP-B2 violating provisions in Article 3 paragraph (4), Article 6, Article 7 paragraph (2) letter a, Article 13 paragraph (1) and paragraph (3), Article 17 paragraph (1), is liable to administrative sanction by having its status as IP-B2 revoked.

- (2) IT-B2 violating provisions in Article 6, Article 7 paragraph (2) letter b, Article 8, Article 9 paragraph (1) and paragraph (2), Article 12 paragraph (4), Article 13 paragraph (1), paragraph (4), Article 17 paragraph (2) is liable to administrative sanction by having its IT-B2 status revoked.
- (3) DT-B2 violating provisions in Article 7 paragraph (2) letter d, Article 8, Article 9 paragraph (1) and paragraph (2), Article 12 paragraph (2) and paragraph (4), Article 14 paragraph (1), Article 16 paragraph (1) is liable to administrative sanction by having its SIUP-B2 revoked.
- (4) PT-B2 violating provisions in Article 7 paragraph (2) letter e, Article 14 paragraph (3) and Article 16 paragraph (1) is liable to administrative sanction by having its SIUP-B2 revoked.
- (5) P-B2 violating provisions in Article 7 paragraph (2) letter c and Article 8, Article 9 paragraph (1) and paragraph (2) is liable to sanction by having its technical licence revoked by the authorized official.
- (6) PA-B2 violating provisions in Article 14 paragraph (5) and Article 16 paragraph (1) is liable to sanction by having its technical licence revoked by the authorized official.
- (7) If P-B2 and PA-B2 are liable to administrative sanctions referred to in paragraph (5) and paragraph (6), the Minister or appointed official shall issue a recommendation on the revocation of technical licences to the relevant agency/authorized official.

Article 24

- (1) The administrative sanctions referred to in Article 23 paragraph (3), paragraph (4) are imposed after written warnings have been issued 3 (three) times with an

interval of 1 (one) month.

- (2) The format of written warning and decision on the revocation of SIUP-B2 follows Attachment XII and Attachment XIII to this Ministerial Regulation.

Article 25

- (1) IP-B2 violating provisions in Article 6, Article 8 and Article 17 paragraph (1) letter b and letter c, is liable to sanction according to the law.
- (2) IT-B2 violating provisions in Article 6, Article 8 and Article 17 paragraph (2) letter a and letter b, is liable to sanction according to the law.
- (3) DT-B2 violating provisions in Article 8 and Article 17 paragraph (1) and paragraph (3), is liable to sanction according to the law.
- (4) The branch of company violating provisions in Article 12 paragraph (2) is liable to sanction according to the law.

Article 26

Any individual or corporate body violating provisions in Article 18 is liable to sanction according to the law.

Article 27

- (1) The type of B2 that does not meet provisions in Article 2 paragraph (4) shall be withdrawn from circulation.
- (2) The withdrawal of B2 from circulation referred to in paragraph (1) shall be ordered by the authorized official and the withdrawal shall be conducted by the relevant company.
- (3) All expenses arising from the withdrawal of B referred to in paragraph (2) shall be borne by the relevant company.

CHAPTER X**TRANSITIONAL PROVISIONS****Article 28**

Certificates of recognition as IP-B2, appointment as IT-B2, approval of B2, SIUP-B2 for DT-B2 and SIUP-B2 for PT-B2 issued before the issuance of this Ministerial Regulation shall remain valid until their date of expiry.

CHAPTER XI**OTHER PROVISIONS****Article 29**

Provisions on the implementation of this Ministerial Regulation and technical matters that have not been provided for in this Ministerial Regulation are to be stipulated by :

- a. Dirjen PDN, when it comes to the distribution of locally-made B2; and
- b. Dirjen Daglu, when it comes to the procurement of imported B2.

CHAPTER XII**CONCLUSION****Article 30**

When this Ministerial Regulation begins to take effect:

- a. Regulation of the Trade Minister No. 04/M-DAG/PER/2/2006 on the Distribution and Control of Hazardous

Materials, as has been amended by Regulation of the Trade Minister No. 08/M-DAG/PER/3/2006; and

- b. Decree of the Industry and Trade Minister No. 254/MPP/Kep/7/2000 on Procedures of Importing and Circulating Certain Hazardous Materials, shall be declared null and void.

Article 31

This Ministerial Regulation shall come into force 60 (sixty) days after the date of stipulation.

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

Stipulated in Jakarta

on September 15, 2009

THE TRADE MINISTER,

sgd.

MARI ELKA PANGESTU

Editor's Notes :

- Attachments are not carried for technical reasons.

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