

THE PROTECTION OF MARINE ENVIRONMENT
(Government Regulation No. 21/2010 dated February 1, 2010)

BY THE GRACE OF ALMIGHTY GOD
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

In view of :

1. Article 5 paragraph (2) of the 1945 Constitution;
2. Law No. 17/2008 (*BN No. 7690 pages 1A-10A and so on*) on Shipping (Statute Book of 2008 No. 64, Supplement to Statute Book No. 4849);

Considering :

That to implement provisions in Article 232, Article 238, Article 240, and Article 243 paragraph (2) of Law No. 17/2008 on Shipping, it is necessary to stipulate a Government Regulation on the Protection of Marine Environment;

DECIDES :

To stipulate :

GOVERNMENT REGULATION ON THE PROTECTION OF MARINE ENVIRONMENT.

**CHAPTER I
GENERAL PROVISIONS**

Article 1

Referred to in this Government Regulation

as :

1. The protection of marine environment is any effort made to prevent and control marine environmental pollution caused by shipping-related activities.
2. The prevention of shipboard pollution is any effort made by ship captains and/or crew members as early as possible to avoid or reduce pollution caused by oil spills, toxic liquids, dangerous cargoes in containers, sewage, garbage and gas discharge from ships to the waters and air.
3. The control of pollution caused by the operation of ships is any act taken in a quick, proper, integrated and coordinated manner to control, reduce and clean oil spills or toxic liquids from ships to the waters to minimize public losses and marine environment destruction.
4. The control of pollution caused by port activities is any act taken in a quick, proper, integrated and coordinated manner to control, reduce and clean oil spills or toxic liquids from ports to the waters to minimize public losses and marine environment destruction.
5. Oil is natural oil in any form, including crude oil, fuel oil, sludge, oil residue and the results of purification process, such as a variety of asphalt, diesel fuel, lubricant, kerosene, gasoline, refined oil, naphtha and the like.
6. Anti-fouling system is a kind of protective layer, paint, surface care layer or equipment used aboard a ship to control or prevent unexpected organism from sticking on the ship.
7. The discharge of waste to the waters is any discharge of waste or other objects to the waters, either those originating from ships or those coming in the form of ship's hull, except discharge originating from the normal operations of ships.
8. Shipping is a unit of systems consisting of transportation modes in the waters, port, safety and security as well as the protection of marine environment.
9. Ship is a water vehicle with certain model and type, driven by wind power, mechanical power, or other energy, pulled or towed, including vehicles with dynamic supporting power, vehicles beneath water surface, and immovable floating means and floating structures.
10. Crew member is a person working or employed aboard a ship by the owner or operator of the ship to carry out task aboard the ship according to the position contained in the certificate book.
11. Ship captain is one of crew members who becomes the highest leader aboard a ship and has the authority and responsibilities according to the law and regulation.
12. Ship owner is an individual or company registered as ship owner or taking responsibilities on behalf of the ship owner including operator.
13. Waste is residue of a business and/or activity.
14. Ship tank is a closed space which is part of ship's permanent construction used to place or carry liquids in bulk, including wing tank, fuel tank, center tank, water ballast tank, or double bottom tank, slop tank, sludge tank, deep tank, bilge tank, and tanks used to carry liquids in bulk.
15. Port is a place consisting of land and/or waters with certain borders to serve as the place of government activities and business activities, the place to anchor ships, pick up and drop off passengers, load and unload goods, in the form of terminal and anchorage place equipped with shipping safety and security facilities, and port supporting activities and the place to move from one transport mode to another.
16. Port affairs are anything related to the operation of port to support the smooth, safe and orderly traffic of ships, passengers and/or goods, shipping safety and security, the place

to move from one transport mode to another, and encourage the national and regional economies by constantly paying attention to the regional spatial layout.

17. Other unit of activities is the operator of the unit of oil drilling and oil storage facilities in the waters.
18. Port master is a government official at a port, appointed by the minister and having the highest authority to control whether or not provisions in the law and regulation are fulfilled to ensure safe and secure shipping.
19. Minister is the minister carrying out administrative affairs in the field of shipping.

Article 2

- (1) The protection of marine environment shall be carried out by the Minister.
- (2) The protection of marine environment as referred to in paragraph (1) shall be carried out through :
 - a. the prevention and control of pollution caused by the operation of ships; and
 - b. the prevention and control of pollution caused by port activities.
- (3) In addition to the prevention and control as referred to in paragraph (2), the protection of marine environment shall affect :
 - a. the discharge of waste to waters; and
 - b. ship recycling.

CHAPTER II

THE PREVENTION AND CONTROL OF POLLUTION CAUSED BY THE OPERATION OF SHIPS

Part One

General

Article 3

- (1) Any ship crew member shall prevent and control the occurrence of environmental pollution caused by their ship.
- (2) The environmental pollution caused by their ship as referred to in paragraph (1) can come in the form of :

- a. oil;
- b. toxic liquid;
- c. dangerous cargoes in containers;
- d. sewage;
- e. garbage;
- f. air;
- g. ballast water; and/or
- h. goods and materials hazardous to the environment in the ship.

Article 4

- (1) In carrying out the prevention of pollution as referred to in Article 3 paragraph (1) ship crew members shall, according to their position contained in the certificate book in the ship of certain type and size, make sure :
 - a. the availability of oil note book for machine space and oil note book for loading space for oil tankers;
 - b. the availability of good sludge tank;
 - c. the availability of garbage discharge management and garbage container;
 - d. the type of fuel used does not destroy the ozone layer;
 - e. the equipment installed for the prevention of pollution functions well for ships of certain size;
 - f. the availability of sludge tank or sludge destroying device for ships with a crew member of 15 (fifteen) or more;
 - g. the availability of good packing, labeling, documenting and loading systems according to the mechanism and procedure for ships carrying hazardous materials in containers;
 - h. the availability of standing procedure of controlling pollution; and
 - i. the availability of dispersant and oil boom.
- (2) In carrying out the control of pollution as referred to in Article 3 paragraph (1), ship crew members shall, according to their positions contained in the certificate book :

- a. localize oil using oil boom;
- b. skim oil using skimmer;
- c. absorb oil using sorbent;
- d. disperse oil by pouring environmentally friendly dispersant; and
- e. report to the near port master and/or other government elements.

Article 5

- (1) Any ship is banned from discharging waste and other materials originating from the operation of ship to the waters.
- (2) The waste as referred to in paragraph (1) covers :
 - a. sludge residue;
 - b. garbage; and
 - c. human feces.
- (3) The other materials as referred to in paragraph (1) cover:
 - a. ballast water;
 - b. hazardous and toxic chemicals; and
 - c. materials containing ozone-depleting substance.
- (4) The waste and other materials as referred to in paragraph (1) shall be accommodated in ships and moved to storage facilities found at ports or special terminals.

Article 6

- (1) The waste and other materials aboard ships as referred to in Article 5 paragraph (1) can only be discharged to the waters after meeting conditions according to the law and regulation.
- (2) The conditions as referred to in paragraph (1) cover:
 - a. discharge distance;
 - b. discharge volume; and
 - c. quality of discharged waste or other materials.
- (3) Further provisions on the procedure of discharging waste and other materials aboard ships are to be provided for in the regulation

of the Minister after coordinating with the minister carrying out administrative affairs in the field of environment.

Part Two

Equipment for the Prevention and Control of Shipboard Pollution

Article 7

- (1) Ships of certain types and sizes shall have equipment for the prevention and control of shipboard pollution.
- (2) The equipment for the prevention of shipboard pollution for ships of certain types and sizes as referred to in paragraph (1) shall cover :
 - a. for ships of 100 gross tonnage or more and/or with a main engine of 200 horse power or more shall at least have equipment for the prevention of oil pollution, covering :
 - 1. oily water separator;
 - 2. sludge tank; and
 - 3. standard discharge connection;
 - b. for ships carrying toxic liquids shall at least have equipment for the prevention of toxic liquid pollution, covering :
 - 1. stripping pump; and
 - 2. slop tank;
 - c. for ships with 15 (fifteen) sailors or more shall have equipment for the prevention of sludge pollution, covering:
 - 1. sludge processing devices;
 - 2. sludge destroying devices; and/or
 - 3. sludge tank and standard discharge connection;
 - d. for each ship shall at least have equipment for the prevention of garbage pollution, covering :
 - 1. garbage storage; and
 - 2. signaling;
 - e. for ships of 400 gross tonnage or more shall at least have equipment for the prevention of air pollution, covering :

1. gas exhaust filter; and
 2. cooling system and fire extinguisher which do not use ozone-depleting substance.
- (3) Equipment for the prevention of pollution and materials for the control of pollution for ships of certain types and sizes as referred to in paragraph (1) shall cover :
- a. oil boom;
 - b. skimmer;
 - c. sorbent; and
 - d. dispersant.
- (4) The equipment for the prevention of pollution and materials for the control of pollution as referred to in paragraph (1) shall meet technical standards of equipment for the prevention of pollution and materials for the control of pollution stipulated by the Minister.

Part Three

Approval of Equipment and Materials for the Prevention and Control of Pollution

Article 8

- (1) To know whether or not the technical standards as referred to in Article 7 have been complete and met the Minister shall conduct an audit and test.
- (2) Ship owners or operators shall file applications for audit and test to the Minister, accompanied by :
 - a. photocopies of measurement letter and safety certificate; and
 - b. pictures of equipment installations aboard ships.
- (3) If the results of audit and test have met complete requirements and technical standards as referred to in paragraph (2), the Minister shall approve them by issuing certificates.
- (4) The certificates as referred to in paragraph (3) shall be valid for a maximum of 5 (five) years and can be extended,

- (5) If the results of audit and test do not meet complete requirements and technical standards as referred to in paragraph (2), the applicants shall meet them.
- (6) The audit and test as referred to in paragraph (1) shall be conducted every year and any time.

Article 9

The issuance of certificates as referred to in Article 8 paragraph (3) shall be subject to fees according to the law and regulation in the field of non-tax state revenues.

Article 10

- (1) The audit and test as referred to in Article 8 paragraph (3) and Article 9 shall be conducted at ports or special terminals which have ship safety auditors.
- (2) If ships are at special ports or terminals which do not have ship safety auditors, ship owners can bring in ship safety auditors at the approval of the Minister.

Article 11

Further provisions on the procedures of conducting audit and test and of issuing certificates to equipment and materials for the prevention and control of pollution are to be provided for in the Regulation of the Minister.

Part Four

Plan for the Control of Shipboard Pollution Emergency

Article 12

- (1) Operated ships of certain types and sizes shall be equipped with plan for the control of shipboard oil pollution.
- (2) The plan for the control of oil pollution as referred to in paragraph (1) shall be made by ship owners or operators,

- (3) The plan for the control of shipboard oil pollution as referred to in paragraph (2) can come in the form of:
- a. Shipboard Oil Pollution Prevention Emergency Plan (SOPEP); or
 - b. Shipboard Marine Pollution Prevention Emergency Plan (SMPEP).
- (4) The plan for the control of shipboard pollution emergency as referred to in paragraph (3) shall be approved by the Minister based on the applications from ship owners or operators.

**THE PREVENTION OF ENVIRONMENTAL POLLUTION
ORIGINATING FROM DANGEROUS GOODS
AND MATERIALS ABOARD SHIPS**

**Part One
Anti-Fouling Systems**

Article 13

- (1) Any operated ship of 400 gross tonnage or more and any ship with a length of 24 (twenty-four) meters or more shall meet the standards of anti-fouling systems set by the Minister.
- (2) The standards of anti-fouling systems as referred to in paragraph (1) shall cover the procedure of anti-fouling painting and painting materials used.
- (3) Ships that have met the standards of anti-fouling systems as referred to in paragraph (1) shall be given certificates by the Minister.
- (4) Further provisions on the procedure of issuing certificates confirming the fulfilment of the standards of anti-fouling systems are to be provided for in the Regulation of the Minister.

Part Two

The Management of Shipboard Ballast Water

Article 14

- (1) Any operated ship of 400 gross tonnage or more shall meet ballast water management standards set by the Minister.
- (2) The ballast water management standards as referred to in paragraph (1) shall cover the

procedure of discharging ballast water and device for the management of ballast water.

- (3) Ships that have met the ballast water management standards as referred to in paragraph (1) shall be given certificates by the Minister.
- (4) Further provisions on the procedure of issuing certificates confirming the fulfilment of ballast water management standards are to be provided for in the Regulation of the Minister.

Part Three

Stainless Protective Resistance Standards

Article 15

- (1) Any operated ship of 500 gross tonnage or more shall meet stainless protective resistance standards in the ballast water tank set by the Minister.
- (2) The stainless protective resistance standards as referred to in paragraph (1) shall cover the procedure of painting.
- (3) Ships that have met stainless protective resistance standards as referred to in paragraph (1) shall be given certificates by the Minister.
- (4) Further provisions on the procedure of auditing and issuing certificates of stainless protective resistance standards are to be provided for in the Regulation of the Minister.

Part Four

Tank Cleaning

Article 16

- (1) Tank cleaning can be carried out by :
- a. ship crew members; or
 - b. corporate bodies engaged in tank cleaning.
- (2) Tank cleaning by ship crew members as referred to in paragraph (1) letter a can be carried out if the ship is equipped with ship-cleaning devices and equipment.
- (3) The corporate bodies as referred to in paragraph (1) letter b shall hold :
- a. business permits; and
 - b. work permits.

(4) The business permits as referred to in paragraph (3) letter a shall be issued by the Minister after the following requirements have been met:

a. administrative:

1. deed of incorporation;
2. taxpayer code number; and
3. certificate of domicile;

b. technical:

1. having at least 2 (two) experienced ship tank cleaners;
2. having or mastering tank cleaning devices and equipment consisting of :
 - a) liquid pump;
 - b) blower;
 - c) air compressor;
 - d) gas detector;
 - e) fire-resistant clothes and accessories;
 - f) gas mask;
 - g) safety lamp;
 - h) rubber shoes;
 - i) portable extinguisher;
 - j) oil boom;
 - k) sorbent;
 - l) dispersant;
 - m) work vessel; and
 - n) waste storage.

(5) The work permits as referred to in paragraph (3) letter b shall be issued by the port master after the corporate bodies have obtained permits to operate toxic and hazardous waste processing equipment from the minister responsible for carrying out administrative affairs in the field of environmental protection and management.

(6) Ships whose tanks have been cleaned are given certificates by the port master.

(7) Further provisions on the procedure of issuing business permits and work permits for tank cleaning are to be provided for in the Regulation of the Minister.

**CHAPTER IV
THE PREVENTION OF POLLUTION
CAUSED BY PORT ACTIVITIES**

Article 17

(1) Any operated port shall meet requirements to prevent pollution caused by port activities including those at special terminals.

(2) The requirements as referred to in paragraph (1) cover the availability of :

- a. waste storage; and
- b. garbage storage.

(3) Port activities including those at special terminals as referred to in paragraph (1) cover port affairs, construction, maintenance and ship repair.

(4) Further provisions on technical requirements for the prevention of pollution at ports and special terminals are to be provided for in the Regulation of the Minister.

**CHAPTER V
THE CONTROL OF POLLUTION IN WATERS
AND PORTS**

Part One

General

Article 18

(1) Any ship, unit of other activity, and port activity shall meet requirements for the control of pollution.

(2) The requirements for the control of pollution as referred to in paragraph (1) cover:

- a. procedures;
- b. personnel;
- c. equipment and materials; and
- d. exercise.

Article 19

(1) The procedures for the control of pollution as referred to in Article 18 paragraph (2) letter a consist of :

a. procedure.....

- a. procedure for the control of pollution of tier 1;
 - b. procedure for the control of pollution of tier 2; and
 - c. procedure for the control of pollution of tier 3.
- (2) Each of the procedures for the control of pollution as referred to in paragraph (1) shall at least contain :
- a. structure, responsibility, task, function, and work mechanism of operational organization;
 - b. reporting and communication systems; and
 - c. operating technical guidance.

Article 20

- (1) Personnel for the control of pollution as referred to in Article 18 paragraph (2) letter b shall be based on the level of competence consisting of :
- a. operator or executor;
 - b. supervisor or on-scene commander; and
 - c. manager or administrator.
- (2) The competence of personnel as referred to in paragraph (1) shall be obtained through exercise:
- a. level 1, for operator;
 - b. level 2, for supervisor or on-scene commander; and
 - c. level 3, for manager or administrator.

Article 21

- The devices and materials as referred to in Article 18 paragraph (2) letter c shall at least consist of :
- a. oil boom;
 - b. skimmer;
 - c. temporary storage;
 - d. sorbent; and
 - e. dispersant.

Article 22

- (1) The exercises as referred to in Article 18 paragraph (2) letter d shall be conducted to make

sure the preparedness and readiness of personnel, devices and materials for the control of pollution and the tryout of procedures already set.

- (2) The exercises as referred to in paragraph (1) shall consist of:
- a. communication and reporting exercise;
 - b. table top exercise;
 - c. equipment deployment exercise; and
 - d. joint and integrated exercise.

Article 23

Further provisions on the procedures, personnel, equipment and materials as well as on pollution control exercise are to be provided for in the Regulation of the Minister.

Part Two

The Control of Pollution Originating from Ships, Units of Other Activities in Waters and Activities at Ports

Article 24

- (1) Any ship captain or officer responsible for other units of activities in waters shall be responsible for controlling pollution originating from ships and/or their activities.
- (2) Port authorities, port executing units, port corporate bodies and special terminal operators shall control pollution originating from their activities.

Article 25

- The control of pollution as referred to in Article 24 shall be carried out by :
- a. reporting any pollution to the nearest port master and/or other nearest government element; and
 - b. controlling pollution by using equipment and materials owned by ships, other units of activities in waters, ports including special terminals, or other elements according to the procedure of controlling pollution approved by the Minister.

Article 26

- (1) The reporting as referred to in Article 25 letter a shall be conducted by using communication means carrying information consisting of at least:
 - a. date and time of happening;
 - b. type of pollution;
 - c. source and cause of pollution; and
 - d. position of pollution.
- (2) The procedure of controlling pollution as referred to in Article 25 letter b shall consist of :
 - a. pattern of the control of pollution originating from the operation of ships; and
 - b. procedure of emergency response for the control of pollution originating from other units of activities and activities at ports including those at special terminals.

Article 27

- (1) In case of pollution originating from ships or other units of activities in waters, ship captains or officers responsible for the other units of activities in waters shall carry out the control of pollution using personnel, equipment, and materials for the control of pollution aboard the ships or at the other units of activities in waters according to the procedures of controlling pollution originating from the operation of ships or other units of activities in waters as referred to in Article 26 paragraph (2).
- (2) If the personnel, equipment and materials for the control of pollution aboard the ships or at other units of activities in waters are not able to control the pollution as referred to in paragraph (1), the ship captains or officers responsible for the other units of activities in waters shall immediately report to the port master to coordinate the control of pollution based on the level of tier 1 using personnel, equipment and materials for the control of pollution available at the port.

- (3) If the personnel, equipment and materials for the control of pollution available at the port are not able to control the pollution, the port masters shall report to the port master appointed as a regional coordinator to coordinate the control of pollution based on the level of tier 2 using personnel, equipment and materials for the control of pollution available at their regions.
- (4) If the personnel, equipment, and materials for the control of pollution based on the level of tier 2 are not able to control pollution or the pollution spreads pass the territory of the Unitary State of the Republic of Indonesia, the coordinating port master shall report to the Minister to coordinate the control of pollution based on the level of tier 3 using personnel, equipment and materials for the control of pollution available at national level.

Article 28

- (1) In case of pollution originating from activities at ports including special terminals, port authorities, port operating units, port corporate bodies, or special terminal operators shall conduct the control of pollution using personnel, equipment, and materials for the control of pollution available at the ports including special terminals under the coordination of the port masters according to the procedure of controlling pollution based on the level of tier 1.
- (2) If the personnel, equipment and materials for the control of pollution available at the ports are not able to control the pollution, the port masters shall report to the port master appointed as a regional coordinator to coordinate the control of pollution based on the level of tier 2 using personnel, equipment and materials for the control of pollution available at their regions.
- (3) If the personnel, equipment and materials for the control of pollution based on the level of tier 2 are not able to control the pollution or the pollution spreads pass the territory of the

Unitary State of the Republic of Indonesia, the coordinating port master shall report to the Minister to coordinate the control of pollution based on the level of tier 3 using personnel, equipment and materials available at national level.

CHAPTER VI

THE RESPONSIBILITIES OF SHIP OWNERS OR OPERATORS

Article 29

- (1) Ship owners or operators or officers responsible for other units of activities in waters shall be responsible for the cost incurred to conduct the control of pollution and the losses caused by the pollution originating from ships and/or other units of activities.
- (2) To meet the responsibilities as referred to in paragraph (1), ship owners or operators or officers responsible for other units of activities in waters shall insure their responsibilities.

Article 30

- (1) The owners or operators of ships carrying oil shall be responsible for compensating the losses suffered by third parties due to oil pollution caused by their ships.
- (2) The owners or operators of ships carrying oil in bulk of more than or equal to 2,000 (two thousand) tons shall insure their responsibilities for the losses suffered by third parties due to oil pollution caused by their ships.
- (3) The owners or operators of ships of more than or equal to 1,000 gross tonnage shall insure their responsibilities for compensating the losses suffered by third parties due to oil pollution caused by activities to fuel their ships (bunkers).
- (4) The insurance as referred to in paragraph (2) and paragraph (3) shall be proven by the Certificates of Pollution Compensation Guaranty issued by the Minister.

Article 31

The owners or operators of ships carrying pollutants other than oil shall be responsible for compensating the losses caused by and restoring the environment damaged by pollution in the waters originating from their ships.

Article 32

Further provisions on the procedure of issuing Certificates of Pollution Compensation Guaranty are to be provided for in the Regulation of the Minister.

CHAPTER VII

WASTE DUMP SITES IN WATERS

Article 33

- (1) The discharge of waste in waters can only be done in certain locations set by the Minister after the requirements have been met.
- (2) The discharge of waste as referred to in paragraph (1) is not allowed in :
 - a. shipping lanes;
 - b. protected areas;
 - c. natural reserves;
 - d. national parks;
 - e. natural tourist parks;
 - f. cultural and scientific reserves;
 - g. coast demarcation;
 - h. coral reef areas;
 - i. mangrove areas;
 - j. fish farming areas;
 - k. residential areas; and
 - l. other areas sensitive to pollution according to the law and regulation.
- (3) The discharge of waste as referred to in paragraph (1) shall be reported to the agency whose tasks and functions are related to marine and coast guard.
- (4) Further provisions on the procedure of designating areas as waste dump sites in waters are to be provided for in the Regulation of the Minister.

CHAPTER VIII
INFORMATION SYSTEM FOR THE PROTECTION OF
MARINE ENVIRONMENT

Article 34

- (1) The Minister shall organize information system for the protection of marine environment.
- (2) The information system for the protection of marine environment as referred to in paragraph (1) shall at least carry information on :
 - a. the presence of underwater buildings (sea cables and sea pipes);
 - b. waste dump sites; and
 - c. ship recycling sites.
- (3) The information system for the protection of marine environment as referred to in paragraph (1) shall be compiled by :
 - a. collecting;
 - b. processing;
 - c. presenting;
 - d. disseminating; and
 - e. storing data and information.

Article 35

- (1) Information on the presence of underwater buildings (sea cables and sea pipes) covers :
 - a. sea cable and sea pipe lines;
 - b. placement of sea cables and sea pipes;
 - c. diameters of sea cables and sea pipes;
 - d. utility period; and
 - e. use of sea cables and sea pipes.
- (2) Information on waste dump sites covers:
 - a. waste dump sites at ports; and
 - b. waste dump sites in waters.
- (3) Information on ship recycling sites covers :
 - a. ship recycling sites at ports; and
 - b. ship recycling sites in waters.

Article 36

Further provisions on the procedure of compiling information system for the protection of marine environment are to be provided for in the Regulation of the Minister.

CHAPTER IX
ADMINISTRATIVE SANCTIONS

Article 37

Ship owners or operators that do not equip their ships with oil and shipboard pollution prevention plans as referred to in Article 12 paragraph (1) shall be liable to administrative sanctions in the form of :

- a. 3 (three) consecutive written warnings each of which is issued at an interval of 10 (ten) days;
- b. if after the third written warning as referred to in letter a has been issued they do not meet their obligations their sea transport business permits or special sea transport permits shall be frozen; and
- c. if after a maximum period of 30 (thirty) days since their activities as referred to in letter b were temporarily suspended they do not meet their obligations their sea transport business permits or special sea transport permits shall be revoked.

Article 38

Port corporate bodies, corporate bodies carrying out activities at ports, special terminal operators, or own terminal operators that do not meet their obligations as referred to in Article 17 paragraph (1) or Article 18 paragraph (1) shall be liable to administrative sanctions in the form of :

- a. 3 (three) consecutive written warnings each of which is issued at an interval of 10 (ten) days;
- b. if after the third written warning as referred to in letter a has been issued they do not meet their obligations, their business activities shall be temporarily suspended; and
- c. if after a maximum period of 30 (thirty) days since their business activities as referred to in letter b were suspended they do not meet their obligations their business permits shall be revoked.

Article 39

- (1) Ship captains that do not meet their obligations as referred to in Article 25 letter a shall be liable to administrative sanctions in the form of having their sailor's expertise certificates frozen for 1 (one) year.
- (2) Officers responsible for other units of activities in waters that do not meet their obligations as referred to in Article 25 letter a leading to environmental pollution in the waters shall be liable to administrative sanctions according to the law and regulation.
- (3) Anybody that does not meet their obligations as referred to in Article 33 paragraph (3) shall be liable to an administrative fine of Rp30,000,000 (thirty million rupiahs).

**CHAPTER X
CONCLUSION**

Article 40

With the coming into force of this Government Regulation, all regulations on the protection of marine environment which are lower than this Government Regulation shall remain valid provided they do not contradict this Government Regulation or have not been replaced with new ones based on this Government Regulation.

Article 41

This Government Regulation shall come into force as from the date of promulgation.

For public cognizance, this Government Regulation shall be promulgated by placing it in the Statute Book of the Republic of Indonesia.

Stipulated in Jakarta
on February 1, 2010

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,
sgd.

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
on February 1, 2010

THE LAW AND HUMAN RIGHTS MINISTER OF THE
REPUBLIC OF INDONESIA,
sgd.

PATRIALIS AKBAR

STATUTE BOOK OF THE REPUBLIC OF INDONESIA OF
2010 NO. 27

ELUCIDATION

OF

GOVERNMENT REGULATION

NO. 21/2010

ON

THE PROTECTION OF MARINE ENVIRONMENT

I. GENERAL

As one of transport modes, sea transport plays a role as a transport means capable of reaching all parts of the country by sea so that it can support, encourage, and boost the growth of regions which have large potential natural resources in an effort to increase and evenly distribute development and its gains. However, sea transport also has the potential to create pollution and/or environmental damage in the sea due to the operation of ships and port activities.

In line with the increasing demand for sea transport at national and international levels, the use of sea for shipping has been on the increase, particularly in the transport of goods which have the potential to pollute and/or destroy the marine environment due to the spill of oil, toxic and hazardous liquids in bulk and containers in large quantities and the potential pollution and inevitable operation of motor vessels, such as sludge and gas exhaust from ship machines, waste and garbage as well as ship accidents, such as collision, running aground and leakage.

To prevent and control environmental pollution and/or damage as a result of the operation of

ships and the activities of ports and as a manifestation of environmentally friendly transportation system, it is deemed necessary to stipulate a government regulation on the protection of marine environment as part of shipping activities which are an integral part of the system consisting of sea transport, ports, and safety and security in waters.

The protection of marine environment covers :

- a. the prevention and control of shipboard pollution and the operation of ships;
- b. the prevention and control of pollution caused by port activities and ship building industry and/or repair;
- c. waste discharge in waters; and
- d. administrative sanctions.

II. ARTICLE BY ARTICLE

Article 1 and Article 2

Sufficiently clear.

Article 3

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Letter a

Sufficiently clear.

Letter b

Referred to as "toxic liquid" is liquid containing poison as provided for in the international convention of MARPOL 73/78 on the prevention of shipboard pollution divided into the categories of X, Y, Z and OS (Other Substances).

Letter c up to letter e

Sufficiently clear.

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Letter f

Referred to as "air" is among others gas exhaust and substances containing hallon, and chloro fluoro carbon.

Letter g

Referred to as "ballast water" is water carried aboard ships to control trim, declivity, balance, load, stability or pressures needed by ships and the water likely contains dangerous water organism and disease seeds.

Letter h

Goods and materials dangerous to the shipboard environment are among others dangerous goods or materials in bulk.

Article 4

Paragraph (1)

Referred to as "certificate book" is a book containing a list of crew members employed aboard ship according to their positions after they have met certain qualifications.

Letter a up to letter c

Sufficiently clear.

Letter d

Referred to as "fuel used does not destroy ozone layer" is fuel containing less than 4.5% (four point five percent) sulphur according to that recorded in the bunker receipt.

Letter e

Sufficiently clear.

Letter f

Referred to as "sailor" is all people aboard ship.

Letter g up to letter i

Sufficiently clear.

Paragraph (2).....

Paragraph (2)**Letter a and letter b****Sufficiently clear.****Letter c****Referred to as "absorb oil using sorbent" is an act of controlling oil spill aboard ship.****Letter d and letter e****Sufficiently clear.****Article 5 up to Article 7****Sufficiently clear.****Article 8****Paragraph (1) up to Paragraph (5)****Sufficiently clear.****Paragraph (6)****Referred to as "any time" is that an audit is conducted because of something considered necessary such as the replacement of construction and equipment.****Article 9 up to Article 12****Sufficiently clear.****Article 13****Paragraph (1)****Sufficiently clear.****Paragraph (2)****Anti-fouling painting uses anti-fouling paint which does not contain tributyl tin compounds according to the anti-fouling system.****Paragraph (3) and Paragraph (4)****Sufficiently clear.****Article 14****Paragraph (1)****Referred to as "ballast water management"****is the management of mechanical, physical, chemical and biological processes which are conducted separately or jointly to conceal, reduce danger level, or avoid the taking or discharge of dangerous water organism and disease seeds originating from ballast water and its slop.****Paragraph (2) up to Paragraph (4)****Sufficiently clear.****Article 15****Paragraph (1)****Referred to as "stainless protective resistance standard" is performance standard for protective coating containing provisions on the procedures and requirements for protecting ship tanks from stain or corrosion.****Paragraph (2) up to Paragraph (4)****Sufficiently clear.****Article 16****Sufficiently clear.****Article 17****Paragraph (1)****Sufficiently clear.****Paragraph (2)****Letter a****Referred to as "waste storage" is a facility at the port to store waste from the operation of ships (oil, toxic liquid, sludge, garbage and ballast water), port activities, ship building industry and/or work.****Letter b****Sufficiently clear.****Paragraph (3)****Port activities, ship building, maintenance and repair include ship recycling.**

Paragraph (4)
Sufficiently clear.

Article 18
Sufficiently clear.

Article 19
Paragraph (1)
Letter a

Referred to as "tier 1" is categorizing the control of pollution in waters and/or at ports originating from ships, other units of activities and port activities which can be handled by personnel, equipment and materials available at ports and other units of activities.

Letter b
Referred to as "tier 2" is categorizing the control of pollution in waters and/or at ports originating from ships, other units of activities, and port activities which cannot be handled by personnel, equipment, and materials available at the ports and the other units of activities based on the level of tier 1.

Letter c
Referred to as "tier 3" is categorizing the control of pollution in waters and/or at ports originating from other activities and port activities which cannot be handled by personnel, equipment, and materials available in a region based on the level of tier 2 or spreads pass the territory of the Republic of Indonesia.

Paragraph (2)
Sufficiently clear.

Article 20 and Article 21
Sufficiently clear.

Article 22
Paragraph (1)
Sufficiently clear.

Paragraph (2)
Letter a
Sufficiently clear.

Letter b
Referred to as "table top exercise" is an exercise conducted on land.

Letter c and letter d
Sufficiently clear.

Article 23 and Article 24
Sufficiently clear.

Article 25
Letter a
Referred to as "other government elements" include:

1. the Ministry of Environment;
2. the Ministry of Energy and Mineral Resources;
3. the Ministry of Home Affairs;
4. the Ministry of Maritime Affairs and Fisheries;
5. the Ministry of Health;
6. the Ministry of Forestry;
7. the Ministry of Finance;
8. the Ministry of Law and Human Rights;
9. the National Defence Forces;
10. the National Police;
11. the Upstream Oil and Gas Business Regulatory Board;
12. the Fuel Oil Supply and Distribution and Piped Gas Transport Regulatory Board; and
13. relevant governors or regents/mayors.

Letter b
Referred to as "other elements" are government agencies or corporate bodies having equipment and materials for the control of pollution.

Article 26
Paragraph (1)
Referred to as "communication means" is a

communication means used for any activity related to the control of pollution including radio, telephone, facsimile, and email.

Paragraph (2)

Sufficiently clear.

Article 27 up to Article 29

Sufficiently clear.

Article 30

Paragraph (1)

Referred to as "compensating losses" is compensating losses to third parties (the Government

and the community) suffering losses due to the pollution.

Paragraph (2) up to Paragraph (4)

Sufficiently clear.

Article 31 up to Article 41

Sufficiently clear.

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