



## REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES<sup>1</sup>

### NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES (2021)

#### INDONESIA

The following communication, dated 10 March 2022, is being circulated at the request of the delegation of Indonesia.

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## 1 NON-HAZARDOUS AND NON-TOXIC MATERIAL WASTE

### Outline of System

1. The import provisions of Non-Hazardous and Non-Toxic Material Waste as Industrial Raw Materials have been administered by The Regulation of the Minister of Trade No. 84 year 2019 concerning the Provisions for Import of Non-Hazardous and Non-Toxic Material Waste as Industrial Raw Materials as amended by Minister of Trade Regulation No. 83 year 2020.

### Purposes and coverage of licensing

2. The import provisions cover to 59 products, each identified by 8-Digit HS Code, which is stipulated in the Annex of both Minister of Trade Regulation No. 84 Year 2019.

3. The import provisions apply for Non-Hazardous and Non-Toxic Material Waste as Industrial Raw Materials originating in and/or transit from any countries.

4. This import provisions are not intended to restrict the quantity or value of imports. It is designed to protect human, animal or plant life or health and environment.

<sup>1</sup> See document G/LIC/3, Annex, for the Questionnaire.

5. The Import Provisions for Non-Hazardous and Non-Toxic Material Waste as Industrial Raw Materials are available on:

- Minister of Trade Regulation No. 84 year 2019 (Main Regulation):  
<http://jdih.kemendag.go.id/peraturan/detail/1884/2>;
- Minister of Trade Regulation No. 83 year 2020 (Amendment):  
<http://jdih.kemendag.go.id/peraturan/detail/2041/2>.

### **Procedures**

6. Not applicable.

7.(a) The Import license can be applied at any times prior to the importation.

(b) No, it cannot.

(c) No.

(d) The Import license is issued by Directorate General of Foreign Trade – Ministry of Trade.

8. An application of Import Approval may only be refused under the ordinary criteria or when the application is incomplete and/or incorrect. Reasons for refusal will be communicated and advised to applicants electronically.

### **Eligibility of importers to apply for licence**

9. All companies who own the Business Identification Number (NIB) that applies as the Producer Importer Identity Number (API-P) are eligible to apply for import approval.

### **Documentation and other requirements for application for licence**

10. The application should be electronically submitted to the Director General through website <http://inatrade.kemendag.go.id> by attaching the following:

- NIB that applies as Producer-Importer Identification Number (API-P);
- Industrial Business Permit or other similar business permit from the authorized agency;
- Environmental permit from the authorized agency;
- Evidence as a registered Exporter issued by the competent authority in the country of origin legalized by the Representative of the Republic of Indonesia;
- Statement letter from the Exporter stating that the imported waste meets the requirements and responsibility on receiving the re-exported of non-hazardous and non-toxic material waste if it is not in accordance with requirements;
- Statement letter from the Importer stating that the imported waste meets the requirements and responsibility to re-exported of non-hazardous and non-toxic material waste if it is not in accordance with requirements;
- Recommendations by ministry that carry out government affairs in the field of environment that are obtained electronically through the Indonesia National Single Window (INSW) portal;
- Recommendations by ministry that carry out government affairs in the field of industry that are obtained electronically through the INSW portal.

11. Importers are required to prepare:

- Import Declaration;
- Import Approval;
- Surveyor Report.

12. No.

13. No.

**Conditions of licensing**

14. The validity of Import Approval is one year since its issuance. The Import Approval can be extended for a maximum of 30 days by submitting the request to DG of Foreign Trade electronically at the latest 14 days before the expired date of import approval, by attaching following documents:

- The Import Approval;
- Bill of Lading (B/L);
- Statement Letter from Importers that contains the reason on Import Approval extension.

15. No.

16. No. The import approval is not transferable.

17. No.

**Other procedural requirements**

18. The report of the survey result.

19. Not applicable.

**2 LIVE ANIMALS****Outline of System**

1. The temporary prohibition on importation of live animal is regulated under the regulation of Minister of Trade No. 10 year 2020 concerning the temporary prohibition on Importation of Live Animals from People's Republic of China. The import prohibition is administered by Ministry of Trade.

**Purposes and coverage of licensing**

2. The temporary import prohibition covers 53 products, each identified by 8-Digit HS Code, which is stipulated in the Annex of the Regulation of Minister of Trade No. 10 year 2020.

3. The temporary prohibition Importation applies for Live Animals originating in and/or transit from People's Republic of China.

4. This temporary prohibition is not intended to restrict the quantity or value of imports. It is designed to protect human, animal or plant life or health by preventing the potential spread of the Covid-19 diseases through live animal intermediaries.

5. The regulation of Minister of Trade No. 10 year 2020 concerning the temporary prohibition on Importation of Live Animals from People's Republic of China is available on: <http://jdih.kemendag.go.id/peraturan/detail/1953/2>

**Procedures**

6. Not applicable.

7. Not applicable.

8. Not applicable.

**Eligibility of importers to apply for licence**

9. Not applicable.

**Documentation and other requirements for application for licence**

10. Not applicable.

11. Not applicable.

12. Not applicable.

13. Not applicable.

#### **Conditions of licensing**

14. Not applicable.

15. Not applicable.

16. Not applicable.

17. Not applicable.

#### **Other procedural requirements**

18. Not applicable.

19. Not applicable.

### **3 ELECTRIC CIGARETTES**

#### **Outline of System**

1. The Import licensing system for Electric Cigarettes no longer administered by Ministry of Trade and governed under the Regulation of Minister of Trade No. 86 year 2017 concerning Provisions for the Import of Electric Cigarettes according to its revocation under The Regulation of Minister of Trade No. 5 Year 2020.

#### **Purposes and coverage of licensing**

2. The revocation of the mandatory import approval requirements under The Regulation of Minister of Trade No. 5 Year 2020 covers six products, each identified by 8-Digit HS Code, which is stipulated in the Regulation of Minister of Trade No. 86 year 2017.

3. Not applicable.

4. Not applicable.

5. The Regulation of Minister of Trade No. 5 Year 2020 concerning The Revocation of The Regulation of Minister of Trade Number 86 Year 2017 concerning Provisions for the Import of Electric Cigarettes is available on: <http://jdih.kemendag.go.id/peraturan/detail/1954/2>

#### **Procedures**

6. Not applicable.

7. Not applicable.

8. Not applicable.

#### **Eligibility of importers to apply for licence**

9. Not applicable.

#### **Documentation and other requirements for application for licence**

10. Not applicable.

11. Importers are required to prepare:

- (a) Import Declaration.
- (b) Surveyor report for certain HS of Electric Cigarettes (only for HS code: 8543.70.90)

12. Not applicable.

13. Not applicable.

#### **Conditions of licensing**

14. Not applicable.

15. Not applicable.

16. Not applicable.

17. Not applicable.

#### **Other procedural requirements**

18. Not applicable.

19. Not applicable.

### **4 NON-NEW CAPITAL GOODS**

#### **Outline of System**

1. The import licensing system for non-new capital goods is administered by Ministry of Trade and governed under the Regulation of Minister of Trade No. 118 year 2018 concerning the Provisions for Import of Non-New Capital Goods and the Regulation of Minister of Trade No. 76 year 2019 as its amendment. Both regulations are mandated by Article 47 of Law No. 7 Year 2014.

#### **Purposes and coverage of licensing**

2. The required license is Import Approval. The licensing covers 260 products for direct-user company, 184 products for reconditioning company, and 20 products for remanufacturing company, each identified by 8-Digit HS Code, which is stipulated in the Annex of the Regulation of Minister of Trade No. 76 year 2019 and the Annex of the Regulation of Minister of Trade No. 118 year 2018.

3. The licensing system applies to goods originating in and from all countries.

4. This licensing system is not intended to restrict the quantity or value of imports. It is designed to improve the effectiveness of the import policy on non-new capital goods and to support the post-border surveillance on the import of non-new capital goods. Due to the latest provisions for import of non-new capital goods had been expired on 18 December 2018, it is necessary to set up the new regulation to govern the importation of non-new capital goods.

5. The import licensing system for non-new capital goods is governed under the Regulation of Minister of Trade No. 118 year 2018 and the Regulation of Minister of Trade No. 76 year 2019 as its amendment. The licensing system regulated in the regulation is statutorily required. Both regulations are available on:

- MoT Regulation No.118/2018: <http://jdih.kemendag.go.id/peraturan/detail/1748/2>
- MoT Regulation No.76/2019: <http://jdih.kemendag.go.id/peraturan/download/1883/2>

#### **Procedures**

6. Not applicable.

- 7.(a) The Import Approval can be applied at any times prior to the importation.
- (b) It cannot.
- (c) No.
- (d) Import license is issued by Directorate General of Foreign Trade – Ministry of Trade.

8. An application of Import Approval may only be refused under the ordinary criteria or when the application is incomplete or incorrect. Reasons for refusal will be communicated and advised to applicants electronically.

#### **Eligibility of importers to apply for licence**

9. The non-new capital goods which are stipulated in the annex of both regulations can be imported by direct-user company, reconditioning company, and remanufacturing company.

#### **Documentation and other requirements for application for licence**

10. In applying for Import Approval for Non-New Capital Goods, **direct-user company** shall submit written request to DG of Foreign Trade by attaching following documents:

- The valid NIB that applies as The Producer Importer Identity Number (API-P)
- Business permit
- Import Plan which covers type of goods, tariff/8-Digit HS Code, volume and unit of goods, country of origin, and destination port
- Class Certificate, Builder Certificate, Nationality, Certificate, and Tonnage Certificate
- Sufficiently sealed statement stating the correctness of documents
- Sufficiently sealed statement stating that BMTB included in Tariff Post/HS 8901.20 will be converted to storage vessels as listed in Annex IV of the Regulation
- Proof of replacement of the flag in the form of a national identity certificate and letter of temporary measurements issued by the ministry in charge of government affairs in the field of transportation, for BMTB which is included in Tariff Post/HS 89.

In applying for Import Approval for Non-New Capital Goods, **reconditioning company** shall submit written request to DG of Foreign Trade by attaching following documents:

- The valid NIB that applies as The Producer Importer Identity Number (API-P)
- Industrial Business permit for reconditioning industry or repair service or similar business permit
- The report of survey result in regard to technical feasibility of recondition and/or repair/recovery in accordance with technical guidelines from relevant Ministries
- Proof of reconditioning workshop possession
- Import Plan which covers type of goods, tariff/8-Digit HS Code, volume and unit of goods, country of origin, and destination port

In applying for Import Approval for Non-New Capital Goods, **remanufacturing company** shall submit written request to DG of Foreign Trade by attaching following documents:

- The valid NIB that applies as The Producer Importer Identity Number (API-P)
- Industrial Business Permit for remanufacturing industry
- Appointment letter from the brand holder company
- Proof of remanufacturing workshop possession
- The report of survey result in regard to technical feasibility of remanufacturing and/or repair/recovery business in accordance with technical guidelines from relevant Ministries
- Import Plan which covers type of goods, tariff/8-Digit HS Code, volume and unit of goods, country of origin, and destination port

11. Importers are required to prepare:

- (a) Import Declaration.
- (b) The importers should attach a copy of import approval for custom clearance purposes.

(c) Surveyor Report for certain products: Annex I (only for group A), Annex II and Annex III.

12. No.

13. No.

#### **Conditions of licensing**

14. The validity period of the import approval is at the maximum for one year. The import approval can be extended one time for a maximum period of 60 days. The request for the extension shall be submit to Director General of Foreign Trade – Ministry of Trade at latest 30 days before the expired date of import approval.

15. No.

16. No. The import approval is not transferable.

17. No.

#### **Other procedural requirements**

18. The report of survey result for both reconditioning company and remanufacturing company.

19. Not applicable.

### **5 IMPORT PROHIBITED GOODS**

#### **Outline of System**

1. The import licensing system for Import Prohibited Goods is administered by Ministry of Trade and governed under the Regulation of Minister of Trade No. 12 year 2020 concerning Import Prohibited Goods. This regulation is mandated by Article 47 of Law No. 7 Year 2014.

#### **Purposes and coverage of licensing**

2. Import prohibited goods covers 116 products, each identified by 8-Digit HS Code, which is stipulated in the Annex of the Regulation of Minister of Trade No. 12 year 2020. The import prohibited goods consisting of: 1. Ozone depleting substances covers 22 products; 2. Used bags, used sacks, and used clothes covers 3 products; 3. Goods Based on Cooling System Using Chlorofluorocarbon (CFC) and Hydro Chlorofluorocarbon 22 (HCFC-22) covers 59 products; 4. Certain drugs and food ingredients covers 4 products; 5. Hazardous and Toxic Materials covers 25 products; and 6. Medical Devices Containing Mercury covers 3 products.

3. Import prohibited goods applies to goods originating in and from all countries.

4. The Minister determines the Prohibited Imported Goods for the national interest on the grounds:

- a. to protect national security or public interests, including social, cultural and public morals; and/or
- b. to protect intellectual property rights;
- c. to protect the health and safety of humans, animals, plants, and the environment.

5. The regulation of Minister of Trade No. 12 year 2020 concerning Import Prohibited Goods is available on: <http://jdih.kemendag.go.id/peraturan/detail/1966/2>

#### **Procedures**

6. Not applicable.

7. Not applicable.

8. Not applicable.

**Eligibility of importers to apply for licence**

9. Not applicable.

**Documentation and other requirements for application for licence**

10. Not applicable.

11. Not applicable.

12. Not applicable.

13. Not applicable.

**Conditions of licensing**

14. Not applicable.

15. Not applicable.

16. Not applicable.

17. Not applicable.

**Other procedural requirements**

18. Not applicable.

19. Not applicable.

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