

to [Indonesian](#)

REGULATION OF THE MINISTER OF TRADE
NUMBER 82/M-DAG/PER/12/2012

CONCERNING
PROVISIONS ON THE IMPORT OF CELULAR PHONES,
HANDHELD COMPUTERS, AND TABLET COMPUTERS

BY THE GRACE OF ALMIGHTY GOD,
THE MINISTER OF TRADE OF THE REPUBLIC OF
INDONESIA,

Considering:

- a. that in order to provide protection to consumers and create orderly administration of import Cellular Phones, Handheld Computers, and Tablet Computers, need to take policy actions in the field of import of products Cellular Phones, Handheld Computers, and Tablet Computers;
- b. that based on consideration as intended in paragraph a, it is necessary to stipulate Regulation of the Minister of Trade;

In view of:

1. Trade Law 1934 (Statute Book Number 86 of 1938);
2. Law Number 3 of 1982 concerning Company Obligatory Registration (Statute Book of the Republic of Indonesia Number 7 of 1982, Supplement to Statute Book of the Republic of Indonesia Number 3214);
3. Law Number 7 of 1994 concerning Ratification of the Agreement Establishing the World Trade Organization (Statute Book of the Republic of Indonesia Number 57 of 1994, Supplement to Statute Book of the Republic of Indonesia Number 3564);
4. Law Number 10 of 1995 concerning Customs (Statute Book of the Republic of Indonesia Number 75 of 1995, Supplement to Statute Book of the Republic of Indonesia Number 3612) as amended by Law Number 17 of 2006 (Statute Book of the Republic of Indonesia Number 93 of 2006, Supplement to Statute Book of the Republic of Indonesia Number 4661);
5. Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition (Statute Book of the Republic of Indonesia Number 33 of 1999, Supplement to Statute Book of the Republic of Indonesia Number 3806);
6. Law Number 8 of 1999 concerning Consumer Protection (Statute Book of the Republic of Indonesia Number 42 of 1999, Supplement to Statute Book of the Republic of Indonesia Number 3821);
7. Law Number 39 of 2008 concerning State Ministries (Statute Book of the Republic of Indonesia Number 166 of 2008, Supplement to Statute Book of the Republic of Indonesia Number 4916);

8. Government Regulation Number 38 of 2007 concerning Division of Governance Affairs between the Government, Provincial Government and District/City Government (Statute Book of the Republic of Indonesia Number 82 of 2007, Supplement to Statute Book of the Republic of Indonesia Number 4737);
9. Government Regulation Number 10 of 2012 concerning the Treatment of Customs, Taxation and Excise as well as Procedure to Enter and Release Goods to and from as well as in Zones are determines as Free Trade Zones and Free Ports (Statute Book of the Republic of Indonesia Number 17 of 2002, Supplement Republic of Indonesia Number 5277);
10. Presidential Decree Number 260 of 1967 concerning Confirmation of Duty and Responsibility of the Minister of Trade in the Foreign Trade;
11. Presidential Decree Number 84/P of 2009 concerning Establishment of United Indonesia Cabinet II as amended by Presidential Decree Number 59/P of 2011;
12. Presidential Regulation Number 47 of 2009 concerning Establishment and Organization of the State Ministry as amended by Presidential Regulation Number 91 of 2011;
13. Presidential Regulation Number 24 of 2010 concerning Position, Duties and Function of the State Ministry and Organizational Structure, Duties and Function of Echelon I of the State Ministry as amended by Presidential Regulation Number 92 of 2011;
14. Regulation of the Minister of Trade Number 11/M-DAG/PER/3/2006 concerning Provisions and Procedures for Issuance of Registration Certificate of Agents or Distributors of Goods and/or Services;
15. Regulation of the Minister of Trade Number 14/M-DAG/PER/3/2007 concerning Service Standardization in Trade Field and Supervision of Obligatory Indonesian National Standard (SNI) for Goods and Services, as amended by Regulation of the Minister of Trade Number 30/M-DAG/PER/7/2007;
16. Regulation of the Minister of Trade Number 19/M-DAG/PER/5/2009 concerning the Registration of Manual and Warranty Card/After Sales Service Warranty In Indonesian Language for Telematics and Electronic Products;
17. Regulation of the Minister of Trade Number 20/M-DAG/PER/5/2009 concerning Provisions and Procedures for Goods and/or Services Monitoring;
18. Regulation of the Minister of Trade Number 54/M-DAG/PER/9/2009 concerning General Provisions in Import Field;
19. Regulation of the Minister of Trade Number 62/M-DAG/PER/12/2009 concerning the Obligation for Inclusion Label on Goods, as amended by Regulation of the Minister of Trade Number 22/M-DAG/PER/5/2010;
20. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2010 concerning Organization and Work Procedure of Ministry of Trade, as amended by Regulation of the Minister of Trade Number 57/M-DAG/PER/8/2012;
21. Regulation of the Minister of Trade Number 27/M-DAG/PER/5/2012 concerning

Provisions on the Importer's Identity Number (API) as amended by Regulation of the Minister of Trade Number 59/M-DAG/PER/9/2012;

22. Regulation of the Minister of Industry Number 81/M-IND/PER/5/2012 concerning Registration of Cellular Phones and Handheld Computer;

DECIDES:

To stipulate:

REGULATION OF THE MINISTER OF TRADE CONCERNING PROVISIONS ON THE IMPORT OF CELULAR PHONES, HANDHELD COMPUTERS, AND TABLET COMPUTERS.

Article 1

In this Ministerial Regulation what is referred as:

1. Cellular Phones including smartphones are all the equipment that are used to communicate remotely by using the cellular network and other wireless networks, except satellite phones in Tariff Post/HS ex. 8517. 12:00:00.
2. Handheld Computers including Personal Digital Assistant (PDA) and palmtop are handheld automatic data processing machines with Tariff Post/HS 8471.30.10.00.
3. Tablet computers are portable automatic data processing machines that use a flat touch screen as monitor and input device by using stylus, digital pen, or the end of finger, in addition to using the keyboard or mouse, can serve as a communication tool and not with Tariff Post /HS ex. 8471.30.90.00.
4. Import is activities to enter goods into Customs Area.
5. Registered Importer Cellular Phones, Handheld Computers, and Tablet Computers, hereinafter called as IT of Cellular Phones, Handheld Computers, and Tablet Computers is company that is approved to import Cellular Phones, Handheld Computers, and Tablet Computers for the purposes of business activities to trade and/or transferred to another party.
6. Import Approval of Cellular Phones, Handheld Computers, and Tablet Computers, hereinafter called as PI of Cellular Phones, Handheld Computers, and Tablet Computers is import permit of Cellular Phones, Handheld Computers, and Tablet Computers.
7. Registration Certificate of Imported Products, hereinafter called as TPP of Import is registration certificate for Cellular Phones, Handheld Computers, and Tablet Computers products to be imported with type, identification number of each Cellular Phones, Handheld Computers, and Tablet Computers product, and the quantity, issued by the official of agency/authorized technical related unit.
8. Principal of foreign brand holder/manufacturer is individual or business entity in the form of legal or non legal entity abroad that appoints agents or distributors for the sale of goods and/or services that are owned/controlled.
9. Verification or technical inquiry is the technical inspection activities conducted on the import at the port of goods loading by the Surveyor.

10. Surveyor is a survey company that is authorized to conduct verification or technical inquiry on imports.
11. Minister is the minister who holds government affairs in the field of trade.
12. Director General is the Director General of Foreign Trade, Ministry of Trade.

Article 2

- (1) Every imported Cellular Phones, Handheld Computers, and Tablet Computers shall comply with the provisions of:
 - a. standards and/or technical requirements;
 - b. labeling requirements.
- (2) The legal obligations determined under other regulations that apply to the importation of Cellular Phones, Handheld Computers, and Tablet Computers still apply.

Article 3

- (1) Importation of Cellular Phones, Handheld Computers, and Tablet Computers can only be done by a company that has gained determination as IT of Cellular Phones, Handheld Computers, and Tablet Computers from Minister.
- (2) Minister delegates authority to issue the determination as IT of Cellular Phones, Handheld Computers, and Tablet Computers as intended in paragraph (1) to the Director General.

Article 4

- (1) To obtain the determination as IT of Cellular Phones, Handheld Computers, and Tablet Computers as intended in Article 3, the company must submit a written application to the Minister in this case the Director General, by enclosing:
 - a. photocopy of the trade license (SIUP) that scope of business includes the importation of Cellular Phones, Handheld Computers, and Tablet Computers or other similar business license issued by the competent authority or technical service;
 - b. photocopy of Certificate of Company Registration (TDP);
 - c. photocopy of a Taxpayer Identification Number (NPWP);
 - d. photocopy of Importer Identity Number (API);
 - e. photocopy of Customs Identification Number (NIK);
 - f. photocopy of Special Importer Identification Number (NPIK) of Electronics and their Components;
 - g. original joint statement with at least three (3) distributors; and
 - h. evidence of experience as an importer of Cellular Phones, Handheld Computers, and Tablet Computers in the form of:
 1. determination as Registered Importer (IT) of Certain Product and Surveyor Report (LS) that shows ever do import of Cellular Phones, Handheld Computers, and Tablet Computers; or

2. Notification of Imported Goods (PIB) for Cellular Phones, Handheld Computers, and Tablet Computers; or
 - i. proof of experience as a distributor of Cellular Phones, Handheld Computers, and Tablet Computers with minimum period of 3 (three) years as follows:
 1. Business License (SIUP);
 2. Registration Certificate of Domestic and/or Foreign Goods Distributor for Cellular Phones, Handheld Computers, and Tablet Computers issued by the Directorate General of Domestic Trade; and
 3. Letter of appointment or cooperation as a distributor of Cellular Phones, Handheld Computers, and Tablet Computers and importer of Cellular Phones, Handheld Computers, and Tablet Computers.
- (2) On the written application as intended in paragraph (1), the Director General on behalf of the Minister issued a determination as IT of Cellular Phones, Handheld Computers, and Tablet Computers within maximum of 5 (five) working days after received complete and correct application.
- (3) In case of a written application as intended in paragraph (1) is not complete and correct, the Director General submit notification of rejection of application within maximum of 5 (five) working days after received the application.

Article 5

Determination as IT of Cellular Phones, Handheld Computers, and Tablet Computers as intended in Article 4 applies for 2 (two) years.

Article 6

- (1) IT of Cellular Phones, Handheld Computers, and Tablet Computers that will import Cellular Phones, Handheld Computers, and Tablet Computers must obtain PI of Cellular Phones, Handheld Computers, and Tablet Computers from the Minister.
- (2) Minister delegates authority to issue PI of Cellular Phones, Handheld Computers, and Tablet Computers as intended in paragraph (1) to the Director General.

Article 7

- (1) To obtain PI of Cellular Phones, Handheld Computers, and Tablet Computers as intended in Article 6, IT of Cellular Phones, Handheld Computers, and Tablet Computers must submit a written application to the Minister in this case the Director General, accompanied by:
 - a. photocopy of determination as IT of Cellular Phones, Handheld Computers, and Tablet Computers;
 - b. TPP of Import from Director General of High Technology Based Prime Industry (IUBTT), Ministry of Industry;
 - c. photocopy of valid Certificate of Telecommunication Equipment issued by Directorate General of Resources and Post and Information Equipment, Ministry of Communications and Information;
 - d. photocopy of Certificate of Inclusion Label Indonesian (SKPLBI) for Cellular Phones, Handheld Computers, and Tablet Computers;

- e. proof of appointment letters from the principal of brand holder /manufacturer abroad by showing the original appointment letter which has been endorsed by Public Notary in the country concerned and Trading Attaché or diplomatic officials in the field of economic/consular in the country concerned;
 - f. imports plan for 1 (one) year that includes the number, type of item, Tariff Post/HS 10 digits, port of loading and port of destination; and
 - g. statement from the principal of brand holder /manufacturer abroad that prove import plan as intended in paragraph f.
- (2) The Director General on behalf of the Minister issues:
- a. PI of Cellular Phones, Handheld Computers, and Tablet Computers within maximum of 5 (five) working days after received of complete and correct application; or
 - b. reject issuance of PI of Cellular Phones, Handheld Computers, and Tablet Computers within maximum of 5 (five) working days from received application in case of the application was incomplete and/or incorrect.
- (3) PI of Cellular Phones, Handheld Computers, and Tablet Computers as intended in paragraph (2) a is submitted to the IT of Cellular Phones, Handheld Computers, and Tablet Computers, and copies to the related agencies.
- (4) PI of Cellular Phones, Handheld Computers, and Tablet Computers as intended in paragraph (3) forwarded online to Indonesia National Single Window (INSW) portal.

Article 8

The validity of PI of Cellular Phones, Handheld Computers, and Tablet Computers as intended in Article 7 paragraph (2) a is adjusted to the validity of TPP of Import.

Article 9

- (1) Cellular Phones, Handheld Computers, and Tablet Computers imported by IT of Cellular Phones, Handheld Computers, and Tablet Computers can only be traded and/or transferred to the Distributor.
- (2) Cellular Phones, Handheld Computers, and Tablet Computers imported by IT of Cellular Phones, Handheld Computers, and Tablet Computers forbidden to be traded and/or transferred to the consumer or the retailer.

Article 10

Any import of Cellular Phones, Handheld Computers, and Tablet Computers by IT of Cellular Phones, Handheld Computers, and Tablet Computers can only be done through:

- a. seaports: Belawan in Medan, Tanjung Priok in Jakarta, Tanjung Emas in Semarang, Tanjung Perak in Surabaya, and Soekarno-Hatta in Makassar;
- b. airport: Polonia in Medan, Soekarno-Hatta in Tangerang, Ahmad Yani in Semarang, Juanda in Surabaya, and Hasanuddin in Makassar.

Article 11

- (1) Entry of Cellular Phones, Handheld Computers, and Tablet Computers to the needs of the Free Trade Zone and Free Port is governed in accordance with provisions of regulation concerning the Free Trade Zone and Free Port and still refer to the provision as intended in Article 2.
- (2) Any releasing of Cellular Phones, Handheld Computers, and Tablet Computers from Free Trade Zone and Free Port to another place in the Customs Area applicable provisions of this Ministerial Regulation.

Article 12

- (1) Each import implementation of Cellular Phones, Handheld Computers, and Tablet Computers must be conducted verification or technical inquiry at the port of loading.
- (2) The implementation of verification of technical inquiry as intended in paragraph (1) carried out by the Surveyor appointed by the Minister.
- (3) To be determined as implementer of verification or technical inquiry of Cellular Phones, Handheld Computers, and Tablet Computers as intended in paragraph (2), Surveyor must meet the following requirements:
 - a. has a Survey Services Business License (SIUJS);
 - b. has experience as a surveyor in the field of import at least 5 (five) years;
 - c. has subsidiaries or branches and/or affiliates abroad and has a network to support the effectiveness of the verification or technical inquiry services; and
 - d. has a track record in the management of the import verification or technical inquiry.

Article 13

- (1) Verification as intended in Article 12 paragraph (1) conducted on the importation of Cellular Phones, Handheld Computers, and Tablet Computers, which includes data and information on:
 - a. State and the port of loading;
 - b. Time of shipment;
 - c. Port of destination;
 - d. Tariff Post/HS and description of the goods; and
 - e. The type and volume in accordance with the statement from the principal of brand holder /manufacturer abroad.
- (2) In addition to the verification as intended in paragraph (1), verification is also carried out on sample of imported products which include:
 - a. Conformity of labeling to SKPLBI of Cellular Phones, Handheld Computers, and Tablet Computers;
 - b. Conformity of Telecommunication Equipment Certificate issued by the Directorate General of Resources and Post and Information Equipment, Ministry of Communications and Information; and
 - c. Conformity of International Mobile Equipment Identity (IMEI) number, Mobile Equipment Identifier (MELD), Electronic Serial Number (ESN) or such as in

accordance with listed in TPP of Import.

- (3) The results of the verification as intended in paragraph (1) and paragraph (2) is written in the form of Surveyor Report (LS) to be used as a complementary customs documents in customs settlement in the field of import.
- (4) On the implementation of the verification as intended in paragraph (1) and paragraph (2), Surveyor collect fee from IT of Cellular Phones, Handheld Computers, and Tablet Computers that the amount is determined by the cost benefit principle:

Article 14

Verification or technical inquiry activities of Cellular Phones, Handheld Computers, and Tablet Computers by Surveyor do not diminish the authority of the Directorate General of Customs and Excise, Ministry of Finance to conduct customs inspection.

Article 15

- (1) Company that has earned the determination as IT of Cellular Phones, Handheld Computers, and Tablet Computers must:
 - a. submits a written report on the import implementation of Cellular Phones, Handheld Computers, and Tablet Computers through <http://inatrade.kemendag.go.id>; and
 - b. attaches a photocopy of Import Realization Control Card has initialed and stamped by Customs and Excise official.
- (2) Report as intended in paragraph (1) a is submitted every month at the latest on 15 of the ensuing month to the Director General with a copy to the Director General of High Technology Based Prime Industry (IUBTT), the Ministry of Industry.

Article 16

Surveyor as intended in Article 12 paragraph (2) shall submit a written report on the implementation of the verification or technical inquiry of Cellular Phones, Handheld Computers, and Tablet Computers to the Director General of every month at the latest on 15 of the ensuing month.

Article 17

Determination as IT of Cellular Phones, Handheld Computers, and Tablet Computers is revoked in case of the company:

- a. proved to trade and/or transfer Cellular Phones, Handheld Computers, and Tablet Computers are imported to the consumer or the retailer as intended in Article 9 paragraph (2);
- b. does not undertake obligation to submit a report as intended in Article 15 for twice;
- c. Cellular Phones, Handheld Computers, and Tablet Computers is not imported within a period of 6 (six) consecutive months;
- d. proved change information contained in import documents of Cellular Phones, Handheld Computers, and Tablet Computers;

- e. does violation in the field of customs based on the information from the Directorate General of Customs and Excise, Ministry of Finance; and/or
- f. found guilty by a court decision that has been legally binding for any criminal offense related to the misuse of import documents of Cellular Phones, Handheld Computers, and Tablet Computers.

Article 18

Revocation determination as IT of Cellular Phones, Handheld Computers, and Tablet Computers is determined by the Director General for and on behalf of the Minister.

Article 19

Determination as Surveyor is revoked in case of:

- a. does violation in the implementation of the verification or technical inquiry of Cellular Phones, Handheld Computers, and Tablet Computers; and/or
- b. not fulfill provision on the obligation of writing report as intended in Article 16 for twice.

Article 20

Revocation determination as Surveyor as implementer of verification or technical inquiry of Cellular Phones, Handheld Computers, and Tablet Computers as intended in Article 19 is determined by the Minister.

Article 21

- (1) Importers who import Cellular Phones, Handheld Computers, and Tablet Computers not in accordance with the provisions of this Ministerial Regulation shall be fine sanction in accordance with effective regulations.
- (2) In case of imported Cellular Phones, Handheld Computers, and Tablet Computers are not appropriate with Import Approval and/or not in accordance with the provisions of this Ministerial Regulation, it should be re-exported.
- (3) The cost of re-export as intended in paragraph (2) is responsibility of the importer.

Article 22

- (1) The provisions of this Ministerial Regulation shall not apply to importation of Cellular Phones, Handheld Computers, and Tablet Computers which is:
 - a. personal belongings of passengers and/or crew of transportation means to a maximum of 2 (two) units of different types per person;
 - b. goods of foreign countries representatives and their officials assigned in Indonesia based on the principle of reciprocity;
 - c. goods for the purposes of international agencies and their officials who served in Indonesia;
 - d. goods for the purposes of research, testing, and development of science; and/or
 - e. sample goods that are not for sale.
- (2) For importation of Cellular Phones, Handheld Computers, and Tablet Computers

are goods as intended in paragraph (1) d and e must get approval from the Director General.

Article 23

Supervision of importation of Cellular Phones, Handheld Computers, and Tablet Computers conducted in accordance with regulations.

Article 24

Technical guidelines for implementing of this Ministerial Regulation may be prescribed by the Director General.

Article 25

This Ministerial Regulation shall come into force on January 1, 2013.

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 December 27, 2012
MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA
signed.
GITA IRAWAN WIRJAWAN
