

REGULATION OF THE MINISTER OF TRADE
No. 44/M-DAG/PER/7/2012

CONCERNING
GOODS SUBJECT TO EXPOR PROHIBITION

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

[Attachment](#)

Considering:

- a. that to implement provisions in Article 2 paragraph (2) of Regulation of the Minister of Trade No. 13/M-DAG/PER/3/2012 concerning General Provisions in the Export Sector;
- b. that in order to increase competitiveness of national products, control the exploitation of natural resources, the implementation of international conventions related to health, safety, secure, environment and nation moral (K3LM) and maintain the availability of raw materials to the needs of the domestic market, it is necessary to regulate the export of prohibited goods;
- c. that based on consideration as intended in paragraphs a and b, it is necessary to stipulate Regulation of the Minister of Trade;

In view of:

1. Trade Law 1934 (Statute Book No. 86/1938);
2. Law No. 8 Prp of 1962 concerning Trade in Goods Under Supervision (Statute Book of the Republic of Indonesia No. 42/1962, Supplement to Statute Book of the Republic of Indonesia No. 2469);
3. Law No. 3/1982 concerning Obligatory Company Registration (Statute Book of the Republic of Indonesia No. 7/1982, Supplement to Statute Book of the Republic of Indonesia No. 3214);
4. Law No. 5/1984 concerning Industrial Affairs (Statute Book of the Republic of Indonesia No. 22/1984, Supplement to Statute Book of the Republic of Indonesia No. 3274);

5. Law No. 5/1990 concerning Conservation of Bio Natural Resources and their Ecosystem (Statute Book of the Republic of Indonesia No. 49/1990, Supplement to Statute Book of the Republic of Indonesia No. 3419);
6. Law No. 16/1992 concerning Animal, Fish and Plant Quarantine (Statute Book of the Republic of Indonesia No. 56/1992, Supplement to Statute Book of the Republic of Indonesia No. 3482);
7. Law No. 7/1994 concerning Ratification of Agreement Establishing The World Trade Organization (Statute Book of the Republic of Indonesia No. 57/1994, Supplement to Statute Book of the Republic of Indonesia No. 3564);
8. Law No. 10/1995 concerning Customs (Statute Book of the Republic of Indonesia No. 75/1995, Supplement to Statute Book of the Republic of Indonesia No. 3612) as amended by Law No. 17/2006 (Statute Book of the Republic of Indonesia No. 93/2006, Supplement to Statute Book of the Republic of Indonesia No. 4661);
9. Law No. 7/1996 concerning Foods (Statute Book of the Republic of Indonesia No. 99/1996, Supplement to Statute Book of the Republic of Indonesia No. 3656);
10. Law No. 5/1999 concerning Prohibition of Monopoly Practical and Unfair Business Competition (Statute Book of the Republic of Indonesia No. 33/1999, Supplement to Statute Book of the Republic of Indonesia No. 3817);
11. Law No. 24/1999 concerning Foreign Exchanges Flows and Exchange Rate System (Statute Book of the Republic of Indonesia No. 67/1999, Supplement to Statute Book of the Republic of Indonesia No. 3844);
12. Law No. 41/1999 concerning Forestry (Statute Book of the Republic of Indonesia No. 167/1999, Supplement to Statute Book of the Republic of Indonesia No. 3888) as amended by Law No. 19/2004 concerning Determination of Government Regulation in Lieu of Law No. 1/2004 concerning Amendment to Law No. 41/1999 concerning Forestry becomes Law (Statute Book of the Republic of Indonesia No. 86/2004, Supplement to Statute Book of the Republic of Indonesia No. 4412);
13. Law No. 36/2000 concerning Stipulation of Government Regulation in Lieu of Law No. 1/2000, concerning Free Trade Zone and Free Port to become Law (Statute Book of the

- Republic of Indonesia No. 251/2000, Supplement to Statute Book of the Republic of Indonesia No. 4053) as amended by Law No. 44/2007 concerning Stipulation of Government Regulation in Lieu of Law No. 1/2007 concerning Amendment to the law No. 36/2000 concerning Stipulation of Government Regulation in Lieu of Law No. 1/2000 concerning Free Trade Zone and Free Port to become Law (Statute Book of the Republic of Indonesia No. 130/2007, Supplement to Statute Book of the Republic of Indonesia No. 4775);
14. Law No. 31/2004 concerning Fisheries (Statute Book of the Republic of Indonesia No. 118/2004, Supplement to Statute Book of the Republic of Indonesia No. 4433);
 15. Law No. 32/2004 concerning Regional Government (Statute Book of the Republic of Indonesia No. 125/2004, Supplement to Statute Book of the Republic of Indonesia No. 4437) as amended by Law No. 8/2005 (Statute Book of the Republic of Indonesia No. 108/2005, Supplement to Statute Book of the Republic of Indonesia No. 4548);
 16. Law No. 25/2007 concerning Investment (Statute Book of the Republic of Indonesia No. 67/2007, Supplement to Statute Book of the Republic of Indonesia No. 4724);
 17. Law No. 39/2008 concerning the State Ministries (Statute Book of the Republic of Indonesia No. 166/2008, Supplement to Statute Book of the Republic of Indonesia No. 4916);
 18. Law No. 4/2009 concerning Mineral and Coal Mining (Statute Book of the Republic of Indonesia No. 4/2009, Supplement to Statute Book of the Republic of Indonesia No. 4959);
 19. Law No. 18/2009 concerning Husbandry and Animal Health (Statute Book of the Republic of Indonesia No. 84/2009, Supplement to Statute Book of the Republic of Indonesia No. 5015);
 20. Law No. 32/2009 concerning the Protection and Environmental Management (Statute Book of the Republic of Indonesia No. 140/2009, Supplement to Statute Book of the Republic of Indonesia No. 5059);
 21. Law No. 36/2009 concerning Health (Statute Book of the Republic of Indonesia No. 144/2009, Supplement to Statute Book of the Republic of Indonesia No. 5063);

22. Law No. 39/2009 concerning Special Economic Zone (Statute Book of the Republic of Indonesia No. 147/2009, Supplement to Statute Book of the Republic of Indonesia No. 5066);
23. Law No. 11/2010 concerning Cultural Conservation (Statute Book of the Republic of Indonesia No. 130/2010, Supplement to Statute Book of the Republic of Indonesia No. 5168);
24. Law No. 13/2010 concerning Horticulture (Statute Book of the Republic of Indonesia No. 132/2010, Supplement to Statute Book of the Republic of Indonesia No. 5170);
25. Government Regulation No. 1/1982 concerning Implementation of Export, Import, and Foreign Exchanges Flow (Statute Book of the Republic of Indonesia No. 1/1982, Supplement to Statute Book of the Republic of Indonesia No. 3210) as amended by Government Regulation No. 24/1985 (Statute Book of the Republic of Indonesia No. 32/1985, Supplement to Statute Book of the Republic of Indonesia No. 3291);
26. Government Regulation No. 7/1999 concerning Preservation of plants and animals (Statute Book of the Republic of Indonesia No. 14/1999, Supplement to Statute Book of the Republic of Indonesia No. 3299);
27. Government Regulation No. 102/2000 concerning National Standardization (Statute Book of the Republic of Indonesia No. 1999/2000, Supplement to Statute Book of the Republic of Indonesia No. 4020);
28. Government Regulation No. 38/2007 concerning Division of Administration Affair Among Government, Province Regional Government, and Regency/Municipality Regional Government (Statute Book of the Republic of Indonesia No. 82/2007, Supplement to Statute Book of the Republic of Indonesia No. 4737);
29. Government Regulation No. 32/2009 concerning Bonded Piling Place (Statute Book of the Republic of Indonesia No. 61/2009, Supplement to Statute Book of the Republic of Indonesia No. 4998);
30. Presidential Decree No. 260/1967 concerning Confirmation of Duty and Responsibility of the Minister of Trade in the Foreign Trade;

31. Presidential Regulation No. 47/2009 concerning Establishment and Organization of the State Ministries as amended several times, the latest by Presidential Regulation No. 91/2011;
32. Presidential Regulation No. 24/2010 concerning Position, Duty and Function of the State Ministry and Organizational Structure, Duty and Function of Echelon I of the State Ministry as amended several times, the latest by Presidential Regulation No. 92/2011;
33. Presidential Regulation No. 32/2011 concerning Master Plan for Indonesian Economic Development Acceleration and Expansion Year 2011-2025;
34. Presidential Decree No. 84/M/2009 concerning Establishment of United Indonesia Cabinet II, as amended by Presidential Decree No. 59/P/2011;
35. Regulation of the Minister of Trade No. 13/M-DAG/PER/3/2012 concerning General Provisions in the Export Sector;

DECIDES:

To stipulate

REGULATION OF THE MINISTER OF TRADE CONCERNING
GOODS SUBJECT TO EXPORT PROHIBITION

Article 1

In this Ministerial Regulation:

1. Goods are every items either tangible or intangible, whether moving or not moving, can be spent or not spent, which can be traded, used, utilized, or exploited.
2. Goods subject to Export Prohibition are goods that should not be exported.
3. Minister is the minister who held government affairs in the field of trade.

Article 2

- (1) The Minister shall determine certain goods as goods subject to export prohibition with the following reasons:

- a. threaten national security or public interest, including social, cultural and society moral;
- b. protecting intellectual property rights;
- c. protect human life and health;
- d. damage the environment and ecosystem, and/or
- e. based on international treaties or agreements signed and ratified by the Government.

(2) Goods subject to export prohibition as intended in paragraph (1) in accordance with tariff heading/HS and description of goods as listed in:

- a. Attachment I for the Goods in the field of agriculture;
- b. Attachment II for the Goods in the field of forestry;
- c. Attachment III for the Goods in the field of fisheries and marine;
- d. Attachment IV for the Goods in the field of industry;
- e. Attachment V for the Goods in the field of mining;
- f. Attachment VI for the Goods are listed in Appendix I of CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora); and
- g. Attachment VII for the Goods of cultural protection.

Article 3

(1) Exporter is prohibited to export Goods subject to Export Prohibition as stipulated in Article 2 paragraph (2).

(2) Exporter who violates the provisions of this Ministerial Regulation shall be liable to administrative and/or other sanctions in accordance with effective regulations.

Article 4

When this Ministerial comes into force, Regulation of the Minister of Trade No. 02/M-DAG/PER/1/2007 concerning Prohibition on the Export of Sand, Soil, and Top Soil (Including Humus) shall be revoked and declared null and void.

Article 5

This Ministerial Regulation shall come into force on July 19, 2012

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 July 18, 2012
THE MINISTER OF TRADE
signed,
GITA IRAWAN WIRJAWAN