

TRANSLATION

REGULATION OF MINISTER OF TRADE (PERMENDAG) No.82/2017

The Implementation of Export Ship is Postponed

JAKARTA - The government will postpone the implementation of policy which requires the exporters of crude palm oil and coal to use the national vessel fleet as well as to revise the Regulation Of Minister Of Trade (Permendag) No. 82/2017.

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The Minister of Transportation, Budi Karya Sumadi said that the government will summon the exporters and shipping businessmen to discuss the revision of the Regulation of the Minister of Trade (Permendag) No. 82/2017 concerning the Provision of Use of National Sea Transportation and Insurance for Export and Import of Specific Commodities (Goods).

“Yes (the implementation of Regulation of the Minister of Trade (Permendag) No. 82/2017 will be postponed).” Budi said after the Coordination Meeting of Trade and Transportation at the Office of Coordinating Ministry of Economic Affairs on Wednesday (21/2).

He said that there was indeed a good intention from the minister of trade by making such regulation in order to support the shipping industry. However, the government should also ensure the smooth flow of exports.

“So the win-win solution is taken, the Coordinating Minister for Economic Affairs (Darmin Nasution) assigned the minister of trade to summon the exporters and the shipowners (shipping businessmen). Later on we will take the best solutions for both of them,” Budi said.

In order to revise the Regulation of the Minister of Trade (Permendag) No. 82/2017, Budi said that the Coordinating Minister for Economic Affairs gave another 6 months or 1 year ahead.

Meanwhile, Minister of Trade, Enggartiasto Lukita has not been able to confirm regarding the points to be revised in Regulation of the Minister of Trade (Permendag) No. 82/2017.

In order to revise the Regulation of the Minister of Trade (Permendag) No. 82/2017, Budi said that the Coordinating Minister for Economic Affairs gave another 6 months or 1 year ahead.

“We’ll see, if it’s not ready, we’ll revise it,” Enggar said.

He said the regulation would be adjusted to the demand of exporters of crude palm oil (CPO) and the Indonesian shipping industry. It is planned that the discussion will be held by tomorrow (22/2).

“The most important thing is that we will not take any risks and harming the domestic exporters and shipping industry we will strive to make the best solution and to make them and balance,” Enggar continued.

The Meeting on Thursday afternoon or tomorrow (22/2) will at least discuss regarding the actual conditions of Indonesia’s shipping and exporters of CPO and coal. The best solutions

will be made to solve any constraints experienced by exporters in the implementation of such Regulation of the Minister of Trade (Permendag). The Minister of Trade will ask the exporters regarding their needs of vessel. While the shipping industry will also be asked regarding the readiness of ships in transporting the goods.

“We will ask the exporters how many ships (do you need), INSA will also be asked whether they are ready or not. What is the costs. Because we should also not charge too much,” said the Minister of Trade.

As for the issue of the ship (vessel) readiness, Enggar said that they would seek a common solution so that both parties can implement the Regulation of the Minister of Trade (Permendag) properly. “We have to support the domestic industry, but export commodity should also not be hampered. We just want everybody to be happy.”

SHIPPING (VESSEL) AVAILABILITY

The Indonesian Coal Mining Association (APBI) stated that they are still discussing the technical guidance of the Regulation of the Minister of Trade (Permendag) No. 82/2017.

The Executive Director of APBI, Hedra Sinadia said that they had indeed proposed the policy to be either revised or postponed.

“It is currently still under intensive discussion by the government and involving businessmen. During the discussion meetings it was proposed to revise the Regulation,” he told Bisnis.

Number of Fleet National Commerce Shipping (Units) Production of Indonesian Sea Freight (Ton)

He argues that with a very limited amount of time, it would be much better if the implementation of such Regulation to be temporarily postponed.

In the early stages, the Ministry of Trade is still mapping the volume and export destinations associated with the type and availability of national vessels.

According to Hendra, the mapping is an important measure in this early stage. Since the policy has been enacted, but the data is still very limited.

“We ask for a clear roadmap and it has been agreed by the government. To develop/prepare it, we must prepare the proper map first,” he continued.

The national shipping businessmen said that they also ready to follows the government’s directive regarding the implementation of Regulation of the Minister of Trade (Permendag) No.82 of 2017. The Policy, which requires the use of national vessels for the export of palm oil and, coal, is considered will be able to reduce the deficit in the balance of services due to the widespread use of foreign vessels/ships.

The chairman of the DPP of Indonesian National Shipowner Association (NSA), Carmeilita Hartono said in principle INSA supports any regulations that facilitate the business activities and provide legal certainty.

“INSA is not in a position to encourage or withdraw anything here. We entrust everything to the result of agreements by technical team which is facilitated/accommodated by the government.” she explained.

Carmeilita said that the issuance of regulations which is requiring the use of national vessels for export is intended to reduce the deficit in the services balance account arising from the dominant use of foreign vessels. The Data from Bank of Indonesia indicates that within the

third quarter of 2017, Indonesia's service balance account deficit has reached US\$ 2.2 billion.

On the other hand, INSA considers that the national shipping needs a number of stimulants in order to have high competitiveness in export transportation. Carmeilita said, the national shipping/voyage expects that the government able to issue an equal treatment policy as of applied by other countries.

She pointed out, the national shipping is still burdened with high banking interest in the range of 10% - 20%. In addition, the businessmen are also levied by 10% value added tax (VAT) or export freight.

Followed with 10% VAT on fuel oil, and motor vehicle fuel tax as much as 5% - 7%.

According to Carmeilita, those interest expense and tax expenses will be calculated into shipping cost which will determine the final tariff offered. She said that the tariff or freight rate shall be a decisive competitiveness factor for export transportation.

"INSA will also follow the development of freight rates applicable in the international market for coal and CPO transportation." She continued.

As it is widely known, the Regulation of the Minister of Trade (Permendag) No. 82/2017 requires the use of national vessels for the export of coal and CPO. The policy which is enacted on October 31st, 2017 is planned to be implemented in May 2018.

Implementasi Kapal Ekspor Ditunda

JAKARTA — Pemerintah akan menunda implementasi beleid yang mewajibkan eksportir minyak sawit mentah dan batu bara untuk menggunakan armada kapal nasional sekaligus melakukan revisi Permendag No. 82/2017.

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Menteri Perhubungan Budi Karya Sumadi mengatakan pemerintah akan memanggil pelaku usaha ekspor dan pengusaha perkapalan untuk melakukan pembahasan dalam rangka revisi Permendag Nomor 82/2017 tentang Ketentuan Penggunaan Angkutan Laut dan Asuransi Nasional Untuk Ekspor dan Impor Barang Tertentu.

"Ya [implementasi Permendag No. 82/2017 akan ditunda]," kata Budi setelah Rakor Perdagangan dan Transportasi di Kantor Kemenko Perekonomian, Rabu (21/2).

Dia mengemukakan memang ada niatan baik dari menteri perdagangan untuk membuat peraturan tersebut untuk menyokong industri perkapalan. Namun, pemerintah juga mesti memastikan kelancaran arus ekspor.

"Jadi diambil jalan tengah, Menko Perekonomian [Darmin Nasution] menggunakan mendag untuk memanggil para pihak eksportir dan pihak pengusaha kapal. Nantinya kita akan ambil titik terbaik bagi keduanya," kata Budi.

Untuk melakukan revisi Permendag No. 82/2017, Budi mengatakan menko perekonomian memberikan waktu 6 bulan atau 1 tahun ke depan.

Sementara itu, Menteri Perdagangan Enggartiasto Lukita belum dapat memastikan poin apa saja yang akan direvisi pada Permen-

tentang kondisi perkapalan Indonesia dan eksportir CPO dan batu bara. Kendala yang dialami eksportir dalam penerapan Permendag akan dicarikan solusi terbaik.

Mendag akan menanyakan kepada eksportir tentang kebutuhan kapal. Sementara industri perkapalan akan ditanyakan tentang kesiapan kapal mengangkut barang.

"Eksportir akan kami tanya berapa kapal [yang dibutuhkan]. INSA juga kita tanya siap tidak. Biayanya berapa. Karena kami juga tidak boleh membebankan biaya terlalu tinggi," ujar Mendag.

Adapun persoalan kesiapan kapal, Enggar mengatakan akan mencari solusi bersama agar kedua pihak dapat menjalankan Permendag tersebut dengan baik.

"Kami harus membantu industri dalam negeri, tapi ekspor komoditas juga tidak boleh terhambat. Pokoknya everybody happy-lah."

KETERSEDIAAN KAPAL

Asosiasi Pertambangan Batubara Indonesia (APBI) menyatakan masih melakukan pembahasan terkait petunjuk teknis Permendag No. 82/2017.

Direktur Eksekutif APBI Hendra Sivadina mengatakan pihaknya memang telah mengusulkan agar beleid tersebut direvisi atau ditunda.

"Masih dibahas secara intens oleh pemerintah dengan melibatkan pelaku usaha. Waktu rapat-rapat pembahasan, diusulkan agar itu direvisi," katanya kepada Bisnis.

Dia mengemukakan dengan waktu yang sangat terbatas, akan lebih baik jika permendag itu ditunda waktu pelaksanaannya.

Pada tahap awal, pihak Kemendag masih melakukan pemetaan volume dan tujuan ekspor dikaitkan dengan jenis dan ketersediaan kapal nasional.

Menurut Hendra, pemetaan tersebut menjadi langkah penting pada tahap awal ini. Pasalnya, beleid tersebut telah diundangkan, namun data masih terbatas.

"Kami meminta ada *roadmap* yang jelas dan itu sudah disepakati pemerintah. Untuk menyusun itu, kita harus menyusun petanya dulu," ujarnya.

Kalangan pengusaha pelayaran nasional menyatakan siap mengikuti arahan dari pemerintah terkait penerapan Permendag No.82 Tahun 2017. Beleid yang mewajibkan penggunaan kapal nasional untuk ekspor minyak sawit dan batu bara itu dinilai bisa menekan defisit neraca jasa yang membengkak akibat maraknya penggunaan kapal asing.

Ketua DPP Indonesia National Shipowner Association (INSA), Carmelita Hartoto mengatakan secara prinsip INSA mendukung regulasi yang mempermudah kegiatan usaha dan memberikan kepastian hukum.

"INSA tidak dalam posisi untuk mendorong ataupun menarik. Semuanya kami serahkan kepada hasil kesepakatan dalam tim

teknis yang difasilitasi pemerintah tersebut," jelasnya.

Carmelita mengungkapkan, penerbitan regulasi yang mewajibkan penggunaan kapal nasional untuk ekspor dimaksudkan guna mengurangi defisit neraca jasa yang timbul dari penggunaan kapal asing yang dominan. Data Bank Indonesia menunjukkan, pada kuartal III/2017, defisit neraca jasa Indonesia mencapai US\$2,2 miliar.

Di sisi lain, INSA menilai pelayaran nasional perlu sejumlah stimulus agar punya daya saing tinggi dalam angkutan ekspor. Carmelita menyebut, pelayaran nasional berharap pemerintah bisa menerbitkan kebijakan yang bersifat *equal treatment* seperti yang diterapkan negara lain.

Dia mencontohkan, pelayaran nasional masih dibebani bunga perbankan yang tinggi di kisaran 10%-20%. Di samping itu, pengusaha juga masih dipungut pajak pertambahan nilai (PPN) sebesar 10% atau *freight* ekspor, PPN atas bahan bakar minyak sebesar 10%, dan pajak bahan bakar kendaraan bermotor sebesar 5%-7%.

Menurut Carmelita, beban bunga maupun beban pajak tersebut akan dihitung ke dalam struktur biaya pelayaran sehingga menentukan tarif yang ditawarkan. Dia menyebut, tarif atau *freight* menjadi faktor yang daya saing untuk angkutan ekspor.

"INSA juga akan mengikuti perkembangan harga *freight* yang berlaku di pasar internasional untuk angkutan batu bara dan CPO," tukasnya.

Seperti diketahui, Permendag No. 82/2017 mewajibkan penggunaan kapal nasional untuk ekspor batu bara dan CPO. Beleid yang diundangkan pada 31 Oktober 2017 itu rencananya bakal dijalankan Mei 2018. (Lucky Leonard Laetemia/Riki Priatno)

▶ Untuk melakukan revisi Permendag No. 82/2017, Menko Perekonomian memberikan waktu 6 bulan atau 1 tahun ke depan.

dag 82/2017.

"Kita lihat nanti, kalau memang belum siap, akan kita revisi," kata Enggar.

Dirinya mengatakan aturan tersebut akan disesuaikan dengan keinginan eksportir batu bara dan minyak sawit mentah (*crude palm oil/CPO*) serta industri perkapalan Indonesia. Rencananya pembahasan tersebut akan dilaksanakan besok (22/2).

"Yang penting kami tidak akan mengambil risiko dan merugikan pengusaha eksportir maupun industri perkapalan dalam negeri. dua-duanya akan kami bikin *balance*," kata Enggar.

Pertemuan pada Kamis sore atau besok (22/2) setidaknya akan membahas



Shipping industry affirms readiness to implement new export rule

Stefani Ribka 26/2/18
THE JAKARTA POST/JAKARTA

The national shipping industry has underlined its readiness to comply with new rules mandating the use of local ships to export Indonesia's top commodities, crude palm oil (CPO) and coal, starting on April 26.

Laid out in Trade Ministry Regulation No. 82/2017, the arrangement is expected to enhance the market position of Indonesia's shipping companies as well as insurers.

However, the Trade Ministry is considering a delay in applying the rule amid doubts from exporters over the capability of domestic shipping firms.

Indonesian National Ship-

owners Association (INSA) chairwoman Carmelita Hartoto said the number and quality of local vessels had improved significantly since the government introduced the cabotage principle, which requires all vessels operating within Indonesian waters to be domestically owned, in 2005.

Although the existing fleet still could not accommodate all CPO and coal exports at the moment, the group believes local shipping firms will eventually be able to meet the demand.

"Looking at the success of the cabotage principle, we are sure the need of vessels for export and import purposes will be met in stages and sustainably," Carmelita said recently in a text message.

The number of national flagged vessels surged to 24,046 in 2016 from 6,041 in 2005, while shipping capacity skyrocketed over the same period to 38.5 million gross tons from 5.67 million gross tons, INSA data show.

As a result, all domestic cargo distribution totaling 621 million tons was served by the domestic shipping lines.

Indonesia, a maritime country with waters making up two thirds of its territory, has been trying to spur growth of its shipping industry. Moreover, the use of foreign vessels for international trade has been the largest contributor to the trade deficit in the services sector, which last September amounted to US\$2.2 billion.

In 2016, foreign vessels ac-

counted for 93.7 percent of the country's export and import activities.

In spite of the regulation, the Trade Ministry's data show that only 1.8 percent of 25,352 vessels in 2016 were available for exports. Almost 43 percent of the entire fleet have been operational for 16 to 25 years, and some countries have limited the maximum operational age of ships entering their territory.

The situation is worsened by the absence of technical guidance to implement the decree, triggering uncertainty and doubt among CPO and coal exporters.

Exporters also question one of the articles in the decree that state exporters can use foreign vessels when "no local vessels are

available".

In response to mounting concerns among business players, Trade Minister Enggartias-to Lukita said the ministry was revising the decree, and if the amendment was not out by April 26, it might postpone its implementation.

"A technical team of stakeholders from the affected sectors has been established to discuss difficulties they face, so we can still improve our shipping industry without hurting our exports," he said, adding the team would come up with the number of vessels needed to export CPO and coal, destinations and other details.

The government is also considering linking banks and ship-

ping companies with financial difficulties to construct vessels.

Indonesian Coal Mining Association (APBI) executive director Hendra Sinadia welcomed the postponement.

"The wisest short-term solution for now is postponing it until a technical guideline is issued. To do so, we need to create coal export mapping first, and that's going to take a while," he told *The Jakarta Post* on Sunday.

Separately, Indonesian Palm Oil Producers Association (Gapki) secretary-general Togar Sitanggang said the discussion of the technical team was still very shallow. Nonetheless, the group would respect any decision made by the government and would try to comply with it.