



**MINISTER OF FINANCE
REPUBLIC OF INDONESIA**

COPY

REGULATION OF THE MINISTER OF FINANCE OF THE REPUBLIC OF INDONESIA
NUMBER 27 / PMK.011 / 2012

REGARDING

SECOND AMENDMENT TO THE DECREE OF THE MINISTER OF FINANCE
NUMBER 231/KMK.03/2001 REGARDING APPLICATION OF THE VALUE ADDED
TAX AND SALES TAX ON LUXURY GOODS ON THE IMPORT OF TAXABLE GOODS
EXEMPTED FROM IMPORT DUTY

BY THE GRACE OF GOD THE ALMIGHTY

MINISTER OF FINANCE OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. whereas the import of goods for upstream oil and gas and geothermal business activities has obtained exemption from import duty as regulated in the Regulation of the Minister of Finance Number 177/PMK.011/2007 regarding Exemption from Import Duty on Goods Imported for the purpose of Upstream Oil and Gas and Geothermal Business Activities;
 - b. whereas in order to harmonize the provision of taxation and customs facilities toward the importation of goods for the purpose of upstream oil and gas and geothermal exploration business activities that have been granted an exemption from import duty as referred to in letter a, it is necessary to make adjustments to the provision of Value Added Tax or Value Added Tax and Sales Tax on Luxury Goods facilities;
 - c. whereas based on considerations as referred to in letters a and b, it is necessary to stipulate a Regulation of the Minister of Finance regarding Second Amendment to the Decree of the Minister of Finance Number 231/KMK.03/2001 regarding Application of the Value Added Tax and Sales Tax on Luxury Goods on the Import of Taxable Goods Exempted from Import Duty;

- In view of : 1. Government Regulation Number 1 of 2012 on the Implementation of Law Number 8 of 1983 regarding Value Added Tax on Goods and Services and Sales Tax on Luxury Goods as has been amended several times lastly by Law Number 42 of 2009 regarding Third Amendment to the Law Number 8 of 1983 regarding Value Added Tax on Goods and Services and Sales Tax on Luxury Goods (State Gazette of the Republic of Indonesia Number 4 of 2012, Supplement to the State Gazette Number 5271);
2. Presidential Decree Number 56/P of 2010;
3. Decree of the Minister of Finance Number 231/KMK.03/2001 regarding Application of the Value Added Tax and Sales Tax on Luxury Goods on the Import of Taxable Goods Exempted from Import Duty as has been amended by Regulation of the Minister of Finance Number 616/PMK.03/2004;

HAS DECIDED:

To stipulate : REGULATION OF THE MINISTER OF FINANCE REGARDING SECOND AMENDMENT TO THE DECREE OF THE MINISTER OF FINANCE NUMBER 231/KMK.03/2001 REGARDING APPLICATION OF THE VALUE ADDED TAX AND SALES TAX ON LUXURY GOODS ON THE IMPORT OF TAXABLE GOODS EXEMPTED FROM IMPORT DUTY.

Article I

Several provisions in the Decree of the Minister of Finance Number 231/KMK.03/2001 regarding Application of the Value Added Tax and Sales Tax on Luxury Goods on the Import of Taxable Goods Exempted from Import Duty as has been amended by Regulation of the Minister of Finance Number 616/PMK.03/2004 shall be amended as follows:

1. The provisions of point 2 of Article 1 shall be amended to read as follows:

Article 1

Referred to in this Regulation of the Minister of Finance as:

1. Taxable Goods exempted from Import Duty shall be Taxable Goods exempted from Import Duty pursuant to the provisions of customs regulations.

2. The Provisions of Customs Regulations shall be Law Number 10 of 1995 regarding Customs as has been amended by Law Number 17 of 2006 along with its implementing regulations.

2. The provisions of Article 2 paragraph (3) shall be amended and added by two (2) paragraphs, i.e. paragraphs (4) and (5), thus Article 2 shall be read as follows:

Article 2

- (1) Value Added Tax or Value Added Tax and Sales Tax on Luxury Goods shall still be charged on the importation of Taxable Goods exempted from Import Duty in accordance with the prevailing tax laws and regulations.

- (2) Notwithstanding the provisions as referred to in paragraph 1, Value Added Tax or Value Added Tax and Sales Tax on Luxury Goods shall not be charged on the importation of part of Taxable Goods exempted from Import Duty in accordance with the prevailing tax laws and regulations.

- (3) Taxable Goods exempted from Import Duty as referred to in paragraph (2) shall be as follows:
 - a. goods of foreign countries' representatives and their officials who work in Indonesia under reciprocal principles;

 - b. goods for international bodies recognized and registered in the Government of Indonesia and their officials who work in Indonesia and do not hold an Indonesian passport;

 - c. goods donated for public worship, charity, social or cultural purposes;

 - d. goods for museum, zoo and other similar public places;

 - e. goods for research and scientific purposes;

 - f. goods for the blinds and other disables;

 - g. coffins or other containers containing corpses or ashes of corpses;

- h. removal goods of Indonesian Migrant Workers working abroad, college students studying abroad, Civil Servants, members of Indonesian National Armed Forces or members of the Indonesian National Police assigned abroad for at least one (1) year, to the extent that the goods are not for sale and recommended by the local Representative of the Republic of Indonesia;
 - i. goods brought by passengers, crews of means of transport, border crosses, and consignments of certain value in accordance with the provisions of laws Customs regulations;
 - j. goods imported by Central or Regional Government for the purpose of public interest;
 - k. military equipment including spare parts for the purpose of State defense and security;
 - l. temporary admission goods;
 - m. goods used for upstream oil and gas and geothermal business activities.
- (4) The facility of Value Added Tax or Value Added Tax and Sales Tax on Luxury Goods exemption may be granted to Taxable Goods as referred to in paragraph (3) letter m to the extent that they meet the following provisions:
- a. the goods cannot be produced domestically;
 - b. the goods have already been produced domestically, however they have not met the required specification;
or
 - c. the goods have already been produced domestically, however the number are not sufficient for industrial requirements.
- (5) In order to obtain the facility as referred to in the above paragraph (4), the Taxpayers shall submit an application to the Director General of Customs and Excise along with the application for import duty exemption facility, with an attached Goods Importation Plan (*RIB*) that has been approved and validated by the Director General of Oil and Gas or Director General of New, Renewable Energy and

Energy Conservation, the Ministry of Energy and Mineral Resources, the procedures of which shall follow the provisions of Customs Regulations.

Article II

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

For public cognizance, this Ministerial Regulation shall be promulgated by publishing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta
on 8 February 2012

MINISTER OF FINANCE,

signed

AGUS D.W. MARTOWARDOJO

Promulgated in Jakarta
on 8 February 2012

MINISTER OF LAW AND HUMAN RIGHTS

signed

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 185 OF 2012