

# APPENDIX

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**Appendix A**

**THE LEGAL INFRASTRUCTURE FOR  
TRADE AND INVESTMENT IN INDONESIA\***

Prof. Hikmahanto Juwana\*

Introduction

As Indonesia has entered into the global system, there has been reform on various statutory enactments in the fields of international trade and foreign investment. Basically the reform can be divided into five categories. The first category is the reform on outdated laws, second is the reform on laws to comply with international agreement, third is the reform on laws to improve investment climate, fourth is the reform on laws to comply with international issues and fifth is the reform on laws which is commonly recognized in industrial countries.

Reform on Outdated Laws

Reform on outdated laws can be divided into two categories, namely reform on colonial laws (laws enacted prior to Indonesian independence in 1945) and reform on laws after the independence.

**1. Reform on Colonial Laws**

Indonesia was a colony of the Dutch. In that period the Roman legal system was introduced to Indonesia. The concordance principle was applied in which the laws of the Netherlands were copied as closely as possible for the Netherlands Indies, a former name of Indonesia.<sup>2</sup> However, these laws were applied only to Dutch citizens and other occidentals. At a later stage the laws, to some extent, were applied also to the Orientals. The laws were not intended to be applicable to indigenous Indonesians.

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<sup>2</sup> Sudargo Gautama, *Essays in Indonesian Law*, 2<sup>nd</sup> ed., Bandung: Citra Aditya Bakti, 1993, 427.

After the independence many colonial laws have continued to be enforced. This is based on Article II of the transition provision provided under the Constitution.<sup>3</sup> Hence, the Commercial Code (*Kitab Undang-undang Hukum Dagang*), the Civil Code (*Kitab Undang-undang Hukum Perdata*), and the Criminal Code (*Kitab Undang-undang Hukum Pidana*) to a certain extent remain the prevailing laws in Indonesia.<sup>4</sup> The interesting point on the applicability of such colonial laws is that they are enforced on the basis of a translation to which there is no official translation promulgated by the government.<sup>5</sup>

Since its independence, Indonesia has committed itself to reform of its legal systems. The government established an institute under the Ministry of Justice, whose task is to carry out research, identify, discuss and prepare academic drafts on certain laws. The institute is known as the National Law Development Agency (*Badan Pembinaan Hukum Nasional*), better known as BPHN. However, proposals to reform various Acts are not prepared by BPHN only, especially when the matters are the concern of a certain ministry. In many instances the draft of statutory enactments are prepared by the technical ministry.<sup>1</sup>

Since 1994 efforts to reform colonial laws have coincided with Indonesia's entry to globalization. Hence, the government has a policy of replacing the colonial laws while also harmonizing such laws with international economic policy at the same time.

A good example of such implementation is the promulgation of the Company Act.<sup>2</sup> The Company Act is intended to replace the provisions on limited liability company (*perseoran terbatas* or abbreviated as *P.T.*) found in the Commercial Code. Under the Commercial Code there are only 20 articles governing Limited Liability Company.<sup>3</sup> This is sharp contrast as compared to the Company

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<sup>3</sup> Article II of the Constitution states as follows, "All existing State bodies and regulation shall continue until they are replace under this Constitution."

<sup>4</sup> Some of the provisions are, however, declared as invalid since they contradict with Pancasila (State's ideology) and the Constitution.

<sup>5</sup> In the 1963 the Supreme Court issued a circular letter confirming the then Minister of Justice Sahardjo opinion that the Civil and Commercial Codes are be longer to be deemed as strict written codifications, but merely as a record of customary conventions, which would be used by the courts as a guide in solving commercial and legal problems. See: Sudargo Gautama, *Essays in Indonesian Law*, p. 178.

<sup>1</sup> The reform on Capital Market Act, for example, was prepared by the Ministry of Finance.

<sup>2</sup> Act No. 1, Year 1995 (*Undang-undang No. 1 Tahun 1995 tentang Perseroan Terbatas*).

<sup>3</sup> Article 36-56 of the Commercial Code.

Act in which there are 129 articles. The Company Act has given legal certainty since it reconfirms the previous many unwritten convention on Limited Liability Company. The unwritten conventions, which were reconfirmed in the Company Act, among others, are provisions relating to procedure to obtain approval on deed of establishment and articles of association from the Ministry of Justice, provisions on the minimum requirement on the content of articles of associations, and provisions on minimum capital requirement.

The Company Act also has introduced new concepts, such as minority shareholders protections, the possibility of a company to buy its own shares, fiduciary duties of the directors, procedures on acquisition, merger and consolidation, and provisions on conflict of interest. Furthermore, the Company Act provides strict sanctions, for example company which fails to have at least two shareholders will not be considered as having limited liability status, directors are personally liable if they are proven of mismanaging the company, a company can be dissolved by court order based on the public prosecutor office's application that such company has violated public interest, etc.

Another Act that falls under this category of reform is the Bankruptcy Act.<sup>4</sup> The Bankruptcy Act of the colonial period was promulgated in 1905. Recently it was amended to conform with economic development in Indonesia, which is indicated by massive amounts of credits to companies. Such development requires a bankruptcy system that would enable creditors to facilitate efficient, swift and equitable repayment of the amount of credit owed by the debtors. It also necessitates a court that would exclusively handle bankruptcy matters and also calls for rules that provide better protection to the assets of the estate.

The revised Bankruptcy Act was promulgated on April 1998 but was declared to take affect within 120 days after its promulgation.<sup>5</sup> Currently there is proposal to further amend the Bankruptcy law.

The reform of the Bankruptcy Act includes some 90 amendments, ranging from minor to major substantive changes. In this paper, only some of the amendments will be analyzed, in particular those that have a bearing on the later discussion.

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<sup>4</sup> The regulation on Bankruptcy was promulgated in the form of Government Regulation in Lieu of an Act (*Peraturan Pemerintah Pengganti Undang-undang*) No. 1, Year 1998 on 22 April 1998 (*Peraturan Pemerintah Pengganti Undang-undang No. 1 Tahun 1998 tentang Perubahan Atas Undang-undang tentang Kepailitan*), and subsequently was ratified by the parliament and promulgated as Act No. 4, Year 1998 (*Undang-undang No. 4 Tahun 1998 tentang Penetapan Peraturan Pemerintah Pengganti Undang-undang No. 1 Tahun 1998 tentang Perubahan Atas Undang-undang tentang Kepailitan*) on 9 September 1998.

<sup>5</sup> Article II of Government Regulation in Lieu of an Act No. 1/1998

The Bankruptcy Act basically introduces two mechanisms to deal with debtors. The first mechanism is the petition to declare the debtor bankrupt with a view to liquidating the debtor's assets. Either the debtor itself or its creditor(s) can initiate this mechanism. The debtor under Act No. 4 of 1998 can be a "natural" as well as a "juridical" person. Under Article 1(1), a creditor who petitions for a declaration of bankruptcy has to satisfy two requirements. The first requirement is that the creditor must prove that the debtor has at least two debts. The second requirement is that the debtor has failed to pay at least one of the matured debts.

The second mechanism introduced is the moratorium on debt repayment. This mechanism does not aim at liquidation, but at giving room for the debtor to work out a solution or to restructure its debts. Under this mechanism, the debtor may request a moratorium to reach a compromise with creditors, including unsecured creditors. A plan for compromise is initiated by the debtor and has to be agreed by a certain number of unsecured creditors. The compromise will only take effect after the court sanctions it in the form of its ruling. Once a compromise takes effect, it will immediately end the moratorium.

The amendment also deals with the time period required for the operation of the two mechanisms. This was intended to resolve what was perceived as uncertain and lengthy delays by the courts in handing down their rulings. In the bankruptcy mechanism, for example, a strict timetable is fixed from the time when the petition is filed until the ruling is handed down by the court. The law provides that within 48 hours after a petition is filed, a date for a hearing has to be set. The hearing itself must be held within the following 20 days or, under certain circumstances, within 25 days.

The Bankruptcy Act established a commercial court. Each commercial court was structured under a district court and was considered to be a specialized chamber of that district court, similar to human rights and children courts. The jurisdiction of the commercial court was not restricted to bankruptcy matters, but also extended to other economic law cases. Currently, some IPR laws give jurisdiction to the commercial court to examine IPR cases.

The commercial court was first established in Jakarta within the Central Jakarta District Court. The commercial court in 2000 was further established in Surabaya, Semarang, Makassar, and Medan.

The revised bankruptcy law was used for the first time in September 1998, and as of October 1998 there have been 13 cases filed for bankruptcy petitions.<sup>6</sup> This situation is very different from the situation prior to the revision of Bankruptcy Act. Petition for bankruptcy is very rare and, in fact, never heard of due to the ineffectiveness of the Act.

## **2. Reform on Laws Promulgated After Independence**

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<sup>6</sup> Kartini Muljadi, "Salut Kepada Hakim Indonesia (Salute to Indonesian Judges)," *Jurnal Penyelesaian Utang* No. 1 (November 1998).

There have been many laws and regulations promulgated after the independence. But as Indonesia introduces a modern economic, such laws and regulations are considered as outdated. An example of this category of the law reform is the capital Market Act. After the Independence, the Capital Market Act was promulgated in 1952.<sup>7</sup> Due to the expanding and rapid development of capital market around the end of 1980s and the fact that Indonesia is considered by foreign investors as becoming one of important financial centers in the Asia region, the government felt the need to revise the Capital Market Act.<sup>8</sup>

In 1996, a new Capital Market Act was introduced.<sup>9</sup> The Act consist of 116 articles and modeled, to some extent, after the US Security Act. In comparison with the old Capital Market Act which only stipulates 9 articles, the revised Capital Market Act is more extensive. It stipulates institutions that previously never hear of, such as the custodian, various professions involved in the capital market, clearing house, investment manager and many others. The new Capital Market Act also provides provisions on trust fund, procedure for a private company to become public company, the supervisory agency known as Bapepam (*Badan Pengawas Pasar Modal*) and also provisions on the bourse itself. In Addition, the Act provides insider trading provisions, investigations and criminal sanction. To date there have been many implementing regulations issued to make the Capital Market Act operational.<sup>10</sup> Currently there is proposal to further amend the Capital Market Act so to comply with international standard.

Another example of the law reform that falls under this category is the Banking Act. After independence, Banking Act was promulgated for the first time in 1967.<sup>11</sup> In 1992, the Banking Act was totally revised,<sup>12</sup> and further amended in 1998.<sup>13</sup> The amendment in 1998 was carried out to

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<sup>7</sup> Act No. 15, Year 1952 (*Undang-undang No. 15 Tahun 1952 tentang Penetapan Undang-undang Darurat tentang Bursa*).

<sup>8</sup> Prior to the enforcement of the Capital Market Act many rules are accommodated in the form of Badan Pengawas Pasar Modal (Capital Market Supervisory Agency) Chairman Decree.

<sup>9</sup> Act No. 8, Year 1995 (*Undang-undang No. 8 Tahun 1995 tentang Pasar Modal*).

<sup>10</sup> The implementing regulations range from Government Regulation, Presidential Decree, Minister of Finance Decree and, more are in the form of, Bapepam Chairman Decree.

<sup>11</sup> Act No. 14, Year 1967 (*Undang-undang No. 14 tahun 1967 tentang Pokok-pokok Perbankan*).

<sup>12</sup> Act No. 7, Year 1992 (*Undang-undang No. 7 Tahun 1992 tentang perbankan*).

comply with Indonesia's obligation after joining WTO. The provisions that were amended, among others, are the founders of commercial bank, restriction of share ownership, and management by foreigners. The amendment has opened the possibility for foreigners to become founders of commercial banks in Indonesia.<sup>14</sup> Also there is no longer restriction on how many foreigners can buy shares of certain commercial bank.<sup>15</sup> The amendment also revokes the provision that prohibits foreigners from being involved in the management of commercial banks.<sup>16</sup>

### **Law Reform to Conform with International Agreement**

Indonesia has also reformed its laws in order to bring them into compliance with international agreements it has signed and ratified.

Under this category, Indonesia has reformed its Intellectual Property Rights (hereinafter abbreviated as "IPR") laws, which consist of Copyright Act, Patent Act, and Trademark Act to comply, in particular, with Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs).<sup>17</sup>

The Copyright Act was promulgated in 1982.<sup>18</sup> The Act was intended to replace the Dutch colonial Copyright Act known as *Auteurswet* enforced in 1912.<sup>19</sup> The Copyright Act has been

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<sup>13</sup> Act No. 10 Year 1998 (*Undang-undang No. 10 Tahun 1998 tentang Perubahan atas Undang-undang No. 7 tahun 1992 tentang Perbankan*).

<sup>14</sup> Point 16 of Act No. 10/1998

<sup>15</sup> Point 17 of Act No. 10/1998

<sup>16</sup> Point 11 of Act No. 10/1998

<sup>17</sup> The Agreement constitutes Annex IC of the WTO Agreement which Indonesia is a party

<sup>18</sup> Act No.6, Year 1982 (*Undang-undang No.6 Tahun 1982 tentang Hak Cipta*).

<sup>19</sup> For some Indonesian scholars, there are those who make a distinction between Copyright Act and *Auteurswet* by saying that the root of Copyright Act came from the common law system while the *Auteurswet* has its root from the civil law system. See: Muhammad Djumhana and R. Djubaedillah, *Hak Milik Intelektual: Sejarah, Teori dan Prakteknya di Indonesia* (Intellectual Property Rights: History, Theory and Practices in Indonesia), Bandung: Citra Aditya Bakti, 1993, p. 37-42.

amended three times. First in 1987<sup>20</sup>, second in 1997<sup>21</sup> and third in 2001 in order to comply with TRIPs.

Although under the Dutch colonial time there had been a Patent Act known as *Octrooiwet* promulgated in 1912, nevertheless since Indonesia's independence the enforcement of such law was not enforced by the government.<sup>22</sup> It was until 1989 that Indonesia had a Patent Act.<sup>23</sup> In 1997 and 2001 the Patent Act was amended to comply with TRIPs.<sup>24</sup> The Trademark Act was also promulgated in 1912 under the Dutch colonial period. The Trademark Act was referred to as *Reglement Industriele Eigendom Kolonien*. After Indonesia's Independence the Dutch Trademark was replaced in 1961<sup>25</sup>. In 1992, the 1961 Trademark Act was replaced by a new one.<sup>26</sup> The new Trademark Act was amended in 1997 again to comply with TRIPs.<sup>27</sup>

By amending the three IPR laws, Indonesia's IPR laws have been substantially compatible with the internationally accepted standards. Furthermore Indonesia has introduced three other laws with respect to IPR, namely, The Industrial Design Act, Integrated Circuit Act and Trade Secret Act.

Another revision influenced by TRIPs is the Custom Act.<sup>28</sup> The Custom Act specifically accommodates Article 51 to Article 60 of TRIPs in Chapter 10 which consists of 12 articles.<sup>29</sup> The articles provide prohibition of infringement of IPR goods to enter Indonesia.

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<sup>20</sup> Act No. 7, Year 1987 (*Undang-undang No.7 Tahun 1987 tentang Perubahan atas Undang-undang No.6 Tahun 1982 tentang Hak Cipta*)

<sup>21</sup> Act No. 12, Year 1997 (*Undang-undang No.12 Tahun 1997 tentang Perubahan atas Undang-undang No.6 Tahun 1982 tentang Hak Cipta sebagaimana telah diubah dengan Undang-undang No.7 Tahun 1987*)

<sup>22</sup> The reason for such discontinuation was that under the *actrooiwet* there is an obligation for patent application to be forwarded to *Octrooiraad* in the Netherlands. **See:** Muhammad Djumhana and R. Djubaedillah, *Hak Milik Intelektual: Sejarah, Teori dan Prakteknya di Indonesia*, 80.

<sup>23</sup> Act No.6, Year 1989 (*Undang-undang No.6 Tahun 1989 tentang Paten*)

<sup>24</sup> Act. 13, Year 1997 (*Undang-undang No.13 Tahun 1997 tentang Perubahan atas Undang-undang No.6 Tahun 1989 tentang Paten*).

<sup>25</sup> Act No.21, Year 1961 (*Undang-undang No.12 Tahun 1961 tentang Merek Perusahaan dan Merek Perniagaan*)

<sup>26</sup> Act.No 19, Year 1992 (*Undang-undang No. 19 Tahun 1992 tentang Merek*).

<sup>27</sup> Act No. 14, Year 1997 (*Undang-undang No.14 Tahun 1997 tentang Perubahan atas Undang-undang No. 19 Tahun 1992 tentang Merek*).

<sup>28</sup> Act No. 10, Year 1995 (*Undang-undang No. 10 Tahun 1995 tentang Kepabeanan*).

<sup>29</sup> Articles 53-64 of the Custom Act.



Another field of law that has been reformed is in the trade sector. As part of its commitment to free and trade, Indonesia has liberalized its trade regime and taken a number of important steps to reduce protection. To take an example, under the previous trade regime a foreign retail company was prohibited from operating in Indonesia.<sup>30</sup> Historically, import or export, wholesale and retail distributions were reserved for Indonesian companies. In 1988, such regulation was eased a little in order to give a company established under the Foreign Investment Act (hereinafter referred to as “PMA Company”) permission to carry out distribution activities.<sup>31</sup> The PMA Company may distribute its goods under two conditions. First, the PMA Company is subsidiary of PMA Company who manufactures goods to be distributed in Indonesia. Second, the distribution activity of such PMA Company is only permitted to operate at the wholesale level; in other words the Company cannot sell its products directly to consumers.

In 1998 as the implementation of Indonesia’s commitment to free and open trade, the regulation was further deregulated so as to allow a PMA distribution company to enter in the retail business.<sup>32</sup> In addition the government has allowed a PMA company engaging in the export and import business to sell its goods as retailer.<sup>33</sup>

#### *Law Reform to Improve Investment Climate*

With the International economic policy adopted by many countries, including neighboring countries, Indonesia has to compete with them in attracting investors.

Under this category the laws that are reformed are in the sector of direct foreign investment. The reform is intended to make Indonesia more attractive in the eyes of foreign investors and, therefore, provide a favorable business climate. The Foreign Investment Act was promulgated in 1967 and to

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<sup>30</sup> Government Regulation No.36, Year 1977 (*Peraturan Pemerintah No.36 Tahun 1977 tentang Pengakhiran Kegiatan Usaha Asing dalam Bidang Perdagangan*).

<sup>31</sup> Government Regulation No.19, Year 1988 (*Peraturan Pemerintah No.19 Tahun 1988 tentang Perubahan Peraturan Pemerintah No.36 Tahun 1977 tentang Pengakhiran Kegiatan Usaha Asing dalam Bidang Perdagangan*).

<sup>32</sup> Government Regulation No.15, Year 1998 (*Peraturan Pemerintah No.15 Tahun 1998 tentang Perubahan atas Peraturan Pemerintah No.36 Tahun 1977 tentang Pengakhiran Kegiatan Usaha Asing dalam Bidang Perdagangan sebagaimana telah diubah terakhir dengan Peraturan Pemerintah No.41 Tahun 1997*).

<sup>33</sup> Article I Government Regulation No.16, Year 1998 (*Peraturan pemerintah No.16 Tahun 1998 tentang Perubahan atas Peraturan Pemerintah No.2 Tahun 1996 tentang Kegiatan Perusahaan yang didirikan dalam rangka Penanaman Modal Asing di bidang Ekspor dan Impor, sebagaimana telah diubah dengan Peraturan Pemerintah No.42 Tahun 1997*).

date it has never been amended.<sup>34</sup> However, lower ranking legislations have amended some of the provisions found in the Foreign Investment Act. A good example is when 1994 the government issued Government Regulation No.20.<sup>35</sup> Such regulation is actually a response to the emergence of China and Vietnam, which have been active in opening up their economies to foreign investors. In the early 1990s, China and Vietnam are considered as a threat to Indonesian in the domain of foreign investment.<sup>36</sup>

One of the provisions in the Foreign Investment Act that has been changed radically is the possibility for foreign investors to invest 100 per cent.<sup>37</sup> Such radical change was seen as a response for foreign investors who wanted to invest 100 per cent. In the past, one of the factors that made the investment climate in Indonesia not so attractive for the US investors was the fact that they were not allowed to invest 100 per cent.<sup>38</sup>

Other example of reform in the reform in the investment sectors is the possibility for foreign investors to engage in activities, which were previously closed to them. Under Government Regulation No.20 foreign investors may enter in business activities, which are important to the State and considered as controlling people's need, such as harbors, electricity generation, telecommunication, shipping, airlines, water supply, railways, nuclear power and mass media.<sup>39</sup>

In line with the above reform, the government felt the need to reform the Agrarian Act.<sup>40</sup> Even though to date the Agrarian Act has never been formally amended, based on lower ranking legislation it has been changed. For example, Government Regulation No.40/1996 opens possibility for investment purposes to extend land entitlement in advance,<sup>41</sup> namely, the Right of Cultivation (Hak

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<sup>34</sup> Act No.1, Year 1967 (*Undang-undang tentang Penanaman Modal Asing*).

<sup>35</sup> Government Regulation No.20, Year 1994 (*Peraturan Pemerintah No.20 Tahun 1994 tentang Pemilikan Saham dalam Perusahaan yang Didirikan dalam Rangka Penanaman Moda Asing*).

<sup>36</sup> A. Zen Umar Purba, "Reformasi Hukum dan Globalisasi: Peta Hukum Ekonomi & Pengadilan Kita (*Law Reform and Globalization: The Map of Economic Law and the Court* ), paper presented at the Symposium held by University of Indonesia, 1 April 1998,p.6.

<sup>37</sup> Article 2 (1) Government Regulation No.20/1994.

<sup>38</sup> Pandji Anoraga, *Perusahaan Multi nasional: Penanaman Modal Asing* (Multinational Companies: Foreign Investment),Jakarta: Dunia Pustaka Jaya, 1995,p. 101.

<sup>39</sup> Article 5 (1) Government Regulation No.20/1994

<sup>40</sup> Act No.5, Year 1960 (*Undang-undang No.5 Tahun 1960 tentang Peraturan Dasar Pokok-pokok Agraria*).

<sup>41</sup> Government Regulation No.40, Year 1996 (*Peraturan Pemerintah No.40 Tahun 1996 tentang Hak Guna Usaha, Hak Guna Bangunan dan Hak Pakai Atas Tanah*).

Guna Usaha or abbreviated as HGU),<sup>42</sup> the Right of Building (Hak Guna Bangunan or abbreviated as HGB)<sup>43</sup> and the Right of Use (Hak Pakai).<sup>44</sup> Such schemes are urgently needed by Indonesia to face fierce competition from countries that give longer periods of land ownership. Prior to issuance of Government Regulation No.40, an HGU holder is only entitled to have 60 years of land ownership, HGB for 50 years and Hak Pakai for 45 years. After the issuance of Government Regulation No. 40, theoretically, HGU holder may hold for a period of 120 years, while HGB for 100 years and Hak Pakai for 90 years. Such figures are much longer than those in China, which gives investors a range of 75-100 years of land ownership.<sup>45</sup>

### *Law Reform to Comply with International Issues*

International community has long concerned itself with issues that are considered to have no national borders. The issues are commonly referred to as international issues. The prevailing international issues, among others, are respect for human rights and environment issues. Indonesia has given its particular concern to these two international issues.

In this category the law, which has been reformed is the Employment Act. In 1997 a new Employment Act was promulgated to replace the Employment Act under the colonial period and those promulgated soon after the independence.<sup>46</sup> The new Employment Act would have come into effect on 1 October 1998. However, by virtue of its amendment the effective date was postponed to 1 October 2000.<sup>47</sup> The postponement is intended to give time to revise the new Employment Act so as to comply fully with international norms.<sup>48</sup> There have been many criticisms being voiced on the Employment Act, despite it has given sufficient welfare protection to worker. One of the criticisms is the fact that the Act has failed to give freedom for workers to organize a labor union.<sup>49</sup> The revision is expected to further ease restrictions on unions.

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<sup>42</sup> HGU is the right to use State-owned land for the purposes of agriculture, fishing or cattle raising.

<sup>43</sup> HGB is the right to construct and own buildings.

<sup>44</sup> Hak pakai is the right to use land for a specific purpose.

<sup>45</sup> Pandji Anoraga, *Perusahaan Multi nasional: Penanaman Modal Asing*, p. 97.

<sup>46</sup> Act No.25, Year 1997 (*Undang-undang No.25 Tahun 1997 tentang Ketenagakerjaan*).

<sup>47</sup> Act No.11, Year 1998 (*Undang-undang No.11 Tahun 1998 tentang perubahan Berlakunya Undang-undang No.25 Tahun 1997 tentang Ketenagakerjaan*).

<sup>48</sup> Consideration of Act No.11/1998.

<sup>49</sup> Indonesia, however, on 5 June 1998 has ratified the Convention concerning Freedom of Association and Protection of the Right to Organize (Presidential Decree No. 83, Year 1998).

Apart from respect on human rights, an issue that has been given special attention is an environment. Indonesia promulgated its Environmental Act in 1982.<sup>50</sup> As a result of international development, the Act was totally revised in 1997.<sup>51</sup> The revision was done due to, among others, the pressing need for environment management in ensuring the success of sustainable development. This need is not only compatible with growing level of awareness of the Indonesia society but also commensurate with the development of global environment and International law instruments.<sup>52</sup>

### Law Reform as Industrial Country

As Indonesia is in the process of becoming an industrialized country, it has to have laws that are commonly recognized by industrialized countries. The laws, which Indonesia has to adopt, among others, are Competition Act and Consumer Protection Act.

The efforts for Indonesia to have the Competition Act have been great but arduous. In the State Guidelines (Garis Besar Haluan Negara) it has been stated over and over that unfair competition, monopoly and monopsony are harmful to the people and, thus, contradict social justice.<sup>53</sup> Furthermore, monopoly practices at national level may become an obstacle for Indonesia's participation in the various international free trade instruments in the era of globalization.<sup>54</sup>

There have been many academic drafts as well as drafts from political parties on this matter. At the end of 1998, the government and parliament started to discuss the Competition Bill. In March 5, 1999 a competition law entitled the Law on the Prohibition of Monopoly Practices and Unfair Competition was promulgated.<sup>55</sup> The Act took effect one year after it was passed and not until June 2000, after members of Fair Trade Commission were appointed, did the Act is in full force. Today there are two cases decided by the Fair Trade Commission using the Competition Law.

Under Law No. 5/1999 there are three categories that business is prohibited from engaging. First,

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<sup>50</sup> Act No.4, Year 1982 (*Undang-undang No.4 Tahun 1982 tentang Ketentuan-ketentuan Pokok Pengelolaan Lingkungan Hidup*).

<sup>51</sup> Act No.23, Year 1997 (*Undang- undang No.23 Tahun 1997 tentang Pengelolaan Lingkungan Hidup*).

<sup>52</sup> Consideration (d) of Act No. 23/1997).

<sup>53</sup> State Guidelines 1998-2003, Chapter II Letter G.

<sup>54</sup> Hikmahanto Juwana, *Perlunya Undang-undang Antimonopoli: Agenda Mendesak Untuk Tatanan Masa Depan Indonesia* (The Need for Antimonopoly Act: An Urget Agenda for the Future of Indonesia), paper presented at the Symposium held by University of Indonesia, 1 April 1998, p.6.

<sup>55</sup> Law No.5, Year 1999.

the business actor is prohibited from entering into an agreement which result in, amongst others, oligopoly situation, price fixing, trust, oligopsony. Second, business actor is prohibited to perform activities, which may cause monopoly, monopsony and market control. Third, the Competition Act prohibits the abuse of dominant position by business actor.

**Table A2.3.1 Ship Arrival/Departure Procedure**

No.	Procedure		Document	Description	Provided by or Instructed by	Informed to or Examined by	Regulation/ Remarks
1	Approach to Tg. Priok Port		RKSP (BC1.0)	Information of arrival (purpose of enter, No of crew, goods, etc.)	Shipping agent	Customs	24 hours before (out of Scope)
	Ditto		JKSP (BC1.0)	Schedule of arrival (Scheduled operation)	Shipping agent	Customs	12 hours before (out of Scope)
2	Arrive at Port Limit (Arrival Time)		PPKB (1)	Service request (Berth allocation, tug, bunker and other port services)	Shipping agent	PELINDO II	12 hours before
3	Anchor Start	Anchorage	PPKB (1)	Instruction	PELINDO II	Shipping agent	(Scope of Work under the Study covers after this point)
4	Anchor End	Layover Time	PPKB (1)	Berth allocation	PELINDO II	Shipping agent	
5	Enter Port		PPKB (1)	Arrangement of Pilot and Tugs	PELINDO II	Shipping agent	
6	Docking (Berthing Time)		PPKB (1)	Mooring gang	PELINDO II	Shipping agent	
7	Discharge Operation Start			Discharge approval	Shipping agent	Customs	Confirm RKSP
8	Loading Operation Complete						
9	Off Docking (Sail out Time)		PPKB (2)	Arrangement of Pilot and Tugs	PELINDO II	Shipping agent	

Note: PPKB shall be provided 2 times

**Table A2.3.2 Cargo Clearance Procedure (Import FCL Container/Conventional Cargo – Green and Red Channel)**

Channel Line		Procedure	Document	Description	Provided by or Instructed by	Informed to or Examined by	Regulation/ Remarks
Green	Red						
1	1	Discharge/Unloading	Berth Plan	Berthing time, cranes arrangement, No. of handling containers and time	Container Terminal (JICT)	Internal data	
2	2	Transport to Stacking Area	Yard Plan	Yard chassis, stacking lots	JICT	Internal data	
3	3	Stacking in Container Yard	Yard Plan	Marshaling record	JICT	Internal data	
4	4	Submission of Required Documents	Manifest, Packing list, etc.	Payment of Dues and Taxes shall be completed. Information of payment will be made by Bank to Customs	Shipping Agent, Consignee, Custom Broker	Customs	Before declaration of PIB
5	5	Declaration of Import	PIB (BC 2.0)		Consignee/Broker	Customs	By EDI
-	6	In Case of Physical Inspection	Instruction	Include Analysis Process by Customs	Customs	Consignee/Broker	By EDI
-	7	Preparation of Inspection		Shift Container to Inspection Area	Consignee/Broker		
-	8	Inform to Customs for Inspector		Ready for Inspection	Consignee/Broker	Customs	
-	9	Commencement of Inspection				Customs	
-	10	Completion of Inspection	LHP	Inspection Report	Customs	Customs	
-	11	In Case of Insufficient Document or Payment	Instruction	Including Quarantine Certificate instructed at Analyzing Point	Customs	Consignee/Broker	
-	12	Submission of Necessary Document	Additional document	Provision of Additional Document or Receipt of Additional Payment	Consignee/Broker	Customs, Document Inspector	
6	13	Approval for Release of Goods	SPPB		Customs	Consignee/Broker	
7	14	Loading to Lorry	D/O	D/O: Delivery Order	Shipping Company	Consignee/Broker	
8	15	Gate out		Approved by Customs and Terminal	Consignee/Broker	Customs/Terminal	
9	16	Arrival at Destination					

**Table A2.3.3 Cargo Clearance Procedure (Import LCL Container – Green and Red Channel)**

Cannel Line		Procedure	Document	Description	Provided by or Instructed by	Informed to or Examined by	Regulation/ Remarks
Green	Red						
1	1	Discharge/Unloading	Berth Plan	Same as Table 2.3.2 (Import FCL Container)			
2	2	Transport to Stacking Area	Yard Plan	Same as Table 2.3.2 (Import FCL Container)			
3	3	Stacking in Container Yard	Yard Plan	Same as Table 2.3.2 (Import FCL Container)			
4	4	Request of Transport to CFS	Request		CFS/Broker	Customs	
5	5	Transport to CFS from CY Gate	BC1.1		CFS	Customs	
6	6	Arrival at CFS					
7	7	Devanning		Opening containers	Customs and CFS		
8	8	Submission of Required Documents	Manifest, etc.	Same as Table 2.3.2 (Import Conventional Cargo)			
9	9	Declaration of Import	PIB (BC2.0)	Same as Table 2.3.2 (Import Conventional Cargo)			
-	10	In Case of Physical Inspection	Instruction	Same as Table 2.3.2 (Import Conventional Cargo)			
-	11	Preparation of Inspection		Same as Table 2.3.2 (Import Conventional Cargo)			
-	12	Inform to Customs for Inspector		Same as Table 2.3.2 (Import Conventional Cargo)			
-	13	Commencement of Inspection		Same as Table 2.3.2 (Import Conventional Cargo)			
-	14	Completion of Inspection	LHP	Same as Table 2.3.2 (Import Conventional Cargo)			
-	15	In Case of Insufficient Document or Payment	Instruction	Same as Table 2.3.2 (Import Conventional Cargo)			
-	16	Submission of Necessary Document	Additional	Same as Table 2.3.2 (Import Conventional Cargo)			
10	17	Approval for Release of Goods	SPPB	Same as Table 2.3.2 (Import Conventional Cargo)			
11	18	Loading to Trailer/Lorry	D/O	Same as Table 2.3.2 (Import Conventional Cargo)			
12	19	Gate out		Same as Table 2.3.2 (Import Conventional Cargo)			
13	20	Arrival at Destination		Same as Table 2.3.2 (Import Conventional Cargo)			



**Table A2.3.4 Cargo Clearance Procedure (Export Case - FCL/LCL Container and Conventional Cargo)**

No.	Procedure	Document	Description	Provided by or Instructed by	Informed to or Examined by	Regulation/ Remarks
1	Declaration of Export	PEB		Consigner/Broker	Customs	
2	Completion of Vanning of Container at Origin		At Factory, Warehouse, CFS			
3	Transport to Port from Origin		From Factory, Warehouse, CFS			
4	Gate in to Yard	Confirmation		Consigner/Broker	Customs	
5	Stacking in Yard	Yard Plan	Marshaling Record	JICT		
6	Loading to Ship	Berth Plan	Berthing time, Departure time, name of ship	JICT		

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**Table A2.3.5 Aircraft Arrival/Departure Procedure**

No.	Procedure	Document	Description	Provided by or Instructed by	Informed to or Examined by	Regulation/ Remarks
1	Approach to Soekarno-Hatta Airport	RKSP (BC1.0)	Information about purpose of landing (No of crew, passenger, goods, origin, etc.)	Airline Agent	Customs	
2	Landing time		Ramp allocation	ANGKASA PURA II	Agent	
3	Unloading Operation Time		Commencement and Completion			Details are given in Table 2.3.6, 2.3.7
4	Loading Operation Time		Commencement and Completion			
5	Start Time of Taxiing			Airline/Terminal		
6	Take off Time			Airline/Terminal		

**Table A2.3.6 Cargo Clearance Procedure (Import Air Cargo – Green and Red Channel)**

Channel Line		Procedure	Document	Description	Provided by or Instructed by	Informed to or Examined by	Regulation/ Remarks
Green	Red						
1	1	Unloading ULD/Pallet Cargo from Aircraft at spot in apron		Commencement and Completion (ULD: Unit Loading Device)			
2	2	Transport to Warehouse		Commencement and Completion			
3	3	Breakdown ULD/Pallet Cargo		Commencement and Completion			
4	4	Temporary Storage in Warehouse		Commencement and Completion			
5	5	Submission of Required Documents	Manifest, Packing list, etc.	Payment of Dues and Taxes shall be completed. Information of payment will be made by Bank to Customs	Shipping Agent, Consignee, Custom Broker	Customs	Before declaration of PIB
6	6	Declaration of Import	PIB		Consignee/Broker	Customs	
-	7	In Case of Physical Inspection	Instruction	Include Analysis Process by Customs	Customs	Consignee/Broker	By EDI
-	8	Preparation for Inspection			Consignee/Broker		
-	9	Inform to Customs for Inspector		Ready for Inspection	Consignee/Broker	Customs	
-	10	Commencement of Inspection					
-	11	Completion of Inspection	LHP	Inspection Report	Customs	Customs	
-	12	In Case of Insufficient Document or Payment	Instruction	Including Quarantine Examination instructed at Analyzing Point	Customs	Consignee/Broker	
-	13	Submission of Necessary Document	Additional Document	Provision of Additional Document or Receipt of Additional Payment	Consignee/Broker	Customs, Document Inspector	
7	14	Approval for Release of Goods	SPPB		Customs	Consignee/Broker	
8	15	Loading to Lorry and Gate out		Approved by Customs and Warehouse	Consignee/Broker	Customs/Warehouse	
9	16	Arrival at Destination					

**Table A2.3.7 Cargo Clearance Procedure (Export Air Cargo)**

No.	Procedure	Document	Description	Provided by or Instructed by	Informed to or Examined by	Regulation/ Remarks
1	Declaration of Export	PEB		Consignor/Broker	Customs	EDI
2	Transport to Warehouse			Consignor		
3	Arrival at Warehouse					
4	Confirmation of Export by Customs			Consignor/Broker	Customs	
5	Storage at Warehouse		Bonded Cargo	Warehouse		
6	Build up ULD/Pallet Cargo		Commencement and Completion	Warehouse		
7	Transport to Spot		Commencement and Completion	Warehouse		
8	Loading to Aircraft at spot in apron		Commencement and Completion	Air Terminal		
9	Start time of Taxiing			Airline/Terminal		
10	Take off Time			Airline/Terminal		

**Table A2.3.8 Shipping Survey Sheet**

		PPKB No.	
PPKB Entry Date:		Name of Vessel	
VOYAGE No.		Name of Shipping Company	
Berth No.		Name of Agent	
Date of Arrival		Port of Origin	
Date of Departure		Port of Destination	

No.	Description	Activity	Record Time				Type of Document Required By Authority
			month	date	hr	minute	
							One Roof Service Center
1	Shipping Schedule	Arrival Time at Anchorage (Proposed)					Produce RKSP by Shipper for Customs
2	Shipping Schedule	Arrival Time at Anchorage (Proposed)					
3	Approach to Port	Issue of Entrance Permission					Entrance Permission issued by Port (Customs is not involved)
4	Anchor Time	Anchor Start					PPKB Permintaan Pelayanan Kapal & Barang (Service request)
5		Allocation of Berth by PELINDO II					Port Entrance and Berthing Plan
6	Berthing Time	Anchor End					
7		Docking Time					
8	Unloading / Loading	Unloading Approval					Unloading / Loading Approval from Port or Customs
9		Start of Unloading Operation					
10		End of Unloading Operation					
11	Off Docking Time	Time of Departure					
12	Document	Submitted					Manifest, Packing List, Power of Attorney, B/L
13		Accepted					
14		Payment for Port Dues					Payment (Port Dues and Service Charge)

**Table A2.3.9 Customs Survey Sheet (Import)**

		PPKB No.	
PPKB Entry Date:		Name of Vessel	
VOYAGE No.		Name of Shipping Company	
Berth No.		Name of Agent	
Date of Arrival		Port of Origin	
Date of Departure		Port of Destination	

<b>Import Declaration Document (PIB)</b>		<b>Customs Office</b>	
Type of PIB		Customs Declaration No.	
Type of Import		Invoice No.	
Method of Payment		No. of BL, SWB, AWB, House BL	
HS No. (Harmonized System)		Container No.	

No.	Description	Activity	Record Time				Information and Remarks
			month	date	hr	minute	
1	Stacking Container / Goods in Yard	Start of Unloading Operation					1. Transport Document <input type="checkbox"/> B/L, <input type="checkbox"/> SWB
2		End of Unloading Operation					
3	Payment of Duties and Taxes	Payment of Taxes and Duties					2. Type of Document <input type="checkbox"/> Prescribed, <input type="checkbox"/> Others
4	PIB (Import Declaration)	Lodgment of Declaration					3. Form of Declaration <input type="checkbox"/> Electrical, <input type="checkbox"/> Manual
5		Customs Response to Declaration					
6	* Type of Document	Additional Data Required (First)					
7		Additional Data Submitted (First)					
8	* Type of Document	Additional Data Required (Second)					
9		Additional Data Submitted (Second)					
10	Physical Inspection	Physical Inspection Required					4. Goods of Regime <input type="checkbox"/> Gold, <input type="checkbox"/> Green, <input type="checkbox"/> Red <input type="checkbox"/> Bonded Zone, <input type="checkbox"/> Others Remarks:
11	* Type of Inspection ( <input type="checkbox"/> Random, <input type="checkbox"/> All )	Start of Physical Inspection					
12		End of Physical inspection					
13	LHP (Examination Report)	Issue of Customs Inspection Report					5. Name of Goods
14	Laboratory analysis	Laboratory Analysis Required					
15		Start of Laboratory analysis					
16		End of Laboratory Analysis					
17		Issue of Report for analysis					
18	SPPB, BC 2.3	Release Approval from Customs					6. Type of Cargo <input type="checkbox"/> FCL, <input type="checkbox"/> LCL, <input type="checkbox"/> Others
19	Pick up (Lift on)	Release Approval from Terminal					
20	Payment of Terminal Charge	CY/CFS Gate Out					
21		Arrival at Factory / CFS					
							7. Name of Customs Broker

**Table A2.3.10 Customs Survey Sheet (Export)**

		PPKB No.	
PPKB Entry Date:		Name of Vessel	
VOYAGE No.		Name of Shipping Company	
Berth No.		Name of Agent	
Date of Arrival		Port of Origin	
Date of Departure		Port of Destination	

<b>Import Declaration Document (PEB)</b>		<b>Customs Office</b>	
Type of PEB		Customs Declaration No.	
Type of Import		Invoice No.	
Method of Payment		No. of BL, SWB, AWB, House BL	
HS No. (Harmonized System)		Container No.	

No.	Description	Activity	Record Time				Information and Remarks
			month	date	hr	minute	
1	CFS (in case of LCL)	Cargo Accepted by CFS					1. Transport Document <input type="checkbox"/> B/L, <input type="checkbox"/> SWB
2	PEB (Export Declaration)	Lodgment of Declaration					2. Type of Document <input type="checkbox"/> Prescribed, <input type="checkbox"/> Others
3		Customs Response to Declaration					3. Form of Declaration <input type="checkbox"/> Electrical, <input type="checkbox"/> Manual
4	* Type of Document	Additional Data Required (First)					4. Goods of Regime <input type="checkbox"/> Gold, <input type="checkbox"/> Green, <input type="checkbox"/> Red <input type="checkbox"/> Bonded Zone, <input type="checkbox"/> Others Remarks:
5		Additional Data Submitted (First)					
6	* Type of Document	Additional Data Required (Second)					5. Name of Goods
7		Additional Data Submitted (Second)					
8	Physical Inspection	Physical Inspection Required					6. Type of Cargo <input type="checkbox"/> FCL, <input type="checkbox"/> LCL, <input type="checkbox"/> Others
9	* Type of Inspection	Start of Physical Inspection					
10	( <input type="checkbox"/> Random, <input type="checkbox"/> All )	End of Physical inspection					
11	LHP (Examination Report)	Issue of Customs Inspection Report					
12	Laboratory analysis	Laboratory Analysis Required					7. Name of Customs Broker
13		Start of Laboratory analysis					
14		End of Laboratory Analysis					
15		Issue of Report for analysis					
16	SPPB, BC 2.3 ??	Export Approval from Customs					
17	Container Bunning	at CFS					
18	JICT 1	Gate in time					
19		Start of Unloading Operation					
20		End of Unloading Operation					

**Table A2.3.11 Air Cargo Survey Sheet (Import - ULD/Consolidated)**

General	
1 Region <u>Soekarno-Hatta Airport</u>	2 Customs Office _____
3 Name of Carrier Carrier: _____ Flight No. _____	4 Arrival (Landing) Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>
5 Terminal Arrival Spot No.: _____ Arrival Time at Spot: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>	Remarks

Document	
6 Unloading Time of Documents Pouch from Aircraft: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/> Arrival Time of Document Pouch at Warehouse Office: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>	7 Ready for Delivery Time of First Document at Warehouse Counter Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/> Ready for Delivery Time of Last Document at Warehouse Counter Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>
8 Manifest Submitted to Customs: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>	Manifest Accepted by Customs: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>

Cargo	
9 Start Time of Unloading ULD/Bulk Cargo from Aircraft: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/> Finish Time of Unloading ULD/Bulk Cargo from Aircraft: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>	10 Arrival Time of First ULD/Bulk Cargo at Warehouse: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/> Arrival Time of Last ULD/Bulk Cargo at Warehouse: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>
11 Start Time of Breakdown of ULD Cargo at Warehouse: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/> Finish Time of Breakdown of ULD Cargo at Warehouse: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>	12 Start Time of Temporary Storage at Warehouse: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/> Finish Time of Temporary Storage at Warehouse: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>

Special Notes
_____
_____
_____
_____
_____

**Table A2.3.12 Air Cargo Survey Sheet (Export - ULD/Consolidated)**

General	
1 Region  Soekarno-Hatta Airport	2 Customs Office  _____
3 Name of Carrier  Carrier: _____  Flight No.  _____	4 Terminal Departure Spot No.: _____  Departure Time at Spot: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>
5 Departure Take Off Time:  Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>	Remarks

Document	
6 Acceptance Time of First Document at Warehouse Counter: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/> Acceptance Time of Last Document at Warehouse Counter: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>	7 Dispatch Time of Document Pouch at Office: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/> Loading Time of Document Pouch onto Aircraft: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>
8 Manifest Submitted to Customs: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>	Manifest Accepted by Customs: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>

Cargo	
9 Start Time of Buildup of ULD Cargo at Warehouse: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/> Finish Time of Buildup of ULD Cargo at Warehouse: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>	10 Arrival Time of First ULD/Bulk Cargo at Departure Spot: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/> Arrival Time of Last ULD/Bulk Cargo at Departure Spot: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>
11 Start Time of Loading ULD/Bulk Cargo onto Aircraft: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>	Finish Time of Loading ULD/Bulk Cargo onto Aircraft: Time                  Date                  Month <input type="text"/> <input type="text"/> <input type="text"/>

[Special Notes]  _____  _____  _____  _____  _____
--



**Table A2.3.13 Customs Survey Sheet (Import - Air Cargo)**

Flight No.		Carrier	
Arrival Spot No.		Arrival Time (Landing)	
Arrival Time (at Spot)		Origin (From)	
Date of Arrival		Departure (To)	

<b>Import Declaration Document (PIB)</b>		<b>Customs Office</b>	
Type of PIB		Customs Declaration No.	
Type of Import		Invoice No.	
Method of Payment		No. of BL, SWB, AWB, House BL	
HS No. (Harmonized System)			

No.	Description	Activity	Record Time				Information and Remarks
			month	date	hr	minute	
1	ULD Cargo in Warehouse	Start of Breakdown Operation					1. Transport Document  <input type="checkbox"/> B/L, <input type="checkbox"/> AWB
2		End of Breakdown Operation					
3	Payment of Duties and Taxes	Payment of Taxes and Duties					2. Type of Document  <input type="checkbox"/> Prescribed, <input type="checkbox"/> Others
4	PIB (Import Declaration)	Lodgment of Declaration					3. Form of Declaration  <input type="checkbox"/> Electrical, <input type="checkbox"/> Manual
5		Customs Response to Declaration					
6	* Type of Document	Additional Data Required (First)					4. Goods of Regime  <input type="checkbox"/> Gold, <input type="checkbox"/> Green, <input type="checkbox"/> Red  <input type="checkbox"/> Bonded Zone, <input type="checkbox"/> Others  Remarks:
7		Additional Data Submitted (First)					
8	* Type of Document	Additional Data Required (Second)					5. Name of Goods
9		Additional Data Submitted (Second)					
10	Physical Inspection	Physical Inspection Required					6. Name of Customs Broker
11	* Type of Inspection ( <input type="checkbox"/> Random, <input type="checkbox"/> All )	Start of Physical Inspection					
12		End of Physical inspection					
13	LHP (Examination Report)	Issue of Customs Inspection Report					
14	Laboratory analysis	Laboratory Analysis Required					
15		Start of Laboratory analysis					
16		End of Laboratory Analysis					
17		Issue of Report for analysis					
18	SPPB, BC 2.3	Release Approval from Customs					
19	Pick up (Lift on)	Release Approval from Terminal					
20	Payment of Terminal Charge	CY/CFS Gate Out					
21		Arrival at Factory / CFS					

**Table A2.3.14 Customs Survey Sheet (Export - Air Cargo)**

Flight No.		Carrier	
departure Spot No.		Departure Time at Spot	
departure (Take off Time)		Arrival From	
Date of Departure		Departure to	

<b>Import Declaration Document (PEB)</b>		<b>Customs Office</b>	
Type of PEB		Customs Declaration No.	
Type of Import		Invoice No.	
Method of Payment		No. of BL, SWB, AWB, House BL	
HS No. (Harmonized System)			

No.	Description	Activity	Record Time				Information and Remarks
			month	date	hr	minute	
1	PEB (Export Declaration)	Lodgment of Declaration					1. Transport Document <input type="checkbox"/> B/L, <input type="checkbox"/> SWB
2		Customs Response to Declaration					
3	* Type of Document	Additional Data Required (First)					2. Type of Document <input type="checkbox"/> Prescribed, <input type="checkbox"/> Others
4		Additional Data Submitted (First)					
5	* Type of Document	Additional Data Required (Second)					3. Form of Declaration <input type="checkbox"/> Electrical, <input type="checkbox"/> Manual
6		Additional Data Submitted (Second)					
7	Physical Inspection	Physical Inspection Required					4. Goods of Regime <input type="checkbox"/> Gold, <input type="checkbox"/> Green, <input type="checkbox"/> Red <input type="checkbox"/> Bonded Zone, <input type="checkbox"/> Others Remarks:
8	* Type of Inspection	Start of Physical Inspection					
9	( <input type="checkbox"/> Random, <input type="checkbox"/> All )	End of Physical inspection					
10	LHP (Examination Report)	Issue of Customs Inspection Report					5. Name of Goods
11	Laboratory analysis	Laboratory Analysis Required					
12		Start of Laboratory analysis					6. Name of Customs Broker
13		End of Laboratory Analysis					
14		Issue of Report for analysis					
15		Export Approval from Customs					
16	Inside Warehouse	Cargo Received at Platform					
17		Transport to Bonded Area					
18		Build up ULD					
19	Outside Warehouse	Transport to Aircraft					
20	Aircraft Site	Start of Unloading Operation					
21		End of Unloading Operation					

**Table A2.3.15 Office Hour / Working Hour**

No.	Authorities and Operations	Monday to Friday		Saturday		Sunday		National Holiday	
		Start	Close	Start	Close	Start	Close	Start	Close
<b>1</b>	<b>Tanjung Priok Port - PELINDO II/ JICT</b>								
	Administration (PELINDO II - Head Office)	08:00	17:00	Holiday		Holiday		Holiday	
	Berth Allocation (receive RKSP and issue PPKB)	24 hrs		24 hrs		24 hrs		24 hrs	
	Pilot Station								
	Tug Boat								
	Docking/Off Docking Operation								
	Loading/Unloading at Conventional Berth								
	Warehouse at Berth								
	Port Gate (In /Out)								
<b>2</b>	<b>JICT 1 (Jakarta International Container Terminal 1)</b>								
	Berth (Loading / Unloading)	24 hrs Operation (Customs Site Office also opens 24 hrs)		24 hrs Operation (Customs Site Office also opens 24 hrs)		24 hrs Operation (Customs Site Office also opens 24 hrs)		24 hrs Operation (Customs Site Office also opens 24 hrs)	
	Yard (Marshaling Operation)								
	Gate (Receive / Release)								
	Account (Payment of Terminal Service Charge)								
	Document Examination and Approval								
<b>3</b>	<b>Customs Office - Tanjung Priok Port II</b>								
	Administration (Regional Office)	07:30	17:00	07:30	13:00	Holiday		Holiday	
	Service Office (Response to PIB, Instruction, Document Examination, Issue SPPB)	07:30	17:00	07:30	13:00	Holiday		Holiday	
	Service Office (Response to PEB, Instruction)	07:30	17:00	07:30	13:00	Holiday		Holiday	
	Physical Inspection	07:30	17:00	07:30	13:00	Holiday		Holiday	
<b>4</b>	<b>Depot (CFS)</b>								
	Operation / Custom	8:00	16:00	8:00	12:00	Holiday		Holiday	
		( 08:00	20:00)						
<b>5</b>	<b>Cengkareng Airport</b>								
	<b>Terminal Cargo Operation</b>								
	Import	8:00	17:00	8:00	12:00	Holiday		Holiday	
	Export	24 hrs		24 hrs		24 hrs		24 hrs	
	<b>Custom</b>								
	Import	8:00	17:00	8:00	12:00	Holiday		Holiday	
	Export	24 hrs		24 hrs		24 hrs		24 hrs	
	Service Centre	8:00	17:00	8:00	12:00	Holiday		Holiday	

Appendix C

タイ・マレーシア現地調査 インタビュー記録

**Interview Report Thailand 1**

**Agency or Company:** JICA Thailand

**Interviewee:** Mr. Shibuya

**Date:** May 31, 2004

**Interviewer:** Yamashita, Sato, Yanagawa, Nagaya

**Major topic(s)** Schedule and information of Thailand

- 税関の EDI はタイでは導入されようとしているものの、港湾などの運輸関連施設の EDI に依存しており、書類による通関処理が依然として続いている。特に輸入ライセンスなど商工省からの許認可関連書類はすべて紙ベースのものであり、電子的に連携をとることはまったく計画されていない。
- 関税率などはウェブ上で公表され、閲覧できるようになっている。
- 税関のみならず商工省が WTO のガイドラインに従った方向で改善を進めることが重要であろう。

**Interview Report Thailand 2**

**Agency or Company:** Port Authority of Thailand

**Interviewee:** Mr. Surajit Petyim

**Date:** May 31, 2004

**Interviewer:** Yamashita, Sato, Yanagawa, Nagaya

**Major topic(s)** Port Development at Bangkok port

**Remark**

- タイ港湾局が港湾開発の計画を行ないバンコク港は独自で運営し、レムチャバンは民間のオペレータにリースしている。
- コンテナ荷役個数はバンコク港は約 100 万 TEU、レムチャバン港は 340 万 TEU となっている。
- X 線スキャナーは 2004 年 1 月に設置され、バンコク港に 2 台、レムチャバン港に 2 台となっている。
- レムチャバン港がアメリカの CSI, (Container Security Initiative) のモデル港として選定され、その結果、人工衛星を使ったコンテナ追跡システムを自前で導入した。

Table: コンテナの種類別荷役量

	TEU	40'	20'	FCL
Bangkok	1.1 mil	30%	70%	50%
Laem Chabang	3.4 mil	70%	30%	Mostly

**Interview Report Thailand 3**

**Agency or Company:** Laem Chabang Port

**Interviewee:** Mr. Tienchai Makthientrong

**Date:** June 1, 2004

**Interviewer:** Sato, Nagaya

- レムチャバンにおいてはいくつもの企業が競い合いながら荷役を行なう仕組みとなっている。ポートタリフは 10 年以上変更されていないが、これば上限を定めているだけであり実勢価格は業者ごとに異なる。
- コンテナ荷役量は 320 万 TEU (2003 年) であり計画荷役量 180 万 TEU の設備による実績である。その背景には、コンテナの内陸デポがラックラバンに建設され、FCL コンテナは保税のまま直接搬入、通関が可能になった。これにより荷受人への搬送が早くなったとともに、港湾の岸壁利用率を限界まで高めることができるようになり、計画の 2 倍近い荷役が可能となった。
- ラックラバンのコンテナデポはレムチャバン港へ向かう高速道路のバンコクから約 30km の

地点に立地し、バンコクを取り囲むアウターリングに隣接する敷地である。したがってバンコク周辺の工業団地から発生する貨物の集積所として、またバンコク市内へ配送する貨物の一時保管所としてレムチャバン港を補完する物流拠点として 1996 年に供用が開始された。当時は民間コンテナハンドリング企業 6 社による営業であった。

- ラックラバンでは 2003 年に 1,187,370 TEU の荷役を行なっているが、これはレムチャバン港にて荷役される貨物の約 35%を扱ったことになる。近年はバンコクへの貨物需要に応じてラックラバンの貨物量は増加の一途をたどっている。
- 米国がレムチャバン港を保安施設の見本港として選定したため、GPS 追跡システムを自費で導入した。現在、米国向けの輸出入貨物には特別ゲートが設けられ、10 から 20%の貨物が現物検査される。

#### Interview Report Thailand 4

Agency or Company: IEAT (Industrial Estate Authority of Thailand)

Interviewee: Mr. Narapite thewtanom

Date: June 1, 2004

Interviewer: Sato, Nagaya

Major topic(s) Estate outline

- EPZ には 53 の会社が立地しており、通関関連のオペレーション等に関する会合は毎月、定期的に開催されている。話題は通関職員の意見の相違に関することが多い。
- 通関職員の意見の調整を行って、規則の適用を標準化することは、通関におけるトラブルを解決するために必要である。
- 輸出許可は、出荷の際に毎回必要であり、IEAT は標準的な手続きによりその発行を迅速に行うようにしている。

#### Interview Report Thailand 5

Agency or Company: TIPS (Container terminal B4)

Interviewee: Mr. Mori Kazuyuki

Date: June 1, 2004

Interviewer: Sato, Nagaya

Major topic(s) Terminal Operation and Thailand Investment condition

- TIPSは、NYK、MOLおよび Ngow Hockによって1991年に設立された企業であり、B4ターミナルのオペレーションを行っている。
- 民間オペレータに運営を譲渡する方法によって、港湾運営の効率化が実現されている。年間荷役能力30万TEUとして設計された施設で、昨年の荷役量実績は55万TEU、今年は約60万TEUに達する。300mの岸壁稼働率は船体全長148mの船と118mの船との二重接岸が可能となっているために約95%にのぼっている。
- 1日24 時間、週7日営業、350 人の職員とEDI接続による情報連携、そして料金は時間外やピックアップ及び配達のための特別加算なしのシステムを実現している。また、ターミナル内での通関を可能とすることにより、ワンストップサービスを実現した。
- クレーンの荷役生産性は、1台時間当り最低25ボックス、3 台のクレーンで最低75ボックスとなっている。また、トラックの回転時間は平均11 分以下である。
- レムチャバン港は、大きな後背地を持っている。GM、ベンツ、トヨタ、ホンダなどが立地するチョンブリをはじめとする工業団地が開発されている。これらの地域には電力の供給が十分確保されているため、今後、さらなる発展の可能性も高い。
- 国営タイ鉄道、SRT は、レムチャバン港とラックラバンのコンテナデポとの間で貨物運送のビジネスを本格的に実施するに至っておらず、単線でわずか1日13便の運行のみとなっている。輸入コンテナでラックラバンのデポへ輸送される貨物のうち、85% はトラックによって、残り 15%は鉄道によって搬送されている。

- 輸出輸入の貨物量比率は2:1 であり、輸出用コンテナの不足のために空のコンテナを輸入している。当ターミナルでは各種の船会社の貨物を受け入れており、株主である船会社の貨物は25%にとどまっている。
- 一船あたりの積下し量は、3,000~4,000TEUであり、岸壁に余裕がないため、隣接のターミナルに接岸依頼をすることもたびたび発生する。その際は接岸および荷役料金を毎月末にお互いに相殺清算する。

#### 設備概要

岸壁クレーン ( パナマックスサイズ、40 トン ) 3 ユニット  
クレーンの最大到達距離… 33.5m /13 列  
RTG ( 40トン4段+1 ) 10 ユニット  
リーチ・スタッカー ( 40トン ) 2 ユニット  
リーチ・スタッカー ( 8トン ) 3 ユニット  
フォークリフト ( 3-6トン ) 9 ユニット  
トラクタヘッド 29 ユニット  
コンテナシャーシ 32 ユニット  
岸壁長 : 300m  
岸壁水深 : -14m  
接岸可能船舶規模:30,000 - 50,000 DWT  
ターミナル面積:105,000 平方メートル  
コンテナヤード規模:7500 TEU  
コンテナフレイトステーション:4,620平方メートル  
リーファーコンテナ用電源:(220/440V) 288 units  
コンピュータ:AS/400 D35 : 1 unit 、ソフトウェア“ NAVIS” System

#### Interview Report Thailand 6

Agency or Company: ESCO (B3 Terminal Operator)

Interviewee: Mr. Senju masaki

Date: June 1, 2004

Interviewer: Sato, Nagaya

Major topic(s) Terminal Operation

- ESCO はEastern Sea Laem Chabang Terminal Co., Ltd. の略で、1991年よりB3ターミナル で営業するとともに、B1 ターミナルの40%を出資している。
- コンテナ取扱量は2003年実績で50万5千TEU、うち30% はタイ国鉄 (SRT) にてレムチャバン港からラックラバンに運ばれ、残りはトラックにて運搬された。空コンテナはすぐにヤードから搬出される。
- 岸壁占有率は約97%であり、岸壁長300mに対してほとんどの船舶の船全長 : LOAが約160 mで近隣のバースを若干借用する形となっている。
- 現状における問題点は岸壁水深が-14 mしかなく、-17mへ増深を検討しているがケーソン構造のためさほど大きくは浚渫できない。
- 港湾当局の責任としてメンテナンスするべき岸壁のクレーンレールの継ぎ目の問題など、オペレーターに押し付けられている現状がある。
- 通関における現物検査は稀で、輸出貨物に関しては事前申告にもとづいた事前検査により港湾以外で通関されて搬入される場合も多い。タリフレートは輸入に比べて輸出は30%程度低い。税関は24時間365日開庁している。輸出輸入のコンテナ存置料は3日間無料となっている。
- 税関に関しては、規則が急に変更になったり、反対意見に押されてすぐまた元に戻ったり、と当局の準備不足が感じられる。

## 設備概要

### Quayside facility (B3 terminal)

- コンテナクレーン (パナマックスサイズ, 40 ton) 3 units
- ラバータイヤガントリーRTG (40 ton 4段+1) 8 units
- リーチスタッカー 2 units
- コンテナシャーシ 22 units
- 岸壁長 : 300m
- 岸壁水深 : -14m
- コンテナヤード: 105,000平方メートル
- コンテナ存置容量 5,300 TEU (4段積み)
- 空コンテナ置場: 76,000平方メートル (ターミナルの外側の隣接敷地)
- 空コンテナ存置容量 10,000 TEU (4段積み)

### ラックラバン内陸コンテナデポの概要

- 敷地全体: 96,600 平方メートル
- コンテナヤード: 72,000 平方メートル
- コンテナ存置容量 5,500 TEU
- コンテナ・フレイト・ステーション 4,560平方メートル
- リーチ・スタッカー 2 units
- トップ・ローダー 1 unit
- トップ・リフター 4 units

## Interview Report Thailand 7

Agency or Company: **Fujitsu EPZ**

Interviewee: **Mr. Daigo toru**

Date: **June 1, 2004**

Interviewer: **Sato, Nagaya**

- 家庭用エアコンの製造拠点となっており部品を中国から輸入し、ここで完成品とし各国へ輸出している。2月から4月にかけてのピーク時には、毎月140,000 to 150,000 台を出荷し、毎週40フィートコンテナ100ボックスに梱包されて出荷される。
- 富士通は当レムチャバン工業団地には3つの工場を持ち、1) アッセンブリーライン 2) EPZ モーター工場, 3) デザインセンターとなっている。工場には日本人26人、常雇1500人、ピーク時のパート1500人を雇用している。
- ローカルコンテンツ比率は70%に達し、その他は中国とマレーシアから部品調達を行っている。タイの国内向けにはわずかな量を販売するのみであり、その際には5%の輸入税を払って内貨としている。
- 操業当初には税関のプロセスにおいて非公式料金の要求もあったようだが、会社の方針として支払うことなく規定に基づいた手続きのみで通関を完了するよう努力し、現在はほとんど問題となっていない。
- レムチャバン港では貨物量が飛躍的に増加しているが、EDIは導入されていない。申告書類への署名は担当社員の負担となっており、EDIの導入が期待されている。

## Interview Report Thailand 8

Agency or Company: **RDC Rojana Distribution Center (Sumiso Thailand)**

Interviewee: **MR.Msaru Fujii, President. MR.Hiroaki Satoh, Manager**

Date: **01/Jun/2004**

Interviewer: **Yanagawa, Yamashita**

1. タイ国関税評価制度に関して、2000年6月1日よりGATT評価制度を採用（日本の関税率4条とほぼ同じ）
2. 輸出入者関税登録：輸出入者は、原則として以下の書類を税関に提出し税関登録をする。
  - イ. 代表者のパスポート。労働許可証。納税カード
  - ロ. 会社登記簿（ナンサー、ラツブ、ローン）
  - ハ. VAT(付加価値税)登録所（POR POR20）
  - ニ. 社判印鑑証明（BOR OR JOR 3）
  - ホ. 銀行通帳 ほか
3. 輸入手続(概略)
  - イ. 税関申告（EDI送信）、輸入申告番号の取得、Green Line Red Line の判定
  - ロ. 書類審査（申告価格、関税率などの審査）
  - ハ. 関税納付（銀行振り出し小切手で納付）
  - ニ. 税関現物検査
  - ホ. 輸入許可
  - ヘ. 港ゲート通過時の最終確認（サブ、インスペクション）
4. 輸出手続(概略)
  - イ. 税関申告（EDI送信）輸出申告番号の取得Green Line Red Line の判定
  - ロ. 税関検査、そして輸出許可
  - ハ. 本船積み込み、税関による本船搭載確認
  - イ. 搭載済み輸出申告（ブルー、コーナー等）回収 BOI等輸出証明等、等を聞いた。

**Interview Report Thailand 9**

**Company:** T.D.K,  
**Interviewee:** Mr. Shiro Maki, Manager  
**Date:** 01/Jun/2004  
**Interviewer:** Yanagawa, Yamashita

1. 主なる商品：オーディオテープと磁気テープ、
2. 生産輸出货量：70FEU/月を日本、EU、USA、アジアへほぼ平均して25%ずつ出荷。
3. 輸入量：10FEU/月九州から原料を輸入している
4. タイ進出：11年前アユタヤ工業団地へタイ国の投資奨励の恩恵をうけている。  
(BOI 原料等の輸入関税の免税等と法人所得税の減免)
5. 現在貿易関係で困ること：特に無いが、コンテナ不足に対しては、生産に合わせて1か月以上前より船会社に対して予約をして準備している。また、輸入コンテナをそのまま使用する事も多い。
6. 賃金関係 タイ TDK工場作業員 約6,000 バーツ/月(約1万8千円)  
上屋倉庫 作業員 約7,500 バーツ/月(約2万3千円)  
作業員は、オーバータイムを希望するものもいるがほとんど実施しない。

**Interview Report Thailand 10**

**Company:** MARUHISA (Head Office Naruto-City Tokushima-Ken  
**Interviewee:** Mr.Koji Kaneda, President Mr.Takeshi Maekawa  
**Date:** 01/Jun/2004  
**Interviewer:** Yamashita, Yanagawa

1. 主なる商品：子供用洋服（主に5-10才用）
2. 生産輸出货量：大阪向け：20フィートコンテナ4本/月 東京向け：同1本/月
3. 原料輸入：生地などほとんどの原料は自国タイで調達している。付属品の、ボタン、ファスナー等は、エアカーゴで、日本や中国から輸入している。
4. タイ進出：1991年(14年目)で従業員は、現在女子が600名男子は、10名で稼働している。  
工場の従業員の平均的な給与は、6,000 バーツ(約18,000円)時間外作業を希望するものが多いが、利益が薄い為に時間外はあまりさせない。納期の際の、検査で、寸法、キズ、チジミ、色落ち等が、問題になる事が多い、
5. 現在貿易関係で困る事：船積用のコンテナの不足と本船スペースの不足など。
6. タイ国の恩恵制度：タイ国進出の際に、タイ国投資奨励制度の恩恵として原料輸入免税お



よびアユタヤ工業団地内の法人減税措置をうけている、

**Interview Report Thailand 11**

Agency or Company: SANDEN サンデン 本社：群馬県伊勢崎市

Interviewee: 戸村 秀樹 部長

Date: 2004/06/01

Interviewer: 山下、柳川

- 主なる商品 : 業務用冷凍小型ガラスケース と 自動車用コンプレッサー
- 生産輸出量 : 40フィートコンテナ40本/月 輸出先 日本60% 残り40%は、オーストラリア
- 輸入は、原料で、日本からフィルター、特殊樹脂などがあるが、量的にはさほど多くはない。
- 現在貿易関係で困る事は、1997年以降は、生産が下つたが、貿易関係では、コンテナの不足と、それに 関連して、本船スペースの不足が、かなり深刻。この現象は、タイから輸出が多く輸入が少ない為(8:2の割合)の現象とともに世界的にコンテナ不足との事。

**Interview Report Thailand 12**

Agency or Company: (Thai Airport Ground Services Co., Ltd. (TAGS))

Japan Airlines

Interviewee: (Mr. Arunothai Thongim – Cargo Department Manager-Export )

Takayuki Kuroda – Senior Manager, Cargo Sales & Traffic

Date: May 31, 2004

Interviewer: Kojima

- 貨物地区：貨物ターミナルが4つあり、Terminal 1 から 4 まで直線的に並んでいる。  
Terminal 1 (TAGS 輸入上屋)  
Terminal 2 (TG カスタマーキャリアー)  
Terminal 3 (TG=タイ航空)  
Terminal 4 (TAGS 輸出上屋)
- バンコク国際空港の上屋会社としては、TG(タイ航空)と TAGS (=Thai Airport Ground Service) の2社があり、航空会社はこの何れかにハンドリングを委託している。
- TAGS 取扱航空会社: JL, NW, LH, FX, KL, BA, QF, 5X, etc.:
- 特記: 空港周辺の代理店上屋設備が不十分である為、輸出貨物については空港の保税上屋会社に直接搬入され、そこで検量が行われており、その検量が税関書類として利用されている。
- 今回の訪問で、視察した空港の保税上屋は、Terminal 1 の TAGS 輸入上屋と Terminal 4 の TAGS 輸出上屋の2箇所であったが、上屋の天井が非常に高く、上屋内の換気も良く行き届いていて、上屋内の空気が非常にきれいに感じられた。
- 又、訪問時は貨物取扱ピーク時間帯とずれていた為、貨物量はそれ程多くなかったが、輸入貨物蔵置用の高層自動ラック、輸出貨物の ULD 積付け用ワーク・ステーション、ランプ側の ULD 貨物搬出用ローラー・ベッド等の設備を除いては、平面スペースが有効に且つ広く使えるようになっていたので、上屋内作業は非常にし易い構造の建物であるという印象を受けた。全体的に当該保税上屋は、作業環境面を良く配慮した使い易い保税上屋施設であると感じた。

**Interview Report Thailand 13**

Agency or Company: Yusen Air & Sea Service (Thailand) Co., Ltd

Interviewee: Mr. Kiyoshi Mizutani – Director, Sales & Operation

Date: June 1, 2004

Interviewer: Kojima

- タイにおいては“Customs Card”がないと税関申告が出来ない。
- 輸入貨物の書類審査の所要時間は大体3~4時間以内である。

- 輸入貨物は公式には全量検査となっているが、実際に現物検査されるのは約5%程度。
- 輸出貨物は空港の貨物ターミナルの中でラベル貼り作業を行い、そこで検量される。その際、出力される Slip が貨物の上屋への“搬入証明”となる。
- 税関担当者の法解釈の違いで関税額や要求書類が変化するケースが多い。法令改正の際、殆ど事前連絡がなく、不具合でも一旦決まったものに対し民が逆らうことは難しい。
- 他国と比較して厳しいと感じる制度としては、“罰則規定”である。税関は差額の4倍（差額+差額の4倍）まで罰金を課す権限を有している。しかし、通常は2倍位である。
- また、タイでは意外なところで融通が利くという面もある。
- この国ではもっと統一的な、Global 的な解釈・理解が必要である。
- 航空貨物の空港での取扱いに関しては、損傷や水濡れ等が多い。

#### **Interview Report Thailand 14**

**Agency or Company:** Nippon Express (Thailand) Co., Ltd

**Interviewee:** Mr. Masahiko Ishikawa – Director, Air Cargo Group

**Date:** June 1, 2004

**Interviewer:** Kojima

- 航空貨物の輸出入にかかる平均所要時間は、輸出が1~2日、輸入が1.5日位である。
- 輸入貨物については、全量が現品検査対象となっているが、実際には数パーセントである。輸出貨物については、通関手続き上の問題は特にない。輸出貨物は、全て空港の貨物ターミナルに搬入し、ターミナルの中で検量される制度がとられている。従って現状では、手倉を持っていてもその機能は果たせない。
- 税関担当者の法解釈の違いで関税額や要求書類が変化するケースが多い。税関の許可をもらって輸入通関処理されているケースにも拘らず、税関の事後調査で誤りが発見され、1年後になって Penalty や延滞料を請求されることがある。
- 法令改正が行われる場合、Official Notice が遅い。
- 他国と比較して“Penalty”が厳しい。一般的には2倍位の Penalty が課せられている。又、Under Table の世界がある。
- タイ発の取扱い航空貨物の内、約40%は生鮮貨物で占めている。
- タイとインドネシアとの貿易上の問題点は、バンコクとジャカルタ間の輸送パイプが細く、現状ではTGとSQの便に限られている。
- 航空貨物のバンコク国際空港上屋での Handling Quality は、良い、普通、悪いの3段階で評価すれば“普通”である。貨物の盗難ケースは少なくなっている。
- 本来なら空港上屋会社（TG, TAGS）の作業になるが、早く処理する為、現実には合計で約50名位の作業員を出している。
- タイの税関当局は中国の制度に興味を示している。特に自動車、生鮮関連で、中国とタイの“二極化”を目指しており、又“FTZ”の拡大も目指している。現在の“FTZ”は期限の更新が必要であるが、2005年の9月頃から無期限の“FTZ”になる動きがある。
- 航空会社との発売報告の精算方式、及び空港上屋会社との Terminal Service Charges の精算方式等に関し、タイでは旧態依然の方式がとられており遅れている。Global Standard 化が必要である。

#### **Interview Report Thailand 15**

**Agency or Company:** Japan Airlines

**Interviewee:** Takayuki Kuroda – Senior Manager, Cargo Sales & Traffic

**Date:** May 31, 2004

**Interviewer:** Kojima

バンコク国際空港

- 貨物ターミナルは1985年12月25日より供与開始され、空軍施設として利用されてきたドンムアン空港を数度にわたり拡張し、現在に至っている。
- 位置はタイの中央部、市内から北へ24kmの地点に位置している。高速道路にて市内から約1時間。

- 空港面積 1,500 ヘクタール (内対空軍管轄 879 ヘクタール)
- 滑走路： 3,700x60m, 3,500x45m の 2 本
- 旅客ターミナル： 第 1 ターミナル及び第 2 ターミナル
- 貨物ターミナル：
 

	敷地面積	建物面積	建物サイズ (m)
Terminal 1 (TAGS 輸入上屋)	40,000 m <sup>2</sup>	28,776 m <sup>2</sup>	264w x 109D
Terminal 2 (TG カスタマーキャリアー)	31,968 m <sup>2</sup>	31,968 m <sup>2</sup>	288w x 111D
Terminal 3 (TG)	42,000 m <sup>2</sup>	28,350 m <sup>2</sup>	252w x 112D
Terminal 4 (TAGS 輸出上屋)	42,000 m <sup>2</sup>	18,000 m <sup>2</sup>	180w x 100D
合計 4 箇所	167,000 m <sup>2</sup>	107,064 m <sup>2</sup>	
- 運営母体： Airport Authority of Thailand
- 便発着処理能力： 60 機/時間
- 実績：航空機発着回数 約 160,000 回/年

2001 年 2002 年 2010 年 (予測)

利用旅客数：(千人)            12,144    13,121

貨物取扱量：(千トン)            824        890        1,325

航空貨物の内容：野菜、フルーツ、切花、などの生鮮貨物が 50%、IT、家電、半導体、自動車関連部品が 45%、衣料品、その他が 5%。

- TAGS 取扱航空会社: JL, NW, LH, FX, KL, BA, QF, 5X, etc.
- TG 取扱航空会社: TG, KZ, NH, KE, SQ, SK, CI, BR etc.
- 特徴：空港周辺の代理店上屋設備が不十分である為、当該上屋会社に直接輸出貨物は搬入され、そこで検量が行われており、この検量結果が税関書類として利用されている。
  - Bangkok Airport Outbound Air Cargo Statistics in 2003, Prepared by Airline Cargo Business Association
  - To: Area 1                    72,785,504 (kg)
  - To: Area 2                    105,917,922
  - To: Area 3                    243,209,142 (of which to Japan: 65,438,970)
  - Total Weight:                421,912,568 (kg)

**Interview Report    Malaysia 1**

**Agency :**                    JICA Malaysia

**Interviewee:**                Mr. Ara

**Date:**                        June 3, 2004

**Interviewer:**                Yamashita, Nagaya

**Major topic(s)**                General Information and Trade facilitation in Malaysia

- 大統領の交代もスムーズに進み、経済全体はアジアの中では安定した強さを示している。
- 通貨危機はマレーシアを直撃したが、リングgitのドルペッグにより回復は早く、金融機関のリストラクチャリングも順調に進んでいる。
- 近年経済成長率は 7%から 5%に鈍化した。これは中国の急速な進展によるものであり、マレーシア自体は従来どおりの成長を維持している。
- CEPT 条約に基づいた関税率の引下げ実績は、ASEAN 内ではまだ達成率が高くはないが、自国内に自動車産業や電気・電子産業を抱える国としてはやむをえない事情がある。許可やライセンスの手続きなど非関税障壁も残っている。

**Interview Report    Malaysia 2**

**Agency :**                    JETRO Malaysia

**Interviewee:**                Mr. Tanaka, Okabe, Yamada

**Date:**                        June 3, 2004

**Interviewer:**                Yamashita, Nagaya

**Major topic(s)**                Trade and investment environment in Malaysia

- 道路網などインフラ整備は良く進んでおり、渋滞は若干あるものの、目的地までの所要時間をほぼ正確に予測することができるようになった。電力供給は水力中心に整備された結果、現在 50%の余裕を持っており、配電に若干問題は残るものの、産業基盤として安定している。

- マレーシアは電気産業の集積が大きく、輸入貨物は小型の部品が中心となっている。近年はサプライチェーンマネジメントの名のもとに在庫圧縮の傾向が強まり、物流業（ロジスティックス）は製造業を支える基盤産業として認識され、マレーシアの場合はこの分野の信頼性が高い。
- 最近米国のテロ対策として輸出貨物の 24 時間前通関が義務付けられたため、構内搬入期限が早まった。
- 外資導入策により直接投資が増加したものの、ライセンスの取得に時間がかかっている。また、現地法人設立の際の外資比率は投資促進庁と税関では要求する割合が異なり、統一が取られていない。

#### 陸路通関：パダンブサールの税関

- ジェトロ・マレーシアはペルリス郡のタイとの国境における通関事情の調査を行っている。そこではシスベックシステム（SYSPEK system）が導入され、1) プライオリティ制度の導入 2) 申告書の改良 3) 外資導入と顧客満足の実施、などが目標として掲げられている。
- シスベックによるおもな改善点は、1) 現物検査なしの通関処理 2) 事前申告により 1 週間前からの申告が可能となった。このシステムの導入により、LCL コンテナは開封による現物検査が依然として必要ではあるものの、FCL コンテナは開封することなく通関を完了することができるようになった。
- シスベックの証明書を取得するには州知事の許認可が必要であり、現在 22 社がこのステータスを得ている。シスベックを取得すれば通常 1～2 時間かかる通関が 15 分から 20 分程度で完了する。
- 税関は朝 6 時から夜 10 時まで開いており、一日あたり平均 150 台のトラックが通関する。タイ側からのトラックが圧倒的に多く、100 台がタイからで残り 50 台程度がマレーシアからのトラックである。通関 EDI は実施されていない。

#### Interview Report Malaysia 3

Agency or Company: JACTIM Malaysia

Interviewee: Mr. Oda Hiroshi

Date: June 3, 2004

Interviewer: Yamashita, Nagaya

Major topic(s) Malaysian conditions in trade facilitation effort

- 南北ハイウェイがタイからマレーシアを縦断しシンガポールへと接続している。マルチメディア構想もあり、港湾や空港では EDI 通関による迅速化が進められている。
- タイとの国境では両国の出入国通関が発生するため、約 6 時間かかってしまうため、通関申告書類の共通化などが望まれている。
- 2004 年は第一四半期は 7% の GDP 成長率を示し、経済は堅調である。為替がドルに対して 3.8 リンギットに固定されているので産業界に与える安心感が高い。
- 規則などが予告なしに突然変更されるため、対応に苦慮することがある。
- マレーシア日系企業商工会（JACTIM）は通産省（商工省）と毎年会合を持ち、日系企業の要望が政府の政策に十分反映されるよう働きかけを行っている。

#### Interview Report Malaysia 4

Agency or Company: Royal Customs Malaysia (Royal Malaysian Customs Office)

Interviewee: Mr. Mohamad Osman and others listed below

Date: June 3, 2004

Interviewer: Yamashita, Nagaya

Officers from Royal Customs Malaysia (Royal Malaysian Customs Office)

Mr. Mohamad Osman Director Corporate Planning Division HQ

Ms. Maimon Zaid, Customs Superintendent, International Affairs, HQ

Mr. Yahya Sulaiman, Customs Superintendent, International Affairs, HQ

Mr. Mazuki Md Edis, IT Section HQ

Mr. Chong Yoon Heng Export Division, Port Klang Customs

Mr. Jazam Yasin Senior Assistant director of Customs, Malacca,  
Ms. Rosinah Ali, Senior Assistant Director of Customs, Customs Division HQ  
Ms. Omi Tharsom, Assistant Director of Customs, Customs Division HQ

- 輸出に関しては 20 人の職員で対応している。
- EDI などの電子化は 50%がペーパーレスを実現している。現在は他の省庁と連携を取り貿易に関する情報の共有化とフォームの統一を検討している。
- 関税消費税総局における IT セクションには 3 つの課がある。1) 税関内の輸出入管理課、2) 消費税やサービス税課、3) 調査資料の編集を行う予防課
- 貿易事業者はダガンネットによって税関と EDI 接続され、情報処理センターはポートケラン、ジョホール、KLIA そして税関本部に設置されている。
- 輸入品の消費税は取引価格に基づいて計算され、HS コードにしたがって分類される。一方、製造業の中間資材に関しては、商工省に登録された価格と品目番号に基づいて分類がなされる。
- 現物検査（サンプリング抽出）は 2%以下であり、通関時間調査は最近は行っていない。

### Interview Report Malaysia 5

**Agency or Company:** Airfreight Forwarders Association in Malaysia (AFAM)

**Interviewee:** Mr. Walter Culas

**Date:** June 4, 2004

**Interviewer:** Yamashita, Kojima, Nagaya

- 航空貨物フォワード協会(AFAM)の会長であるウォルター・クーラス氏は、20 年以上も前から通関業務を含めた航空貨物の荷役業務の改善・近代化に取り組んでおり、税関はもとより運輸省、財務省、商工省、マレーシア航空など政府機関や国営企業と継続的に対話を進めている。
- クアラルンプル国際空港(KLIA)の計画が 1980 年代に始まったとき、彼は航空貨物の 取り扱いに関する問題点を指摘し、書面で税関や政府機関に意見書を提出し続けた。その結果 1994 年には政府は彼の意見を採用し、新空港の計画に反映させることになった。その結果 1998 年から開港された KLIA では利用者の利便を考慮した設計となっており、利用者数も増加を記録し、近年ではハブ港としての役割も担うようになってきている。
- AFAM の姿勢は実地に現場で問題点を指摘し、税関や貨物取り扱い企業とともに考え、協力して改善策を提案する。忍耐強く粘り強く官僚主義を押し倒すことが政府機関との交渉の要諦である。
- 航空貨物は迅速通関が要求されるため、KLIA では飛行機の到着から引取りまでの時間を次のように定めて、通関サービスの品質保証を行っている。

機種別	中型機 (狭胴タイプ)	大型機	貨物専用機
通関登録のための時間上限	2 hours	4 hours	6 hours

- 朝は前夜到着した貨物の通関登録から始まり、火曜日から土曜日までは 9-11AM がピークタイム、月曜日は 11AM-4 PM がピークタイムとなる。ピークタイムには輸入手続は 1 時間以内に完了し、オフピーク時には 30 分以内に完了する。これら業務処理時間は、キー・パフォーマンス・インデックスとして 管理者の氏名・電話番号とともに額入りで各申請窓口の近くに掲示されている。
- クーラス氏は、彼がスカルノハッタ空港を視察した時に気づいた点として4点指摘した。1) 当局との対話がなされていない、2) リーダーシップを持った人がいない、3) 建設的な意見に耳を傾けない、4) 経営トップがしかるべき決定を行っていない。総じていえば官僚体質が染み付いていて、非効率の元凶になっている状況であった。
- メンバー企業からトラブルの報告を受けると、AFAM は税関や空港公団に対してそれをすぐに書面に作成し、Fax とメールで送付している。対応策や原因に関する説明の返答がないときには、再度回答を求めるレターを送付し、すべてのレターを会員にも同時に Eメールにて送付している。また、毎年 AFAM と政府機関は問題点の解決に向けた対話集会を開催し、議事録を作成し、実施を約束して確認している。

### Interview Report Malaysia 6

**Agency or Company:** Kuala Lumpur Federation of Malaysian Freight Forwarders

**Interviewee:** Mrs. Pauline Tee : President  
Mr. Choo Hon Kheong: Manager  
Mr. Shamsuddin Bin AB Rahman: Committee Member  
Mr. Joanne Lim: Committee Member

**Date:** June 3, 2004

**Interviewer:** Sato, Yanagawa

- ポートケランを通過する貨物は税務事務所のX線スキャンで総輸入量の2-5%が選ばれて検査を受ける。
- 港湾運営・管理は港湾サービスを測る指標 KPI (Keep Performance Index) を持っている。
- 輸入申告のインボイスに申告した金額はSGSでは認められない。差額は地元の輸出業者が負担する。インドネシアの税務事務所は輸出国のSGSの審査報告書と輸出価格の認定書を提出するように要求している。輸出価格は輸出国のSGSが確認しなければいけない。
- マレーシアの税務機関はAHTN (Asean Harmonized Tariff Nomenclature) を導入する意向を持っており、世界税務組織(WCO)のもとでアセアン諸国と料金と品目のコードを調和させることが目的である。2008年までに、アセアン自由貿易域内の諸国は CEPT (Common Essential Preferential Tariff) を採用してアセアン諸国間での輸出貨物には最大40%の税金を、輸入貨物には5%の税金をかけることになった。
- 今税務署のEDIのプロバイダーは1社しかないので利用者に競争原理を働かせるために政府は新規のプロバイダーを導入する。
- SMK (Custom Information System) by DAGAN Net が財務省、国際貿易省によって導入され DAGAN Net がプロバイダーとして承認されている。フォワーダー会社はSMKと結び通関手続きをしている。税務事務所の全ての部署はまだEDIシステムで運営してない。各税務事務所ではまだそれぞれ違った税務コードを採用している。
- EFT(Electric Fund Transfer) システムが輸出入税の支払いに導入されPKAに入金転送振込みのアドバイスを送る。95% の港湾利用者は既にこのシステムを利用している。空港の場合支払い、入金 of 安全性と保安のため既に利用されている。
- マレーシアには SST (Sale Service Tax), GST (General Service Tax), がある、マレーシア政府はSSTに替わってVAT(Value Added Tax) を近い将来導入する考えでいる。
- 税務事務所が輸出入貨物を検査するのにランダムに選び、下記の処理をする。
  - 1) 直接引き取り、特殊引き取りはグリーンレーン通過、
  - 2) 部分承認で単一料金の支払い
  - 3) 財務省から歳入免除されたもの: 通関手続きは早い、税の納入不要
  - 4) 正直で業務を正しく行うフォワーダーに対しゴールドステータスを与える。

#### **Interview Report Malaysia 7**

**Agency or Company:** Port Klang Authority (PKA)

**Interviewee:** Mr. Haji Jamaludin Bin Yusuf: Assistant Director Marine Department  
Ministry of Transportation Government of Malaysia (GOM)  
Mr. Alitermizi Husin :Free Zone Manager  
Mr. Hohd Shah Has B. Fawzi: Free Zone Officer  
Mr. M. Suresh Kumar : Chief Terminal Operator of North Port

**Date:** June 3, 2004

**Interviewer :** Atsushi Sato

1. ポートケランの整備開発は1963年から始まった。コンテナターミナルの民営化は北港
2. ポートケランの整備開発は1963年から始まった。コンテナターミナルの民営化は北港が1986年から、西港が1992年から導入した。南港はポートケランで一番古い港湾で1994年に北港の一部として集約して運営管理するようにした。
3. 港湾管理運営は2私企業によって行われている。PKAは1992年以降民営化を導入したときから港湾の運営はしてない。港湾利用者と港湾庁との定期的な会議を持ち統計資料、技術的問題、特別な港湾施設の維持管理等の主要課題について協議する。
4. 港湾庁と運営会社とで:
  - (1) ターミナル施設の全ての維持工事は岸壁から50mの接岸範囲の維持浚渫を含めてターミナル運営会社が実施する。現在マラッカ海峡から港までの進入航路の維持浚渫工事を西港の運営会社に委託契約でPKAから発注して実施している。原則として航路浚渫工事はPKAが実施し、航路維持浚渫は運営会社が発注する建前になっている。

- (2) PKA は運輸省の承認を得て料金の上限を設定する。料金はマレーシア通貨のリンギットでUS \$ではない。
- (3) ターミナルの拡張整備は運営会社からPKAに提案され、運輸省に事業実施の提案書を提出する。現在北港の運営会社が北港のコンテナターミナルの拡張をバトゥ海地区(Batu Laut)に開発する調査を実施、事業要請をしている。
5. PKAの保安施設について：PKA はすでに主要港湾としてISPSコードに対応した下記の保安施設を中央政府の海事局の責任で整備した。
  - (1) コンテナ検査用の X 線スキャン
  - (2) GPS,
  - (3) CCTV をゲート、ヤード、港湾管制センター、埠頭に設置して貨物、コンテナの動きを監視する。
  - (4) 各港の保安計画を各ターミナル運営会社が作成し、PKAを通じ運輸省の海事局に提出した。

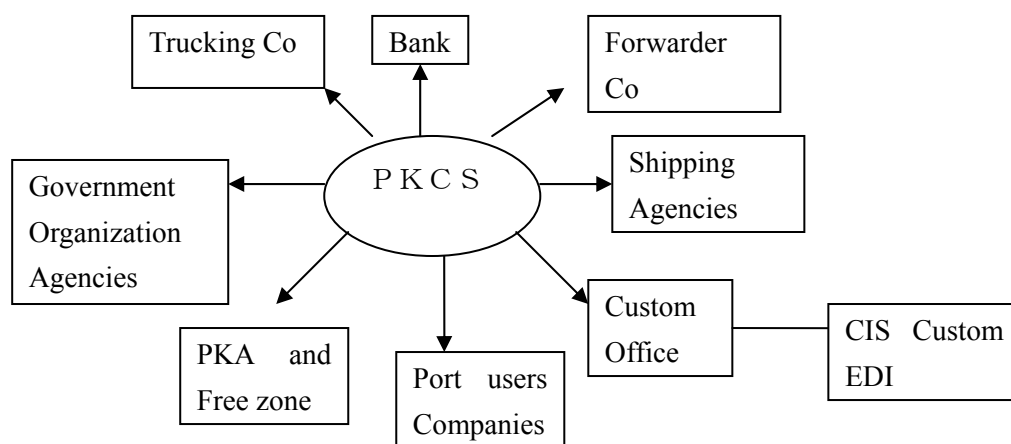


Diagram of EDI system of PKA and Custom Office

6. PKAは既にポートケランコミュニティーサービス(Port Klang Community Services、PKCS)と呼ぶEDI システムをポートケラン専用紙レスの通関手続きを実現するために導入している。PKCS の図を下記に示す。税務事務所では彼らの全国を網羅する専用の税務情報システム(Custom Information System、CIS)と呼ぶEDIシステムを構築し、港湾利用者にもPKCSを通じアクセスできるようにした。  
マレーシアの税務事務所はAPECの国々と税務に関して調和をとるよう、港湾利用料金となるような覚書を2004年5月にパキスタン、韓国と交わした。
7. 自由商業地区：中央政府の財務省は1990年に港湾地区周辺を自由商業地区に設立した。PKAは運輸省管轄だが運輸省はPKAを自由地区庁(Free Zone Authority、FZA)として任命し、各港湾にFZAを北港は1993年4月、西港は1996年6月、南港は2004年1月に設立した。ポートケランの全てのターミナルで運営は自由商業地区(FCZ)内の運営と看做し、税務コントロールは最小限にした。1990年の自由地区業務法では自由商業地区(FCZ)内の運営には税務法1967年、1976年、売り上げ税法1972年は適用されない。商業活動、貿易業、銀行業、輸出入の港湾業務、を振興奨励するために、この地区の業務はマレーシアの国外と見なした。その結果、1993年の港湾通過貨物量と比較して2003年には倍に増えた。通過貨物は通関手続きは必要ない。自由商業地区内の輸送と貨物移動はスムーズである。FCZの設立の便益には下記の点がある。
  - i) 低料金 (キャッシュフローが低い)
  - ii) 再輸出の通過貨物の制約が少ない
  - iii) 通過貨物の通関手続きはオンラインで書類の簡素化
  - iv) 輸入貨物の貯蔵、結合、地域流通付加価値を加工することが簡素化した。以前は輸入貨物を7日以内に税務事務所に報告する必要があった。今は貨物をただでFCZに貯蔵して市場を動向

を判断して出荷できるようになった。

8. 税務事務所が輸出入貨物からランダムに選んでX線によるスキャン検査をする。総輸入貨物の2-3%が選ばれる。例えば北港では一日当たりコンテナを400-500個輸入し、同数を輸出する。そのうち約15から20個のコンテナが輸入申告の書類審査で疑われ、X線検査対象に選ばれる。
9. ポートケランの2港の施設の状況と拡張計画

West Port is located in the Island called Pulau Inda closer to the Malaka Strait and 10 years ago started its operation. There are three major terminals one for general cargo, one for liquid bulk, the other for container terminals.		
Bert No1 to 4	General Cargo depth -13m	
Berth 5 to 14	Container Terminal Depth -14m	
Berth 5 and 6	Car export/import Terminal	1995 operation started
Plan to expand toward Malaka Strait along the berth 14 to 20 (6 additional berths), the present channel depth is -15m. Every 6 month or 1 year the maintenance dredging is carried out.		
North Port, there is the railway connection to the port and transported containers from the industry parks in the hinterland. The traffic volume by railway is small about 5-10% of the total volume, the rest are transported by trucks.		
Berth 8 to 13	Container terminal as C-1	Depth -15 and +2 m at high tide
Berth 14 to 15	General cargo	Depth -15m
Berth 16 to 21	Container terminal as C-2	Depth -15m
Berth 2 to 25	Liquid Bulk cargo terminal	Depth -15m
All terminals are operated by private operators, The total berth length 4km, Every three months maintenance dredging is carried out by T/O. The expansion is required but the on land and sea side the area is limited for expansion. It is planned to concentrate to develop west port, no more north port.		

**Interview Report Malaysia 8**

**Agency or Company:** Sumiso-Malaysia

**Interviewee:** Mr.Morishita, President Mr.Yoshio Asamoto, Director

**Date:** 03/Jun/2004

**Interviewer:** Yanagawa

**Main topics:** Outline of Malaysia

**Interview Report: (Malaysia)**

- 国土面積：3 2 9, 7 5 8 m (日本の約90%)
- 西マレーシア 1 3 1, 5 9 8 m 東マレーシア 1 9 8, 1 6 0 m
- 2. 人口：約 2 3 2 7 万人 (2001年国勢調査)
- 3. 民族構成：マレー系 6 5 % 中国系 2 6 % インド系 8 % その他 1 %
- 4. 主なる宗教：イスラム教 (国教)
- 5. 主なる貿易品目：輸出品 電気製品、原油、LMG パーム油、ゴム液
- 輸入品 製造及び輸送機器類、電子部品、食料品、
- 6. 通貨 リンギット=約 30 円
- 7. 主なる産業：製造業(電気機器)農林業 (天然ゴム、パーム油、木材) 及び鉱業 (錫、原油、LNG)
- マレーシアでの通関事情  
通関日数：海上貨物：輸入 約 1.5 日、海上輸出 約 1 日  
航空貨物：輸出入ともに 約 0.5 日
- 通関手続き (輸入)
  1. 通関申告書類を、通関業者がコンピュータに入力して税関に電送。船会社は、マニフェスト(積荷目録)の内容を税関に電送
  2. 税関は、当社の通関データと船社のマニフェストデータを照合して受付番号を通関業者コンピュータに電送
  3. 通関書類を、プリントアウトして、船会社のD/O、I/V、P/Lと共に税関に提出 (ペ



ーパーレス化は、概に 2003 年 4 月より始めているが関税及び S. TAX の無い貨物に限定される、マレーシアの場合は、輸出型企業が多く LMW のステータスを取得している、この場合は、管理上の問題からペーパーレスとはならない(輸出の場合と同じ)

4. 税関書類審査 早ければ書類提出当日の夕方、遅くも翌日、通常は、1.5 日程度で許可になる。許可がでたら 当日か翌日にコンテナ(貨物)を搬出ができる。

スムーズな通関の為のアドバイス

- A. マレーシア税関は、未だにオリジナルサインの入った I/V、P/L、を要求する
- B. I/V の明細は、重複を、なるべく避け、行数を、縮める
- C. 船済み書類は、少なくとも本船の入港日前日までには、届く事(遅れるとデマレージなどのエクストラコストの原因となる)
- D. 商用コンテナの中に関係がない品目を、混ぜない事 (例: 業務用書類、私物品、通関形態の異なるリジェクト品、等

#### Interview Report Malaysia 9

Agency or Company: Nippon Express (M) SDN, BHD

Interviewee: Mr. Ho Hee Lai – General Manager, Air Cargo Division  
Mr. Shirai Masakazu – General Manager, Air Cargo Division

Date: June 3, 2004

Interviewer: Kojima

- 輸入貨物の現物検査の比率は約 5% である。
- 飛行機が到着から早い貨物は、2 時間 30 分位から引取りが可能である。
- 一般の貨物は飛行機が到着してから 4～5 時間で引取りが可能である。
- マレーシアでは Pre-clearance が行われている。
- 通関は EDI により処理されているが、現在はまだ Hard Copy (AWB, Invoice, 税関書類) の提出が義務付けられている。Paperless は我々の将来の目標である
- 現在の EDI System が導入されてから非常に変わった。導入前は貨物が Release されるまでに 24～28 時間かかった。又導入によって効率性、正確性、透明性が増した。
- EDI 処理を促進する上での障害はなし。
- 通関手続き上も特別な規制はない。税関は 24-hour operation である。
- 税関職員によって法の解釈が異なることは、基本的にない。
- 税関が法令を改正する時は、民間・User の意見によく耳を傾けている。色々な分野での Forum や Panel が開かれており、User の声は反映されている。
- 他国と比べて特に厳しい規制はない。
- 税関は非常に flexible である。

#### Interview Report Malaysia 10

Agency or Company: Trans-Asia Shipping Corporation Berhad.

Interviewee: Mr. Sakae Suga – Corporate Business Executive Director

Date: June 3, 2004

Interviewer: Kojima

- 通関手続きは到着前申告が可能である。
- 急ぎの貨物は飛行機が到着してから、Urgent は 3 時間以内、一般貨物は 6 時間以内に引取り可能となる。
- EDI 通関に関しては特に問題はない。
- 現場までの情報の伝達方法は、まだ未熟である。
- 税関サイドには、民間の意見を良く聞く姿勢はある。
- マレーシアでは、先進国の仲間入りを 2020 年に目標を置いている。現在は意識面と習慣面で未だ無理である。
- インドネシアとマレーシアの通関を比べると、インドネシアの方が約 1 時間は遅い。
- 保管及び物流に係わる問題点としては、盗難、そして貨物のハンドリングが荒い点等が挙げられる。

- ULD 単位の搬入・搬出は、輸入が約 10%、輸出は約 50%程度行っている。

**Interview Report Malaysia 11**

**Agency or Company:** Malaysian Airlines

**Interviewee:** Mr. Mohd Yunus Idris – General Manager (Cargo Operation)

Mr. Badar Sharif Abd Majid – Manager, Cargo Import

**Date:** June 3, 2004

**Interviewer:** Keiji Kojima

上屋概要

- マレーシア航空のカーゴ部門である MASkargo が運営する Advanced Cargo Centre (ACC)は、1998年6月末に開港したクアラルンプール国際空港と同時に稼動を開始した。
- Advanced Cargo Centre (ACC) は、ハイテク技術を駆使した自動モノレールや自動保管 (Automated Storage)・検索システムなどの設備を備えた貨物ターミナルである。
- 当該貨物ターミナル (312m x 130m の2階建て) は、11機のジャンボ機・フレーターが駐機出来る。
- 1階は輸出貨物用、2階は輸入貨物用、中2階は外国航空会社事務所、中3階はマレーシア航空事務所。
- 上屋スペースは 92,900 m<sup>2</sup>
- 事務所は 11,230 m<sup>2</sup>
- 輸入上屋のトラックドックは57ポジション、輸出上屋のトラックドックは53ポジションある。
- 今回の訪問で視察した空港保税上屋は、マレーシア航空の Advanced Cargo Centre の輸出入上屋であったが、先ずハイテク技術を採用入れた自動化システムにより、上屋スペースの立体的有効活用、省力化を図っている部分が目についた。
- 訪問時の時間帯は輸出・輸入共に貨物の取扱ピーク時間帯とずれていたため、上屋内にはそれ程多くの貨物はなかったが、上屋内全般の清掃が良く行き届いていた。
- マレーシアでは “User-Friendly “の Concept が進んでおり、KL 貨物ターミナルで特徴として次の点を指摘できる。
  1. MASkargo ACC ターミナル、代理店ビルの地域全体が ” Free Commercial Zone (FCZ) “ になっており、この中では保税運送手続きをすることなく自由に貨物を移動することが出来る。
  2. MASkargo の上屋施設の一部には ” Priority Business Centre “ が設けられており、Key-Clients に関しては何時でも (24時間体制) そこでコーヒーなどを飲みながら待ち時間を過ごすことが出来る。
  3. MASkargo のカウンター窓口へ行けば、AWB 等の書類の引取りから航空貨物の払運賃・料金、貨物保管料金等の精算手続きまで全て一箇所で出来る様になっている。
  4. 又、税関も 24-Hour Operation で ” One Stop Centre” となっており、一箇所で全ての手続きが出来るようになっている。

**Interview Report Malaysia 12**

**Agency or Company:** Japan Airlines

**Interviewee:** Mr. Naoki Murakami – Director, Cargo & Mail

**Date:** June 3, 2004

**Interviewer:** Kojima

Kuala Lumpur International Airport

- 供与開始日：1998年6月より
- 位置： KL 中心より60キロ南に位置し、市内とのアクセスは車で約1時間、KLIA エクスプレス (モノレール) で約30分
- 面積： 10,000ヘクタール (成田空港の1.4倍の規模)
- 施設 滑走路： 4,000メートルが2本

旅客ターミナル：ターミナル 1 サテライト 1

終的にはターミナル 2 サテライト 2)

貨物ターミナル地区: MH 貨物ターミナル、KLAS (KL Airport Service) 貨物ターミナル  
代理店貨物ターミナル4棟、税関ビル

- 空港の運営母体：マレーシア空港公団による運営 Malaysian Airports Sepang Sdn Bhd
  - \* 便発着処理能力：88Flights/Hour
  - \* 旅客処理能力：2,500 万人/Year  
6,000 万人/Year (2020 年まで対応可能)
  - \* 貨物処理能力：67.5 万トン/Year Full Capacity で 100 万トン/Year まで対応可能  
更に隣接地へのニューターミナル建設により 300 万トン/Year も可能。
  - \* 利用実績：

	2000	2001	2002	2003
航空機発着回数	109,925	113,590	127,952	139,947
利用旅客数	14,732,876	14,538,831	16,398,230	17,454,564
取扱貨物量(ton)	511,594	440,864	527,124	586,195

- \* 乗り入れ航空会社：2003 年 12 月現在 43 社
- \* MH 貨物ターミナル：CX と KLAS に入居中の企業を除く全ての Carrier が入居。
  - ・ Dimension: 312m x 130m、2 Levels Ground Floor / Export,  
First Floor / Import
  - ・ Capacity: Initial: 65 万トン/Year  
Full Capacity: 100 万トン/Year  
Expandable: 300 万トン/Year with new Terminal
  - ・ Floor Area: Office Space: 11,230 sq.m.  
Operational Office: 760 sq.m.  
Parking Areas: 29,979 sq.m.  
Open Warehouse Space: 31,142 sq.m.  
作業エリア: 約 92,900 sq.m.

Appendix D

インドネシア貿易環境に関するアンケート

1. インドネシア税関(DGCE) では 2003 年 4 月から改革プログラムを実施中ですかご存知でしたか?

Yes  No

1-1 改革プログラムによって以下の事項に変化があったと気づきましたか? 気づいた項目について、昨年 4 月の EDI が始まる前と比較して良くなったか、悪くなったか当てはまるところにチェックを入れてください。

Assessment	Become Very Good	Better	Not changed	Worse	Become Very Bad
<input checked="" type="checkbox"/> (Sample) amount of tariff			✓		
<input type="checkbox"/> 新たな輸入手続					
<input type="checkbox"/> 新たな輸出手続					
<input type="checkbox"/> 輸入者登録 Importer Registration					
<input type="checkbox"/> 輸出者登録 Exporter Registration					
<input type="checkbox"/> 関税支払方法 New system in duty payment					
<input type="checkbox"/> 現物検査 Physical Inspection system?					
<input type="checkbox"/> 金曜日の勤務 Customs operation on Friday					
<input type="checkbox"/> 通関拒否の手続き Customs operation on Blocking, or rejecting the application					
<input type="checkbox"/> 法律の施行 Customs implementation of Law					
<input type="checkbox"/> 税関のウェブサイト Customs Website for on-line internet service					

1-2. 電子通関 (EDI など) に関して

(1) 現在の税関による EDI の取り組みをどう評価しますか? EDI の導入によって通関手続きはどう変わりましたか? 下の当てはまるところ、すべてに印を入れてください。

- 大変よくなった。
- 以前よりよくなった。
- さほど変化はない。若干よくなったかもしれない程度。
- 以前より悪くなった。効率が落ちた感じがする。
- 悪くなった。EDI 通関のために、入力など社員の訓練が必要となり、負担が増加した
- 入力ミスなどのために新たな問題が発生した。

(2) 現在の EDI は、システムの考え方としては正しい方向に向かっているでしょうか?

何か問題点として挙げられることはありませんか? 下記の項目の中に問題と感ずる項目があればマークして意見をください。

- システムはユーザーフレンドリーではなく、いつも利用者にシステムに従うよう要求する。
- EDI 通関になっても書類提出が求められているのは利便性に問題
- データベースや他の省庁とつながっていないのは問題
- ヒトが関与する部分がまだ大きく残っている。

- 通関状況の透明性等が実現されるような形になっていない。
- 情報の機密性や保安面の配慮が心配
- 通関拒否（ブロッキング）の適用が適切でない。
- 罰則が適切ではない。
- その他( )

(3) 技術面から見た現在の EDI はいかがでしょうか？問題があればマークしてください。

- 費用高
- インターネット等の情報通信ラインが細く不安定
- サーバーの容量に問題あり
- コンピュータの処理速度に問題あり
- 問題発生時の対応が迅速ではない。
- 24時間のメンテ体制が整っていない。
- その他( )

(4) その他、以下の項目でご意見はありますか？

a: EDI の開発や修正の際に意見を伝える機会がありましたか？ユーザーからの意見を反映する仕組みが必要だと思いますか？

b: 相談デスクのようなものがインターネット上にあると良いと思いますか？それによってトラブルを未然に防ぐことができると思いますか？あるいは、官僚体質を変えなければ変わらないと思いますか？

c: EDI を普及させるために補助策は必要でしょうか。あるいは PNBP として必要となった EDI による申請の際の支払い費用は撤廃すべきと思いますか？

d: アセアンの他の国と比較した場合、この国の EDI もしくは貿易環境の改善度はどの程度だと感じますか？

その他、最近の EDI への感想・意見があればお願いいたします。Opinions if any

## 2. 輸出入手続きにおけるトラブルについて

2-1. 輸出入手続きにおいて、最近経験したトラブルは、下記のカテゴリでどのようなものがありますか？ (深刻なものから順に1, 2, 3と番号をつけてください)

重要度	分類	問題の具体的記述
	通関書類の関連	
	関税及び通関費用	
	EDIの関連	
	関税局内部で本部から末端の現場への連絡等が不備	
	事前通告なしの法律変更	
	新規法律の施行に関連して	
	税関と他の省庁との連携に関連して	
	事後調査において	
	その他	

2-2 それらのトラブルの原因としては下記の分類でどのような順序になりますか？貿易円滑化のために障害となる観点からも評価ください。(深刻なものから順に1, 2, 3と番号をつけてください)

深刻度	内容	原因の記述
	人材不足、教育	
	担当役人ごとに法律の解釈が異なる	
	情報関連技術(ウェブサイトなど)が未熟	
	インフラ整備の不備	
	非公式費用の高騰	
	その他	

2-3 上記のような問題点の解決は、税関の改善努力のみで可能になると考えられますか？その他の役所の改善も不可欠でしょうか？

2-4、税関吏の仕事はSPPBを発行するまでで、フォワードヤ荷主が貨物を引き取るのが遅いことも原因の一部であるという声もありますが、そのような意見に対してはどの程度同意しますか？

[ ] 30%未満, [ ] 30%-50%, [ ] 約50%, [ ] 50%-70%, [ ] 70%以上

- 2-5 申請者側の準備や教育が十分でなく、通関申請書類に誤記が多いことも原因の一部である  
 と言う声もありますが、そのような意見に対してはどの程度同意しますか？  
 30%未満,  30% -50%,  約 50%,  50% -70%,  70%以上

- 2-6 現物検査において、荷主がコンテナなど貨物の開封の準備をするのが遅いことも原因の一  
 部であると言う声もありますが、そのような意見に対してはどの程度同意しますか？  
 30%未満,  30% -50%,  約 50%,  50% -70%,  70%以上

3. 他の役所との情報連携に関して

貿易許可など政府の他の機関との情報連携で困難を感じたことはありませんか？

- 3-1 下記の省庁で連絡を取るのが困難なところと、具体的な過去の経験があれば話してください。

チェック	官庁名	過去の経験の記述
	商工省 Deprindag	
	投資調整庁 BKPM	
	農業省 Deptan	
	林業省 Dephut	
	保健省 Depkes	
	国立医薬品食品管理庁 BPOM	
	関税局 DJ-Bea dan Cukai	
	その他 Others	

- 3-2 これらの省庁との連絡がスムーズになったとした場合、

a: 次にあげた項目のどのようなものが改善されると考えますか？

- 書類審査等処理時間が短縮される。  
 必要とされる書類が少なくなる。  
 書類等の重複がなくなる。  
 費用が少なくなる。  
 その他

b: コミュニケーションがスムーズになったとき、通関にかかわる時間と費用はどの程度軽減  
 されると考えますか？

- ・時間の減少:  5%未満,  約 5%,  5% -10%,  10%以上  
 ・費用の減少:  5%未満,  約 5%,  5% -10%,  10%以上

#### 4. 港湾及び空港のインフラ面

インフラ面で近年よくなったと感じるものは下記のうちどれでしょうか？

- 構内のヤードなど Yard condition inside the port area has been improved.
- 倉庫がよくなった Warehouses are improved?
- 保税区域とそのシステム Bonded area and its system have been improved?
- 駐車場がよくなった Parking area has been improved?
- 保安・警備 Security has been improved?
- 構外の道路状況 Road has improved outside the port area
- 照明等 Lighting system has improved ?
- 標識等 Sign system and area guidance are improved?
- 銀行および支払いのシステム Banking and payment system have improved (with EDI system)?
- その他 Others ( )

さらに改善が必要と考えるものは次のうちどれでしょうか？

- 構内のヤード拡張が必要 Yard inside the port area needs to be enlarged.
- 倉庫等上屋施設の向上 Warehouses needs to be upgraded
- 保税区域とそのシステムの向上 Bonded area and its system need to be better prepared?
- 駐車場の拡張や環境整備 Parking needs to be increased
- 保安・警備の改善 Security to be improved
- 構外の道路の改善 Road outside the port area needs to be improved.
- 税関職員の教育 Officers need to be trained for enforcement of law.
- 税関職員の数の増強 Number of officers need to be increased.
- 税関組織を改革して EDI 対応とする。 Organization needs to be changed in order to deal with the recent EDI development.
- その他 Others

貿易円滑化のために、その他ご意見があれば、お聞かせください。

Interview Date: \_\_\_\_\_ Interviewer: \_\_\_\_\_



Appendix E

## RECORD OF SEMINAR

### I. Analysis and Summary of Responses from Seminar Attendants

Questionnaire survey was conducted at seminars in 4 cities. Questionnaire sheet was distributed in the morning at registration, and collected when participants leave the seminar hall. This section is a summary of information gathered from seminars in these cities. Tables are all originally produced by the study team unless otherwise noted.

#### 1. Overall evaluations of seminars

Evaluation of seminar is made by attendants. Most of the participants had favorable impressions to the seminars. Approximately 75% of people answered either good or very good in most cities except Medan in which people seemed to be more critical. But the background of this result attributes to the small amount of international cargo and smooth flow in the process of customs clearance.

Overall evaluation of the Seminar in 4 locations

	Jakarta		Surabaya		Makassar		Medan		Total	
		30		21		25		30		106
Very good	17%	5	24%	5	20%	5	0%	0	14%	15
<b>Good</b>	<b>63%</b>	<b>19</b>	<b>52%</b>	<b>11</b>	<b>56%</b>	<b>14</b>	<b>50%</b>	<b>15</b>	<b>56%</b>	<b>59</b>
Neutral	20%	6	10%	2	20%	5	37%	11	23%	24
Bad	0%	0	0%	0	0%	0	0%	0	0%	0
Very bad	0%	0	0%	0	0%	0	0%	0	0%	0

Sorted by affiliation of participants, government officers felt neutral impression whereas private people found the seminar instructive with nearly 2 thirds of people responding good, and together with 17% of people felt very good, total people who answered good or very good amounts to nearly 80%. This is a substantial difference from the responses of government officers 64%

Overall evaluation of the Seminar by affiliations

	Government officers		Private & Association	
Very good	12%	6	17%	9
<b>Good</b>	<b>52%</b>	<b>27</b>	<b>62%</b>	<b>32</b>
Neutral	29%	15	17%	9
Bad	0%	0	0%	0
Very bad	0%	0	0%	0

#### 2. Important topic identified by participants

As for the question asking the important topic, Majority of participants answered lowering trade barriers in most locations.

Assumed important topic identified by participants of seminar

	Jakarta		Surabaya		Makassar		Medan		Total	
Operation by the Customs, Deprindag and Other agencies	47%	14	43%	9	28%	7	13%	4	32%	34
Laws and regulations	27%	8	33%	7	52%	13	17%	5	31%	33
EDI Development and e-Government	33%	10	29%	6	56%	14	17%	5	33%	35
<b>Lowering trade barriers</b>	<b>53%</b>	<b>16</b>	<b>43%</b>	<b>9</b>	<b>72%</b>	<b>18</b>	<b>27%</b>	<b>8</b>	<b>48%</b>	<b>51</b>
Infrastructure such as Port, Airport, Road	47%	14	38%	8	52%	13	23%	7	40%	42
Port and airport operations	37%	11	48%	10	48%	12	10%	3	34%	36

When sorted by affiliations, in addition to the topic of lowering trade barriers, construction of infrastructure, efficient operation of facilities and operation by the government agencies such as customs, ministry of trade.

**Assumed important topic identified by participants of seminar**

	Gov. officers		Private & Assoc.	
	%	Count	%	Count
Operation by the Customs, Deprindag and Other agencies	19%	10	46%	24
Laws and regulations	29%	15	35%	18
EDI Development and e-Government	33%	17	35%	18
<b>Lowering trade barriers</b>	<b>46%</b>	<b>24</b>	<b>52%</b>	<b>27</b>
Infrastructure such as Port, Airport, Road	27%	14	54%	28
Port and airport operations	23%	12	46%	24

**3. Assumed major reason of taking time between Berthing and PIB**

As for the reason of taking time between berthing and PIB, there are certain identification that weekends as extra time and complicated PIB form could be top reason of delay, and lack of consultation is also a major reason. Some forwarder wrote “In the case of typing mistake, we must make letter of statement. Sometimes HS from importer is different from BL.

**Assumed major reason of taking time between Berthing and PIB**

	Jakarta		Surabaya		Makassar		Medan		Total	
	%	Count	%	Count	%	Count	%	Count	%	Count
PIB form is complicated, detailed and difficult to avoid mistakes	23%	7	43%	9	20%	5	27%	8	27%	29
<b>Forwarders are not accustomed to prepare PIB, therefore takes time.</b>	10%	3	14%	3	16%	4	10%	3	12%	13
<b>HS code is not sufficiently correspond to cargo items</b>	27%	8	10%	2	12%	3	3%	1	13%	14
Consultation is not possible before submission, therefore after PIB is rejected need to rework.	33%	10	19%	4	32%	8	3%	1	22%	23
Weekends cause extra time	30%	9	29%	6	40%	10	3%	1	25%	26
Exchange rate renewal on Monday cause extra time to prepare PIB	20%	6	29%	6	20%	5	3%	1	17%	18
<b>Duty payment takes time</b>	17%	5	24%	5	20%	5	7%	2	16%	17
Blocking of other cargo influenced the PIB submission	23%	7	14%	3	32%	8	10%	3	20%	21
Others	7%	2	10%	2	4%	1	13%	4	8%	9

When looked at from different angles, there are noticeable indications that private people feel that (1) weekends (2) lack of consultation and (3) complicated PIB form are clear reason of delay. In addition to these, “Exchange rate renewal on Monday” and “Blocking of other cargo” are also identified as reason

**Assumed major reason of taking time between Berthing and PIB viewed by different angle**

	Gov. officers		Private & Assoc	
	%	Count	%	Count
<b>PIB form is complicated, detailed and difficult to avoid mistakes</b>	<b>31%</b>	<b>16</b>	<b>25%</b>	<b>13</b>
Forwarders are not accustomed to prepare PIB, therefore takes time.	15%	8	10%	5
HS code is not sufficiently correspond to cargo items	15%	8	12%	6
<b>Consultation is not possible before submission, therefore after PIB is rejected need to rework.</b>	17%	9	27%	14
<b>Weekends cause extra time</b>	13%	7	37%	19
<b>Exchange rate renewal on Monday cause extra time to prepare PIB</b>	10%	5	25%	13
Duty payment takes time	13%	7	19%	10
<b>Blocking of other cargo influenced the PIB submission</b>	17%	9	23%	12
Others	13%	7	4%	2

**4. Major reason of taking time at Physical Inspection**

People in Makassar seemed to be eager to answer to this issue, and three reasons are commonly

identified as major reasons, namely, (1) It takes time to find appointed officer (2) It takes time to communicate and arrange the schedule, and (3) Preparation for the inspection is not standardized and requires negotiation. On Thursday and Friday cargo inspection place is very crowded, and agents need to wait longer than other days.

**Assumed major reason of taking time at Physical Inspection**

	Jakarta		Surabaya		Makassar		Medan		Total	
<b>It takes time to find appointed officer</b>	<b>43%</b>	<b>13</b>	<b>24%</b>	<b>5</b>	<b>48%</b>	<b>12</b>	<b>3%</b>	<b>1</b>	<b>29%</b>	<b>31</b>
<b>It takes time to communicate and arrange the schedule</b>	<b>33%</b>	<b>10</b>	<b>38%</b>	<b>8</b>	<b>32%</b>	<b>8</b>	<b>17%</b>	<b>5</b>	<b>29%</b>	<b>31</b>
It takes time to set the schedule within working hours of officers.	27%	8	19%	4	20%	5	3%	1	17%	18
Working hours are not efficiently utilized for inspection work	17%	5	14%	3	28%	7	17%	5	19%	20
Officers are not enough to handle increasing number of cargo to be inspected	23%	7	24%	5	28%	7	3%	1	19%	20
<b>Officer for the inspection is more than one and takes time to arrange the schedule</b>	<b>30%</b>	<b>9</b>	<b>10%</b>	<b>2</b>	<b>20%</b>	<b>5</b>	<b>0%</b>	<b>0</b>	<b>15%</b>	<b>16</b>
<b>Preparation for the inspection is not standardized and requires negotiation</b>	<b>30%</b>	<b>9</b>	<b>29%</b>	<b>6</b>	<b>56%</b>	<b>14</b>	<b>30%</b>	<b>9</b>	<b>36%</b>	<b>38</b>
It takes time to arrange cargo to move to the inspection area	20%	6	10%	2	24%	6	17%	5	18%	19
Inspection area is not large enough to accommodate cargos to be inspected.	20%	6	19%	4	20%	5	10%	3	17%	18
Others	3%	1	0%	0	0%	0	3%	1	2%	2

Private people identify above three reasons stronger than government officers. In addition, private people identified reasons related to officers such as "It takes time to set the schedule within working hours of officers" and "Officers are not enough to handle increasing number of cargo to be inspected" much more naturally than government officers themselves.

**Assumed major reason of taking time at Physical Inspection**

	Government officers		Private & Association	
<b>It takes time to find appointed officer</b>	<b>21%</b>	<b>11</b>	<b>38%</b>	<b>20</b>
<b>It takes time to communicate and arrange the schedule</b>	<b>25%</b>	<b>13</b>	<b>35%</b>	<b>18</b>
<b>It takes time to set the schedule within working hours of officers.</b>	<b>6%</b>	<b>3</b>	<b>29%</b>	<b>15</b>
Working hours are not efficiently utilized for inspection work	21%	11	17%	9
Officers are not enough to handle increasing number of cargo to be inspected	12%	6	27%	14
Officer for the inspection is more than one and takes time to arrange the schedule	10%	5	21%	11
<b>Preparation for the inspection is not standardized and requires negotiation</b>	<b>33%</b>	<b>17</b>	<b>40%</b>	<b>21</b>
It takes time to arrange cargo to move to the inspection area	21%	11	15%	8
Inspection area is not large enough to accommodate cargos to be inspected.	19%	10	15%	8
Others	6%	3	0%	0

**5. Major reason of taking time after SPPB to Gate-out**

As reason of taking time after SPPB to gate-out, traffic jam is listed most in Jakarta but arrangement of trailers is listed high in Makassar. Obtaining verification for gate-out may cause another reason of taking time. Some forwarder wrote "Re-cheque makes slow down. It is better to make automatic exit and data have been transferred to the exit gate later"

**Assumed major reason of taking time after SPPB to Gate-out**

	Jakarta		Surabaya		Makassar		Medan		Total	
It takes time to arrange trailers to carry-out	23%	7	19%	4	64%	16	27%	8	33%	35
<b>Traffic jam causes low productivity of trailers</b>	<b>60%</b>	<b>18</b>	<b>29%</b>	<b>6</b>	<b>36%</b>	<b>9</b>	<b>27%</b>	<b>8</b>	<b>39%</b>	<b>41</b>
Free time at port area gives a few days of allowance to take out of the port area.	10%	3	10%	2	20%	5	7%	2	11%	12
<b>It takes time to obtain verification</b>	<b>20%</b>	<b>6</b>	<b>19%</b>	<b>4</b>	<b>36%</b>	<b>9</b>	<b>20%</b>	<b>6</b>	<b>24%</b>	<b>25</b>
Delivery order is slow to be checked.	20%	6	24%	5	36%	9	10%	3	22%	23
Other	3%	1	5%	1	0%	0	7%	2	4%	4

Traffic jam is recognized by both gov. officers and private people, but obtaining of verification is identified much strongly by private side.

**Assumed major reason of taking time after SPPB to Gate-out**

	Government officers		Private & Association	
It takes time to arrange trailers to carry-out	38%	20	29%	15
<b>Traffic jam causes low productivity of trailers</b>	<b>38%</b>	<b>20</b>	<b>40%</b>	<b>21</b>
Free time at port area gives a few days of allowance to take out of the port area.	8%	4	15%	8
<b>It takes time to obtain verification</b>	<b>17%</b>	<b>9</b>	<b>31%</b>	<b>16</b>
Delivery order is slow to be checked.	19%	10	25%	13
Other	6%	3	2%	1

## II. Record on Discussion of Seminars

### [A. Makassar]

**Seminar on Trade Facilitation Reform**  
**Makassar, South Sulawesi February 1<sup>st</sup>, 2005**

**(PROGRAMS)**

- 09 : 30      Opening by MC
- 09 : 40      Opening remarks by Deputy Minister of Coordinating Ministry of Economic Affairs (Mr. A. Habibi)
- 10 : 00      Key note speech by local Government of South Sulawesi (Regional Development Planning Board (Bappeda) by the head of South Sulawesi Bappeda Mr. Ruslan.
- 10 : 15      Tea Break
- 10 : 45      Report of the Study (Study Team) chaired by moderator (JICA - Team)
- (1) Outline of the study
- (2) Measurement survey for time required – process
- (3) Report for interview survey
- (4) World efforts in Trade Facilitation and Indonesia
- (5) Recommendation and Action Plan
- 12 : 00      Panel Discussion
- Speakers: Mr. Ruslan (Bappeda south Sulawesi), Mr. Yamashita (JICA),  
Drs. M. Sidik Salam (Trade & Industry Department South Sulawesi),  
Drs. Sulhan Hasan (Transportation Department South Sulawesi) and  
Mr. Prof. Burhamsah (Hasanuddin University).
- 13 : 00      Moderator's Remarks
- 13 : 30      Closing seminar
- 14 : 00      Lunch

**1. Opening by Deputy Minister of Coordinating Ministry of Economic Affairs**

He Said That :

I welcomed this seminar very well, and it is my pleasure to welcome you all in this seminar socialized by JICA Team.

We have known that, nowadays business competitive does not have any good protection which means business competitive is not good in Indonesia.

Why Makassar is selected as the area of socialization of this study related to port area problems? We know that Makassar is one of the export commodities in Indonesia and the biggest one in the eastern part of Indonesia and also related to five in one efficiencies found by JICA. There are a lot of commodities are shipped in Makassar port. Like cocoa Beans. South Sulawesi is the largest cocoa producer in Indonesia but right now we do not have good cocoa beans procession and good port handling. What are we going to do for these commodities & port handling? or what are we going to do for republic of Indonesia?

We Believed that: in making project we have to:

- ★ Study first like JICA – Team did.
- ★ JICA has already made some recommendation.

I hoped the governors or head of the districts or other related agencies make the good working team & good recommendation. Thank you and have a good Seminar.

**2. Governor of South Sulawesi (presented by the head of regional development planning board of Sulawesi (Bappeda) Mr. Ruslan.**

He said : Sorry for the governor of South Sulawesi for not coming on this seminar but I have been asked to present his presentation and he welcomed this seminar too.

First of all, Thanks for economic minister affairs & national development planning board (Bappenas) and also we thank for JICA – Team for the making of this seminar.

In my opinion this is the correct time of making this seminar because we have just passed by the 100 days of the Indonesian new President, So we hope this seminar is going to be an input for regional development in formulating the government policy especially in trade sector.

And we welcome the Deputy of Industry, Trade & middle & small Scales entrepreneurship and the JICA Team in the city of “Angin Mammiri” the wind-blows city of Makassar.

- Following up the economic development includes regional economic structure and main commodities competitive, and we know that trade has a very important role in this, and look at the economic development macro in South Sulawesi in the year of 2003 has an increase 5.37% and 2004 increased 5.97% and the Perkapita-income was closed to six million and this is the highest since the economic crisis.
- For few years recently, trade sector in South Sulawesi has made the good increase by seeing the good economic growth.

- For three years currently, South Sulawesi export has shown the good increase, it is about 21.05%. South Sulawesi is dominated by 10 main commodities, consists of Agriculture 38%, Industry 10% and mining 52%, to the main consumers countries in Asia, America & Europe.

But, there are some problems:

There is not direct-trade from Makassar to the country of arrival/ destination, transport cost at Makassar port is still higher compared with other ports at western Indonesia, the limited of trade accessibility for middle small scale Business/emprenurship.

- So, through this seminar I would like to tell that this is going to be a study material in foreign trade, and some cases related to this:
  - √ There is deregulation, and this can be challenges like 10% tax for cocoa Industry Procession, and decreased manufactures capacity 57.4%.
  - √ Optimalization and efficiency of port handling.
- There are also some issues about smuggling, and the limited infrastructure, and it is difficult to detect the flow goods.
- 2 years ago we followed the urban city development in Singapore and I asked, why are there many industries built in Singapore? In Indonesia in doing or building some project requires a lot of procedures, all of complaints are the late shipment or trade, Tax & distribution are not consistent and not good investment permit.
- He said other thing also like public – service, There are there good samples of public service in Indonesia : West Sumatra, Jokjakarta, and South Sulawesi  
And South Sulawesi is the best but also the waist and the record is only 13%

### 3. Seminar

Moderator: Mr. Ruslan (Head of Regional Develop. Planning Board of South Sulawesi).

Reports of the study: (JICA Team)

\* Back to Moderator \*

He Said, yes we get behind of our port handling compared with other countries and finally we got many things to do after the JICA – Team survey.

### 4. Comments

(1) Professor Halide : Hasanuddin University Makassar : I agreed with the background of this study ..... what is wrong ? and what is need ?

\* Port facilitation is small procedures

\* We need the quality not only the facilitation

Frankly speaking that : Makassar port is better than Jakarta, and we need the port authorities from : transportation, customs, trade and industry.

Mr. Halide suggested that : please complete your study not only in Jakarta but also, Surabaya,

Medan and other ports. He also Said, infrastructure increases quality and the producer areas.

(2) Professor Burhamsah (Hasanuddin University Makassar)

To clarify that: one day I met a Dutch exporter and he Said mostly product is distributed to Singapore after that to Indonesia, I asked why ? He Said if I look for ship to Indonesia it takes one – month.

I also met an importer of Cocoa Beans from Holland.

I asked him : why do you import Cocoa from Singapore ? not Indonesia ?

He answered :

If I ask Makassar about Cocoa beans, they say “ My Product is not collected yet “ and also the price is higher than Singapore.

(3) Professor Burhamsah also Said:

In Makassar, we do not have real exporter only the local collectors.

In this country procedure (customs procedures or port procedures) is missing. Problems are not only about ports but also our Businessman do not know well about International port handling & Business.

**Industry & Trade Department of South Sulawesi**

He focused on: Route, South Sulawesi does not have direct route to the country of arrival.

So, our competitive Business in trade & Industry is weak & low. From Makassar cargo must go via the routes of Jakarta, Surabaya or Denpasar.

- Actually, we have had a lot of meeting, to overcome this issues domestic shipment, how to have the direct shipment or dispatch from port of origin to port of destination through the Makassar port.

**Challenges**

- √ Higher cost (time & transport)
- √ No regional destination promotion centre
- √ Need to build also center for promotion & industry commodities.

**Transportation Department of South Sulawesi**

Yes, transportation system in Indonesia is not appropriate yet, but we agreed that one reason is because this country is bigger than others, especially in Asia & South East Asia. Besides that we do not have efficiency in transport-handling.

**Challenges**

- √ We still need the higher cost of transport cargo from one port to other ports.
- √ Each Regional Government is going to make their own small port, they requested in each District Government think that, that is a project.
- √ No concrete limitation of making new port.
- √ Regional autonomy, is given, the misperception.

There, must be a division between west & east Indonesia about the goods distributions.\_

- Input from the Chairman (Mr. YAMASHITA)  
In my personal opinion: You have a lot of opportunities to achieve your target.  
In Japan: It is not decentralization while (Indonesia is starting decentralization only focused in Jakarta) that is your problem:  
Please improve your trade volume because it's still smaller, but do not forget to improve "SERVICES": like customs & immigration.
- Again said the moderator: thank you Mr. YAMASHITA.  
He added: Currently, most of the districts wanted to make his-own local port and the centre government in Jakarta always agree or just agree, like the former speaker said.

## 5. Participants Questions

- (1) From exporter to JICA Team: You said that we are losing customers, competition & investment, but why don't you focus on export & import systems. Do you consider also the human element? How effectively do you think about my Country Political Economy Diplomacy?
- (2) From UKM: Middle & small business scales  
What & why with Makassar port?  
In my opinion: we need good approach with other interrelated agencies.
  - √ We need each sub district to have small port for good distribution.
  - √ We need to have the port according to its function and usage.
- (3) From trade and industry chamber South Sulawesi (Kamar Dagang dan Industri / Kadin).
  - Why do we need more ports if they are not sufficient?
  - In my opinion: There are two things have to be emphasized! "SYSTEM & INFRASTRUCTURE"
- (4) Question from no name:  
Why did JICA talk only the export & import of the ports? I think we need "Procedures" (Time & Infrastructure)

## 6. JICA Team Answered

- √ You have to know : every country has different political/economic Diplomacy, I think your political Diplomacy is better than Japan.
  - √ Please promote Makassar your self in order to have the direct connection.
  - √ If you manage the port better you would make better handling and shipping area in Asean.
- And finally, I kindly agree with the questioner's view. Thank you

## 7. Moderator Additional Points

- √ Actually, we had tried to improve & increase the development of good port in Indonesia, especially in Makassar.



- √ According to former economic affairs minister (Mr. Dorojatun) not only west part of Indonesia is developed to be International port but also the east part of Indonesia, and Makassar is the most strategic area port, we have designed Makassar to be economic activities especially good port – handling management, said the Moderator (the head of Regional Development Planning Board) South Sulawesi. Mr. Ruslan, we hope, not only the port handling but also the other important things.
- √ Finally ..... Let me express my gratitude to all participants, especially the presenters, our special thanks to JICA – Team for your coming, presentation and assistance and by saying Alhamdulillah Rabbil Alamin (Praise be to god) I formally closed this seminar and have a good lunch. Thank You.

## **[B. Surabaya]**

### **Seminar on Trade Facilitation Reform Surabaya, East Java, 3 February 2005**

#### **KEYNOTE SPEAKER OF EAST JAVA GOVERNOR**

#### **SEMINAR ON TRADE FACILITATION REFORM IN INDONESIA Surabaya, 3<sup>rd</sup> Feb 2005**

**To : Deputy Coordinating Minister for Economic Affairs.**

**To : JICA Indonesia Representative.**

**To : Panelists**

A gratitude to The Office of Coordinating Minister for Economic affairs and Japan International Cooperation Agency (JICA) that facilitate this seminar. Hopefully this seminar gives benefits to reform trade field especially to stimulate the activity local economy.

An external development dealing with global trade now is getting closer and it needs national and regional global competition power, because in global trade concept will weaken government economy or regional that has low competition power.

Due to such condition, it needs to improve regional competition power though the efficiency of economic activities, it's not only production aspect but also distribution. A reformation in trade especially exports and import activities is very important because trade is the main motor of economic movement that effects in production sector, consumption and investment.

The East Java economy increasing pretty good recently, 5.3%-increased target in 2004 is completed in 2004, eventhough it is still dominated by consumption. Investment will be priority in East Java economic structure to create job vacancy in every year and gradually reduce the poor people.

Trade is a motor of economic movement, especially in export. It's proved in East Java economy structure 2004 can contribute 25.90% with two main sectors which are sector industry process 26.18% and agriculture sector 19.36%. This trade sector is very rational and logical. Quantity and export volume of about 69.87% - 91.50% are already done through Tanjung Perak port, while realization of import value (non oil & natural gas) in East Java semester I in 2004 is 3,128 billion dollars (America). We can see that East Java trade work (kinerja) got surplus.

The exporters have some external barriers dealing with global market such as in a progress country have many rules; tariff policy and non tariff policy through subsidy, dumping and safeguard. In the last eight years, some Indonesian exporters suffer a financial loss because of those protection accuse like dumping, subsidy and safeguard 119 times from importer country.

Internal factor that is easily found are product quality that weaken competitive power, distribution system need to facilitate good management of export and import service, while dumping, subsidy and safeguard issue must be quick socialized so the regional exporter get the information early, to avoid wrong accusations that if they're proved the export product will be charged Anti Dumping Custom (BMAD), repayment for import duty and safeguard actions, of course those become serious barriers that have to be solved.

Having those kind of problems, East Java province government had internal discussion to start establishment or about one place export-import service at Tanjung Perak port in Surabaya. That plan is badly needed to make a very efficient economy.

**To realize that plan, the government has 4 steps:**

**First:** East Java Integrated Industrial Zone (EJIIZ), it is included 7 regencies/cities.

**Second:** Increasing trade promotion and invest to Mid-East, China, Europe and South Asia countries.

**Third:** To initiate East Java trading house.

**Fourth:** Increase UKM credit access by East Java APBD funds at PT. Bank Jatim & PT. BPR Jatim with non commercial interest 6% that is 50 billion rupiah in 2004 and 60 billion rupiah in 2005. Those are supported land certification activities owned by UKM started this 2005. It is only for UKM that has export orientation.

Surabaya, 3<sup>rd</sup> February 2005  
East Java Governor

**Imam Utomo. S**

## PANEL DISCUSSION

### Mr. Eddy Pirih (Chamber of Commerce)

To consider that Indonesia has port facility is pretty small, so we cannot compare to Singapore -- port only for transit and loaded.

Malaysia --- The country is very small.

Thailand---- The country is very small.

#### Problems:

1. Government must not decide sectoral but must integrated.
2. All the regulations from Government must be transparent.
3. Government gives too many regulations that are over reacting so the implementation and the regulation becomes confusing.
4. There are many associations of trade but never go together with some government departments that related with trade systems and procedures.

#### Solutions:

1. Reward for success company, punishment for company that against the law. Rules must be consistent.
2. No too many government regulations so will not be confusing, understand and more practiced.

### Mr. Cip (Disperindag- Government Trade and Industry Institution)

#### Problems:

1. The process of document is too long.
2. Too many government Institutions, Private & Banks.
3. Location of the offices, departments connected with port and trade is far, from one office to the other offices.
4. Reform filling management.
5. High cost and not transparent.

#### Solutions:

1. Try to make import and export service in one place with efficient system.
2. The bureaucracy have to understand the business of area, so can help export and import handled professionally.
3. Have to be responsible in export and import service to public.

#### Targets:

1. Location – one place centered in Tanjung Perak port of Surabaya.
2. Have to integrated.
3. Simplify the documents.
4. To equalized the people, people with title and without title must have the same right.

5. Improve the services, especially in certifications & production.

Steps of Facilities Reformatio

1. Planning for design system
  2. Standard operational procedure.
  3. Supply software and networks.
  4. To have an experiment and assist of the carrying project.
- 1<sup>st</sup> phase : 1-3 months designing.  
2<sup>nd</sup> phase : 3-6 try the system.  
3<sup>rd</sup> phase : last 6 months – to develop the organization.

**Mr. Heriyanto (Head Finance of Customs)**The JICA's system is already good, but customs integrity have to improve such as:

1. Free from KKN (Collusion, Corruption and Nepotism).
2. Good service done efficiently and professionally.
3. If there's a customs officer take an advantage from you, just report directly to the people in charge.
4. If there's a customs officer complicate you, just report directly.
5. Exporters importers, bankers, etc dealing with trade procedures and process will get a reward when they get achievement.

**Mr. Tjuk Sukadi**

Do not blame the large of Indonesia country when you compare the sophisticated system in Malay, Singapore and Thailand port. The real problem is the people themselves, we want to change the systems, the trade procedures, the process, etc but deep inside the human recourses have to be totally improved. The big history of Majapahit was dominated in Java many years ago, and at that time it was the biggest economic leading country in South East Asia.

**[C. Jakarta]**

**Seminar on Trade Facilitation Reform**

**Jakarta, 8 February 2005**

**Date** : **February 8, 2005**  
**Place** : **BKPM Auditorium Jakarta**  
**Time** : **9. <sup>15</sup> – 14 <sup>00</sup> PM**  
**Attachment** : **Attendance List**  
**Speech of Dr. Dipo Alam in English**

- (1). 09.15    Open the Seminar MC
- (2). 09.17    Opening Remarks by Mr. Funabashi of JICA Indonesia Office. First of all Mr. Funabashi express his condolences about the disaster which this country have to bear and the country in the region have to bear. Also he apologize because JICA Resident Representative Mr. Kato and Deputy Resident Representative Mr Anasato could not make to be part in this Seminar because they have been involved quit much time in the operation in Aceh. And what make possible to achieve such kind of recovery in that area is the economic grows in another part of the country, that is way he welcome every body in this seminar and will discussed about Trade related facilities and procedures. This is one of the most important issues which JICA considered and he understand in this country of course the economic grows let by the investment is one of the most important topics and Japanese Government and of course JICA considered the same. That is why it was we considered this kind of topic for Trade related facilities and conditions. And JICA study team lead by Mr. Yamashita they have been conducting the study for almost one year and they have visit several places and they got some findings and also they have analyze the result and the have prepared the recommendations. They have already this time visit two places / two regions and also they have are going to visit one more besides Jakarta and they got presented this information and they got some ideas. And of course to day here at this seminar room, we would like every body to know about their findings and recommendations, maybe some times this is something which you don't want to hear because you have to change your attitude or your have to change the manner of the work. But I would like everybody to understand, now we have been working on only one Common issue the prosperity of Indonesian Government and we would have to consider is not to be comfortable in our office but is not what we have to pursuit. What we have to pursuit is again the prosperity of the economy of this country that is why here to day please listen very carefully to the findings which the study team going to present and of course if you have some comment and of the bases your welcome to express such kind of ideas and that would make then possible next actual steps and JICA has been considering the next step of course on this issues but everything would be based on information what we got here, we can not ignore this and we can not just ignore information and the result of the study. Because it is very very important for the making of the actions so that is why to day I want to present the study team and before they present the result I guess Mr. Dipo Alam please I welcome your keynote speech and we all like to hear from you, thank you very much. And thank you very much again welcome to the seminar.
- (3). 09.27    Key Note Speech by Mr. Dipo Alam, deputy Minister of Economic Affair. Mr. Dipo welcome colleagues from JICA and also Team Leader of JICA Study Team Mr. Yamashita and all of Indonesian colleagues he welcomes, good morning and talks in Bahasa as follows :

Ladies and Gentlemen,

Thank you for attending this seminar.

Maybe recently you have heard that the Coordinating Ministry of Economic Affairs had organized infrastructure summit things to be put in order by us either the regulation or management and also the human resources, also the technical problem and how to implement in the details.

One of the aims for encouraging our economic growth to be more higher and also to provide employment opportunity is by Trade Facilitation.

Talking about Trade Facilitation is also talking about customs reform that is why I am very happy that our colleagues from the customs even Mr. Agung Permana the expert assistance to the Minister of Finance and he is the former Director General of Customs. We would like to get inputs based on the comprehension on Trade Facilitation, actually now we are encourage kind of infrastructure development.

That is why we are grateful that JICA has conducted a study regarding Trade Facilitation. So it depends on us whether we receive this study result only as a scientific paper after that then finished, or we have to put it in realization. It is our obligation to socialize this Trade Facilitation Reform to the audience of this seminar.

So we are not only talking about infrastructure development but also investment and don't forget also the local regional development as we have committed economic decentralization. The development of Tanjung Perak, Tanjung Priok, Makassar and Belawan ports etc. constitute also part of regional development which include the economic decentralization. The study is not a perfect one, so we have to give inputs and to follow up the study, whether it is from BKPM side or from Ministry of Finance Office, or from Customs or from other Ministries Offices and also from the Association of private sectors.

So later on we got financial support or not it will depend on ourselves to follow up the study result. This is the impression and hope that this seminar will be successful.

Therefore hoping this one day seminar really belongs to all of you who are concerned on the investment climate and also concerned on infrastructure development to improve our competitiveness and let us will have more investment and also increase our export in order to or as our effort to provide more employment opportunity and of course out economic growth.

Key Note speech of Dr. Dipo Alam in English is compiled in the minutes of Medan

- (4) 9.30 Tea Break
- (5) 10.00 Presentation / Report of the entire study
- (6) 11.00 Panel Discussion

- Moderator : Mr. Sulystio from Ministry of Economic Affairs
- Panelist : 1. Mr. Karim from Customs Office  
2. Mr. Adolf Tambunan from DGSC  
3. MR. Harmin Sembiring from BPEN (Board of National Export Development)  
4. Mr. Saroso from KADIN (Chamber of Commerce)  
5. Mr. Yamashita from JICA Study

### **Suggestion by Panels**

The panelist explain and make suggestion on the matters regarding Trade Facilitation reform including customs reform. And also how to make our port interesting and competitive. Lack of infrastructure and Human resources that makes low competition.

There are 3 point of the contribution for the port to compete :

1. Development of Infrastructure
2. Promote Competitiveness
3. Improve Maritime Safety and Security

Tanjung Priok is the pilot project of APEC – STAR Project where the United States gives assistance to Indonesia.

Mr. Saroso from Indonesian Chamber of Commerce invites Working Groups, Ministry of Finance and Customs to follow up the study and the implementation

Mr. Yamashita gives deep gratitude to all of the audience and the panelist member.

### **Question**

I. Mr. Djoko Wiratmojo ( Directorate General of Air Communication)

1. This study covers only some small part of airport cargo and this scope is very limiting  
Why don't make evaluation on access to the airport itself.
2. Comment in the target to put Jakarta as Regional Hub is ambitious

II. Mr. Asianto Sinambela (Ministry of Foreign Affairs)

Question regarding presentation by Mr, Hideaki Uematsu  
I would like know what have your team identified in this regard

Answer by Mr. Uematsu

1. Follow simplification, Mr. Adolf refer to FAL convention, also the Government ratify this FAL Convention, there is no arrangement in according to FAL Convention have been made. So it is time you to arrange this.
2. Korea is perfect, Japan is not so  
Simplification of trade facilitation of Single window system is one to achieve and many preconditions must be realized

III. Mr. Sorelo ( Indonesian Chamber of Commerce)

My comment is that we can accept and respect the study result. The important thing is the attitude of our businessman they like to make use of the current situation. So the critical one is one the legal system. It is time to reform, the custom system, etc.

Mr. Sulystio concluded that there are some of the system need to be corrected and after the study the question is what next ?.

Mr. Sulystio closed the seminar with gratitude to all participants of the seminar.

## **[D. Medan]**

**Seminar on Trade Facilitation Reform**  
**Medan, Sumatera Utara 15 February 2005**

**(PROGRAMS)**

- |         |  |
|---------|--|
| 09 : 30 | Opening by MC  |
| 09 : 40 | Opening remarks by Deputy Minister for Economic Affairs (Mr. Dr. Dip Alma)   |
| 10 : 00 | Key note speech by local Government of North Sumatera (Head of Bappeda Prop. Sumatera UTara, Ir. Budi D. Sinulingga)   |
| 10 : 15 | Tea Break  |
| 10 : 40 | Report of the Study (Study Team) chaired by moderator (JICA - Team)<br>(6) Outline of the study<br>(7) Measurement survey for time required – process<br>(8) Report for interview survey<br>(9) World efforts in Trade Facilitation and Indonesia<br>(10) Action plan and recommendation |
| 12 : 00 | Panel Discussion<br>Moderator Mr. Ir. H. M. Natsir Sibarani, MM (Kabid Perencanaan Ekonomi & Keuangan, Bappeda Prop. Sumatera Utara), Mr. Yamashita (JICA), Mr. Ir. Joner Napitupulu (Kadin  |



- Prop. Sumatera Utara), Mr. Hendro Swasono SE (PT. Persero Pelabuhan Indonesia I Cabang Belawan and Mr. S. Siahaan (Dinas Perhubungan).
- 13 : 00 Moderator's Remarks
- 13 : 30 Closing seminar
- 14 : 00 Lunch

## **SEMINAR ON TRADE FACILITATION REFORM**

### **09.30 Open the Workshop Deputy Minister for Economic Affairs (Dr. Dipo Alam)**

First of all, I would like to thank for your attending on this one day Seminar on Trade Facilitation Reform in Indonesia. Thank you also to the Committee of the North Sumatera Government which has organized the Seminar in collaboration with the Coordinating Ministry for Economic Affairs, and Japan International Cooperation Agency (JICA).

The situation of Indonesia's economy since the last monetary crisis had made difficult to encourage domestic and foreign investor. In regard with the efforts of the improvement for promoting investment climate as well as developing of the environment, it is desirable to carry out a comprehensive policy within full collaboration all institutions, which have closely related in the international trade include the system, operation and procedure. So, whether local institutions or from abroad can fully participate in the searching the best advantage ways to accelerate the current trade environment. In this occasion, the Coordinating Ministry for Economic Affairs got a grant from the Government of Japan through JICA to undertake the Study on Trade Related Systems and Procedures. The study started in April 2004 and it will complete in March 2005.

Well functioning on trade systems and procedures is one of important preconditions to attaining higher results in international trade relations. The Indonesia government is launching efforts to boost export and promote investment through the National Team for Export Development and Investment Promotion (Timnas PEPI) with the Coordinating Ministry for Economy Affairs, the Ministry of Trade, and Investment Coordinating Board (BKPM) as the main collaborators under the chairmanship of the President of Indonesia (Presidential Decree Number 27 Year 2003).

The Seminar being organized in Jakarta, Makasar, Surabaya, dan Medan are supposed to obtain feedbacks, particularly for preparing the final report. Some important recommendations of the Study are to prepare and upgrade the standards of competetions of Indonesia international market in which advantage is derived from open markets. To make this possible, we have to reform the investment policies, institutions and mechanisms.

Another serious problem is lack of infrastructure. Indonesia's infrastructures have deteriorated since the onset of the financial crisis. Improving infrastructure is one key to attract new investments, and to maintaining Indonesia's international competitiveness, increasing productivity, and generating employment. Due to the government's financial constraints, substantial private financing is necessary to improve the quality and quantity of infrastructure development.

The study on trade related system and procedure is one of the technical assistance by JICA. It is

the first step towards formulating strategies to improve the investment climate in Indonesia. The study is to review the present conditions of trade related systems and procedures and performance procedures, including the use of Electronic Data Interchange (EDI) for improvement of export and import cargo procedures through Tanjung Priok Seaport and Soekarno-Hatta Airport.

Tanjung Priok for sea transport and Soekarno-Hatta for air cargo transport should be developed to be functioning as the regional hub of goods for ASEAN region. The socialization being undertaken is needed in order to enhance cooperation between the government and the business community in all levels.

We believe that the output of today's Seminar will contribute to the formulating of the short-medium term policy for improving investment climate in Indonesia. We expect that after this Seminar, we can surely provide a feasible and reasonable recommendations and action plans for the future. We hope to receive the practical and feasible inputs and feedbacks from all of you.

**09.45 Key Note Speech Local Government (Bappeda) – Ir. Budi D. Sinulingga (Kepala Bappeda Prop. Sumatera Utara).**

First of all, I would like to invite all attendants to praise and thank, God, who is the greatest, for she blessings so that all us health to attend this good Forum seminar. At this opportunity, I also submit thanks to Ministry Of Coordination Area Economics and Japan International Cooperation Agency ( JICA) which this seminarand give positive impacts in order to reform in area of commerce to induce more excite economic activities in area.

Growth of global commerce progressively influences and requires the readiness of national and regional competitiveness. This matter of vital importance is strategic, because global commerce concept with market management principle is able to weaken provincial and/or regional economics that have low competitiveness.

We need to accelerate she wake up of regional area competitiveness efficiency of economic activities of goodness in production and distribution. In distribution aspect, specially regarding policy of export-import which hasnot yet been fully enforced, need reform efforts to prevent the happening of high expense economics recession. Reform is most necessary for export-import activities, because commerce is the motivator of economics, capable to race production, investment and also consumption.

As known the economics performance of North Sumatra during the last four years continue to experience acceleration, from minus 10.9 percent in the year 1998 increased to become 4.77 percent in the year 2004. This condition represents good enough performance, although this growth still predominated by consumption, but will strive the wake-up of investment in economic structure of North Sumatra so that to can create new employments every year, at the same time step by step will lessen the amount of impecunious resident.

As I have said commerce is the economic motivator, specially in the case of exporting, this proven in economic structure of North Sumatra Annual Book 2003, this sector can give big enough contribution. This Contribution by commercial sector is very rational and logical, because until year 2003 the export value of non North Sumatra migas mount 10.25 percent, from 2.537 billion United States dollar in the

year 2000 becoming 2.69 billion dollar in the year 2003. These amounts of export is almost wholly via Belawan Port, while in the year 2003, the non North Sumatra migas import value reached 0.68 billion United States dollar. There by the year 2003 commerce performance of North Sumatra was surplus.

Although in economics structure, commerce represents only one of the activators of North Sumatra economics, this matter rather than without constraint in repair of economics performance, because various external / internal constraints still require serious attention.

Specially external constraints which related to emulation to enter global market are progressively tightened with various risks and resistances which must be faced by exporters. As we know that advanced nations have applied various good regulations in the form of policy of tariff and also non tariff, for example passing subsidy, peacemaker and also dumping ( safeguard). In this case during the last eight years, many Indonesian exporters were harmed including those of North Sumatra which have accepted accusation of protection good in the form of dumping, subsidy and security of importer nations.

Poor quality production and poor distribution system are the key internal factors that weaken the competitiveness of export commodities. From other side that, socialization concerning content of dumping, done imperative security and subsidy and are required to be speeded up so that regional exporters get information since early, so that will not get accusations. Otherwise, exporting product will be imposed of anti dumping tax, reward import cost and security actions, and of course this represent serious resistance which must immediately be handled.

Bearing this in mind, Government of North Sumatra Province one year ago have held an internal discussion and started initiation concerning service of export-import one roof in Port of Belawan Field, because this matter have insisted on concerning enough high economic efficiency. Therefore, related to various steps of advocacy which authority center will continue to strive quick service to export-import, easy and cheap, which is expected will affect at regional economic activities. Besides, various regional policies to support performance of export-import had also been initiated, for example is:

First, promotion of trade and investment to nations in the middle East, China and Europe and also friend nations in South East Asia.

Second, initiation of forming the Trading House of North Sumatra.

Third, improvement of access UKM pass location of fund of APBD North Sumatra in PT. Bank of Sumut and despitefully this activity also will be supported by the activity of land certificate of UKM started since this 2005 year. This activity is instructed by UKM which orients export.

In the case of foreign trade earn, we are informed that up to this time it is still limited in access to authority of provincial government. For that we propose the follows:

1. The authority of the Central Government, in case the foreign trade is not too big, shall be delegated to Provincial Government.
2. Management of Port of air and sea managed by BUMN shall be improved of its quality of service and also its facilities and basic facilities in order to earn more optimal.
3. We expect provincial government can be authorized to join in managing seaports and airport in this area.

The above are some of my inputs to this strategic and valueable even, hopefully will induce more valueable ideas from you through this seminar and the study which has been conducted by JICA will win positive responses from Central Government, so as to improve efficiency of economic activity specially in commerce system capable to awake regional economic activity and hereinafter as solution in make-up of good competitiveness. I here by announce the opening of this National Seminar on Trade Facilitation Reform in Indonesia.

## 10.15 Tea Break

## 10.40 Report of the Study (Study Team)

- Moderator** :
- Ir. H. M. Natsir Sibarani, MM  
(Kabid Perencanaan Ekonomi & Keuangan,  
Bappeda Prop. Sumatera Utara)
- Panelis** :
- Kadin : Bapak Ir. Joner Napitupulu  
Pelindo : Bapak Hendro Swasono, SE  
Dinas Perhubungan : Bapak S. Siahaan
- Presenter** :
- Team JICA

## 1.00 Panel Discussion

### *Expos Bapak Hendro (Pelindo) :*

We apologize that our GM cannot attend this discussion because he has to follow central meeting. We are representing conventional port and also containers to participate in this event. First of all we are pleased to present a picture about Port of Belawan followed by some descriptions.

### *Expos Bapak S. Siahaan (Communication Agency) :*

As which by our friend from PT. Port of Belawan, it is truly correct that Port of Belawan represents one of the economics gateways in North Sumatra Province having constraints as following :

1. Conservancy of path Port of that Belawan with its pool because Port of that Belawan reside in river estuary. At around year 2000 defrayal of the conservancy come from fund of APBN, but now defrayal of conservancy become responsibility of PT. Port of Belawan. The Defrayal very high its segmentation so that treatment at path and its pool require very high expense
2. Port of Belawan work 24 hour but not yet been supported by warehouse- warehouse outside Port of Belawan especially for the payload of import exporting
3. Besides Port of Belawan, [in] Prop. Sumatra have other port like : Port Of Confluence Foreland, Port Of Sibolga, Port of Basis Milk and Port Of Foreland Hall. Potency of Hinterland Port of

Belawan cover : Aceh, North Sumatra and of Riau.

***Expos Mr. Joner Napitupulu ( Kadin) :***

I submit by virtue of observation about result of JICA study, since happened economic crisis of degradation of economic facet, employment in this case Indonesian chamber of commerce also involve in program governance of investment year cymbal in AFTA, WTO, Investment. Become conclusion of which can of identify the problem of biggest especially regarding the problem of rule of law and of SDM.

Some other identify show

1. Rule Of Law
2. Human resource
3. Taxation
4. Autonomous of area
5. Area permit
6. etc

Percentage which is 31 project in the first year 22 billion of is including Port of Belawan, Field toll of Binjai and of Kualo Namu.

But if concerning Road Show, how rule of law, procedure like sand palace. We hope many at government now because governance now very legitimist, because conducted by government now gets support fully from people because selected direct by people.

Converse about repair of economics not only is enough improve; repaired there, improve; repaired here because besides systems but also groove its procedure requires improving; repairing. And do meeting of this seminar enough just meeting here without there is result or do brought to Jakarta. We do not hope in such a way and comment too far to the effect that. Besides Indonesian chamber of commerce also publish licensing for example input - input publication of EDI which not yet is effective, because different in perspective probably.

At the time of hearing opinion among Indonesian chamber of commerce with member of DPRD also study matter like this time, besides also regarding the problem of service in port compared to time, exporting volume import as well as lifting the problem of infrastructure, service, bridge, toll that all need there isn't it. That way the forwarding of this this based observation eyeglasses.

## Question And Answer

1. Mr. Supratekno, Customs ( Breakdown of JICA and also Panelist of Belawan)

Seminar at this morning, earn I conclude to represent to hear result of Study JICA survey in Port of Foreland of Priok non Port of Belawan. Both condition of the port non differing but very-very far differ either from condition, activity activities that goes on between Port of Foreland of Priok with Port of Belawan. Goods import in Port of Foreland of Priok with Port of Belawan very far. Where comparison of document Port of Foreland of Priok more 1000 while Port of Belawan among 50 - 70,

automatically in Port of Belawan much more fluent from Foreland of Priok. And resistance or jam that happened will experience of difference also. Added again Port of Foreland of Priok where amount of bigger document than amount of personnel residing in field, compared to Port of Belawan.

**Question :**

1. Expected by Team Study JICA can give solution, about anticipatory us the happening of jam of exporting import current bothering the way execution of commerce current. And jam that happened port of container at part of which sector
2. At Evaluation of Team Study JICA Tax sector shown EDI not yet is fluent, so that need there is repair if it's true not yet fluent which shares not yet fluent because if seen from systems of EDI that fluent very-very and that thing earn to be measured from time inspection of document which at the most 1 hour even less than 30 minute. If the mentioned still told by delay, I wish to know its insufficiency situation, so that can bother commerce current.
3. Need goods current is realized in port entangle much related institution like Pelindo, even private sector. So that in this solution requires to be done by execution of service in one roof. How way out according to Team JICA pursuant to done survey in Bangkok, compared to Last Malaysia in Indonesia goodness evaluated from Systems, SDM, so that we earn comment difference of procedure going into effect. I am as Kakanwil Tax feel executed systems have good enough more than anything else if conversing about North Sumatra export there is commenting North Sumatra export commodity, where goods [do] not be checked by Tax so that, unknown do elephant its contents or tiger we do not know, and that thing is do still told by systems like that still pursue also I cannot comment it

**1. Bapak Khairun (Gapensi & Kadin)**

Gapensi and Indonesian Chamber Of Commerce Town Field represent port-service user, if is realized likely lose face because to change this condition need others or survey of study is not Indonesian nation child alone.

Question:

- Why the expense of cost port too is high compared to other nations
- Why Warehousing [in] airport of international do not be checked - Roadway facility do not be accommodated as transportation medium to truck.
- Roadway facility do not be accommodated as transportation medium to truck - container truck. And if paid attention in turnpike, we admit of to be met by there is trucks which have improper operated but still given by permit bring containers which of course can endanger to consumer of other roadway.

**2. From Local Revenue Agency (Bapak Pasaribu)**

We have heard what have been [submitted/sent] by on duty Pelindo and as well as on duty Communication. We are from on duty Earnings ask with activity of natural loading and unloading activities of contribution and improvement what passed to On Duty Earnings of North Sumatra Province.

Because earnings of the year of high and ever greater loading and unloading but channeled to

on duty Earnings of Area. Whereas earnings on duty Earnings of Area only coming area Lease, plantation (is not natural resources).

**3. From Forestry Agency (Wood Export)**

How us develop; build one perception to take care of properties of us start from investigator and or private sector and also related/relevant institution.

Hence as governmental organizer have to improve; repair so that woke up one perception which are positive making Indonesia become better again.

**Jawaban :**

**1. Pelindo :**

Reform Facility port of Belawan every year block in activity, all that accommodated by regulation - regulation from three goodness execution of warehouse and pour to run dry

**2. Answer of Pelindo :**

Activity of container payload mount and its contribution to On duty Earnings, require to be paid attention that Port of BUMN have many auditor, Internal BPKB, plan that all have got approval of Minister. And all that have to follow procedure going into effect, where contribution to On duty Earnings have as according to procedure order going into effect despitefully Pelindo have also fulfilled procedure like PBB, lease, giving UKM, Construct environment of LSM, development of religious service places which have been budgeted almost our 5 billion environment. That all have been budgeted, if there is outside which budgeted we need approval of minister. Because if us make budget out of it hence we [do] not follow existing procedure, so that the mentioned can generate unfavorable opportunities.

**3. From Communication Agency :**

Container which is improper still operate though have improper so that felt concerned about to generate accident of roadway. It is true requiring be paying attention and taking heed. And the mentioned often we see, what rarely eat victim. Sigh of our father submit to Mr. Silaen as Subdis. Which can made input to On duty Communication of Land specially. This matter I cannot comment due to that panelist from On Duty Communication Of Sea (Maritime).

**4. From Mrs. Endang (Ekuin) :**

It's True Mr. Alam Dipo have solid event, but nor leave event off hand because there is still its of him following this programmed of seminar so that submitted by inputs in event submitted to my head. Like Mr. Dipo tell its greeting that Japan assist slow but reality, but that aid cannot be given without there is doing study. Because conducted study of our country, forgiveness less can be trusted. But done by study this JICA is true really real that happened field, bitter it is true but condition the above is true we which must accept. The Study made JICA whereas newly survey in port of Foreland of Priok and of Sukarno Hatta. Inputs repair of that systems it is of course require to pass study. After study submitted later; then raise proposal, new can be done by training later; then suggestion they earn to be known. And its continuation do will in the form of loan not easily give loan. But slowly sure assist us, all that require inputs to make better Indonesia again.

### 13.00 Closing Seminar (Moderator)

As comments from panelist are less in the past few minutes. For that this programme of seminar need not be further lengthened and conclusion will to be delivered to Team JICA. Thanks to who continuously follow this event as well as thanks to panelist. Let us together give applause to panelist. If there is any deficits from me as a moderator, please accept my humble apologize. Officially close programme seminar on Trade Facilitation Reform. That's all and thank of wabillahi walhidayah taufik. Wr alaikum. Wb.

## III. List of Participants to the Seminar

Based on the autograph at the registration desk, list of participants is prepared for record. Some key-note speakers and panelists in addition to counterpart officers and JICA study team members are excluded from this list.

**List of participants to the seminar in Jakarta**

	Name	Affiliation (Gov.Office, Company, Association)
1	Amanah.A	ADB
2	Harry budyanto	ADPEL Tg.PRIOK
3	Raldi	ADVIS
4	Endang wukirsari	ASDEP IV
5	Arifin habibie	ASDEP IV
6	Soelistyo	Asdep IV Menko Perekonomian
7	Quang anh le	ASEAN Secretariat
8	Catur putra budiman	BADAN KARANTINA PERTANIAN
9	M.yusuf	Bapeda DKI
10	M.yusuf	BAPEDA DKI
11	Noor arifin.M	BAPPENAS
12	Mardjoko	BKPM
13	Farah.R	BKPM
14	M.Nadjib	BKPM
15	Johny	BKPM
16	Shinoba Umeda	BKPM
17	Achmad kurniadi	BKPM
18	T.Otman rasyid	BKPM
19	Harmen.S	BPEN
20	Haryoto	BPEN
21	Frida adiati	BPEN
22	William syahrial	Conect tech
23	Permana agung	Dep.Keuangan
24	Djunaedi	Dep.Perdagangan
25	Nurul.AZ	Dep.Perhubungan
26	Dias.W.P	Dep.Perindag
27	Rina wahyu	Dephub
28	Jonter.s	DEPHUB/DARAT
29	Asianto	DEPLU
30	Maria.H	Deputi III Menko Ekon
31	Dipo Alam	Deputi IV Menko Perekonomian
32	Andreas anugerah	DFEI-DEPERINDAG
33	Heri kristiono	DGAC
34	Thomas sitorus	DGSC
35	Achmad	DIBO



36	Sandur.S	Dishub DKI
37	Gusri abdil	Dishubla
38	Estty.P.H	Dit Fasilitas Ditjen Bea Cukai
39	Wahyudi	Dit.Fasilitas EXIM
40	Tazwin hanif	Dit.PPM Deplu
41	Jody koemendro	Ditjen
42	Heryawan HK	Ditjen HUBDAT
43	M.husni	Ditjen HUBDAT
44	H.Boedianto	Ditjen HUBLA
45	Suwandi	Ditjen HUBLA
46	Retno windari	Ditjen HUBLA
47	Adolf.R.tambunan	Ditjen HUBLA
48	Bambang priyono	DITJEN HUBLA
49	Paulus	DITJEN HUBLA
50	Adolf.r.tambunan	DITJEN HUBLA
51	Chairiyah chair	DITJEN HUBLA
52	Udiyanto	DITJEN HUBLA
53	Djoko.M	ditjen HUBUD
54	Lintong S.H	Ditjen IKAH Deperindag
55	Bambang tarsanto	Ditjen Keu ASEAN
56	Suwarni	Ditjen OTDA
57	Sihar.H.pohan	Ditjen PAN Dep.Perdagangan
58	Totok K.prabowo	Ditjen Penataan ruang DEP-PU
59	Hery.P	DJBC
60	I.A.Karim	DJBC
61	Ari setyo widodo	DJBC
62	Kukuh.S	DJBC
63	Chairiyah chair	DJPL-DEPHUB
64	Parlabutan silitonga	DPP GAFEKSI/INFA
65	Machdizar	DPP HIPPI Bid.perdagangan
66	Ellyza	EKUIN
67	Soedjarwo	FIWLOG
68	Mikradi	GPI Group
69	Bupiyanto	HUBLA
70	Kusumo	IJEC-KADIN
71	Robert.G	JICA
72	T.Yasuo	JICA (Dephub)
73	Jitsuya Haregawa	JICA Expert in DGCE
74	G.Funabashi	JICA Officer
75	Taro Ueno	JKS
76	Saroso	KADIN
77	Syahrial	KADIN
78	Saroso	KADIN
79	Sukma ningrum	Kemenko Perekonomian
80	Dwi Nita	Kemenko Perekonomian
81	Endang wukirsari	Kemenko Perekonomian
82	Dalle daniels	Kemenko Perekonomian
83	Abdul salam	MENKO PEREKONOMIAN
84	M.Reza.A,st	PELINDO II
85	Martogi.ms	PELINDO II
86	Putera Muliya	PELINDO II
87	Nofiftha rudyanto	PELINDO II
88	S.Amsar	Pemda DKI
89	Syafril bahri	PEMDA DKI
90	Bobby siagian	Perekonomian
91	Ade sudarsono	PERINDAG DKI
92	Mardiono	PT.BCS
93	Monica angela ramli	PT.Express container Ind
94	Adolf james simamora	PT.Indo Summit Logistics
95	Helida darnis	PT.Jakarta Maju Pusaka
96	Kaoni furkama	PT.Kaliguna Transindo
97	Achmad.S	PT.Kalisuma
98	Arief	PT.ORUM
99	Ngadino	PT.Puri Giri Sentosa
100	Ach.Asharijanto	PT.Ritra Cargo Ind
101	Indyah	PT.Selogiri Samputna Putra
102	Aswan .M.sitompul	PT.SUCOFINDO

103	Julie	PT.Sucofindo
104	Suryo sulistyono	RSI
105	Lidya.O	SUCOFINDO
106	Taro baklena	UN CAPSA
107	Tomohile sugino	UNESCAP CAPSA
108	Nahrudin alie	UNIDO
109	M.Edy yusuf	
110	Ivanto	

**List of participants to the seminar in Surabaya**

	NAMA	INSTANSI/KANTOR
1	Panji budiono	AEKI
2	Johan pam	AEKI (KULIT)
3	Cholis	AEKI JATIM
4	Tri prabowo	AIPMI JATIM
5	T.harun	APAMI
6	Nuril asrath	ARDIN JATIM
7	Sutan kasdilal	ARDIN JATIM
8	Ucik	ASEPHI
9	C.hilman saidi	ASMINDO
10	Handowo	BADAN PENANAMAN MODAL
11	Wartono	BALITBANG
12	Arthur.k	BANLO INDONESIA
13	Sri murniati	BANLO INDONESIA
14	Houday soegianto	BOGASARI
15	Takeo kitajima	BPM
16	Asiandos	BPPT
17	Dhudi t.wayan	DEPERINDAG JATIM
18	Wahid wahyudi	DISHUB JATIM
19	B.pohan	DISHUT JATIM
20	Wiwik	DISNAK PROP
21	Totok sudarto	DKP PROP
22	Marwan lintang	DOLOG JATIM
23	Pudjo	DPR
24	K.osumi	EJJC
25	T.sawadri	EJJC
26	A.zafrulloh	FE-UBAYA
27	Bambang trisilo	GINSI
28	Isdarmadi	GPEI
29	Miko.m.akbar	HIPMI
30	Nuvianto.w.sr	HIPMI
31	Agustinus	ITS
32	Kresnayana.w	ITS
33	Eddy piriu	KADIN
34	Rudhi.w	KADIN
35	Dr.hary soegiri	KADISHUB PROP JATIM
36	Heryanto	KAKANWIL BEA&CUKAI
37	Dahono	KAM-SAR
38	Lirwayan	KANWIL BC
39	Fxh.widodo	KPBC TANJUNG PERAK
40	Suroso	KPBC TANJUNG PERAK
41	Soetarjo	MASPION
42	S.kajita	MITSUBISHI CORP
43	Ika rahmita	P3ED JATIM
44	Saiful.j	P3ED JATIM
45	Herman halim	PERBANAS
46	Yusuf.d	PG
47	Kus indratmo	PT.AP I
48	Widya wiedagdo	PT.AP I
49	Wahid wahyudi	PT.ASEI
50	Djohan haryono	PT.GUDANG GARAM
51	Joni.s	PT.KEDAUNG SETIA
52	Ishaq.sp	PT.PELINDO III
53	S.nugroho.ch	PT.PETROKIMIA GRESIK
54	Abdul wasyi	PT.PUSRI
55	Eka mandaras	PT.PUSRI

56	Djoko soedibyo	PT.SAYUR MAYUR IND (ASPRI/SANAN)
57	Charib bandar	PT.SEMEN GRESIK
58	M.shodiq	PT.SIER
59	Sufrin.h	PT.SUCOFINDO
60	Didik	PT.SURYA INTI PERMATA
61	Sukrin	PT.SWO
62	Edwin.s	PT.TJIWI KIMIA
63	Hartono	PTPN X
64	Ary widarto	PTPN XI
65	Danny warent	PTPN XV
66	Agung.p	PUSKUD MINA JATIM
67	Dahlan ihsan	PWU/JPG
68	John gozal	SEKAR GROUP
69	Candar	SUDRP
70	Dany pramono	SUDRP
71	Imron suprpto	SUDRP
72	Tjuk.ks	UN.AIRLANGGA
73	I.kaunang	
74	Kandar	
75	Moh.nuli	
76	Putut ajim	
77	Sardim	

**List of participants to the seminar in Makassar**

	NAME	COMPANY
1	Hm.siddik	ADPEL MKS
2	Syahfir.k	BAPPEDA
3	Eumar	BAPPEDA
4	Anto tri	BAPPEDA I
5	A.harmoni	BAPPEDA PROP
6	Anas dahlan	BAPPEDA PROP SULSEL
7	M.Asnam	BAPPEDA PROP SULSEL
8	M.rahmat ibrahim	BKPD
9	Ecky marjuli	CV.SUMBER LAUT
10	R.I.M.susilo	dewan forum komunikasi pengusaha
11	Hadi basalamah	DINAS PERINDAG
12	Hasan.M	DINAS PERINDAG
13	Chairil S	DINAS PERINDAG SULSEL
14	H.Bachrun .AP	DISHUB PROP SULSEL
15	H.jala sewi	FAJAR MAS
16	H.Mansyur	GAFEKSI/INFA
17	Malik	HUMAS PEMPROP
18	Watanabe	JAPANESE CONSULTANT
19	T.nagaya	JICA STUDY TEAM
20	A.sato	JICA TEAM
21	N.yamakawa	JICA TEAM
22	K.uezumi	JICA TEAM
23	K.kojima	JICA TEAM
24	H.uematsu	JICA TEAM
25	Adriyadi	KADIN/PT.SITTO MAS
26	Djunaedy	KANWIL BEA&CUKAI
27	Endang wukirsari	KEMENKO PEREKONOMIAN
28	Nurmilah	KKN PROFESI UNHAS
29	Darling	KKN PROFESI UNHAS
30	Wahyuli	KKN PROFESI UNHAS
31	Ridwa	KKN PROFESI UNHAS
32	Ayatullah	KOPEL SULAWESI
33	Sudi raharjo	KPBC
34	Arifin habibie	MENKO PEREKONOMIAN
35	H.Retno	P3ED MKS
36	Hanny	P3ED MKS
37	Wasis	PELINDO IV
38	H.bakhtiar karim	PEMDA GOWA
39	Fienti	PT.ANEKA BUMI KENCANA
40	Surachman said	PT.BANTIMURUNG INDAH

41	Hendru	PT.COMPAENY MAYORA
42	Taufiq arsyad	PT.EFFEM INDONESIA
43	Moh.taslim	PT.EFFEM INDONESIA
44	M.Rasjidin suaib	PT.IRMASULINDO
45	Bayuardi	PT.MAKASAR MITRA USAHA
46	Hendra.s	PT.MEGAH PUTRA
47	H.matsukuma	PT.MITRA KARTIKA SEJATI
48	H.A.Rachman	PT.MULTI MONODON INDONESIA
49	Max.kl	PT.PELINDO IV
50	P.pangabean	PT.PERIKANAN SAMUDERA BESAR
51	Ahmad susanto	PT.RANTE MARIO
52	H.Kandar	PT.RIZKY
53	Husan dahong	PT.ROTAN MAHARU JAYA
54	Amida.T	PT.SEKISTIN FAINA WOOD IND
55	Jony	PT.SOUTH SUCO
56	Adi	PT.SURYA GITA CARGO
57	Nani	PT.TOMEXTRA MAYORA
58	Roy	TIBAR TIMUR
59	Burhamzah	UNHAS
60	Prof.dr.halide	UNHAS
61	Asnia	UNHAS
62	Sulton	
63	Tisa.r	
64	Harapan utama	
65	Iirma.s	
66	Karya baru	
67	Fajar harapan	
68	Citra sulawesi	
69	Agun & jaya	
70	Moh.Mukti.R	

**List of participants to the seminar in Medan**

	Name	Company
1	Ir.Tohar Suharto	AKLI -SU
2	N.S.Lois	Apkomindo SUMUT
3	Ir.V.Anta Siagian	APTEK
4	Togar Simatupang	Badan Inpohon Prop-SU
5	Dahler Lubis	Badan Ketahanan Pangan
6	Gandi Tambunan	BAINPROM
7	Idham Tanjung.S	BAINPROM-SU
8	M.Ines	BAINPROM-SU
9	H.Yusdan	BAPEDALDASU
10	Ir.Eric arvan.mm	Bappeda Prop.SU
11	M.Natsir.S	BAPPEDA-SU
12	Yanto	BAWASDA Prop
13	Suwalingga	Bea Cukai
14	Syamsul B.Ritonga	Biro Bina Sodik
15	Syahrul.M.Harahap	Biro ORTALA SETDOPROP-SU
16	Bungaran.S	Biro OTDA
17	Zainuddin	Biro Pembangunan
18	Dra.Hj.Enny nuraeni	Biro Pemberdayaan Perempuan
19	R.Sabrina	Biro PP Setda Prop-SU
20	Nursial	Biro Umum
21	Sukardi	BPS PROP-SU
22	K.Yago	CV.DIO
23	Rura.S.Ginting	Dinas Kehutanan Prop-SU
24	Syahrir Awan	Dinas Pengairan Prop-SU
25	Nasrudin.S	Dinas Perikanan
26	T.Arman SH	Dinas Perindag-SU
27	T.Zulhar	Dinas Perindag-SU
28	Sabri	Dinas Pertambangan
29	Sri wahyuni putri	Dinas Pertanian Prop SU
30	Sudarno	DISBUDPAR-SU
31	Subakti	DISBUN-SU
32	S.Siahaan	DISHUB Prop-SU
33	Landriana Naibaho MSc	DISKANLU Prop-SU

34	Sibarani	DISPORA
35	Rusman	DPD REI-SU
36	Khairul Mahalli	DPW GAFEKSI SU-Kadin Medan
37	P.Marpaung	DRD-SU
38	Guntur Manurung	GAKESLAB-SU
39	Rudjito	GAPPI SUMUT
40	Chairil Aly	GIMSI
41	Yanuar Mahdi	INKINDO
42	Minagawa	JICA Expert in Medan
43	Budi	Ka BAPPEDA
44	Hariril W	Kabag Pemda SUMUT
45	Syarifullah	KABALITBANG-SU
46	Diaz Wasdianto.WK	KADIN SUMUT
47	Jonner Napitupulu	KADIN-SU
48	A.Azis Z.Gumay	Kadis NakerTrans Prop-SU
49	Ferry	KadisBud Prop-SU
50	Martin.I	Kasubsidi Wasdal Pertanian Baimp
51	Endang Wukirsari	Kemenko Perekonomian
52	Linda Ningsih	Kesbang Linmas Prop-SU
53	Harrison Law	Ketua.G.P.Farmasi SUMUT
54	Safrial	MTPK Belawan
55	Muradi	Pel Belawan
56	Basuki Widodo	Pelabuhan Belawan
57	Rudi susanto	PELINDO Belawan
58	Henry Naldi	PELINDO I
59	M.Mungew	Pemda Prop-SU
60	TM.Sitepu	PO
61	Yushiro Noji	PT.SOCI
62	Hervian.T	REI SUMUT
63	Abd.Gani Lubis	RO PEMPROP
64	M.Nasir Bsc	RO.Pemerintahan
65	Hamdan	RO.Perengkapan
66	I Wayan wirawan	Terminal peti kemas
67	Ike & Tunggul sihite	TVRI SUMUT
68	Tunggul.S	TVRI SUMUT
69	Praptono	UTPK Belawan
70	Ir.Roslila Sitompul	
71	Dj.Pasaribu	

#### IV. Photo Record

Makassar (2005 2.1)



Makassar (2005 2.1)





Surabaya (2005 2.3)



Surabaya (2005 2.3)



Jakarta (2005 2. 8)



Jakarta (2005 2. 8)



Medan (2005 2. 15)



Medan (2005 2. 15)



**Sponsor**

Japan International Cooperation Agency  
Coordinating Ministry for Economic Affairs  
Provincial Government

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ジャカルタ首都圏貿易環境改善計画調査

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JJC 中小企業委員会セミナー

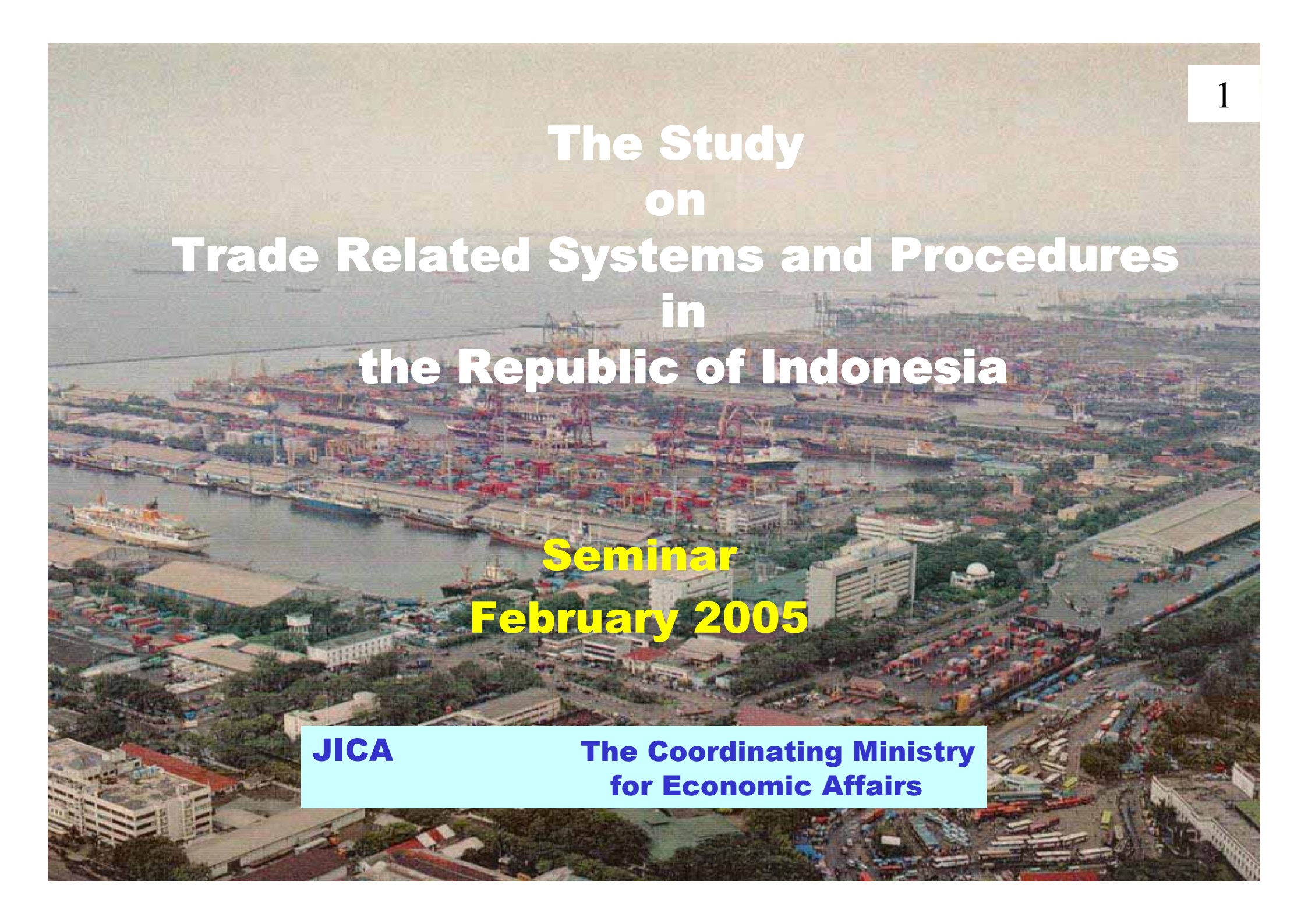
(2004年2月17日)

場所：ホテル クラウン プラザ

[プログラム]

- ① 調査の概要  
(Outline of the Study)
- ② 輸出入過程の所要時間調査  
(Measurement Survey for Time Required Process)
- ③ アンケート調査  
(Customs Procedure and Interview Survey)
- ④ 貿易環境改善への国際的努力とインドネシア  
(World Efforts in Trade Facilitation and Indonesia)
- ⑤ 勧告と行動計画  
(Action Plan and Recommendation)





**The Study  
on  
Trade Related Systems and Procedures  
in  
the Republic of Indonesia**

**Seminar  
February 2005**

**JICA**

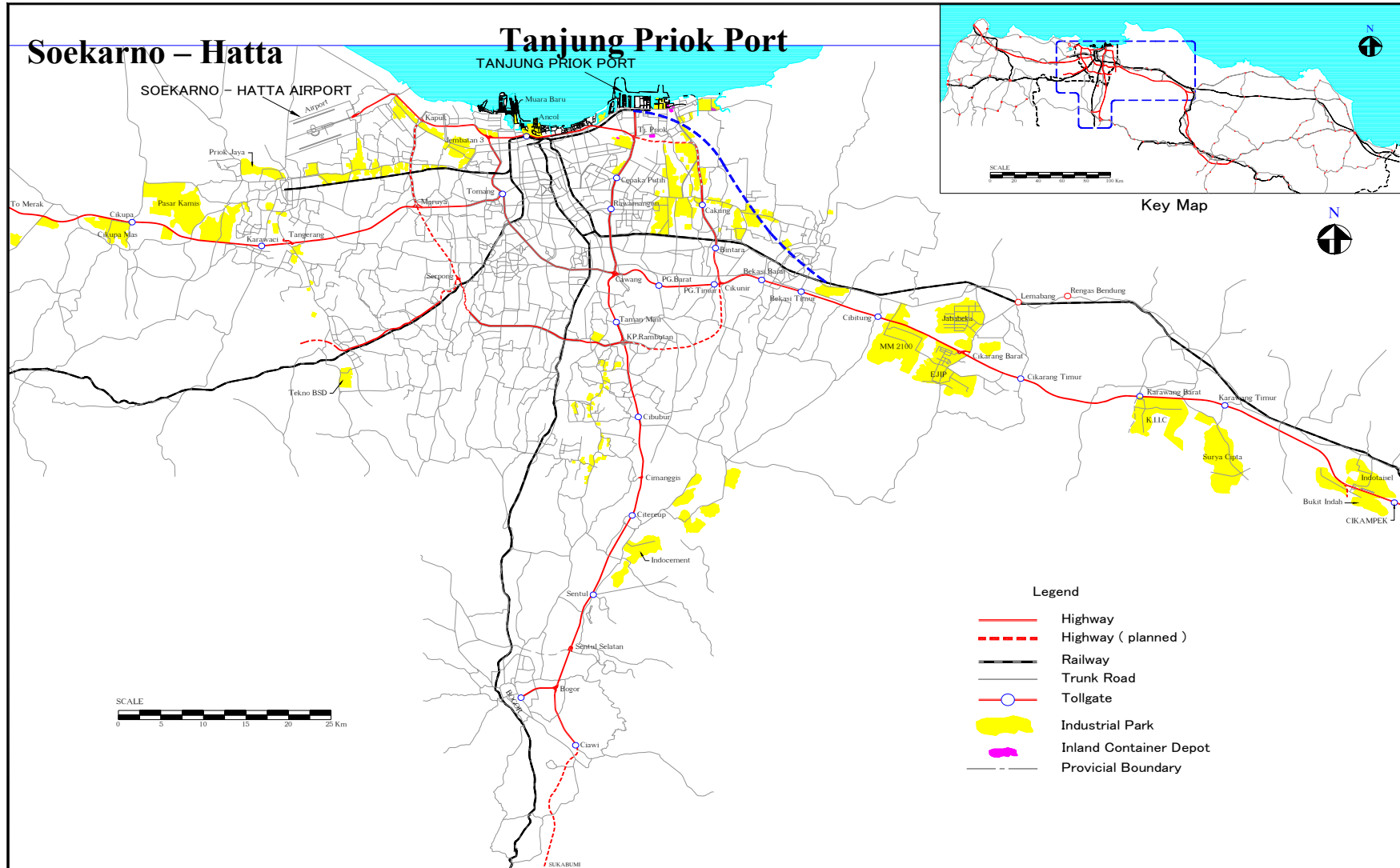
**The Coordinating Ministry  
for Economic Affairs**



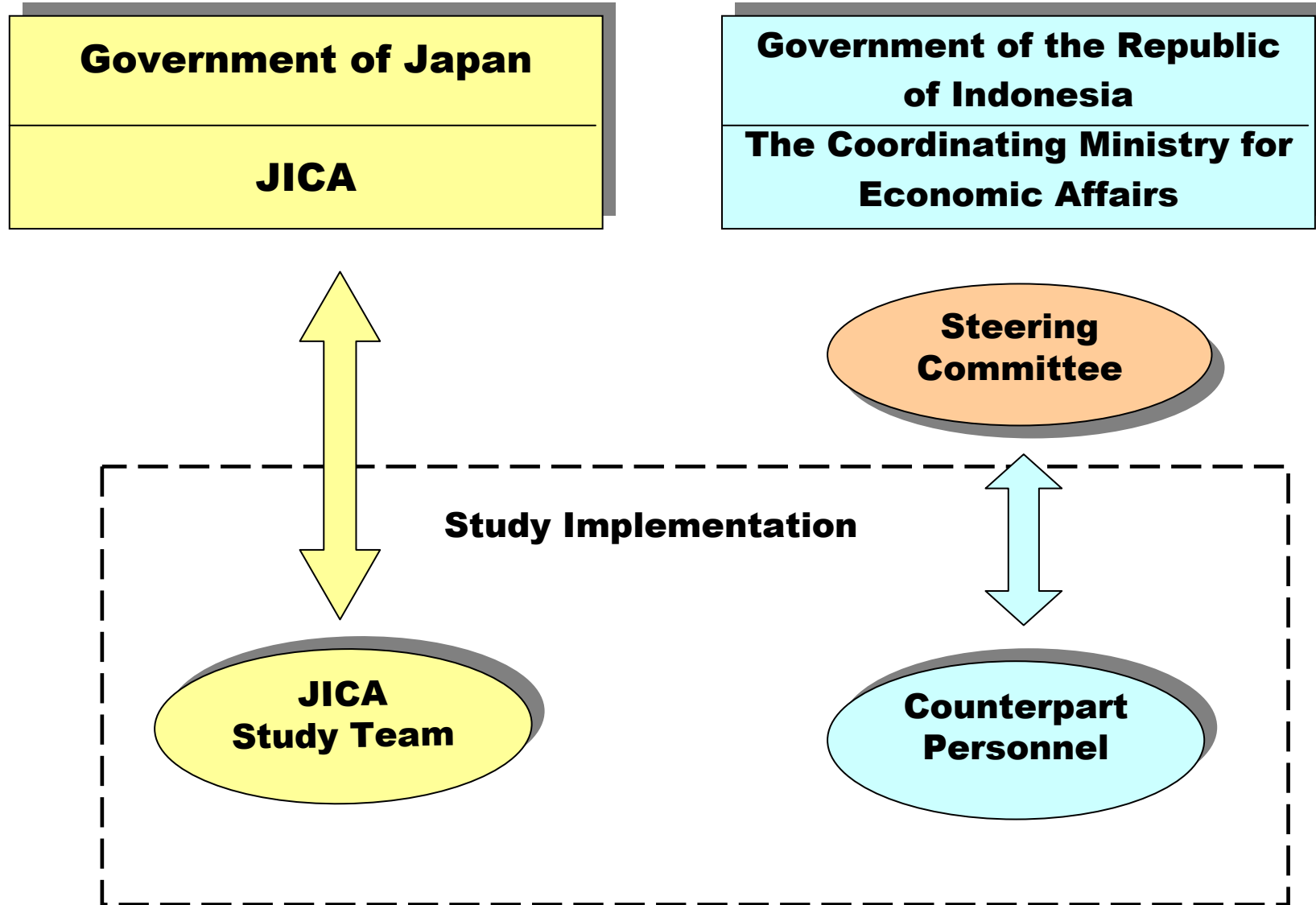
# OBJECTIVE OF THE STUDY

1. Analyzing the current status of the various systems and facilities (ports & airports) associated with Indonesia's foreign trade
2. Identifying and evaluating appropriate measures intended to improve the trade environment of the country
3. Explore the possibility of promoting and disseminating the current use of electronic data interchange (EDI)
4. Identify and Recommend proper improvement of trade-related infrastructure of the country, which is rather inadequate to scale of national economic policies
5. Recommending an appropriate action plan

# Study Area



# Organization of the Study



# Schedule of Study

Year	2004											2005		
Month	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Japan	□ Pre.	□ 1 <sup>st</sup>							□			□ 3 <sup>rd</sup>		□ 4 <sup>th</sup>
Indonesia		■ 1 <sup>st</sup>		■						■ 3 <sup>rd</sup>		■ 4 <sup>th</sup>		
Report		△ IC				△ IT						△ DF		△ F

IC: Inception Report, IT: Interim Report, DF: Draft Final Report, FR: Final Report

# STUDY FLOW CHART

## The Study on Trade Related Systems and Procedures

### **First Work in Indonesia**

- 1.1 Review of the current conditions of trade, and collection and collation of related information
- 1.2 Discussion on the Study concept and methodology
- 1.3 Test-run of measurement and verification of model and procedures

### **Second Work in Indonesia**

- 2.1 Examination of present conditions of the trade environment in Jakarta Metropolitan Area
- 2.2 Measurement and analysis of required time for export and import Process
- 2.3 Identification of problems and analysis of trade environment
- 2.4 Survey on trade environment in third countries
- 2.5 Formulation of improvement plans for trade environment and Discussion
- 2.6 Preparation and presentation of Interim Report

### **Third Work in Indonesia**

- 3.1 Organizing workshop to develop Action Plan
- 3.2 Presentation of Recommendation and Action Plan

### **Fourth Work in Indonesia**

- 4.1 Presentation of Draft Final Report and dissemination of improvement plans through Seminar

Container Terminals in  
adjacent to Steel Scrap



Port of Tanjung Priok (1)



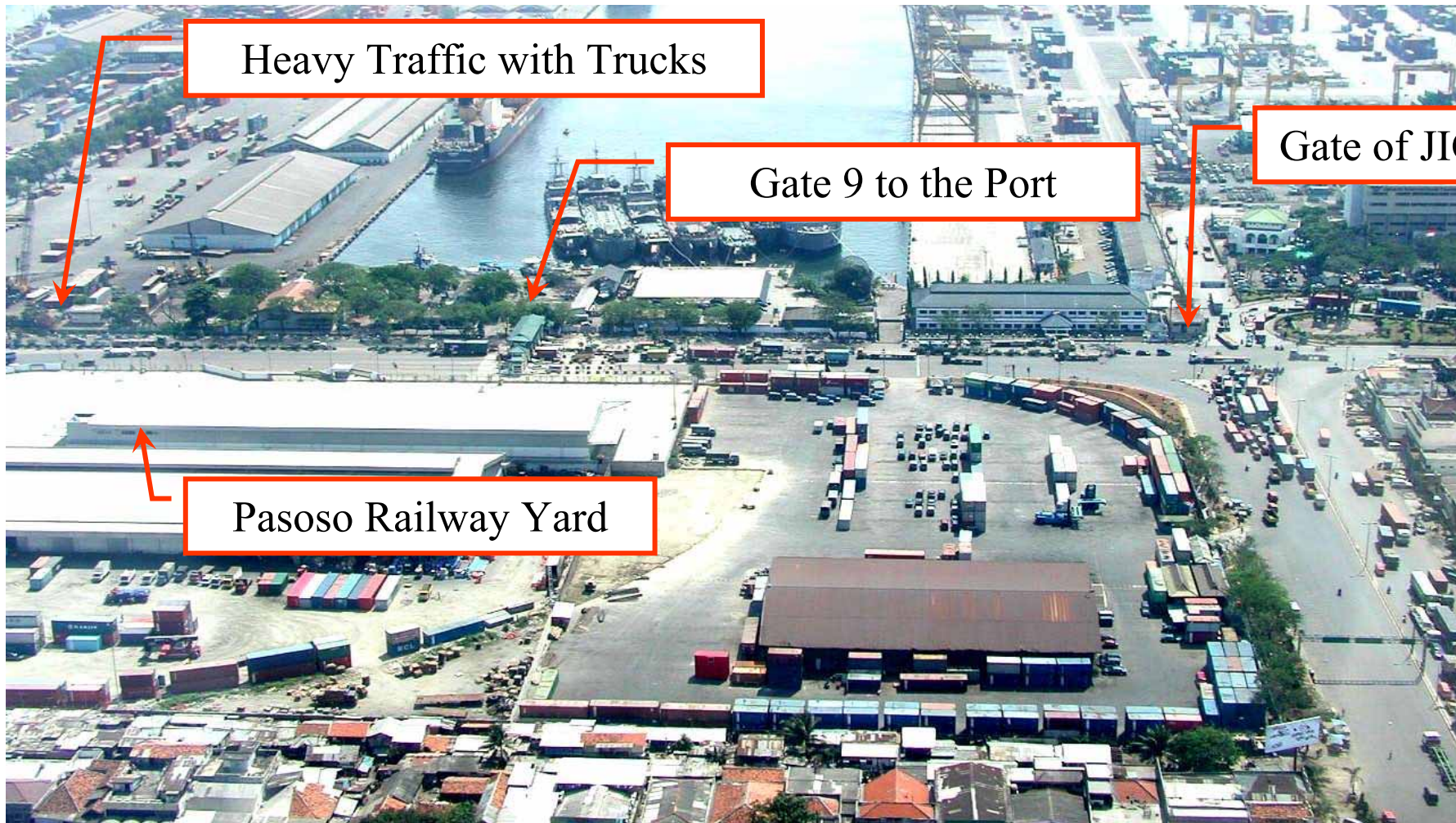


Koja Terminals

Port Access Road  
from East  
Narrow Bridge

Port of Tanjung Priok (2)





Port of Tanjung Priok (3)





Checking Seal No. and Lock of Container at JICT Gate



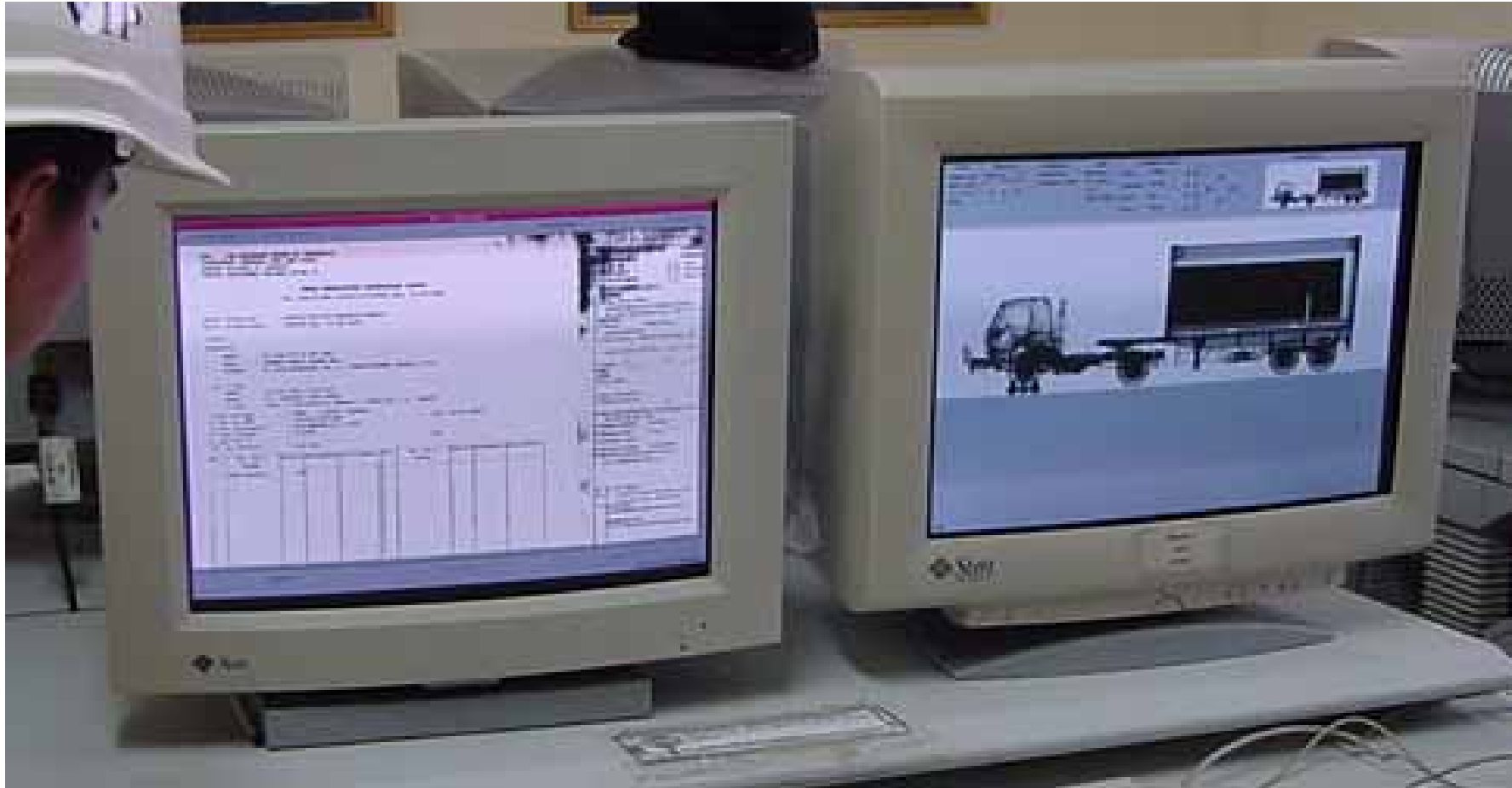
Checking Seal No. and Lock of Container at JICT Gate



X ray Checking the Contents of Container



## X ray Checking the Contents of Container



# Container Checking Through X ray Booth





Cargo  
Warehouse  
**(SHIA)**

Truck Docks of Bonded Warehouse at SHIA (May 2004)





Long-Term-Storage Import Cargoes in the Customs Bonded Warehouse of SHIA (1)



Long-Term-Storage Disorderly Import Cargoes in the Customs Bonded Warehouse of SHIA (2): Narrow and No Lighting





Inside the Bonded Warehouse of Bangkok International Airport:  
Computerized Cargo Storage



Truck Docks of the Bonded Warehouse of SHIA (1): Docks are narrow and congested.





Road Condition around the Empty Container Depot Area



# Survey on Measurement of Required Time for Processing Import and Export Cargo

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SEMINAR

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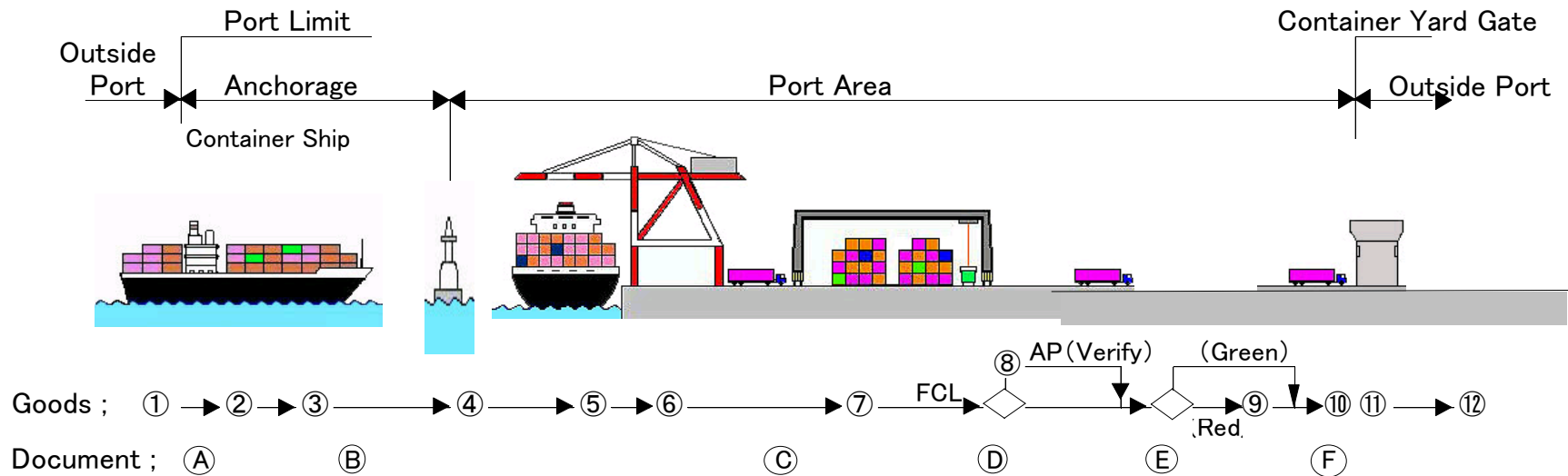
February 2005  
JICA Study Team

## Type of Cargo Surveyed

(Data Collection at Site: June/July 2004)

No.	Type of Cargo	Number of Data Recorded and Analyzed	No. of Vessel/Aircraft	Survey Period
1	Port Cargo (Import)			
	FCL Container	2,207 Containers	60 ships/JICT1	2 weeks
	LCL Container	350 PIB	-	4 weeks
	Conventional Cargo	36 PIB	8 ships	2 weeks
2	Port Cargo (Export)			
	FCL Container	544 PEB		1 week
3	Air Cargo (Import)	397 PIB	60 Aircrafts	10 days
4	Air Cargo (Export)	103 PEB	-	4 days

# Import Container Clearance Process



## Import Cargo Flow

① Arrival at Port Limit	⑦ Stacking in Container Yard
② Anchor Start	⑧ Submission of Necessary Document
③ Anchor End	⑨ Preparation of Physical Inspection
④ Enter Port	⑩ Loading to Lorry
⑤ Docking	⑪ Gate Out
⑥ Loading Start/End	⑫ Arrival at Destination

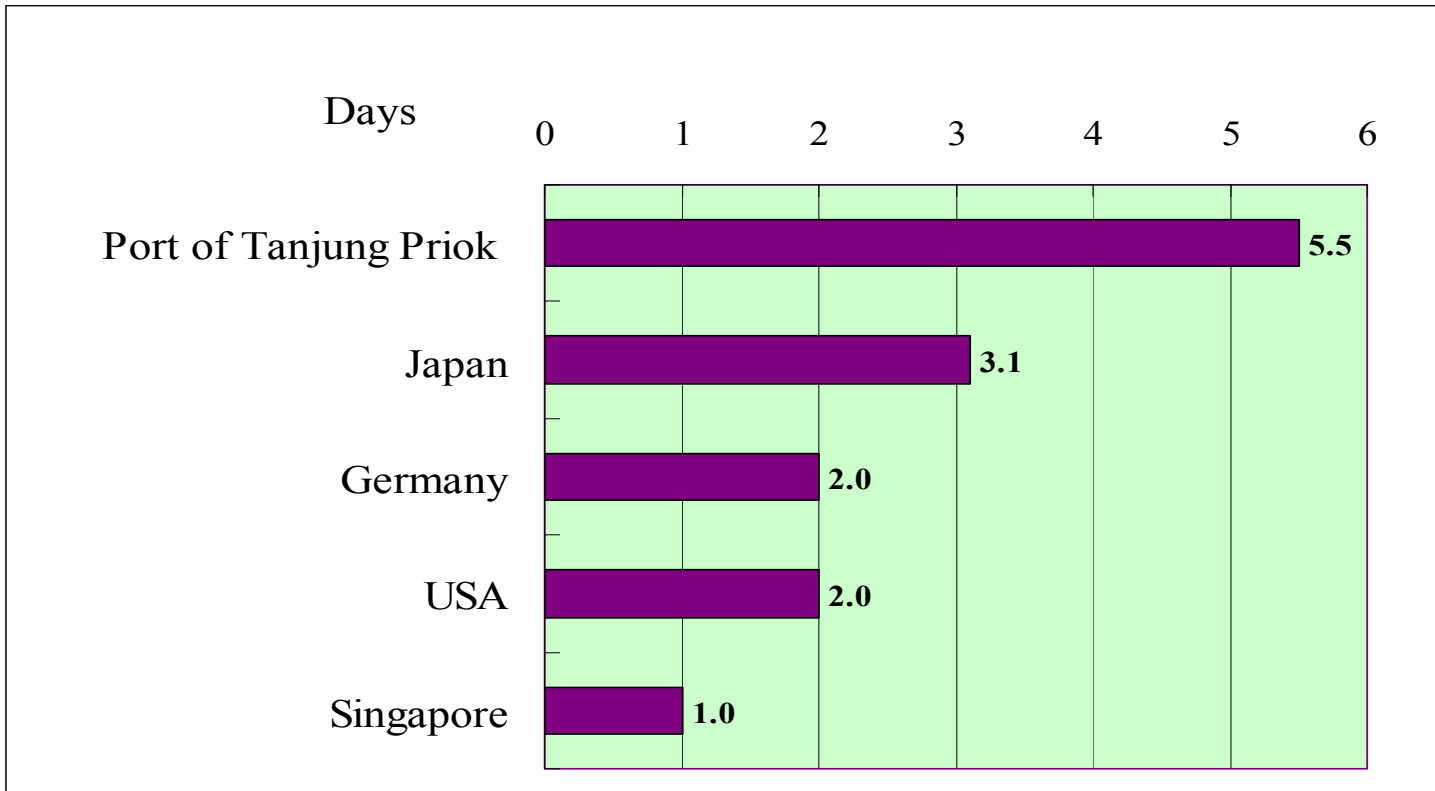
## Document Flow (Import)

① (A) Ship	Information of Arrival (to Customs)
② (B) Ship	Service Request / Agreement (to PELINDO II)
③ (C) FCL	Declaration of Import (PIB ; Customs)
④ (D) FCL	AP - PV and TN Clearance
⑤ (E) FCL	Instruction of Physical Inspection
⑥ (F) FCL	Approval for Release of Goods (SPPB)

AP : Analyzing Point

# Comparison of Lead Time for Container Import

(Lead Time: From Vessel Arrival at Port to Issue SPPB)



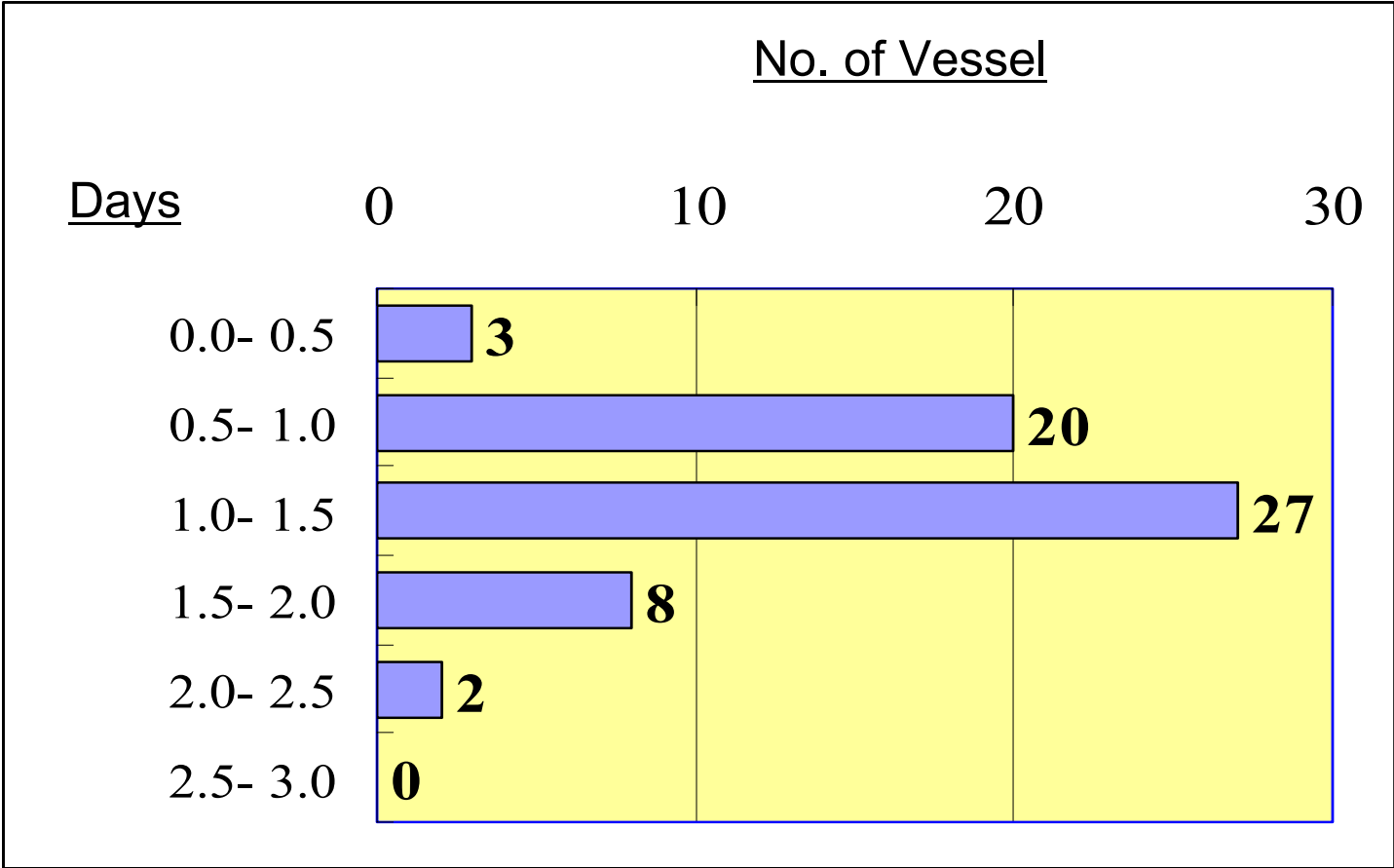
Source: Port of Tanjung Priok: Spot survey by the Study Team (2004)

Other Countries/Ports: MLIT (Ministry of Land Infrastructure and Transport) of Japan (2003)

# Berth Time of Container Vessel

Container Berth: JICT 1

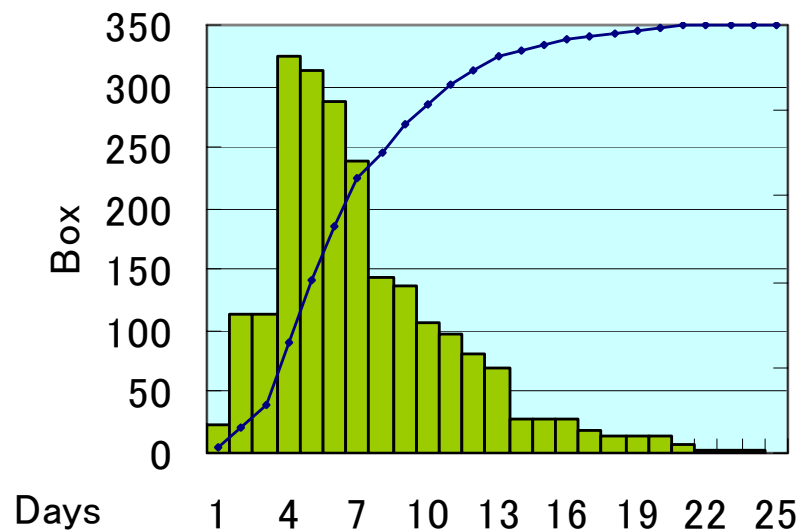
Survey Period: June 2004



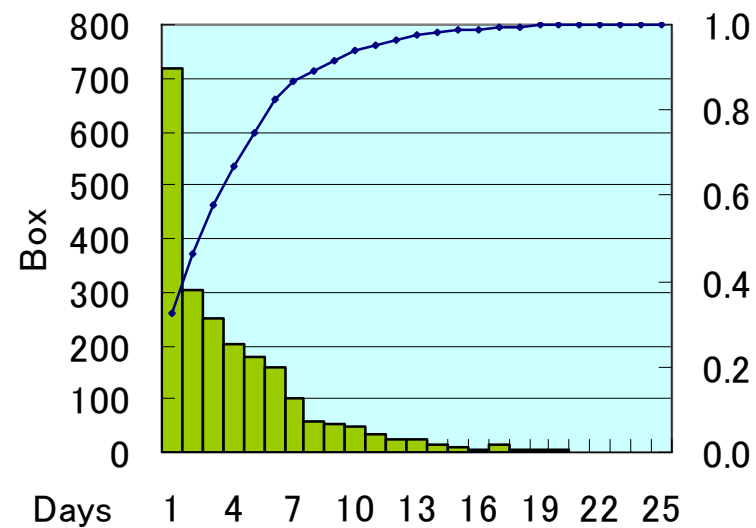


# 輸入コンテナ(FCL)の所要日数

## コンテナヤード内作業



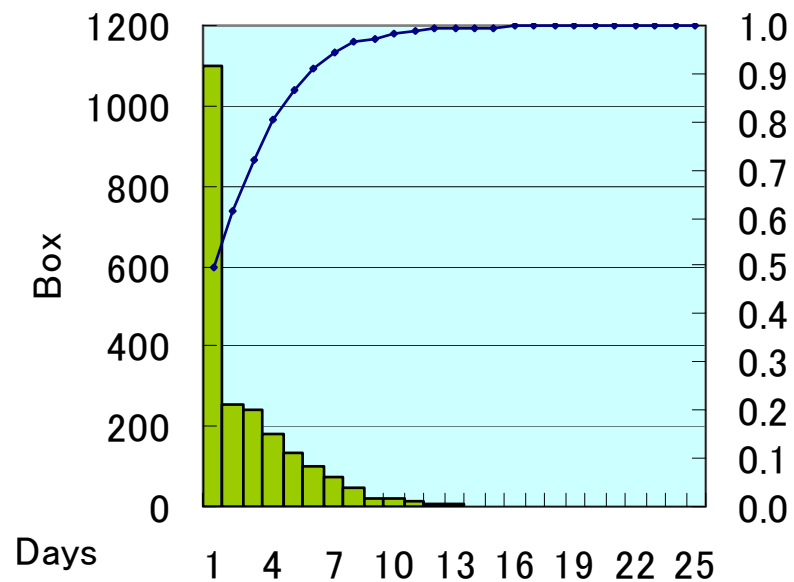
接岸 から ゲートアウト



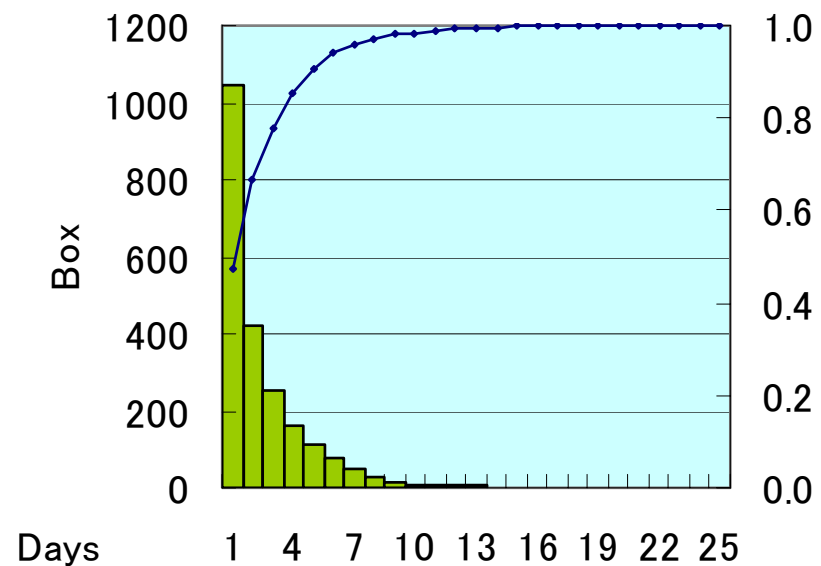
接岸 から 輸入申告書提出

# 輸入コンテナ(FCL)の所要日数

## コンテナヤード内作業

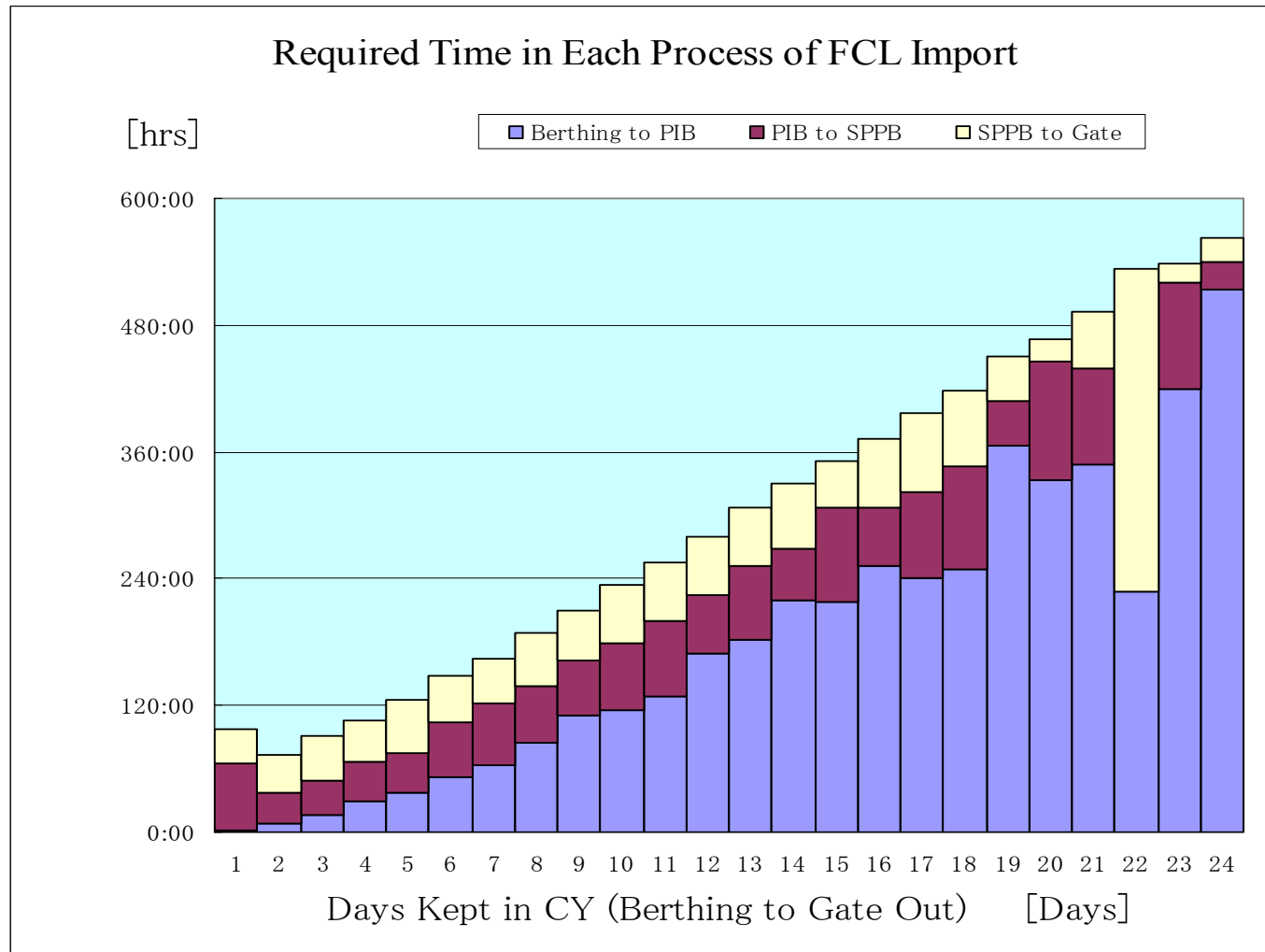


輸入申告書提出 から 輸入許可

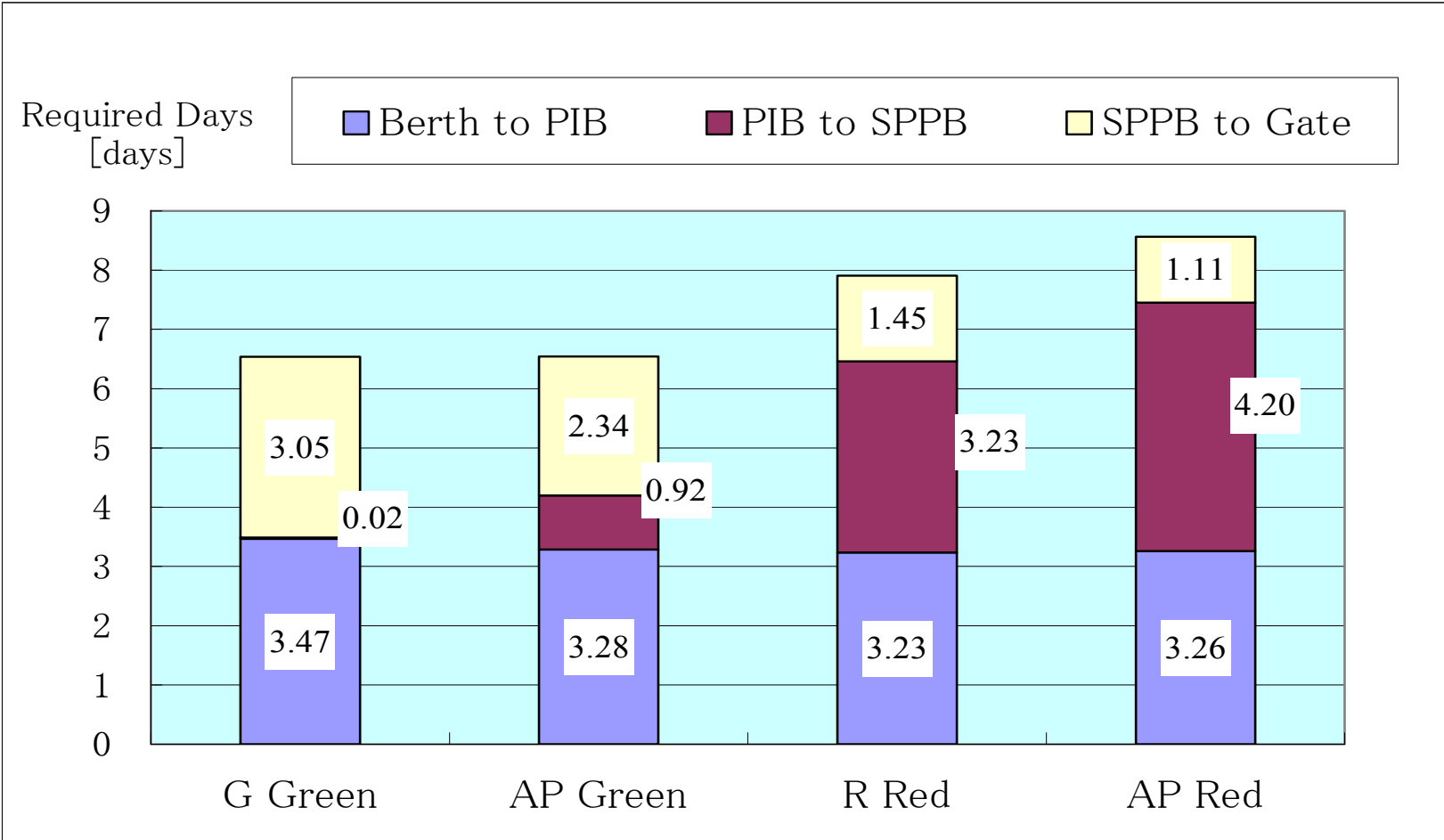


輸入許可 から ゲートアウト

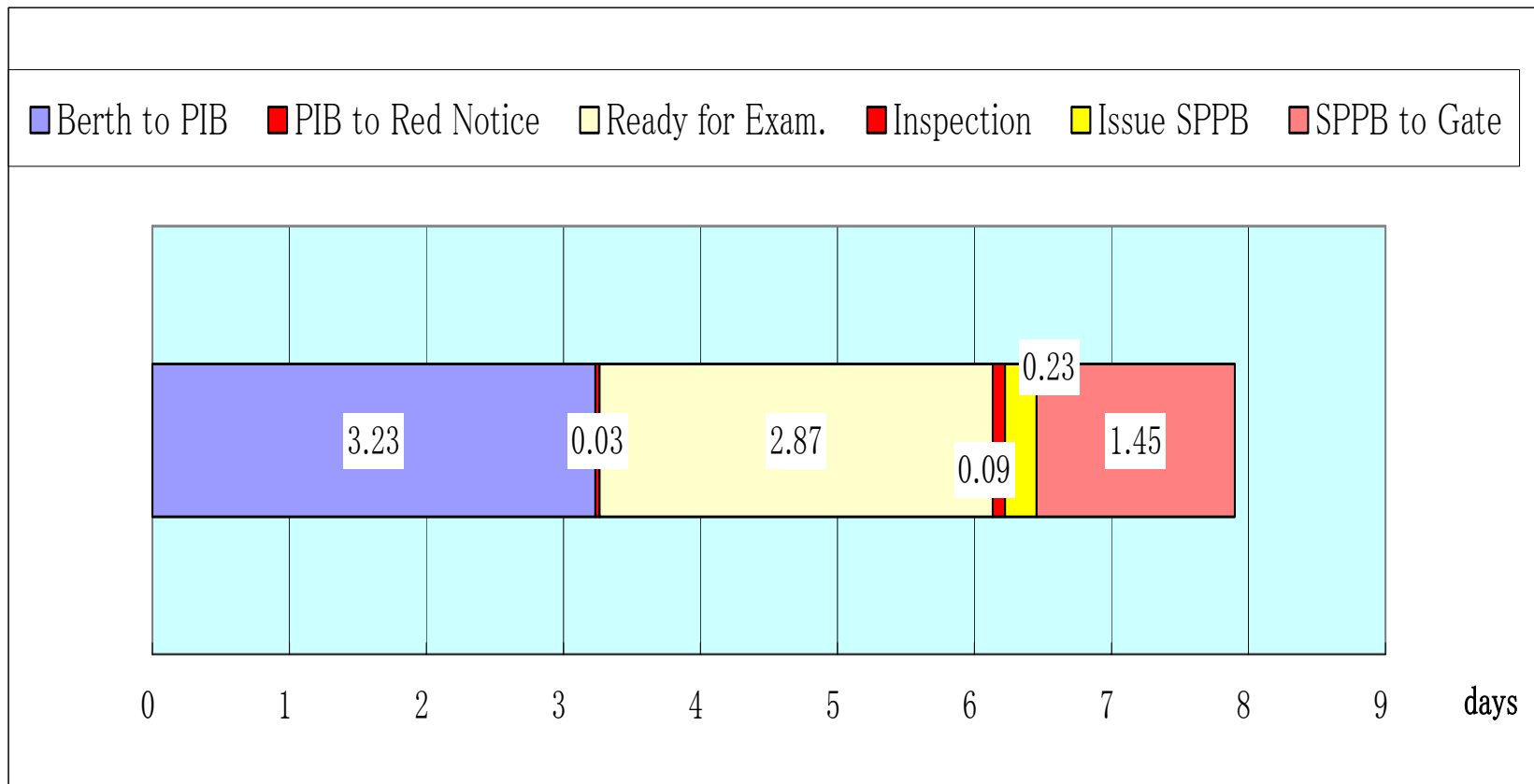
# ヤード内コンテナの滞留要素



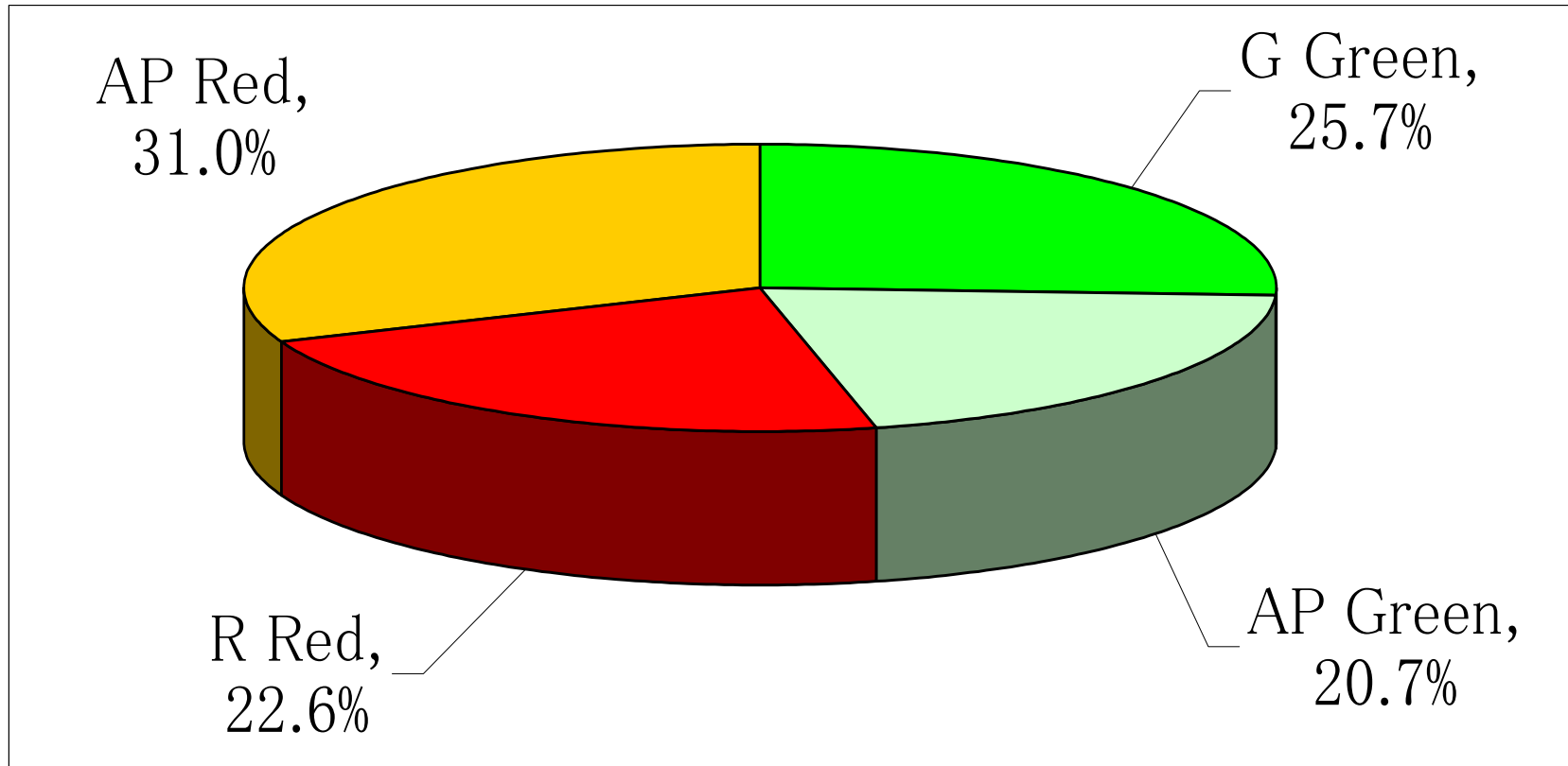
# Average Required Days After berthing to Gate Out - FCL Import -



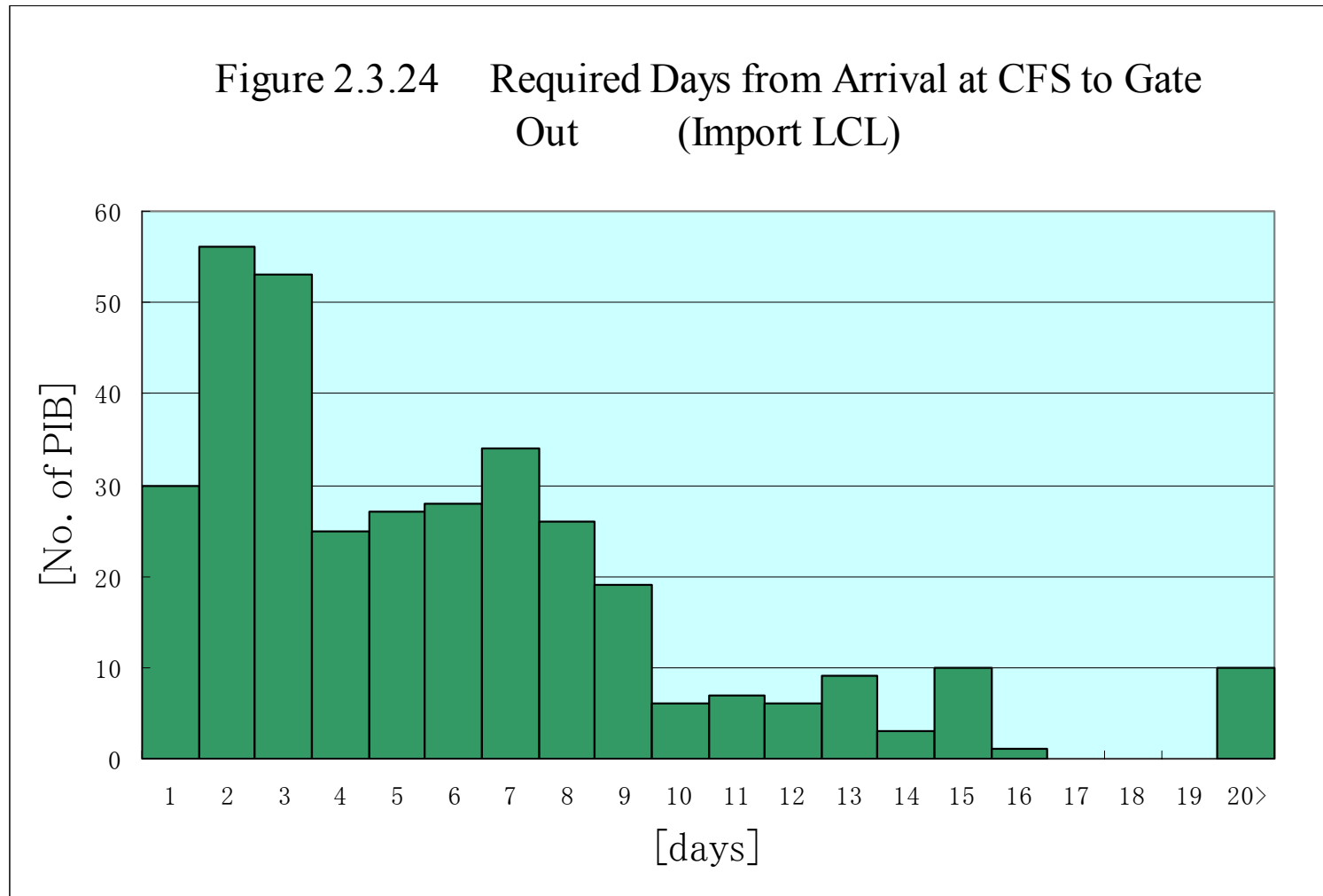
# Breakdown of Required Time for Red Channel - FCL Import -



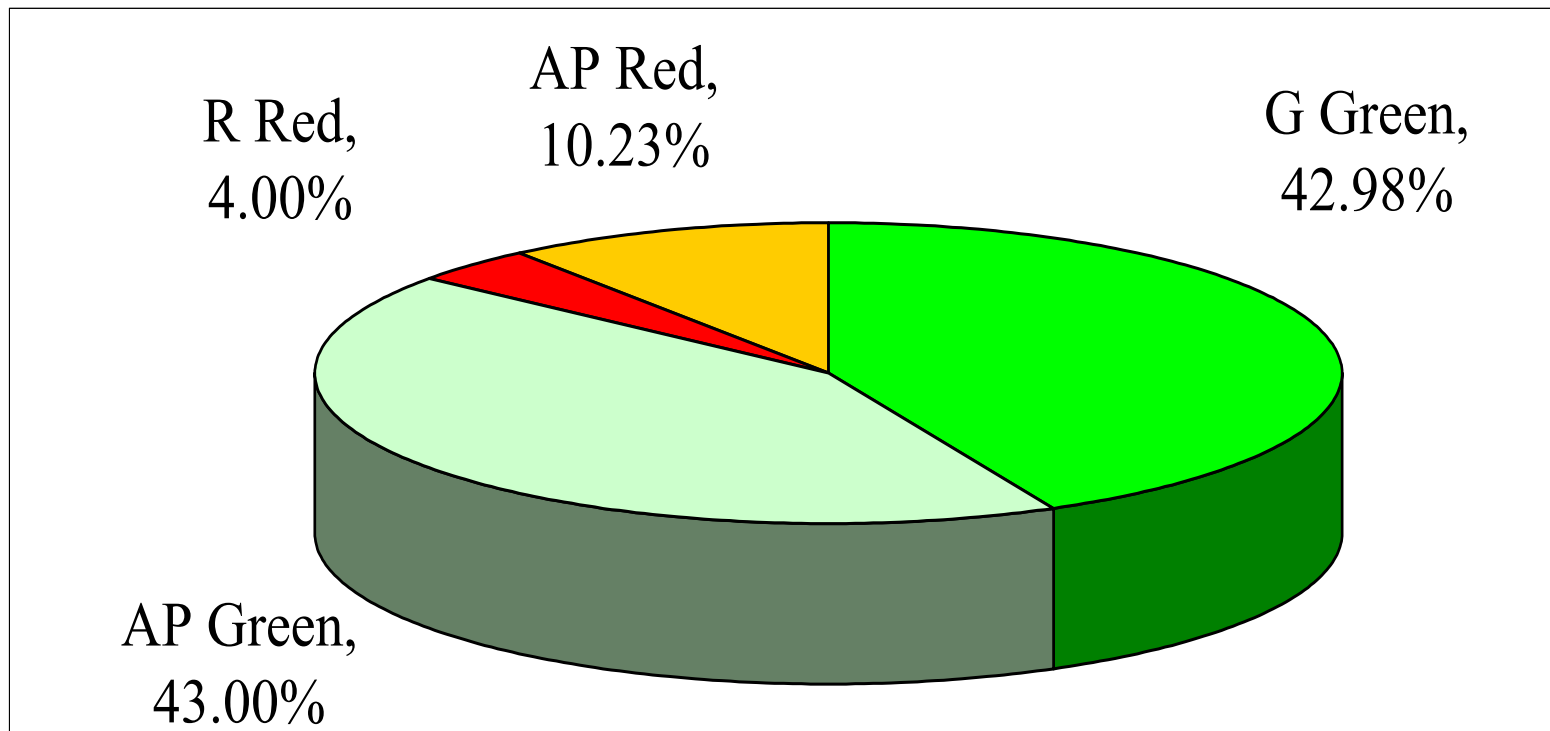
# Percentage of Different Channels FCL Import (Sample 2207 Box)



# LCLの引き取り所要日数（CFS）



# Air Cargo Import Percentage of Different Cannel





# Import Air Cargo Average Required Time for Customs Process

14

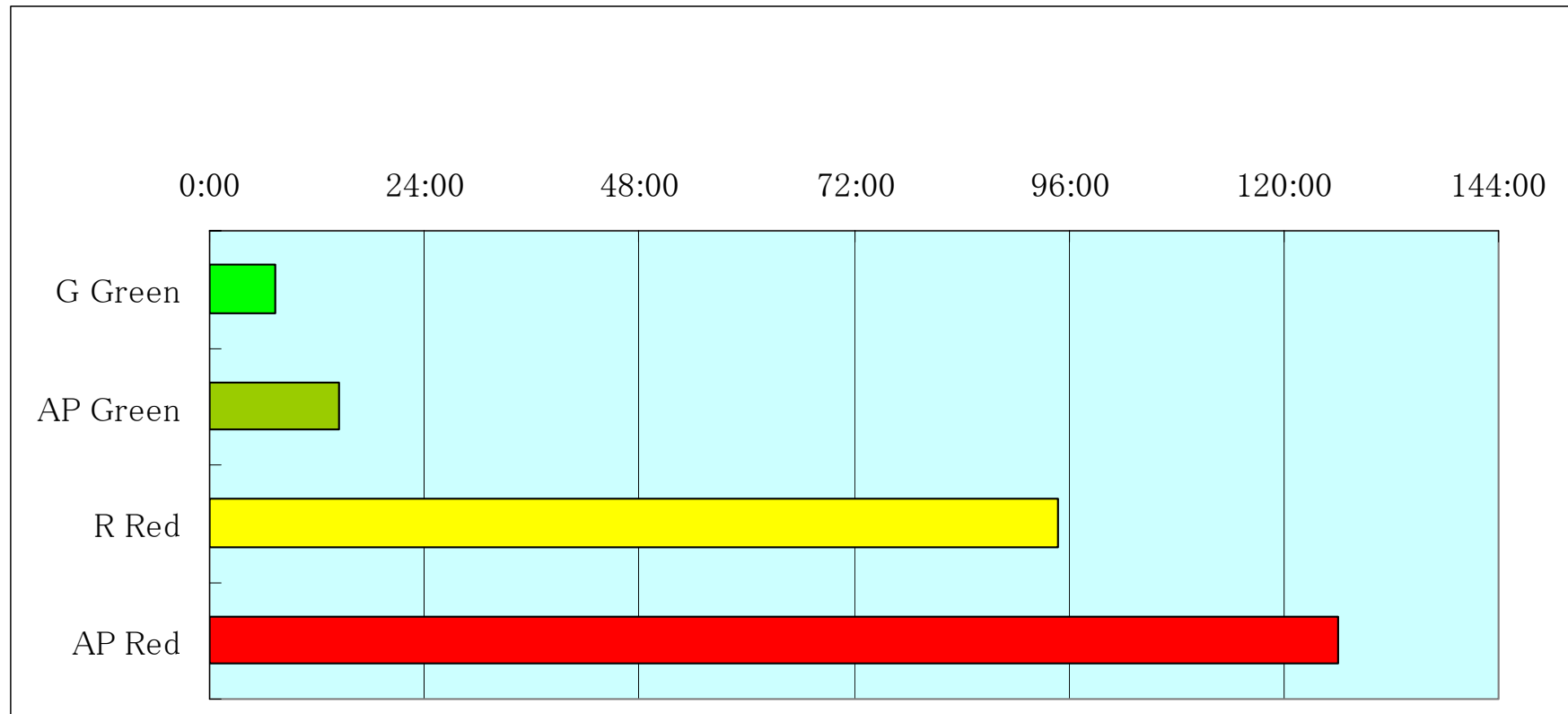
Sample (Total: 1368 PIB)

G Green: 588 PIB

AP Green: 588 PIB

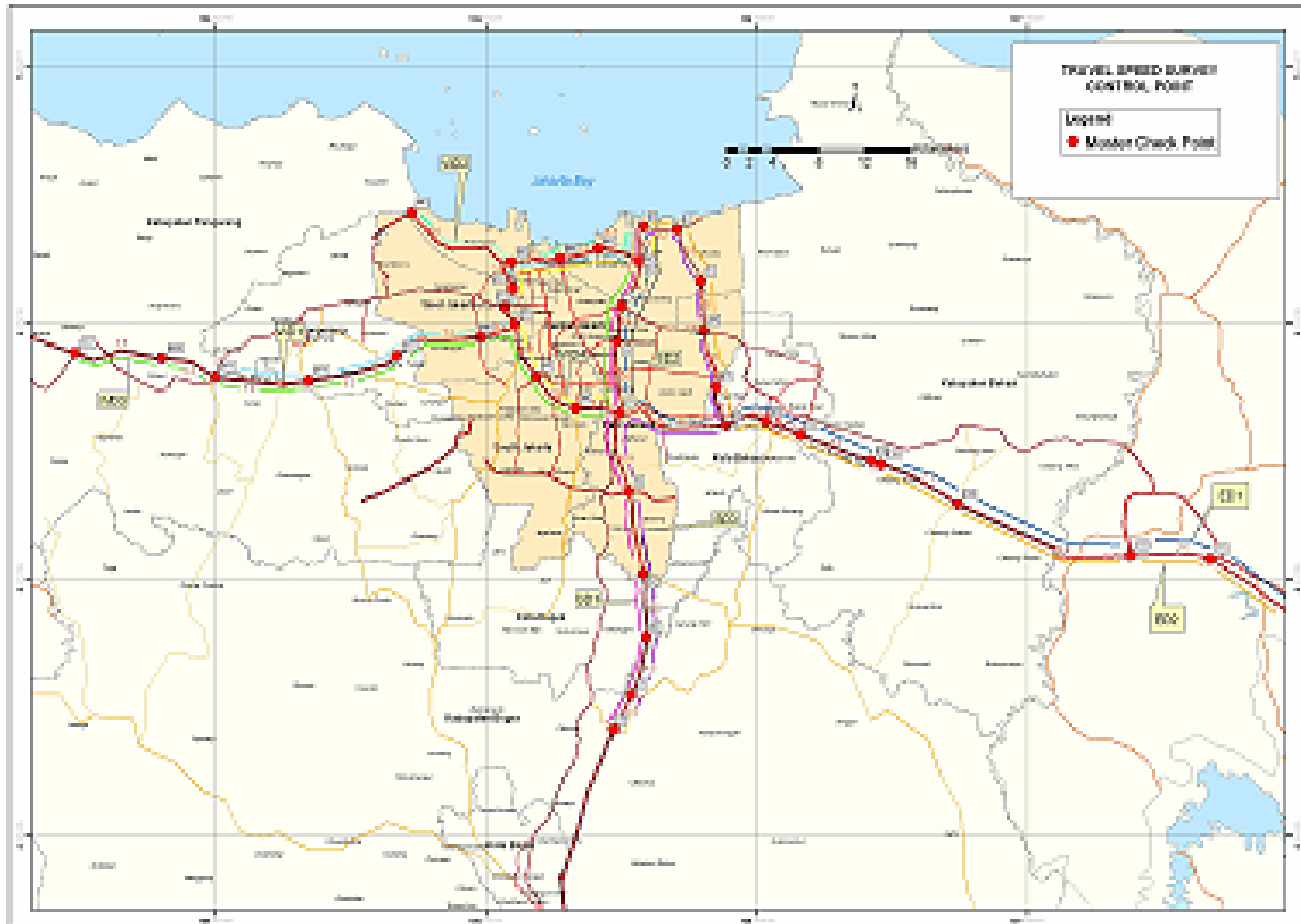
R Red: 52 PIB

AP Red: 140 PIB

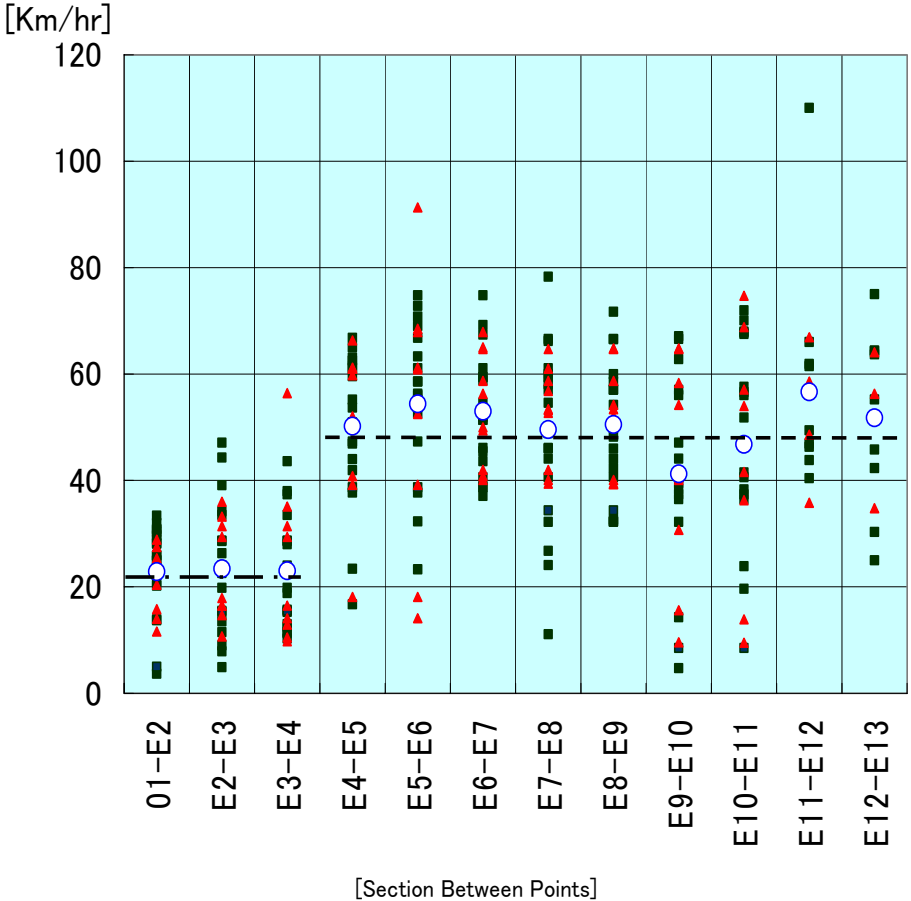


# SURVEY AREA

15



# Travel Speed of Trailers Between Points East Direction from TPT



Survey Period : 15th June to 21st June 2004  
 No. of Samples: 29 Samples

- [Legend]
- ○ Average Speed of the Each Section
  - - - - Average Speed at Toll Road (46.9 km/hr)
  - · - · - Average Speed at Artery Road (23.1 km/hr)
  - Travel Speed (Morning)
  - ▲ Travel Speed (Afternoon)

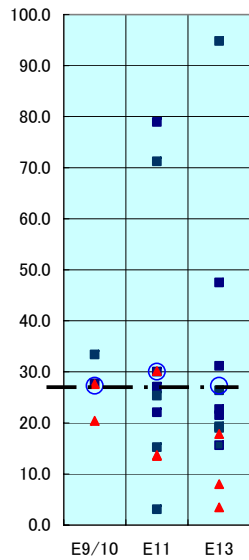
- Point No Name of Point (Type of Road)
- 01: JICT I Main Gate (Arteri)
  - E2: Cakung-Cilincing T-intersection (Arteri)
  - E3: Cakung interchange (Arteri)
  - E4: Cakung Selatan Interchange ( Toll )
  - E5: Bintara Interchange ( Toll )
  - E6: Cikunir Interchange ( Toll )
  - E7: Bekasi Barat Interchange ( Toll )
  - E8: Bekasi Timur Interchange ( Toll )
  - E9: Jl. Raya Setu Intersection (Toll) *Not Interchange*
  - E10: Cibitung Interchange ( Toll )
  - E11: Cikarang Interchange ( Toll )
  - E12: Kerawang Barat Interchange ( Toll )
  - E13: Kerawang Timur Interchange ( Toll )

# Travel Speed of Trailers Between Points

## Approach Road to Destination after Toll Gate

Survey Period : 15th June to 21st June 2004

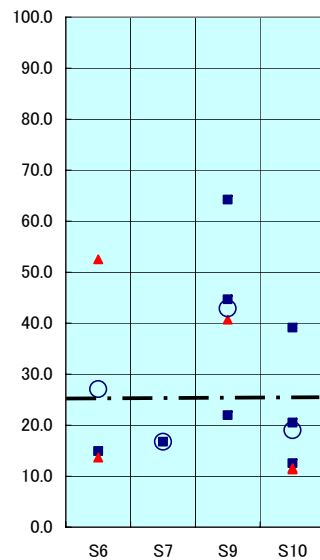
[Km/hr]



No. of Samples : 27  
Average Speed : 28.2 km/hr

East Direction from Jakarta

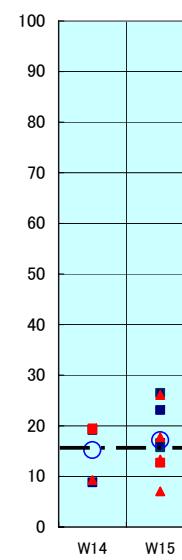
[Km/hr]



No. of Samples : 13  
Average Speed : 26.4 km/hr

South Direction from Jakarta

[Km/hr]



No. of Samples : 15  
Average Speed : 16.2 km

West Direction from Jakarta

[Legend]

- ○ Average Speed of the
- · — · — Average Speed at Approach Road to Destination after Toll Gate Out
- Travel Speed (Morning)
- ▲ Travel Speed (Afternoon)

Point No. Name of Point (Type of Road)

- E9: Jl. Raya Setu Intersection (Toll) *Not Interchange*
- E10: Cibitung Interchange ( Toll )
- E11: Cikarang Interchange ( Toll )
- E13: Kerawang Timur Interchange ( Toll )
- S6: Taman Mini Interchange ( Toll )
- S7: Cibubur Toll Gate
- S9: Gunung Putri Interchange ( Toll )
- S10: Citeureup Toll Interchange ( Toll )
- W14: Tangerang Interchange ( Toll )
- W15: Bitung Interchange ( Toll )

# Reasons of Long Lead Time (FCL Import)

1. Long Ship Operation Time at Berth
2. Long Preparation Time for PIB Submission
3. Large Percentage of Red Line Cargo
4. Congestion of Road



# Customs procedure and Importer Profiling system

February 2005

Toshiaki Nagaya  
JICA Study team

# Topics

- Customs Reform– Importer Profile
- Import Process and Control
- Risk Control by the Customs
- Channeling Determination

# After the Financial Crisis ...

IMF Imposed following reforms

- Tax reform
- Budget control
- **Customs Reform**



# Customs Reform Program

4

## **A. Trade facilitation**

Risk Parameter, valuation data base

➡ New Import Release Procedures,

## **B. Enforcement**

Importer registration, ➡ Importer profile

X-ray Scan, Intelligence Unit, Spot Check

## **C. Integrity**

Customs Code of Conduct,

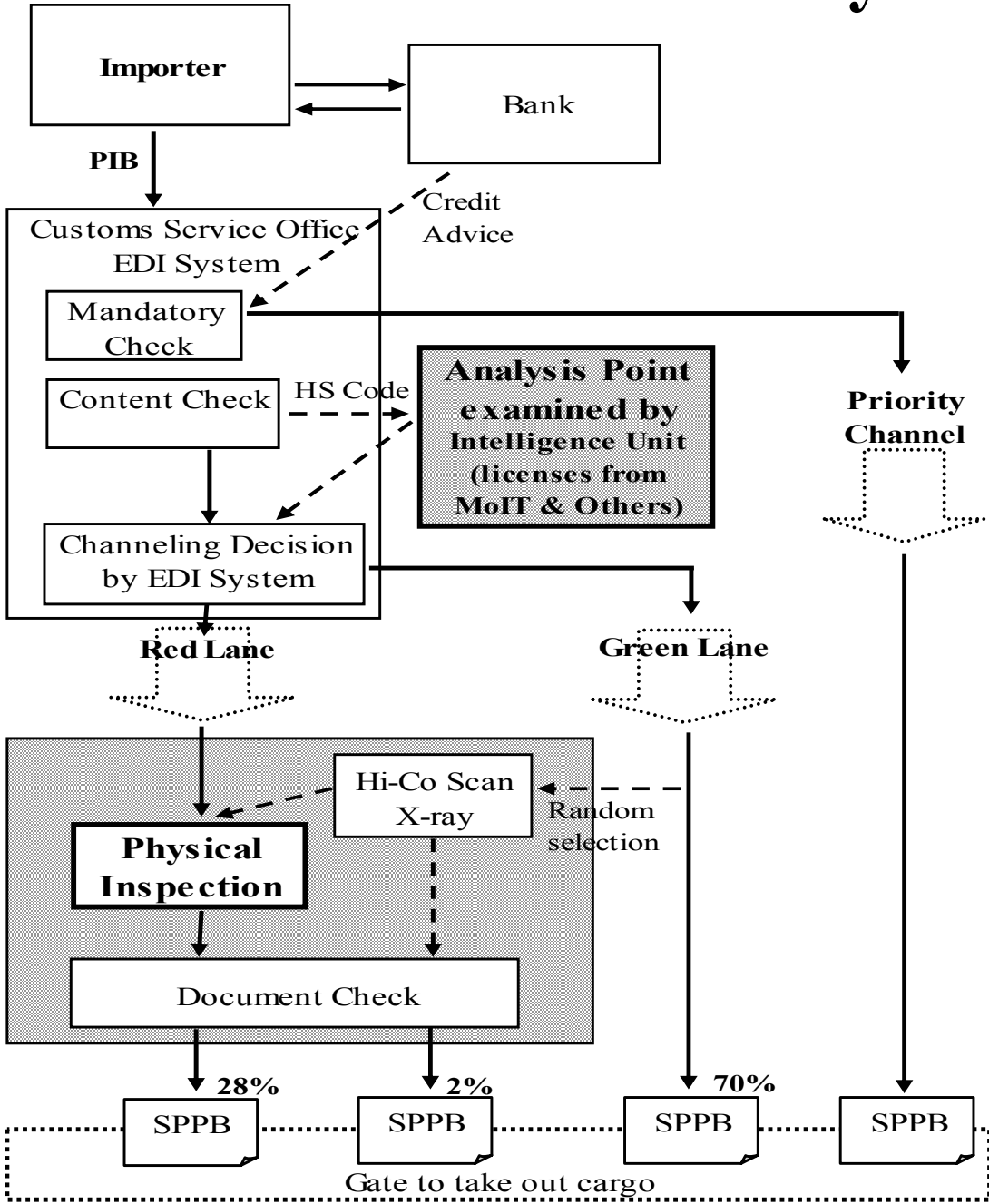
Specific control unit

## **D. Coordination among stakeholders**

Customs website,

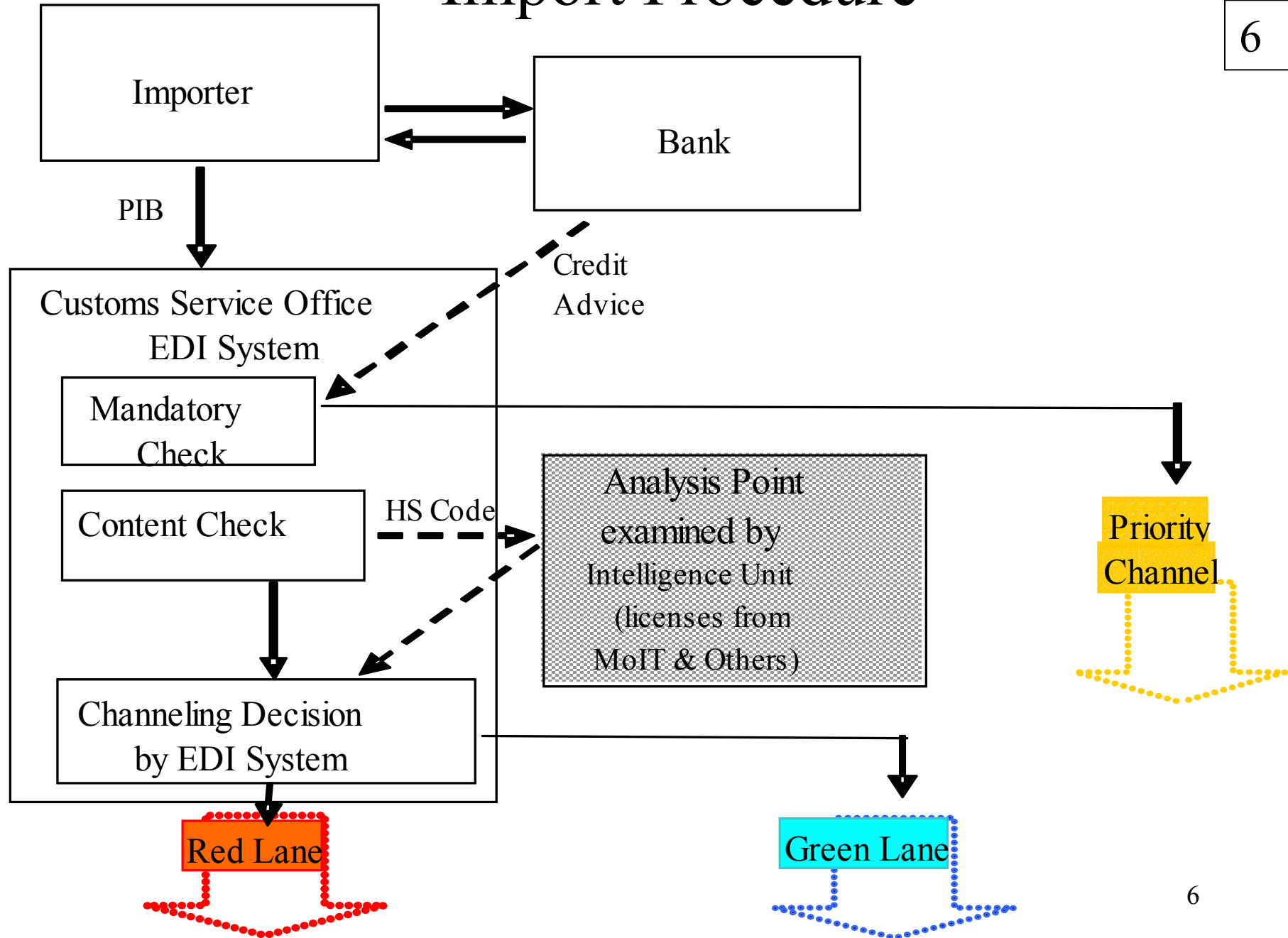
Customs Advisory Committee

# Import Process and Control by Customs



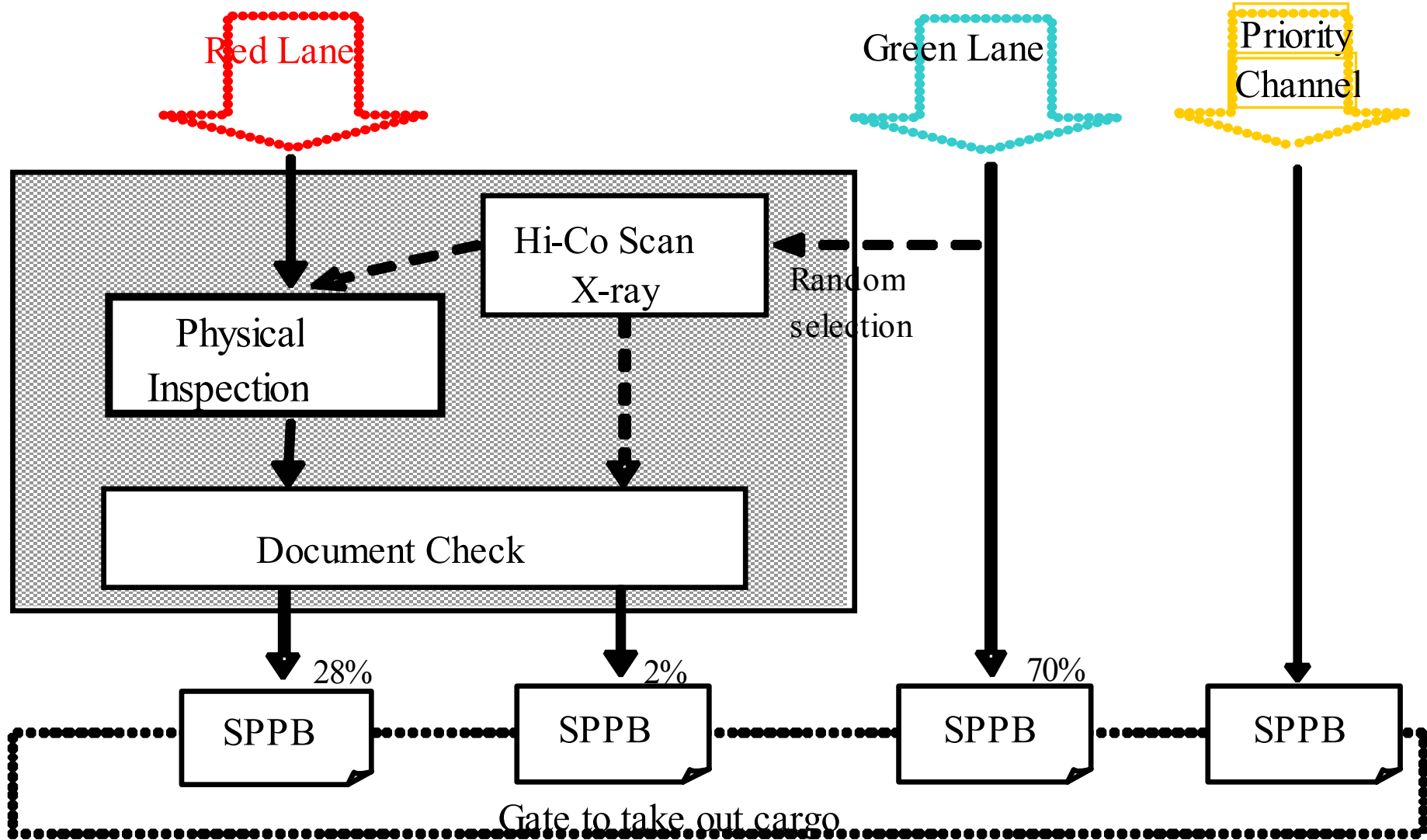
# Import Procedure

6



# Import Process - Continued

7



# (1) Importer Profile

## 1. **Existence:**

Asset, Ownership, Verification by third party.

## 2. **Accountability:**

Book keeping practices and confirmation from CPA auditing statement.

## 3. **Credibility of Management;**

Tax ID No. of managers, experts, position of PIB signer in the company .

## 4. **Nature of Business;**

Manufacturer or others? Goods traded, ISO-9000.

# Importers by risk group and business type

9

<b>Companies by Risk Group</b>	<b>Scoring bracket</b>	<b>Manufacturer</b>	<b>Others, Ex traders, etc</b>
Low risk companies	More than 80	<b>5.40%</b>	0.80%
Medium risk companies	Between 65 and 80	<b>28.00%</b>	16.00%
High risk companies – 1	Between 60 and 65	<b>7.30%</b>	<b>9.30%</b>
High risk companies – 2	Less than 60	6.50%	<b>25.50%</b>
Priority status companies	More than 80	Only 45 companies	0%
Total number of importers registered as of July 2004		10,958	

# Criteria of Channeling and Inspection

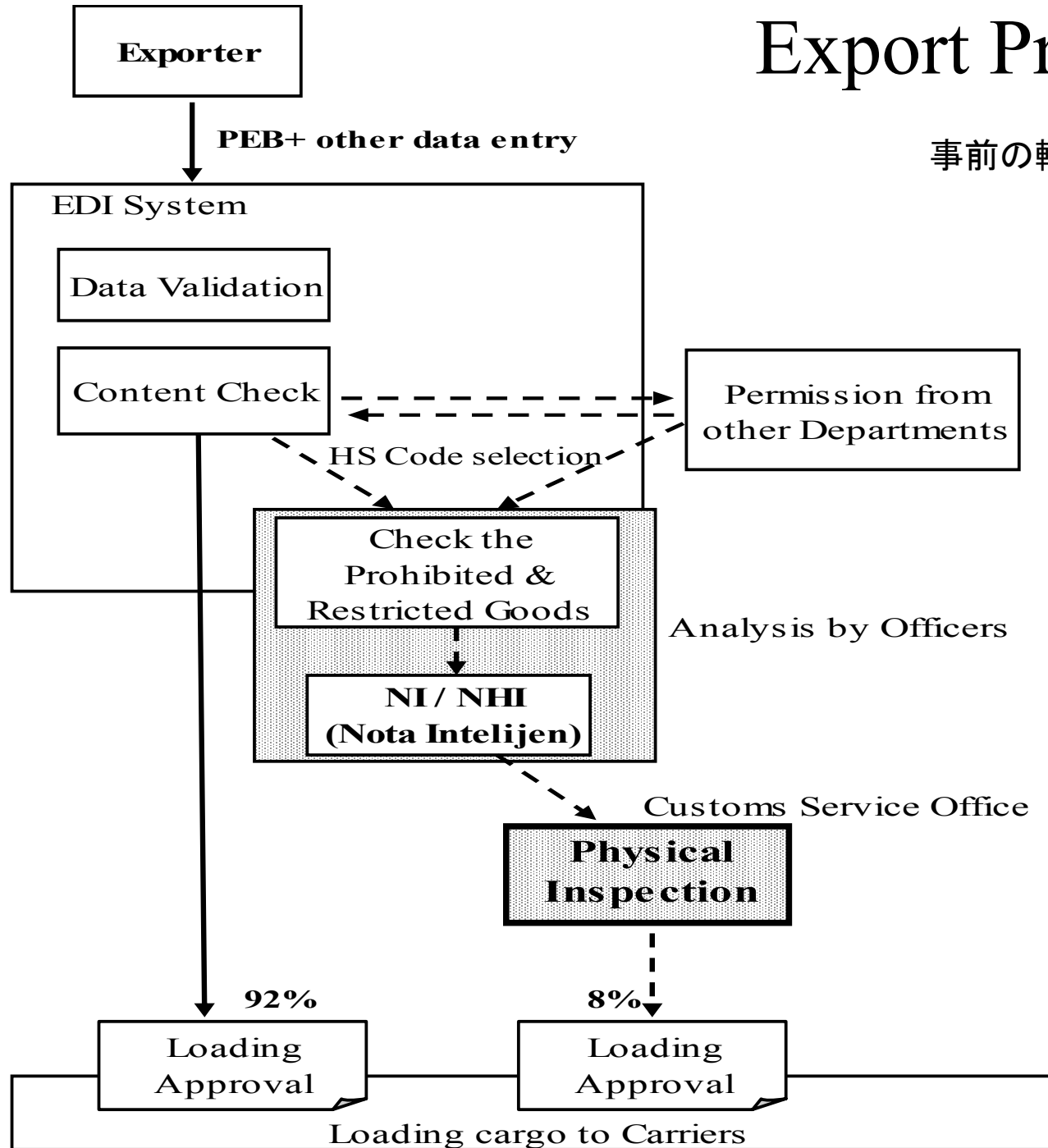
10

Importer			
High Risk	<b>Red Channel (100% Inspection)</b>	<b>Red Channel (100% Inspection)</b>	<b>Red Channel (100% Inspection)</b>
Medium Risk	Green Channel	<b>Red Channel (30% Inspection)</b>	<b>Red Channel (30% Inspection)</b>
Low Risk	Green Channel	Green Channel	<b>Red Channel (10% Inspection)</b>
Very Low Risk ( Priority )	Priority Channel	Priority Channel	Physical Inspection at Importer's Location
	Low Risk Commodity	High Risk Commodity	Gov. Determined Commodity

# Export Procedure

11

事前の輸出承認が必要となった。





# Questionnaire Survey on Trade Related Environment

February 2005

Toshiaki Nagaya  
JICA Study team

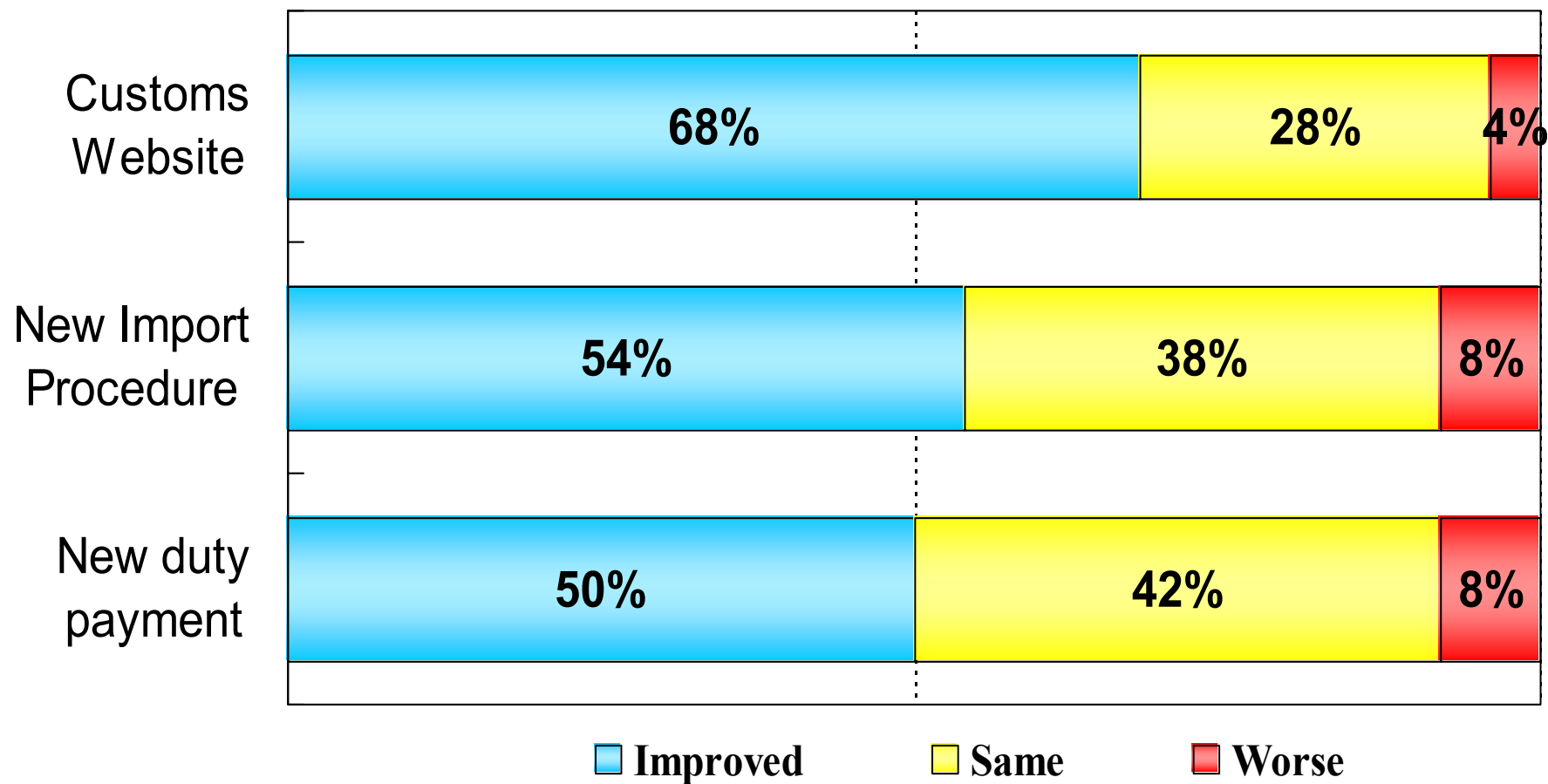
# Topics

- User Evaluation of Customs Efforts
- EDI Evaluation
- Agree or disagree to the customs claims
- Current Issues in Trade Facilitation
- Summary and Future potential

# 税関改革の評価- 1

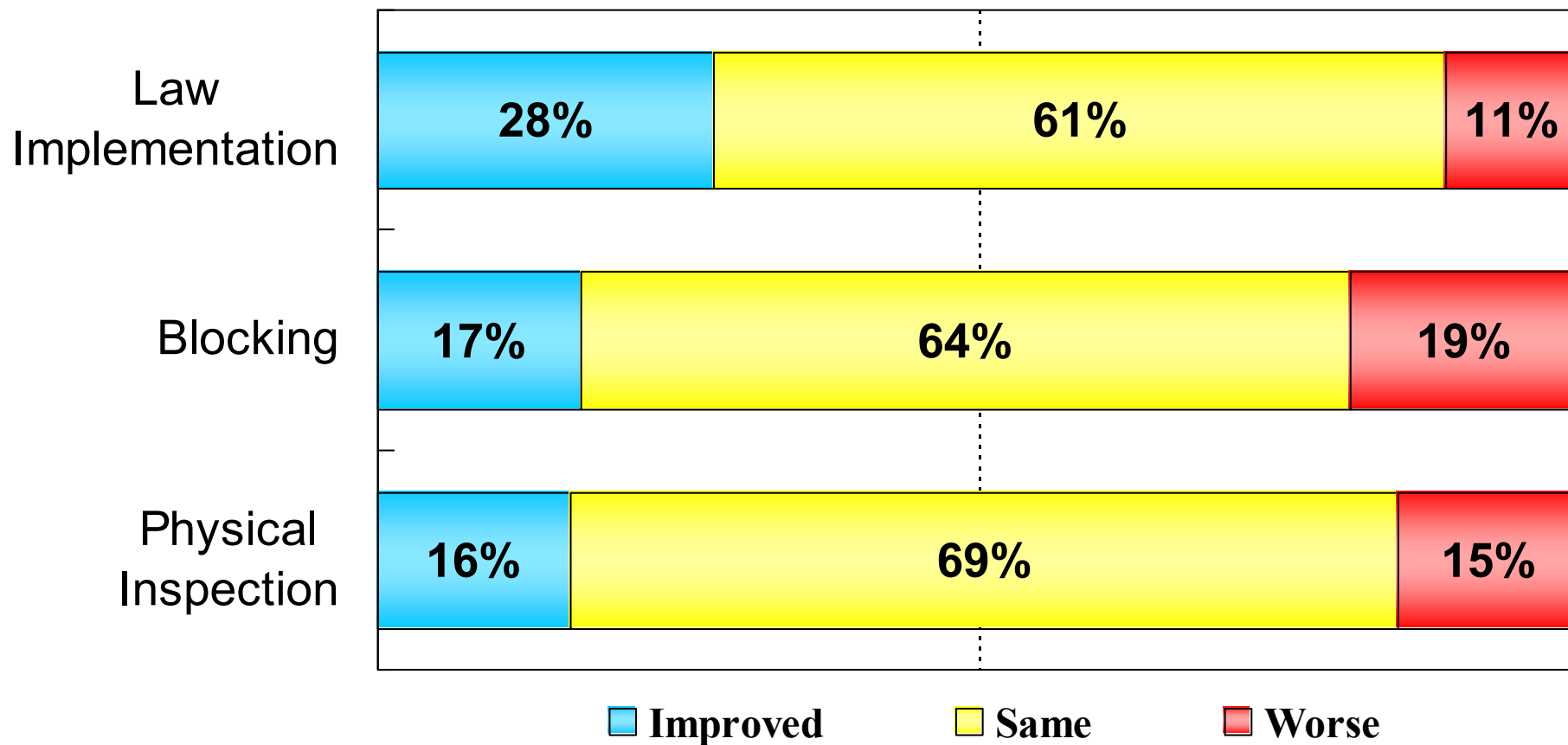
## 高い評価を得た項目

14



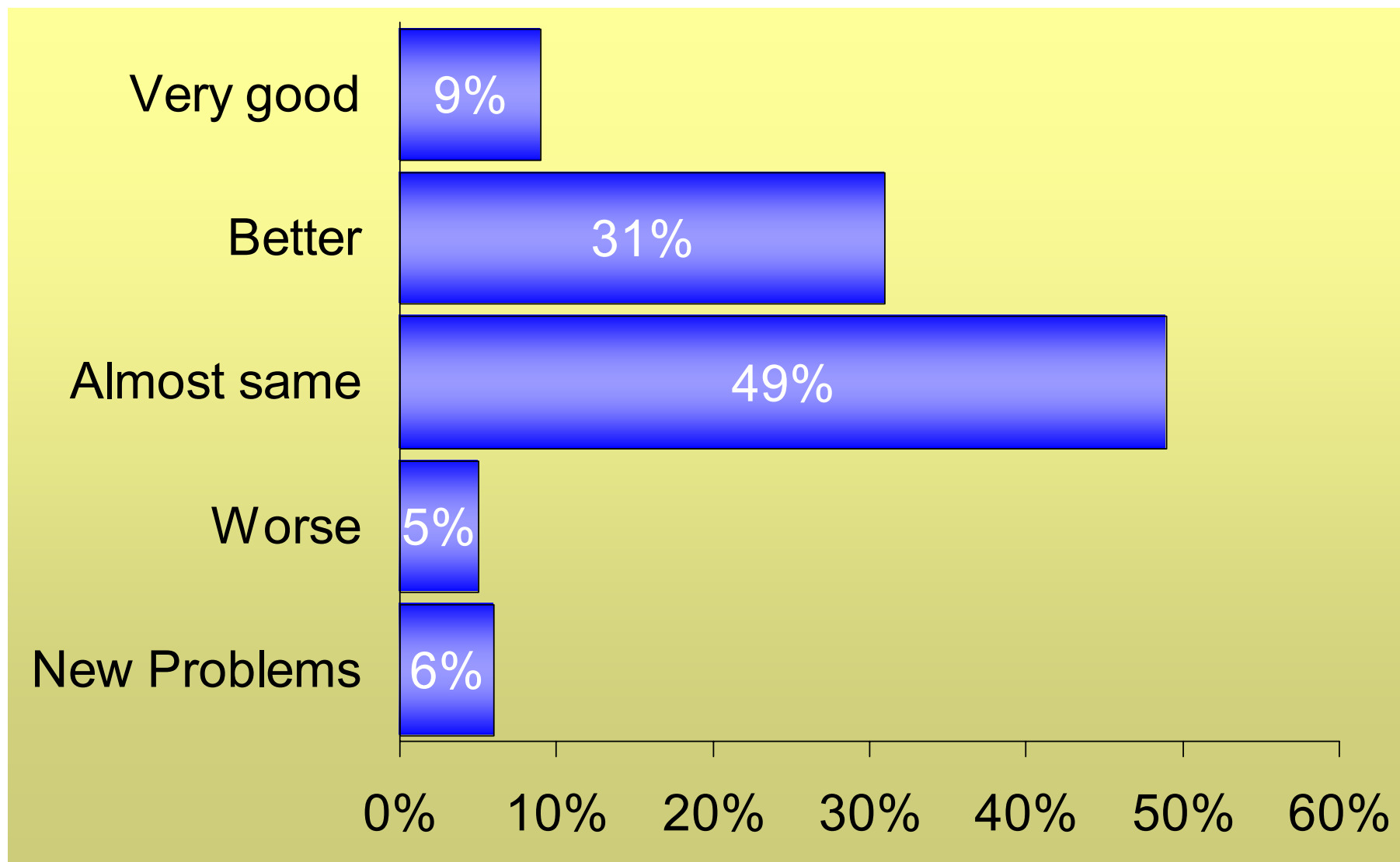
# 税関改革の評価- 2

## 低い評価の項目



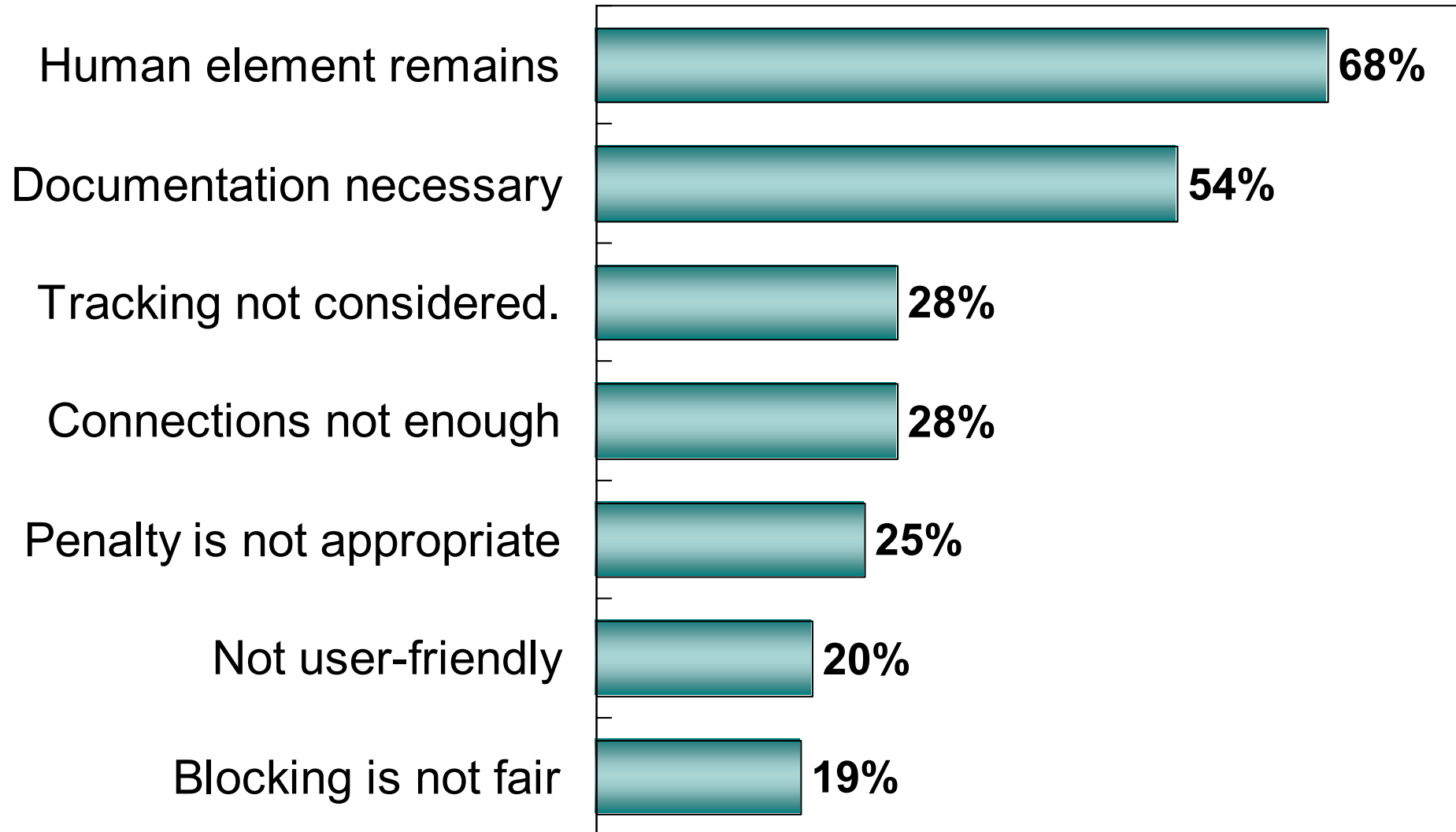
# EDIの評価

16



# EDIへの批判点

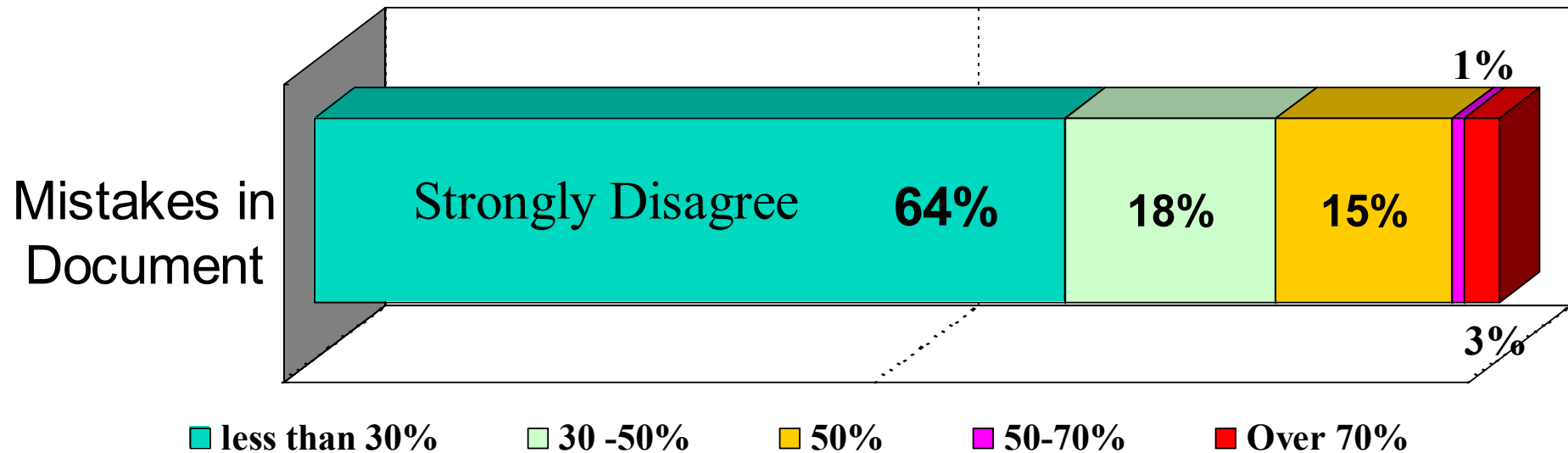
17



# 税関の主張はどの程度当てはまりますか？

18

書類にミスがあるので処理が遅れると税関は主張していますが...

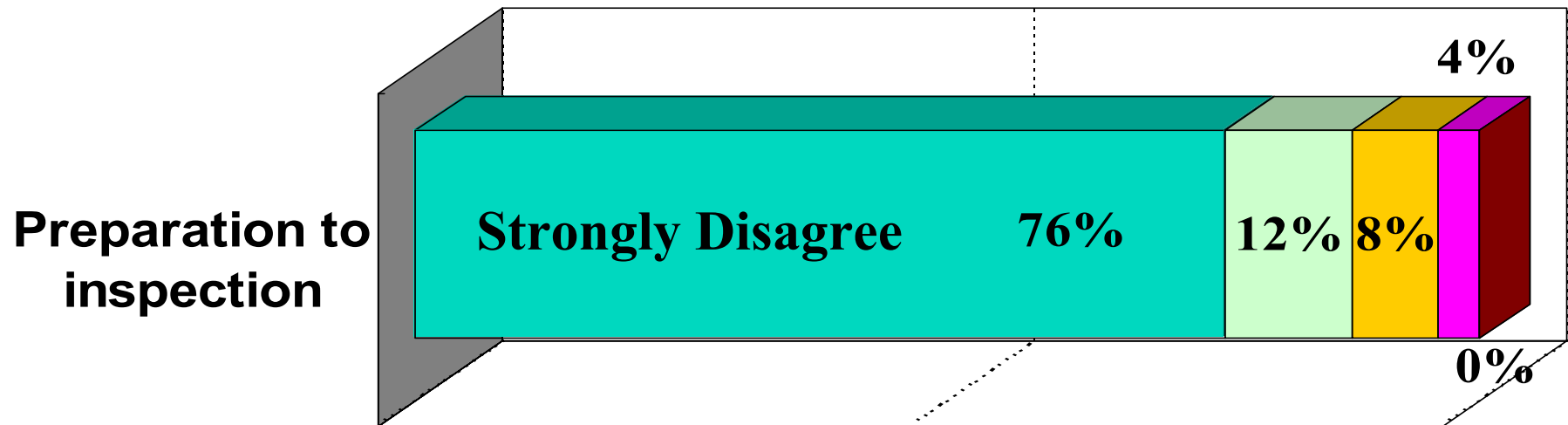


15 % of consignee felt they are responsible for the mistakes in documents.

# 税関の主張はどの程度当てはまりますか？

19

現物検査の準備ができていないので処理が遅れると税関は主張していますが...



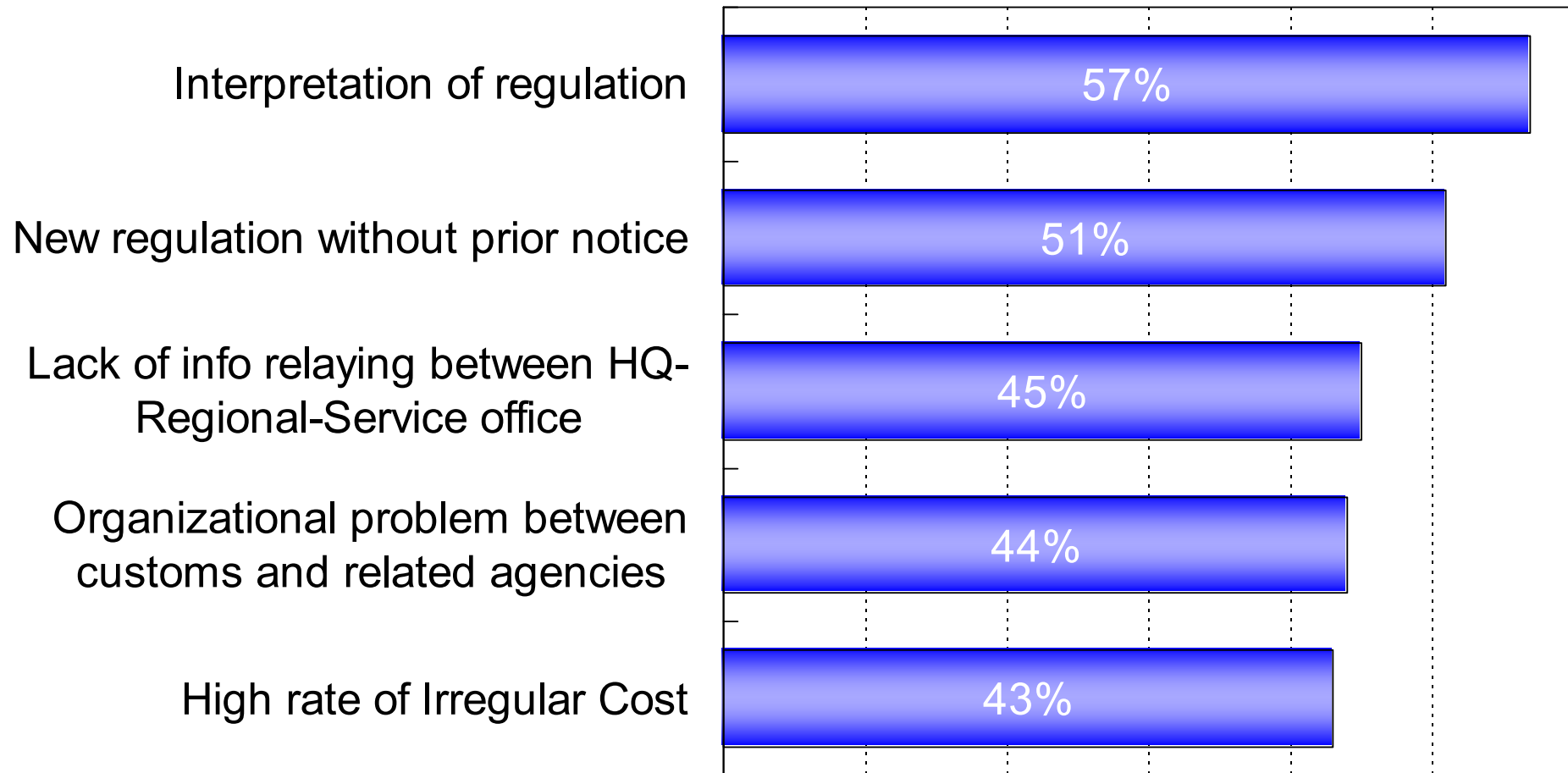
■ less than 30%    ■ 30 -50%    ■ 50%    ■ 50-70%    ■ Over 70%

Counter argument: Forwarders say they look for customs officers for appointment of inspection.



# 最近経験したトラブル

20



# インフラ整備への要求項目

<b>Security</b> needs to be improved	55%
<b>Officer training</b> for law enforcement	54%
<b>Access Roads</b> need to be improved	46%
<b>Warehouses</b> need to be upgraded	44%

# Summary points & Future Potential

22

## 1. Institutional strengthening

➡ with legal preparation

a) Establish user oriented government services  
to realize Integrity & Transparency

b) Consistent interpretation

- Database development,
- Trade procedure Rule Book
- Case book & Communication with users

## 2. EDI-based process innovation:

➡ Further development expected

- a) Transparency in customs procedure
- b) Linkage to be improved
  - DGCE - other departments
  - Central - Regional - Service offices.

## 3. Infrastructure improvement

- a) Security improvement with facility upgrading
- b) Access road and warehouse improvement

Please check the opinion sheet

Thank you



# ***World Efforts in Trade Facilitation, And Indonesia***

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*Hideaki Uematsu*

*JICA Study Team on  
Trade Related Systems and Procedures  
In the Republic of Indonesia*

*February 2005*

## *The Evolving Definition of Trade Facilitation*

2

**WTO and UNCTAD** : “simplification and harmonization of international trade procedures”

**OECD** : “simplification and standardization of procedures and associated information flows”

**UN/ECE** : “*comprehensive and integrated approach to reduce the complexity and cost of the trade transactions process, and ensure an efficient, transparent, and predictable manner*”

**APEC** : “simplification, harmonization, *use of new technologies* and other measures to address procedural and administrative impediments to trade.”

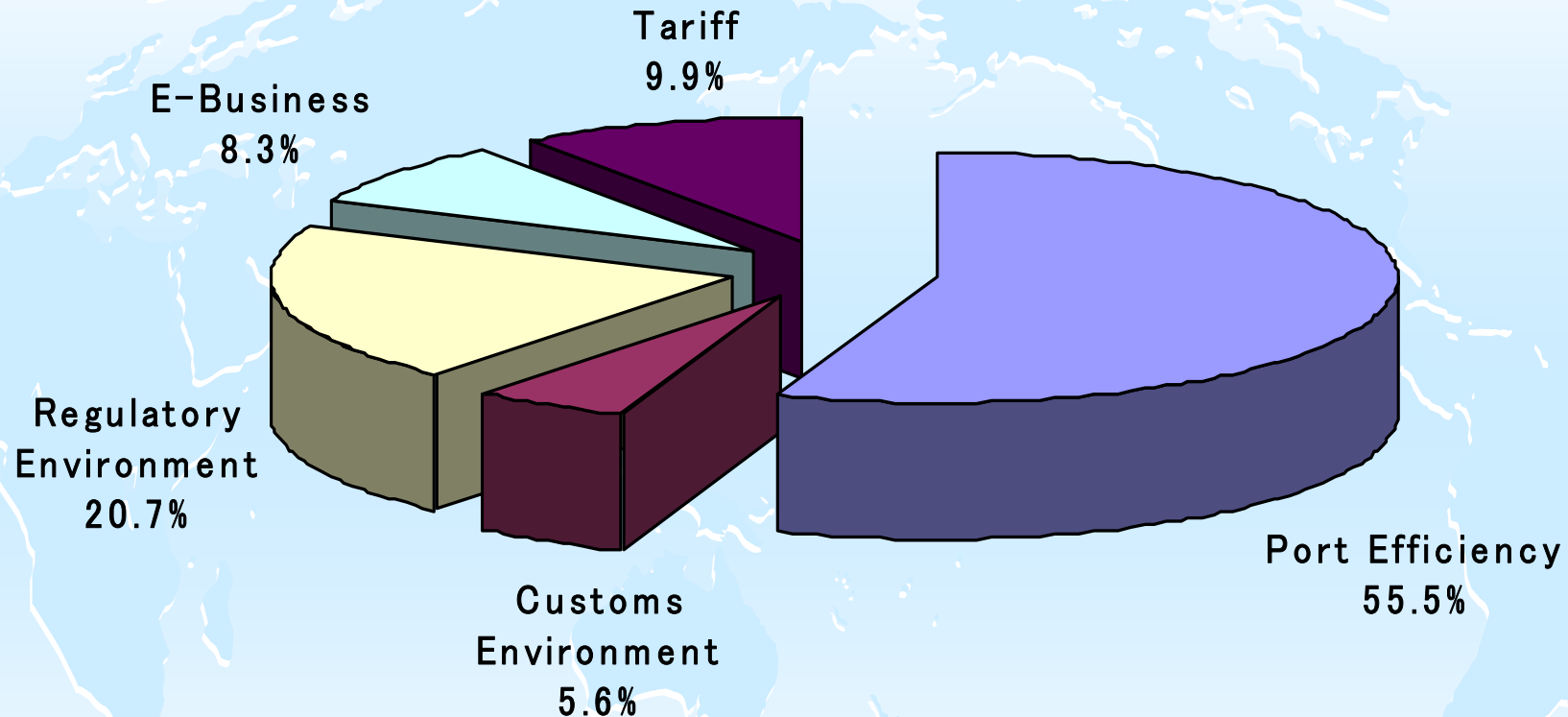
## *Quantifying the Impact of Trade Facilitation*

- \* A “Practical” scenario, considering improvements in four areas of facilitation ;
  - port logistics
  - standards harmonization
  - e-business usage
  - administrative transparency and professionalism
- if capacity is raised “half-way” to the APEC overage  
in all areas among those below average -----
- \* Results ;
  - (1) Intra-APEC trade will increase by \$280 billion dollars.  
(about 10 percent increase)
  - (2) Indonesia’s export would rise by \$2.9 billion. (5 percent)

*Source : “Trade Facilitation : A Development Perspective in the Asia Pacific Region”,  
October 2002, APEC.*



## *The Effect of 1 Percent Change of Trade Facilitation and Tariff Barrier Measures on Trade Flow*



*Source : "Trade Facilitation and Economic Development :*

*Measuring the Impact, World Bank Policy Research Working Paper, March 2003."*

# ***Trade Facilitation Efforts in the Framework of Asia-Pacific Economic Cooperation (APEC)***

- \* One of the core activities of APEC to complement trade liberalization.
- \* Ministerial Meeting in Shanghai in 2001.
  - a. APEC Trade Facilitation Principles.
  - b. Targeted Reduction of business transaction cost by 5% over the next five years.
  - c. Possible Action and Measures to reduce the cost in the four categories ;
    - movement of goods (to include customs, ports, health and quarantine and similar procedures),
    - standards,
    - business mobility, and
    - e-commerce

## ***APEC Action Plan : MOVEMENT OF GOODS***

6

1. Public Availability of Information on Customs and Other Trade-related Laws and Regulations,
2. Appropriate, Transparent and Predictable Trade-related Procedures,
3. Harmonization of Tariff Structure with the HS Convention,
4. Simplification and Harmonization on the Basis of the Kyoto Convention,
5. Paperless and/or Automation of Trade-related Procedures,
6. Adoption of Standard Electronic Format and Harmonized Data Elements,
7. Adoption of the Principles of the WTO Valuation Agreement,
8. Clear Appeals Provision,
9. Risk Management,
10. Guidelines for Express Consignments Clearance,
11. Provisions for Temporary Importation, e.g. Acceding to the A.T.A Convention or the Istanbul Convention.

*Agreed at : APEC Ministerial Meeting in Shanghai in 2001*

## *Indonesia's Implementation Status of SCCP Collective Action Plan*

Action	Target Dates	Implementation
HS Convention	2002	Implemented
Public Availability of Information	On-going process	Implemented
Kyoto Convention	1998	Accession Convention subject to internal approval process
Paperless Trading	2005/2010	
WTO Valuation Agreement	2000	Implemented
TRIPS	2000	Implemented
Clear Appeal Provisions	2000	Implemented
Advance Classification Ruling System	2000	Implemented
Temporary Importations	2000	Implemented
Risk Management	2002	2002
Express Consignments Clearance	2000	2000
Customs Integrity	On-going process	
Customs-Business Partnership	On-going process	

7

*Source : APEC Sub-Committee on Customs Procedures (SCCP), 2001.*

## ***World Bank rethinks privatization policy (!)***

“As with all economic elixirs, privatization has been oversimplified, oversold, and ultimately disappointing ----- delivering less than promised.”

“Rail truck, basic and access port infrastructure, and certain portions of airport facilities, where monopolies are unavoidable and substantial amounts of sunk capital are involved, must be regulated or even operated by the public sector.”

“There is an urgent need for more comprehensive welfare assessments of infrastructure reforms and for both retrospective and forward-looking analyses to clarify the success and failures associated with reforms and to identify better instruments and policies to guide ongoing and future efforts.”

***Source : “Reforming Infrastructure ----- Privatization, Regulation, and Competition”,  
A World Bank Policy Research Report, published in June 2004.***

## *Legal and Administrative Aspects*

### *Which Require Further Attention*

- (1) The Presidential Decree No.54 / 2002 and follow-up actions henceforth.
- (2) Trade Law --- Prompt enactment is wished for.
- (3) Free Trade Zone
- (4) Further progress in the Customs' procedures needed.
- (5) Intellectual Property Rights (IPRs)
- (6) Electronic Transaction
- (7) Development in Implementation of Competition Law.
- (8) Towards the introduction of "One-Stop" (Single Window) legal system in import and export process



## *Pre-conditions for “One-Stop” (Single Window)*

10

### *Legal System*

- (1) Reduction or abolition of application forms and items of required information, based on through business process review at administrative offices,
- (2) Common use of the same application form to the maximum extent among ministries and agencies concerned, establishing a network among government agencies,
- (3) International standardization of application forms as per FAL Convention,
- (4) To establish application by electronic data as a general rule,
- (5) Adoption of internationally compatible data formats based on such standard electronic formats as UN/EDIFACT or other standard electronic formats.
- (6) To maximize the contribution of e-commerce and and ICT business applications to business entities' daily operation.

# TRADE FACILITATION REFORM

SEMINAR

February 2005



Why reform ?

Because  
**INDONESIA**  
is losing many.

You  
are  
losing

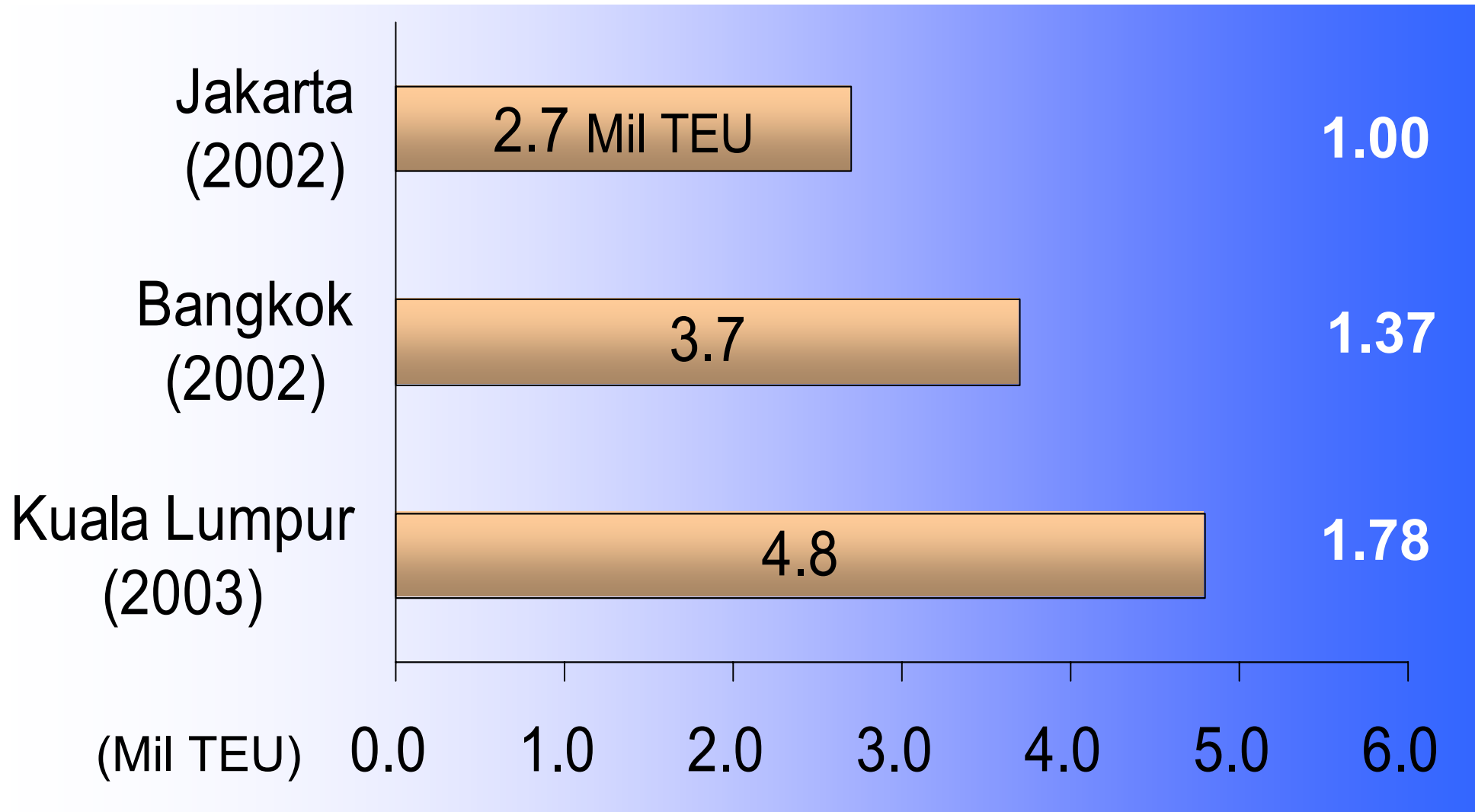
Customers abroad

Trade competition

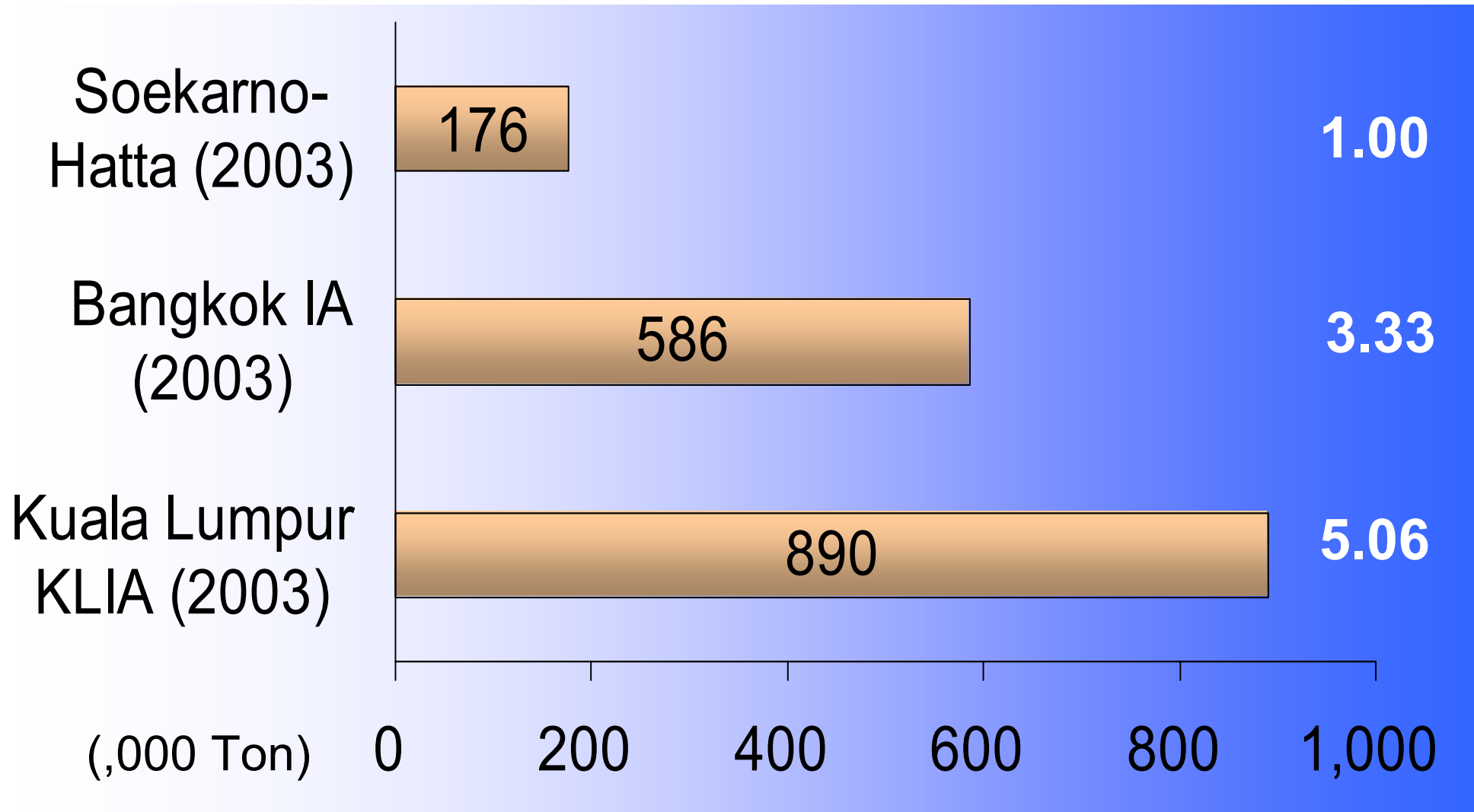
Investment from abroad

**And finally JOBS.**

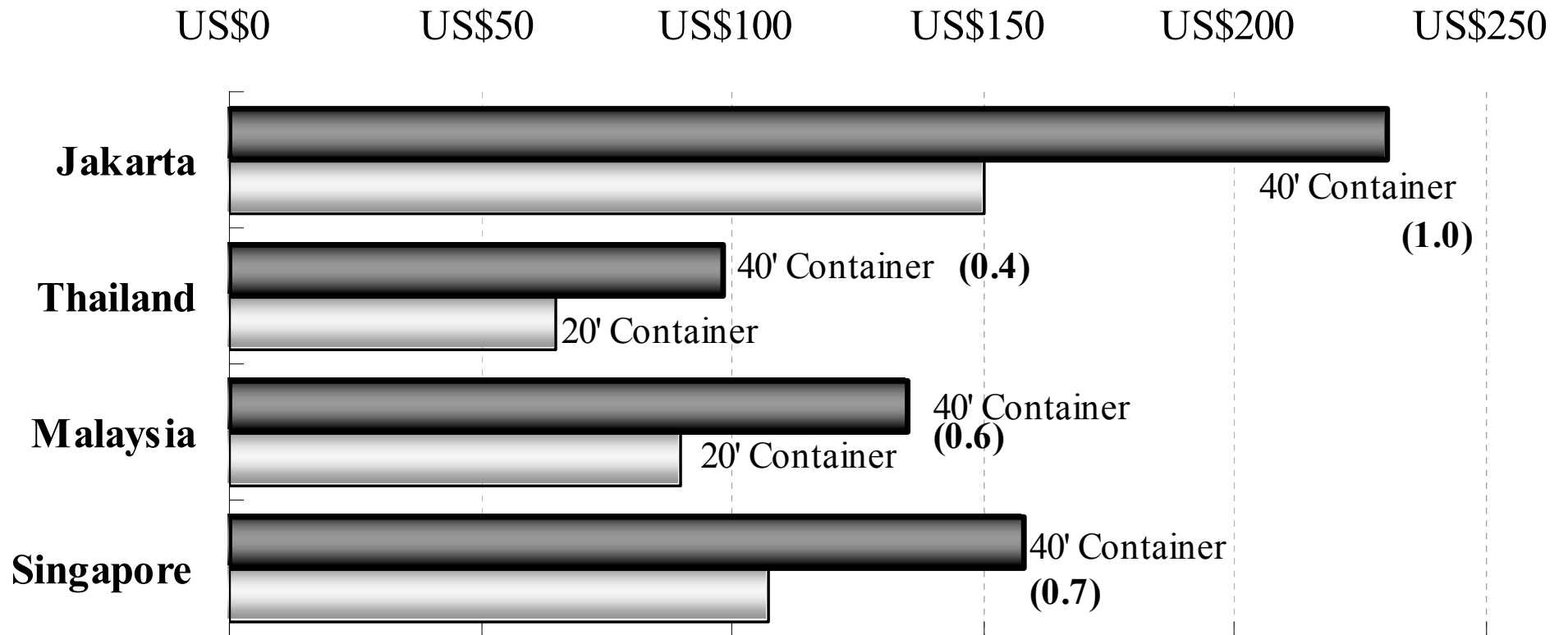
# Containers at Asian Ports



# Airport Cargo

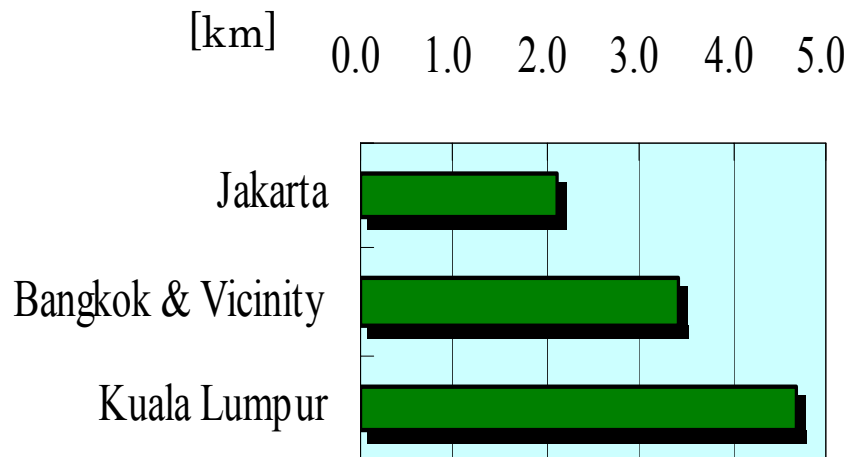


# Terminal Handling Charge

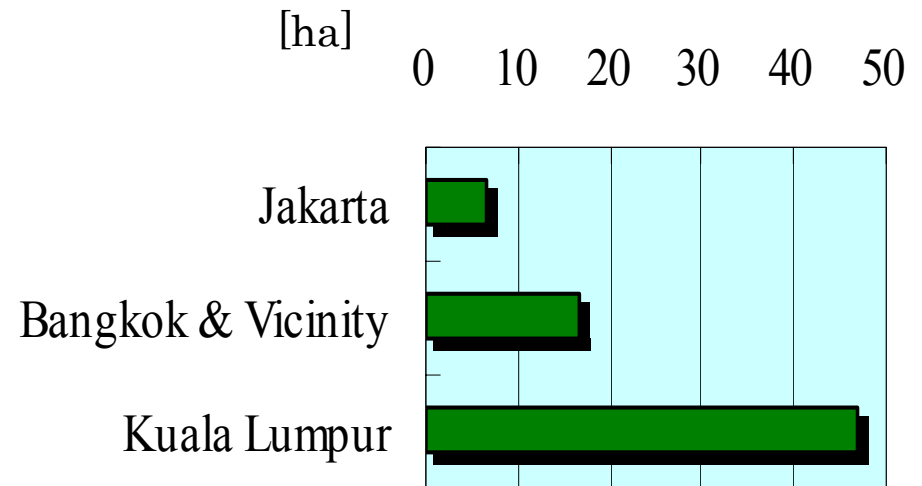


# Infrastructure

## Container Berth Length



## Air Cargo Area



# Port Capacity by Individual Elements

## - Port of Tanjung Priok -

Type	Individual Element	Estimated Capacity	Recorded Performance
Infrastructure	Channels, Basin, etc.	Number of Ship Call ; 16,000~16,500 vessels/year	16,253 vessels/year
	Berths	Container ( TEUs ) :      2,567,000	2,945,000 TEUs
		Conventional Berth (ton):    37,096,000	37,818,000 ton
Access Roads	Actual traffic/ Road Capacity	East Direction 1.48      West Direction 1.37	South Direction 0.83
Port Operation	Container Handling Efficiency	Normally more than 25 Box/h/crane	20 ~25 BOX/h/Crane
	Ship Waiting Time	Normally zero for container vessels	Container: Several hours Conventional: More than 12 hours

Note:   Figure in box indicates over capacity.

Source: 1) JICA Report 2003

2) "Transportation and Communication Statistics" Katalog BSP 8215

What is wrong

?

What is needed

?

- System

?

- Infrastructure

?



# Findings Through the Study

## **1 System is Good**

**World Latest System**

## **2 Still, Everyday Practices are not Good**

**Uncommonly Long Lead Time**

## **3 No Competition and No Marketing**

**Uncommonly High Pricing**

**Uncomomly Small Throughput**

## **4 Insuficient Infrastructures**

**Old, Narrow, Shallow, Conjested, etc.**

**Demand is Exceeding Capacity**

# RECOMMENDATIONS

**For Findings**

**2**

Formulation and Implementation of Trade Facilitation Strategy  
Covering all the Individual Procedures and Documentations

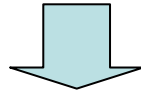
**For Findings**

**3**

and

**4**

Formulation and Implementation of Investment Policy with  
the Targets of ASEAN Regional Hubs.



# Infrastructure Projects for Regional HUBs

## 1. Integrated Port Cargo Logistics

Port + Access Road + Functional Facilities

## 2. Integrated Airport Cargo Logistics

New Airport Cargo Terminal

# 調査の要約

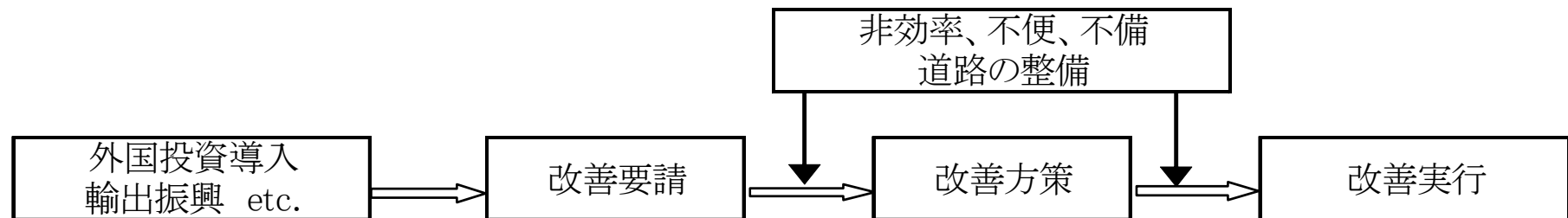
Findings			問題点の背景	勧告、他
分類	指摘事項	根拠		
港湾手続 輸出入手続	リードタイムが長い THCが高い	輸出入過程の 所要時間調査 4 勧告と行動計画 6	非効率、不備、無競争 無競争、非効率	貿易円滑化戦略の策定・実施 (OCC, Five-in-One Reform, Action Plan, CB) 競争の導入
貨物量	貨物量が少ない	勧告と行動計画 4 5	非競争、インフラ不足	競争目標の導入、競争の導入 マーケティングの実施 インフラの整備
インフラ ・港湾 ・空港 ・道路 ・機能施設	インフラの量不足 インフラの質劣悪	勧告と行動計画 7 8	新規投資不足 更新投資不足	投資政策の策定 投資目標の設定（地域ハブ） 開発計画（SPC, LNS） 資金計画（ODA） 投資政策の実施

# 問題点の認識とその対応

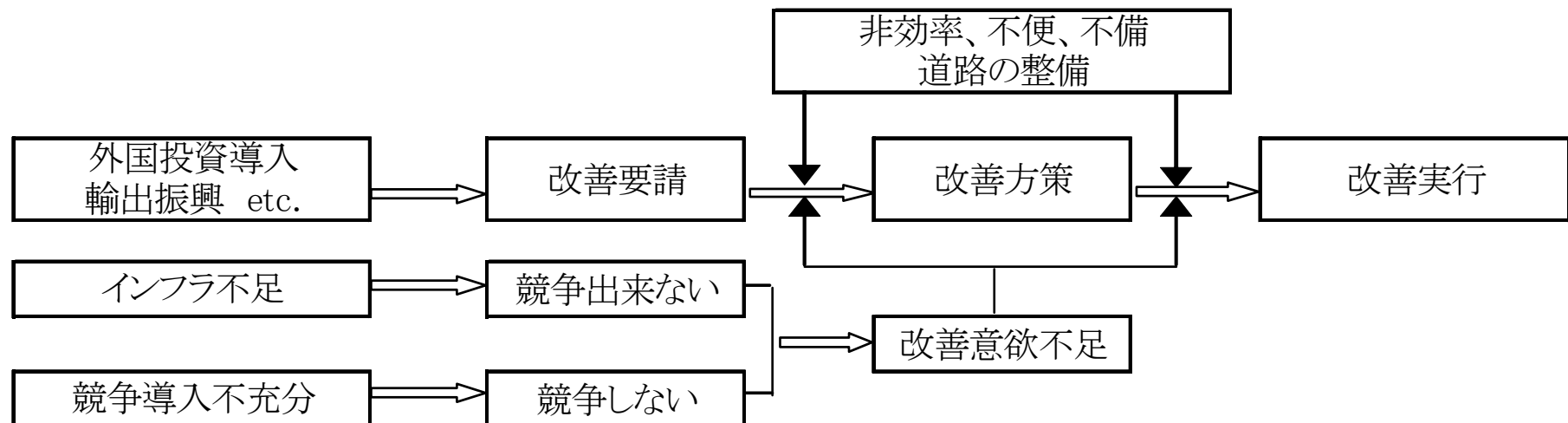
凡例

→ :改善すべき要因

## ① 調査開始時の認識



## ② 調査による問題点の整理



# 問題点の認識とその対応

凡例

→ : 改善すべき要因

◻ : 勧告

## ③ 勧告の役割

