

MINISTER OF TRANSPORTATION

REPUBLIC OF INDONESIA

REGULATION OF THE MINISTER OF TRANSPORTATION

NUMBER : PM 48 YEAR 2011

REGARDING

PROCEDURES AND REQUIREMENTS TO GRANT ON THE USE OF FOREIGN
VESSELS FOR OTHER ACTIVITIES THAT DO NOT INCLUDE ACTIVITIES OF
TRANSPORTING PASSENGERS AND / OR GOODS IN THE DOMESTIC SEA
FREIGHT ACTIVITIES

WITH THE GRACE OF THE ALMIGHTY GOD

MINISTER OF TRANSPORTATION,

Having Considered : To implant article 206 (a) paragraph 4
Government Regulation No 22 Year 2010 on Amandement On Government
Regulation No 20 Year 2010 on water transport need to establish
Regulation of the Minister of Transportation on Procedure and
Requirements to Grant On The Uses Of Foreign Vessels For Other
Activities That Do Not Include Activities Of Transporting
Passengers And/ Or Goods In The Domestic Sea Freight Activities
Having Regards To :

1. Law No 22 Year 2011 On Oil and Gas (State Gazette of
Republic of Indonesia Year 2001 Number 136, Additional
State Gazette of Republic of Indonesia Number 4152);

2. Law No 17 Year 2008 On Sailing (State Gazette of Republic of Indonesia Year 2008 Number 64, Additional State Gazette of Republic of Indonesia Number 4849);
3. Government Regulation No 51 Year 2002 On Shipping (State Gazette of Republic of Indonesia Year 2002 Number 95, Additional State Gazette of Republic of Indonesia Number 4227);
4. Government Regulation No 61 Year 2009 On Port (State Gazette of Republic of Indonesia Year 2009 Number 151, Additional State Gazette of Republic of Indonesia Number 5070);
5. Government Regulation No 21 Year 2010 On Maritime Environment Protection (State Gazette of Republic of Indonesia Year 2010 Number 27, Additional State Gazette of Republic of Indonesia Number 5109);
6. Government Regulation No 20 Year 2010 On Sea Transportation (State Gazette of Republic of Indonesia Year 2010 Number 26, Additional State Gazette of Republic of Indonesia Number 5108) as Amended Government Regulation No 22 Year 2011 (State Gazette of Republic of Indonesia Year 2011 Number 43, Additional State Gazette of Republic of Indonesia Number 5208);
7. Presidential Regulation No 47 Year 2009 On Formation and Organization Of Ministries;

8. Presidential Regulation No 24 Year 2010 On position duties and functions of ministries as well as organizational structure, duties and functions of the first echelon ministries;
9. Minister Of Transportation Decree Number KM 33 Year 2001 On implementation and operation of sea transport;
10. Minister of Transportation Regulation Number KM 60 Year 2010 On organization and working procedures of the Minister of Transportation

HAVE DECIDED :

To Enact :

REGULATION OF THE MINISTER OF TRANSPORTATION ON PROCEDURE AND REQUIREMENTS TO GRANT ON THE USES OF FOREIGN VESSELS FOR OTHER ACTIVITIES THAT DO NOT INCLUDE ACTIVITIES OF TRANSPORTING PASSENGERS AND / OR GOODS IN THE DOMESTIC SEA FREIGHT ACTIVITIES

Article 1

In this rule :

1. Ship is a vessel with a shape and a certain type, which is driven by wind power, mechanical power, other energy, with drawn or postponed, including a powerful vehicle dynamic support, vehicles under water and floating equipment and floating building that does not move
2. Foreign ships are flagged vessels other than the Indonesian flag and not recorded in the list of Indonesian vessel

3. Indonesian-flagged ship is a ship which was registered in the list of Indonesian vessel
4. Navy (Force Sea) domestic sea transport is an activity conducted in the territorial waters of Indonesia, held by the national sea transport companies
5. National sea transport companies is a marine transportation company incorporated Indonesia conducting marine transport activities within the territorial waters of Indonesia and / or from and to ports overseas
6. Minister means the Minister Of Transportation
7. Director General means the Director General of Sea Transport

Article 2

- (1) Foreign ships can perform other activities that do not include passenger transport activities and / or goods in the domestic sea freight activities in Indonesian waters along the Indonesian-flagged vessel is not available or are not sufficiently available
- (2) Foreign vessels as referred in paragraph (1) must have permission from the Minister
- (3) Other activities that do not include carrying passengers and/ or goods in the domestic sea freight activities referred to in paragraph (1) includes the following activities :

- a. oil and gas survey
- b. drilling
- c. offshore construction
- d. supporting offshore operations
- e. salvage and underwater work

Article 3

Foreign vessels to survey the activities of oil and gas as defined in article 2, paragraph (3) point a cover

- a. seismic survey
- b. geophysical survey
- c. geotechnical survey

Article 4

Foreign vessels for drilling activities referred to in article 2, paragraph (3) point b includes

- a. Jack up ring
- b. semi submerisable ring
- c. deep water drill ship
- d. tender assist ring
- e. swamp barge ring

Article 5

Foreign vessels for offshore construction activities as defined in article 2, paragraph (3) point c includes

- a. Derrick/crane, pipe/cable/Subsea Umbilical Riser Flexible (SURF) laying barge/vessel and

b. Diving Support Vessel

Article 6

Foreign vessels for offshore operations support activities referred to in article 2, paragraph (3) point d includes:

- a. anchor handling tug supply vessels larger than 5000 BHP with Dynamic position (DP2/DP3)
- b. Platform supply vessels, and
- c. Diving support vessel (DSV)

Article 7

Foreign vessels to dredging activities as referred to in article 2, paragraph (3) point e covers :

- a. drag-head suction hopper dredger and
- b. trailing suction hopper dredger

Article 8

Foreign ships to salvage activity and underwater works as intended on Article 2 paragraph (3) point f covers :

- a. heavy floating crane;
- b. heavy crane barge and
- c. survey salvage

Article 9

Foreign vessels doing other activities that do not include passenger transport activities and / or goods in the domestic sea freight activities in the territorial waters (sea) of

Indonesia as referred to in article 2, paragraph (1), the operation performed by the company national naval

Article 10

1. Permit the use of foreign vessels as referred to in article 2, paragraph (2) is given by the minister after fulfill the requirements:

a. work plan that equiped and schedule of activities which characterized with working area with geographic coordinates

b. has a charter party between the national sea transport companies with foreign shipowners and employment contracts and / or Letter Of Intent (LOI) from employer

c. Copy of the Company License on Marine Transportation Business (SIUPAL - surat izin Usaha Perusahaan Angkutan Laut)

d. copy certificate of nationality / vessel registration

e. copy of certificate of safety and security of ships

f. copy of certificate ship pollution preventive

g. copy of certificate of ship classification

h. copy of list crew of the ship

I copy certificate of safety management

2. Permit the use of foreign vessels as referred to in paragraph (1) may be given by the Minister after the minimum one-time procurement efforts Indonesian-flagged vessel and was not available Indonesian-flagged vessel type as evidenced by the announcement of auction

3. Permit the use of foreign vessels as referred to in paragraph (1) provided for a maximum period of 3 months and can be extended after evaluation

Article 11

1. To obtain permission to use foreign vessels referred to in Article 10 paragraph (1) the applicant filed an application to the Minister through the Director General with the completed document compliance requirements as referred to in Article 10 paragraph (1) within period of 14 working days before the ship is operated by using the format as example point 1 attachment 1 as an integral part of this ministerial regulations
2. Based on the application for a permit referred to in paragraph 1 of the director general doing research requirements for application for permission to use foreign vessels in not later than 7 working days after receipt the complete application
3. In the case based on the results of research requirements referred to in paragraph (2) has not been met, the director general will giving back petition with written to the applicant to complete the requirements

4. Application that being returned as referred to in paragraph 3 can be re-submitted to the director-general after the petition equipped
5. In the case based on the results of research requirements has fulfilled as referred in paragraph 2 Director General submit research results to the Minister
6. Based on the results of research that conducted by Director-General, the Minister in a maximum period of 7 days issuing licenses for use of foreign ships with format of Minister Decree as the sample 2 in attachment 1 which is an inseparable part of this Ministerial Regulation

Article 12

Foreign vessels able to take other activities that not include activities or transporting passengers and or goods in domestic transport activities in the territorial of Indonesia with period as on attachment 2 which is an inseparable part of this Ministerial Regulations

Article 13

1. In order to implement the of cabotage principle with consistent, Director General of doing evaluation to know when the Indonesian-flagged vessel is not available or are not sufficiently available as stipulated in article 2, paragraph (1)

2. Evaluation as referred on paragraph 1 performed regularly every 3 months with related institutions and associations include service providers and service users associations

Article 14

Director General doing development and technical supervision of the implementation of the Ministerial Regulations

Article 15

Ministerial regulations come into force on the date specified

For that everyone knows it, the Minister ordered the promulgation of Ministerial Regulations by placement on Official Gazette of the Republic of Indonesia

Promulgated in Jakarta

On April 18, 2011

MINISTER OF TRANSPORTATION

(signed)

FREDDY NUMBERI

Copy of the regulation submitted to:

1. Coordinating Minister for the Economy
2. Coordinating Minister for Legal, Political and Security Affairs
3. State Secretary
4. Minister of Defense
5. Minister of Law and Human Rights

6. Minister of Finance
7. Minister of Energy and Natural Resources
8. Minister of Industry
9. Minister of Trade
10. Governor of the Bank of Indonesia
11. Commander of the Indonesian Armed Forces
12. Chief of the Indonesian National Police
13. Navy Chief of Staff
14. Provincial Governors throughout Indonesia
15. General Secretary, inspector general, Director General of
Sea Transportation Minister of transportation
16. BPMIGAS CHAIRMAN
17. Chairman of the board of Indonesian National Shipowners
Association (INSA)
accordance with the original copy

HEAD OF THE FIRM AND KSLN,

UMAR ARIS, SH, MM, MH

Junior Administrator (IV/c)

NIP 19630220 198903 1 001

STATEMEN I REGULATION OF MINISTER OF TRANSPORTATION

Number : PM 48 YEAR 2011

DATE : APRIL 18, 2011

SAMPLE I

Number :

Attachment :

Subject : request permission to use foreign ships

Atn To :

Minister of Transportation

UP Directorate General of Sea Transportation

In Jakarta

1. With respectfully submitted that under the regulation of transportation Minister ... Number... Year ... regarding Procedures and Requirements To Grant On The Uses Of Foreign Vessels For Other Activities That Do Not Include Activities Of Transporting Passengers And or Goods In The Domestic Sea Freight Activities, Here with, We Company ... applying for permit uses of foreign vessels for other activities that do not include activities of transporting passengers and or goods in the domestic sea freight activities
2. Submitted for consideration attached the document file to complete the petition consisting of:

a. work plan that equipped and schedule of activities which characterized with working area with geographic coordinates

b. has a charter party between the national sea transport companies with foreign shipowners and employment contracts and / or Letter Of Intent (LOI) from employer

c. Copy of the Company License on Marine Transportation Business (SIUPAL - surat izin Usaha Perusahaan Angkutan Laut)

d. copy sertificate of nationality / vessel registration

e. copy of certificate of safety and security of ships

f. copy of certificate ship pollution preventive

g. copy of certificate of ship classification

h. copy of list crew of the ship

i. copy certificate of safety management

j. copy of the auction announcement

3. Therefore our request, and we convey thank you for giving attention and assistance

Applicant

.....

File copy

1. Minister Of Transportation

2. BPMIGAS Chairman

Sample 2

DECREE OF MINISTER OF TRANSPORTATION

NUMBER.....

REGARDING

GRANTING PERMISSION ... COMPANY (PT) ON THE USES OF FOREIGN
VESSELS FOR OTHER ACTIVITIES THAT DO NOT INCLUDE ACTIVITIES OF
TRANSPORTING PASSENGERS AND/ OR GOODS IN THE DOMESTIC SEA
FREIGHT ACTIVITIES

WITH THE GRACE OF GOD ALMIGHTY

MINISTER OF TRANSPORTATION

To read : Letter of Director General of Sea Transportation

Number... Date... Regarding.... :

Having Considered :

- a) That under article 2, paragraph 2 regulations of Minister Transportation No... uses of foreign vessels for other activities that do not include activities of transporting passengers and or goods in the domestic sea freight activities conducted after obtaining permission from the Minister of Transportation
- b) That in order to support operation of Company...require foreign vessels for other activities that do not include activities of transporting passengers and or goods in the domestic sea freight activities

c) That as result of research for application use of require foreign vessels for other activities that do not include activities of transporting passengers and or goods in the domestic sea freight activities as petitioned by Company...

Fulfill the requirements

d) That based on the considerations referred to in point a, b,c need to assess of Decree of Minister of Transportation regarding granting permit to Company...for uses of foreign vessels for other activities that do not include activities of transporting passengers and or goods in the domestic sea freight activities

Having Regards To

- 1) Law No 22 Year 2011 On Oil and Gas (State Gazette of Republic of Indonesia Year 2001 Number 136, Additional State Gazette of Republic of Indonesia Number 4152);
- 2) Law No 17 Year 2008 On Sailing (State Gazette of Republic of Indonesia Year 2008 Number 64, Additional State Gazette of Republic of Indonesia Number 4849);
- 3) Government Regulation No 51 Year 2002 On Shipping (State Gazette of Republic of Indonesia Year 2002 Number 95, Additional State Gazette of Republic of Indonesia Number 4227);

- 4) Government Regulation No 20 Year 2010 On Sea Transportation
(State Gazette of Republic of Indonesia Year 2010 Number 26, Additional State Gazette of Republic of Indonesia Number 5108) as Amended Government Regulation No 22/2011
(State Gazette of Republic of Indonesia Year 2011 Number 43, Additional State Gazette of Republic of Indonesia Number 5208);
- 5) Presidential Regulation No 47 Year 2009 On Formation and Organization Of Ministries;
- 6) Presidential Regulation No 24 Year 2010 On position duties and functions of ministries as well as organizational structure, duties and functions of the first echelon ministries as amended Presidential Regulation No 67 Year 2010;
- 7) Minister Of Transportation Decree Number KM 33 Year 2001 On implementation and operation of sea transport;
- 8) Minister of Transportation Regulation Number KM 60 Year 2010 On organization and working procedures of the Minister of Transportation;
- 9) Minister of Transportation No... Year regarding procedure and requirements to granton the uses of foreign vessels for other activities that do not include activities of transporting passengers and / or goods in the domestic sea freight activities;

HAVE DECIED:

To Enact : Regulation of The Minister Of Transportation
Regarding Grant of Permit On Procedure and Requirements to Grant
On The Uses Of Foreign Vessels For Other Activities That Do Not
Include Activities Of Transporting Passengers And / Or Goods In
The Domestic Sea Freight Activities

FIRST : Giving Permission To :

- a. Company name :... ..
- b. Business sector :
- c. Address :
- d. NPWP :
- e. Responsible person :

uses of foreign vessels for other activities that do not include
activities of transporting passengers and / or goods in the
domestic sea freight activities, as following :

a. Vessel Specifications :

- 1. Name of ship :
- 2. Flag :
- 3. Call sign :
- 4. IMO number :
- 5. Size :
- 6. Principal / owner :

b. working area with geographic coordinates :

....., '.....' /, '.....',

SECOND : The holder permission of foreign vessels as referred to the First Dictum in the operation of the ship, shall:

- a. Obey the laws and regulations of other government agencies related to the main business
- b. Obey the laws and regulations from others government agencies that related to the main business
- c. Fully responsible for the operation of foreign vessels
- d. Make report of operational activities of foreign ship to Minister of Transportation through Director General of Sea Transportation

THIRD : Permit of the use of foreign vessels as referred in the First Dictum valid for 3 months

FOUR : Permit the use of foreign vessels can be revoked if the holder of the operating permit does not perform its obligation as it stipulated in the second dictum as the decision and the provisions of legislation in the field of shipping

FIVE : This ruling shall prevail from the date specified

Promulgated in Jakarta

On Date

MINISTER OF TRANSPORTATION

(signed)

FREDDY NUMBERI

Copy of this decision submitted to:

1. Coordinating Minister for the Economy
2. Coordinating Minister for Legal, Political and Security Affairs
3. State Secretary
4. Minister of Finance
5. Minister of Energy and Natural Resources
6. Chief of the Indonesian National Police
7. Navy Chief of Staff
8. General Secretary, Inspector General, Director General of Sea Transportation Minister of transportation
9. BPMIGAS CHAIRMAN

MINISTER OF TRANSPORTATION

(signed)

FREDDY NUMBERI

accordance with the original copy

HEAD OF THE FIRM AND KSLN,

UMAR ARIS, SH, MM, MH

Junior Administrator (IV/c)

NIP 19630220 198903 1 001

DURATION OF FOREIGN SHIP CAN DO OTHER ACTIVITIES THAT DO NOT
 INCLUDE ACTIVITIES OF TRANSPORTING PASSENGERS AND / OR GOODS IN
 THE DOMESTIC SEA FREIGHT ACTIVITIES

NO	TYPE OF ACTIVITY/ TYPE OF SHIP	APPLY PERIOD
1	Oil and Gas Survey a. Seismic survey b. Geophysical survey c. Geotechnical survey	Until the end of December 2014 Until the end of December 2014 Until the end of December 2014
2	Drilling a. Jack up ring b. Semi submersible ring c. Deep water drill ship d. Tender assist ring	Until the end of December 2015 Until the end of December 2015 Until the end of December 2015 Until the end of December 2015

	e. Swamp barge ring	Until the end of December 2015
3	Offshore construction a. Derrick/crane, pipe/cable/subsea Umbilical Riser Flexible (SURF) laying barge vessel and b. Diving Support Vessel	Until the end of December 2013 Until the end of December 2012
4	Supporting Offshore Operations a. Anchor handling tug supply vessels larger than 5000 BHP with Dynamic Position (DP2/DP3) b. Platform supply vessels, and c. Diving Support Vessel	Until the end of December 2012 Until the end of December 2012 Until the end of

		December 2012
5	Dredging	
	a. Drag-head suction hopper dredger, and	Until the end of December 2013
	b. Trailing suction hopper dredger	Until the end of December 2013