

**PROHIBITION FROM PRODUCING OZONE DEPLETING SUBSTANCES AND
FROM PRODUCING MATERIALS THAT USE OZONE DEPLETING SUBSTANCES**
(Regulation of the Minister of Industry of the Republic of Indonesia No. 33/M-IND/PER/4/2007
dated April 17, 2007)

THE MINISTER OF INDUSTRY OF THE REPUBLIC OF INDONESIA,

Considering:

- a. that, in accordance with Vienna Convention and Montreal Protocol, Indonesia's obligation to prohibit the use of ozone depleting substances can be carried out gradually until a specified time limit;
- b. that, main activities of small and medium industries still require ozone depleting substances for process of production for refrigeration and foam and its maintenance, so it is necessary to replace and revoke Decree of the Minister of Industry and Trade No. 110/MPP/Kep/1/1998 (***BN No. 6145 pages 12A-15A***) on Prohibition from Producing and Trading Ozone Depleting Substances and From Trading Ozone Depleting Substances and from Producing and Trading New Materials that Use Ozone Depleting Substances as already amended several times and latest by Decree of the Minister of Industry and Trade No. 790/MPP/KEP/12/2002, and to re stipulate its provisions;
- c. that, with regard to the considerations as referred to in letters a and b, it is necessary to issue Regulation of the Minister of Industry;

In view of:

1. Law No. 5/1984 on Industry (Statute Book of 1984 No. 22, Supplement to Statute Book No. 3274);
2. Government Regulation No. 17/1986 on Authority for Regulating, Development, and Enhancement of Industries (Statute Book of 1986 No. 23, Supplement to Statute Book No. 3330);
3. Government Regulation No. 74/2001 on Treatment of Hazardous and Toxic Materials (Statute Book of 2001 No. 138, Supplement to Statute Book No. 4153);
4. Presidential Decree No. 23/1992 on Ratification of Vienna Convention for Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer as Adjusted and Amended by the Second Meeting of the Parties, London, June 27-29, 1990 (Statute Book of 1992 No. 50);
5. Presidential Decree No. 92/1998 on Ratification of Montreal Protocol on Substances that Deplete the Ozone Layer, Copenhagen, 1992 (Statute Book of 1998 No. 105);
6. Presidential Decree No. 187/M/2004 (**BN No. 7128 pages 30A-31A**) on Establishment of United Indonesia Cabinet as already amended several times and latest by Presidential Decree No. 20/P/2005;
7. Presidential Regulation No. 9/2005 (**BN No. 7182 pages 2A-23A**) on Positions, Duties, Functions, Organization Structures, and Work Procedures of State Ministries of the Republic of Indonesia as already amended several times and latest by Presidential Regulation No. 94/2006;
8. Presidential Regulation No. 10/2005 on Organization Units and Duties of Echelons I of State Ministries of the Republic of Indonesia as already amended several times and latest by Presidential Regulation No. 91/2006;
9. Presidential Regulation No. 33/2005 on Ratification of Beijing Amendment to the Montreal Protocol on

Substances that Deplete the Ozone Layer (Statute Book of 2005 No. 37);

10. Presidential Regulation No. 46/2005 (**BN No. 7262 pages 23A-24A**) on Ratification of Montreal Amendment to the Montreal Protocol on Substances that Depleted the Ozone Layer (Statute Book of 2005 No. 59);
11. Regulation of the Minister of Industry No. 01/M-IND/PER/3/2005 on Organization and Work Procedure of the Ministry of Industry;
12. Regulation of the Minister of Trade of the Republic of Indonesia No. 24/M-DAG/PER/6/2006 (**BN No. 7400 pages 27A-30A and so on**) on Rules on Import of Ozone Depleting Substances;

Observing:

Letter of State Minister of Environment No. B-4934/Dep.III/LH/08/2006 dated August 7, 2006 on Revision of Decree of the Minister of Industry and Trade No. 790/MPP/Kep/12/2002.

DECIDES:

To stipulate:

REGULATION OF THE MINISTER OF INDUSTRY ON PROHIBITION FROM PRODUCING OZONE DEPLETING SUBSTANCES AND FROM PRODUCING MATERIALS THAT USE OZONE DEPLETING SUBSTANCES.

Article 1

In this Regulation:

1. Ozone Depleting Substances refer to chemical compounds potential to have reaction to ozone molecules in the stratosphere as specified in Attachment I to this Regulation.
2. Materials refer to products that use ozone depleting substances.
3. Industrial company refers to company operating activities in industrial businesses and can be in form of individual person, business entity, or legal entity established and domiciled in Indonesia.

Article 2

Ozone depleting substances as referred to in Article 1 paragraph 1 may not be produced.

Article 3

Ozone depleting substances as referred to in Article 1 paragraph 1 may not be used in production of air conditioner used in rooms and motor vehicles; refrigerators in the homes; and fire extinguishers.

Article 4

Ozone depleting substances as referred to in Article 1 paragraph 1 are allowed to be used in production of foam, refrigerators, and aerosol until June 30, 2008.

Article 5

Ozone depleting substances as referred to in Article 1 paragraph 1, starting from July 1, 2008, may only be used for maintenance of materials.

Article 6

- (1) CFC and Halon as referred to in Article 1 paragraph 1 can be recycled.
- (2) Output of recycle as referred to in paragraph (1) can only be used for maintenance of materials which operation still uses CFC or Halon.

Article 7

- (1) Materials that do not use CFC are obligated to use logo as specified in Attachment II to this Regulation.
- (2) Materials that do not use Halon and CFC for fire extinguisher are obligated to use logo as specified in Attachment III to this Regulation.

Article 8

- (1) Supervision into the implementation of this Regulation shall be carried out by the Directorate Generals within the Ministry of Industry in coordination with related institutions in accordance with their duties and functions.
- (2) Procedure of supervision as referred to in paragraph (1) shall be further regulated by each Directorate

General in accordance with their duties and functions.

Article 9

Industrial companies that violate the provisions of this Regulation shall be imposed with administrative sanctions in form of revocation of Industrial Business License (IUI) or Certificate of Registration of Industry (TDI) and or other sanctions in accordance with laws and regulations in force.

Article 10

Technical matters that are not yet provided in this Regulation will be further stipulated by the Director Generals within the Ministry of Industry in accordance with their duties and functions.

Article 11

With this Regulation coming into force, Decree of the Minister of Industry and Trade No. 110/MPP/Kep/1/1998 on Prohibition from Producing and Trading Ozone Depleting Substances and from Producing and Trading New Materials that use Ozone Depleting Substances as already amended several times and latest by Decree of the Minister of Industry and Trade No. 790/MPP/Kep/12/2002, as long as they are not ruling about industry, shall be revoked and declared null and void.

This Regulation comes into force as from the date it is stipulated.

For public cognizance, this Regulation is promulgated by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On April 17, 2007

THE MINISTER OF INDUSTRY OF

THE REPUBLIC OF INDONESIA

Sgd

FAHMI IDRIS

Editor's Note :

- Attachments are not available.

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