

Summary of Permendag 9/2025 - Export Policy and Arrangements

In 2023, the Minister of Trade (“**Minister**”) introduced Regulation No. 23 of 2023 on Export Policy and Arrangements, which has been amended several times, most recently through the issuance of Regulation No. 21 of 2024 (collectively referred to as “**Regulation 23/2023**”), which addresses a wide array of matters specifically related to export implementation (e.g. applicable requirements, business licensing, exporter obligations and so forth). However, in order to offer a more flexible policy on the operation of metal mineral refinery facilities for copper commodities during the occurrence of force-majeure events, the Minister has now decided to issue Regulation No. 9 of 2025 on the Third Amendment to Regulation 23/2023 (“**Third Amendment**”), which has been in force since 14 March 2025.

While retaining the majority of the provisions that were originally featured under Regulation 23/2023, the Third Amendment has now revised several details of the mechanisms for business licensing applications and the imposition of administrative sanctions. The Third Amendment has also introduced a number of new export provisions that apply to the fish commodity group (“**Fish Commodities**”), including Fish Commodities that are listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“**CITES**”). For additional context, CITES is an international treaty that aims to regulate global trade in wild animal and plant specimens in an effort to prevent threats to species’ survival.

This edition offers a summary of the new provisions that have now been introduced under the Third Amendment and compares them with the framework of Regulation 23/2023, specifically in relation to the following matters:

1. Adjusted Export Mechanism and Business Licensing;
2. Adjusted Administrative Sanctions; and
3. Adjusted Export Provisions for Certain Products.

Adjusted Export Mechanism and Business Licensing

The Third Amendment now allows the Minister to control exports by requesting that the Director-General of Foreign Trade (“**Director-General**”) report on business license applications for the export sector (“**Export Licenses**”) prior to such applications being processed and/or Export Licences being issued. In this regard, the Third Amendment has introduced the use of Service Level Agreements (“**SLA**”) for the issuance of Export Licenses. Said SLA should take into account the aforementioned reports and should simultaneously take relevant national interests into account.

While maintaining the core mechanism for the issuance of Export Licenses, the Third Amendment no longer features the mandatory 30-day timeframe after any data changes occur for exporters to resubmit their applications to secure updated Export Licenses, as previously set under Regulation 23/2023. Furthermore, the Third Amendment has also clarified that the timeframe for the submission of Export License (i.e. registered exporters and export approvals) extension applications for validity periods that are about to expire is set at least 30 days in advance. However, the latest possible submission for said applications remains seven working days prior to the expiration of the relevant validity period, as it was previously under Regulation 23/2023.

In addition to the above licensing mechanism, the Third Amendment has also adjusted several details related to export policy and the regulation of releases of certain goods from Special Economic Zones (*Kawasan Ekonomi Khusus – “KEK”*) and Free Trade and Free Port Zones (*Kawasan Perdagangan Bebas dan Pelabuhan Bebas – “KPBPB”*). In this regard, the Third Amendment has now adjusted the list of entities that are authorized to issue Export Licenses for business activities in KPBPB and KEK as follows:

Parties Authorized to Issue Export Licenses	Regulation 23/2023	Third Amendment
Head of the KPBPB Management Agency	√	√
Secretariat-General of the National KEK Council	√	
KEK Administrator (“ Administrator ”)		√

As a consequence, Export Licenses will now be issued via an electronic service system provided by the KPBPB Management Agency or Administrator, instead of by the Secretariat-General. However, in conditions where the Administrator is not yet ready to issue Export Licenses, then issuance will be conducted by the Secretariat-General. Moreover, if both the Administrator and the Secretariat-General do not yet have any electronic service system in place that has been integrated into the Indonesia National Single Window System (*Sistem Indonesia National Single Window – “SINSW”*), then the issuance of Export Licenses will be facilitated solely through the SINSW.

Adjusted Administrative Sanctions

In terms of the available administrative sanctions, the Third Amendment has now adjusted the list of the reasons for the reactivation of Export Licenses that have been suspended, as follows:

Justification for Reactivation of Suspended Export License	Regulation 23/2023	Third Amendment
The Export License is still valid and the exporter has fulfilled the obligation to report the export realization.	√	√
The exporter has fulfilled the obligation to apply for an Export License change within 30 days from the effective date of suspension.	√	
An order to terminate an investigation is issued by the investigator.	√	√
The exporter is proven not guilty or acquitted of legal charges based on a court decision.	√	√

Moreover, while retaining most of the reasons for the imposition of administrative sanctions in the form of Export License revocations that were originally outlined under Regulation 23/2023, the Third Amendment has now clarified that any exporters who fail to fulfill the obligation to apply for an Export License change within 30 days of the issuance of an Export License suspension will no longer be subject to the imposition of administrative sanctions.

As the Third Amendment no longer subjects exporters to Export License suspensions for failing to apply for data changes, related provisions on suspensions, reactivations and revocations have also been removed under the new framework. These adjustments also apply to the imposition of administrative sanctions in cases where disruptions affect the INATRADE system and/or the SINSW.

Adjusted Export Provisions for Certain Products

Pursuant to the Third Amendment, the term mining goods (*barang pertambangan*), as featured under Regulation 23/2023, has now been clarified as processed and/or refined mining products (*produk pertambangan hasil pengolahan dan/atau pemurnian*) with no details of any related products/goods changed from those originally outlined.

Moreover, the Third Amendment has also clarified that the export deadline provisions for the above-mentioned processed and/or refined mining products, which only allowed for the export of products until 31 December 2024, exclude

from this export restriction copper concentrate products with a content of $\geq 15\%$ Cu, as exported by exporters who have completed the construction of metal mineral refining facilities for copper commodities but are no are unable to operate said facilities because they require repairs to be completed in response to force-majeure events. It should also be noted that this exclusion is in line with Regulation of the Minister of Energy and Mineral Resources No. 6 of 2025 on the Amendment to Regulation of the Minister of Energy and Mineral Resources No. 6 of 2024 on Completion of the Construction of Metal Mineral Facilities in Indonesia ("**Regulation 6/2025**").

As briefly mentioned in the summary section above, the Third Amendment now states that several types of Fish Commodities, both listed and unlisted in the CITES, for which export registration numbers and dates were secured prior to the enforcement of the Third Amendment, may be exported without the need to secure any additional export approvals. In this regard, a total of 24 Fish Commodities have now been listed under Appendix I to the Third Amendment, along with their respective tariff posts/Harmonized System (HS) codes.

Key Takeaways

Broadly speaking, the Third Amendment is expected to facilitate and expand opportunities for business actors who are looking to export commodities related to their business activities. Additionally, business actors, particularly holders of special mining business licenses for the metal mineral production operations stage, who experience force-majeure conditions can now complete exports, provided that they meet the requirements stipulated under the Third Amendment and other applicable Laws.