

REGULATION OF THE MINISTER OF TRANSPORTATION OF
THE REPUBLIC OF INDONESIA NUMBER PM 121 OF 2018
ON
AMENDMENT TO THE REGULATION OF THE MINISTER OF TRANSPORTATION NUMBER
PM 72 OF 2017 ON THE TYPES, STRUCTURE, CLASSES AND
DETERMINATION MECHANISM OF PORT SERVICE FEES

BY THE BLESSINGS OF ALMIGHTY GOD

THE MINISTER OF TRANSPORTATION OF THE REPUBLIC OF INDONESIA,

Considering:	<ul style="list-style-type: none">a. that to adjust the types, structure, classes, and determination mechanisms of port service fees as regulated in the Regulation of the Minister of Transportation Number PM 72 of 2017 on the Types, Structures, Classes and Determination Mechanism of Port Service Fees, the reorganization of types, structures, classes and determination mechanism of port service fees is required;b. that with the consideration as contained in paragraph a, a Regulation of the Minister of Transportation on the Amendment of the Regulation of the Minister of Transportation Number PM 72 of 2017 on the Types, Structures, Classes and Determination Mechanism of Port Service Fees is required;
In view of:	<ul style="list-style-type: none">1. Law Number 17 of 2008 on Shipping (State Gazette of the Republic of Indonesia of 2008 Number 64, Supplement to the State Gazette of the Republic of Indonesia Number 4849);2. Law Number 39 of 2008 on State Ministries (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 3916);3. Government Regulation Number 61 of 2009 on Ports (State Gazette of the Republic of Indonesia of 2009 Number 151, Supplement to the State Gazette of the Republic of Indonesia Number 5070) as amended by the Government Regulation Number 64 of 2015 on Amendment to the Government Regulation Number 61 of 2009 on Ports (State Gazette of the Republic of Indonesia of 2015 Number 193, Supplement to the State Gazette of the Republic of Indonesia Number 5731);

4. Government Regulation Number 20 of 2010 on Water Transportation (State Gazette of the Republic of Indonesia of 2010 Number 26, Supplement to the State Gazette of the Republic of Indonesia Number 5108) as amended by the Government Regulation Number 22 of 2011 on the Amendment to the Government Regulation Number 20 of 2010 on Water Transportation (State Gazette of the Republic of Indonesia of 2011 Number 43, Supplement to the State Gazette of the Republic of Indonesia Number 5208);
5. Presidential Regulation Number 7 of 2015 on the Organization of State Ministries (State Gazette of the Republic of Indonesia of 2015 Number 8);
6. Presidential Regulation Number 40 of 2015 on the Ministry of Transportation (State Gazette of the Republic of Indonesia of 2015 Number 75);
7. Regulation of the Minister of Transportation Number KM 62 of 2010 on the Organization and Work Procedure of the Port Operator Unit as amended several times the latest by the Regulation of the Minister of Transportation Number PM 77 of 2018 on the Third Amendment to the Regulation of the Minister of Transportation Number KM 62 of 2010 on the Organization and Work Procedure of the Port Operator Unit (State Bulletin of the Republic of Indonesia of 2018 Number 1184);
8. Regulation of the Minister of Transportation Number PM 35 of 2012 on the Organization and Work Procedure of the Major Port Authority Office (State Bulletin of the Republic of Indonesia of 2012 Number 628);
9. Regulation of the Minister of Transportation Number PM 36 of 2012 on the Organization and Work Procedure of the Harbormaster and Port Authority Office as amended by the Regulation of the Minister of Transportation Number PM 76 of 2018 on the Second Amendment to the Regulation of the Minister of Transportation Number PM 36 of 2012 on the Organization and Work Procedure of the Harbormaster and Port Authority Office (State Bulletin of the Republic of Indonesia of 2018 Number 1183);
10. Regulation of the Minister of Transportation Number PM 7 of 2015 on the Guidelines for the Process in Developing Considerations of the Minister of Transportation on Proposals of Port Service Fees and Harbormaster Services Fees by an Enterprise (State Bulletin of the Republic of Indonesia of 2012 Number 628);

	<p>11. Regulation of the Minister of Transportation Number PM 51 of 2015 on the Organization of Sea Ports (State Bulletin of the Republic of Indonesia of 2015 Number 311) as amended by the Regulation of the Minister of Transportation Number PM 146 of 2016 on the Amendment to the Regulation of the Minister of Transportation Number PM 51 of 2015 on the Organization of Sea Ports (State Bulletin of the Republic of Indonesia of 2016 Number 1867);</p> <p>12. Regulation of the Minister of Transportation Number PM 57 of 2015 on Ship Pilotage and Tug Assistance (State Bulletin of the Republic of Indonesia of 2015 Number 390);</p> <p>13. Regulation of the Minister of Transportation Number PM 95 of 2015 on the Guidelines in Determining Port Service Charges by Port Entreprises (State Bulletin of the Republic of Indonesia of 2015 Number 785);</p> <p>14. Regulation of the Minister of Transportation Number PM 189 of 2015 on the Organization and Work Procedure of the Ministry of Transportation (State Bulletin of 2015 Number 1844) as amended several times, the latest by the Regulation of the Minister of Transportation Number PM 56 of 2018 on the Fourth Amendment to the Regulation of the Minister of Transportation Number PM 189 of 2015 on the Organization and Work Procedure of the Ministry of Transportation (State Bulletin of the Republic of Indonesia of 2018 Number 814);</p> <p>15. Regulation of the Minister of Transportation Number PM 93 of 2018 on the Organization and Work Procedure of the Batam Special Harbormaster and Port Authority Office (State Bulletin of the Republic of Indonesia of 2018 Number 1360);</p>
	HAS DECIDED:
To Enact:	REGULATION OF THE MINISTER OF TRANSPORTATION ON AMENDMENT TO REGULATION OF THE MINISTER OF TRANSPORTATION NUMBER KM 72 OF 2017 ON THE TYPES, STRUCTURE, CLASSES AND DETERMINATION MECHANISM OF PORT SERVICE FEES
	Article 1
	Several provisions in the Regulation of the Minister of Transportation Number PM 73 of 2017 on the Types, Structure, Classes and Determination Mechanisms of Port

	<p>Service Fees (State Bulletin of the Republic of Indonesia of 2017 Number 1139) are amended as follows:</p> <p>1. The provisions of Article 1 are amended to read as follows:</p> <p style="text-align: center;">Article 1</p> <p>In this Ministerial Regulation:</p>
	<ol style="list-style-type: none"> 1. A Port is a place that consists of land and/or water with defined borders as a place of governance or business activities, used by ships to dock, passengers to embark or disembark, cargo to be loaded or unloaded, in the form of terminals and berths equipped with ship safety and security facilities as well as port support activities and acts as a transfer hub for intramodal and intermodal transportation. 2. A Sea Port is a port that can be used to serve sea transportation and/or crossing transportation activities on the sea or on a river. 3. A Terminal is a port facility that is comprised of docks and moors, a transit shed, a passenger terminal, and/or cargo loading-unloading facilities. 4. A Ship is a watercraft in any form and type, propelled by mechanical force, wind force or towing, including vehicles with dynamic support force, submarines, as well as non-moving floating equipment and floating structures. 5. Cargo is all types of commodities including animals which are unloaded from/loaded to a ship. 6. Port Operators are a Port Authority, Harbormaster and Port Authority, Batam Special Harbormaster and Port Authority and Port Operator Unit. 7. A Port Authority is a Governmental institution in a port as the authority that performs the management, control and monitoring functions of commercially-managed port activities. 8. An Harbormaster and Port Authority is the Technical Implementation Unit under the Ministry of Transportation which is under and reports to the Director General of Marine Transportation and tasked to perform legal monitoring and enforcement of shipping safety and security, coordination of governmental activities in the port as well as

	<p>management, control and monitoring of port activities on a commercially-managed port.</p> <p>9. Batam Special Harbormaster and Port Authority Office which in this Ministerial Regulation will be referred to as <i>KSOP Khusus Batam</i> is the Technical Implementation Unit under the Ministry of Transportation which is under and reports to the Director General of Marine Transportation and tasked to perform legal monitoring and enforcement of shipping safety and security, coordination of governmental activities in the port as well as management, guidance, control and monitoring of port activities on a commercially-managed port in the Batam Free Trade and Free Port Zone and its area of jurisdiction.</p> <p>10. A Port Operator Unit is a Governmental institution in a port which acts as the authority that performs the management, control and monitoring functions of port activities, and provision of port service for a non-commercially-managed port.</p> <p>11. A Port Enterprise which is abbreviated as <i>BUP</i> is an enterprise with the sole business of terminal management and other port facilities.</p> <p>12. The Minister is the Minister of Transportation.</p> <p>13. The Director General is the Director General of Marine Transportation.</p>
	<p>2. The provisions of Article 9 are amended to read as follows:</p> <p style="text-align: center;">Article 9</p> <p>The time and measurement units of each type of port service as referred to in Article 7 are determined as follows:</p> <p>a. Ship services, comprising:</p> <ol style="list-style-type: none"> 1. berthage, calculated based on the ship size in Gross Tonnage (GT) reflected in GT per ship visit; 2. pilotage, calculated based on the piloted ship size in Gross Tonnage (GT) reflected in GT per movement linked to the piloting distance and risk level with a formula: ((GT x variable rate) + fixed rate) x movement; 3. tug assistance, calculated based on the tugged ship size in Gross Tonnage (GT) reflected in GT per hour, with a formula: (GT x variable rate) + fixed rate x number of hours;

4. mooring, calculated based on the ship size in Gross Tonnage (GT) reflected in GT per 24 hours;
 5. use of managed sea lanes, calculated with the following rules:
 - a) for an empty ship, based on the ship size in Gross Tonnage (GT) reflected in GT per one pass; and
 - b) for a filled ship, based on the ship size in Gross Tonnage (GT) reflected in GT per one pass or based on ship capacity reflected in ton/m³/box per visit;
 6. mooring services, calculated on unit per movement; and
 7. additional services, consisting of:
 - a) invoice administrative fee, calculated on unit per invoice; and
 - b) IT system administrative fee for e-payment, calculated on unit per invoice.
- b. cargo services, comprising:
1. general cargo services in a multipurpose terminal, consisting of:
 - a) pier services, calculated based on:
 - 1) unit of ton/m³ for general cargo;
 - 2) unit of box for containers;
 - 3) unit of individual for animal;
 - 4) unit of ton/m³ ton/kilo litre/million metric British Thermal Unit (MMBTU)/million standard cubic feet (MMSCF) for liquid/gas bulk;
 - 5) unit of ton/m³ for dry bulk; and
 - 6) unit of unit/m³ for vehicles;
 - b) stevedoring services, calculated based on:
 - 1) unit of ton/m³ per service for general cargo;
 - 2) unit of box per service for containers;
 - 3) unit of individual per service for animals;
 - 4) unit of ton/m³ ton/kilo litre/million metric British Thermal Unit (MMBTU)/million standard cubic feet (MMSCF) per service for liquid/gas bulk;
 - 5) unit of ton/m³ per service for dry bulk; and
 - 6) unit of unit/m³ per service for vehicles;
 - c) cargodoring services, calculated based on:

	<ol style="list-style-type: none"> 1) unit of ton/m³ per service for general cargo; 2) unit of box per service for containers; 3) unit of individual per service for animals; 4) unit of ton/m³ ton/kilo litre/million metric British Thermal Unit (MMBTU)/million standard cubic feet (MMSCF) per service for liquid/gas bulk; 5) unit of ton/m³ per service for dry bulk; and 6) unit of unit/m³ per service for vehicles; <p>d) monitoring/supervising services, calculated based on unit of ton/m³/unit/activity per hour;</p> <p>e) stripping/stuffing services, calculated based on:</p> <ol style="list-style-type: none"> 1) unit of ton/m³ per service for breakbulk and dry bulk; 2) unit of individual per service for animals; 3) unit of unit/m³ per service for vehicles; and 4) unit of box per service for containers;
	<p>f) receiving/delivery services, calculated based on:</p> <ol style="list-style-type: none"> 1) unit of ton/m³ per service for general cargo; 2) unit of box per service for containers; 3) unit of individual per service for animals; 4) unit of ton/m³ ton/kilo litre/million metric British Thermal Unit (MMBTU)/million standard cubic feet (MMSCF) per service for liquid/gas bulk; 5) unit of ton/m³ per service for dry bulk; and 6) unit of unit/m³ per service for vehicles; <p>g) cleaning/trimming/sweeping services, calculated based on unit of ton/m³/kilo litre/unit per service;</p> <p>h) additional services, consisting of:</p> <ol style="list-style-type: none"> 1) invoice administrative fee, calculated based on unit of invoice; 2) interterminal transfer fee, calculated based on unit of ton/m³/box/unit; 3) initial stacking fee (piling plus extra

	<p>movement fee), calculated based on unit of ton/m³/box/unit;</p> <ol style="list-style-type: none"> 4) IT system administrative fee for e-payment, calculated based on unit of invoice; 5) haulage fee, calculated based on unit of ton/m³/unit/box; 6) monitoring/supervising fee, calculated based on unit of ton/m³/unit/box/individual per activity; and 7) site office fee, calculated based on unit of m²/unit/box;
	<ol style="list-style-type: none"> 2. container services in container Terminal, consisting of: <ol style="list-style-type: none"> a) Ship operation activities, consisting of: <ol style="list-style-type: none"> 1) dock, calculated based on unit of ton/m³/box/unit per service; 2) stevedoring, calculated based on unit of ton/m³/box/unit per service; 3) haulage/trucking, calculated based on unit of ton/m³/box/unit per service; 4) shifting, calculated based on unit of ton/m³/box/unit per service; 5) opening/closing of cargo hold, calculated based on unit per service; and 6) lift on/lift off, calculated based on unit of ton/m³/box/unit per service; b) field operation activities, consisting of: <ol style="list-style-type: none"> 1) piling, calculated based on unit of ton/m³/box/unit per day; 2) lift on/lift off, calculated based on unit of ton/m³/box/unit per service; 3) extra movement, calculated based on unit of ton/m³/box/unit per service; 4) relocation, calculated based on unit of ton/m³/box/unit per service; and 5) shifting, calculated based on unit of ton/m³/box/unit per service; c) container freight station activities, consisting of: <ol style="list-style-type: none"> 1) stripping/stuffing, calculated based on unit of ton/m³/box/unit per service; 2) piling, calculated based on unit of

	<p>ton/m³/box/unit per service;</p> <p>3) receipt/submission service, calculated based on unit of ton/m³/box/unit per service;</p> <p>d) extra service activities, consisting of:</p> <ol style="list-style-type: none"> 1) invoice administrative fee, calculated based on unit of invoice; 2) interterminal transfer fee, calculated based on unit of ton/m³/box/unit; 3) Container Handover Letter charge, calculated based on unit of box; 4) export card fee, calculated based on unit of box; 5) hi-co scan fee, calculated based on unit of box; 6) hi-co scan with handling fee, calculated based on unit of ton/m³/box/unit; 7) initial stacking fee (piling plus extra movement fee), calculated based on unit of ton/m³/box/unit; 8) transaction cancellation fee, calculated based on unit of ton/m³/box/unit; 9) after closing time fee, calculated based on unit of ton/m³/box/unit; 10) IT system administrative fee for e-payment, calculated based on unit of invoice; 11) Piling Location Change fee, calculated based on unit of ton/m³/box/unit; 12) site office fee, calculated based on unit of ton/m³/box/unit; and 13) monitoring/supervising fee, calculated based on unit of ton/m³/box/unit per activity;
	<p>3. liquid/gas bulk cargo service in a liquid/gas bulk Terminal, consisting of:</p> <ol style="list-style-type: none"> a) dock, calculated based on unit of ton/m³ ton/kilo litre/million metric British Thermal Unit (MMBTU)/million standard cubic feet (MMSCF); b) piling (tanks), calculated based on unit of ton/m³ ton/kilo litre/million metric British Thermal Unit (MMBTU)/million standard cubic feet (MMSCF) per day;

	<ul style="list-style-type: none"> c) plugging/unplugging (flexible hose), calculated based on unit of activity per ship; d) monitoring/supervising, calculated based on unit of ton/m³ ton/kilo litre/million metric British Thermal Unit (MMBTU)/million standard cubic feet (MMSCF) per activity; e) pipe, calculated based on unit of ton/m³ ton/kilo litre/million metric British Thermal Unit (MMBTU)/million standard cubic feet (MMSCF) per activity per hour; f) furnace, calculated based on unit of ton/m³ ton/kilo litre/million metric British Thermal Unit (MMBTU)/million standard cubic feet (MMSCF) per hour; g) pump, calculated based on unit of ton/m³ ton/kilo litre/million metric British Thermal Unit (MMBTU)/million standard cubic feet (MMSCF) per activity per hour; h) cleaning, calculated based on unit of ton/m³ ton/kilo litre/million metric British Thermal Unit (MMBTU)/million standard cubic feet (MMSCF) litre per activity; i) trucking, calculated based on unit of ton/m³ ton/kilo litre/million metric British Thermal Unit (MMBTU)/million standard cubic feet (MMSCF); and j) extra service consisting of: <ul style="list-style-type: none"> 1) invoice administrative fee calculated based on unit of invoice; 2) IT system administrative fee for e-payment calculated based on unit of invoice; 3) transfer fee calculated based on unit of ton/m³ ton/kilo litre/million metric British Thermal Unit (MMBTU)/million standard cubic feet (MMSCF); and 4) monitoring/supervising fee, calculated based on unit of ton/m³ ton/kilo litre/million metric British Thermal Unit (MMBTU)/million standard cubic feet (MMSCF) per activity;
	<p>4. dry bulk service in dry bulk Terminal, consisting of:</p> <ul style="list-style-type: none"> a) dock, calculated based on unit of ton/m³;

	<ul style="list-style-type: none"> b) stockpile, calculated based on unit of ton/m³ per day; c) conveyor/pipe/excavator/grab, calculated based on unit of ton/m³; d) plugging/unplugging, calculated based on unit of activity per service; e) monitoring/supervising, calculated based on unit of activity per hour; f) pump, calculated based on unit of ton/m³ per activity per hour; g) ramp door/moveable bridge, calculated based on unit of activity; h) hooper, calculated based on unit of ton/m³ per day; i) trimming, calculated based on unit of activity; j) bagging, calculated based on unit of ton/sack; k) cleaning, calculated based on unit of activity; l) trucking, calculated based on unit of ton/m³ ton; and m) extra service, consisting of; <ul style="list-style-type: none"> 1) invoice administrative fee, calculated based on unit of invoice; 2) IT system administrative fee for e-payment, calculated based on unit of invoice; 3) transfer fee, calculated based on unit of ton/m³ ton; and 4) monitoring/supervising fee, calculated based on unit of ton/m³ ton per activity;
	<ul style="list-style-type: none"> 5. vehicle services in vehicle Terminal, consisting of: <ul style="list-style-type: none"> a) dock, calculated based on unit of ton/m³/unit; b) stockpile, calculated based on unit of ton/m³/unit per day; c) flatbed tire/mechanical equipment, calculated based on unit of unit; d) stevedoring, calculated based on unit of ton/m³/unit; e) field planning, calculated based on unit of ton/m³/unit; f) monitoring/supervising, calculated based on unit of ton/m³/unit per hour per activity; g) cleaning, calculated based on unit of ton/m³/activity;

	<ul style="list-style-type: none"> h) car wash, calculated based on unit of unit; i) repair, calculated based on unit of ton/m³/unit; j) information technology, calculated based on unit of kilo character/unit; k) glossing, calculated based on unit of unit; l) receiving/delivery, calculated based on unit of ton/m³/unit; m) pass, calculated based on unit of unit; n) painting, calculated based on unit of unit; o) tug master, calculated based on unit of unit; p) labelling, calculated based on unit of unit; q) extra services, consisting of: <ul style="list-style-type: none"> 1) invoice administrative fee, calculated based on unit of invoice; and 2) IT system administrative fee for e-payment, calculated based on unit of invoice;
	<p>6. cargo loading/unloading services on a floating terminal, consisting of:</p> <ul style="list-style-type: none"> a) loading/unloading, calculated based on unit of ton/m³, ton/kilo litre; b) mooring master, calculated based on activity per time unit; c) fender rental, calculated based on unit per activity; d) hose, calculated based on unit per activity; e) oil spill response, calculated based on unit per activity; f) surveyor, calculated based on unit per activity; g) incident oil spill response, calculated based on unit per activity/time; h) ship chandler, calculated based on unit per unit; i) Ship waste treatment, calculated based on unit of ton/m³ ton/kilo litre; j) service boat, calculated based on unit of activity/movement/day/passenger; k) cargo blending, calculated based on unit of ton/m³ ton/kilo litre;
	<p>7. container service on dry port, consisting of:</p> <ul style="list-style-type: none"> a) field operation service, calculated based on

	<p>unit of ton/m³/box/unit per activity/hour/day;</p> <p>b) warehousing service, calculated based on unit of ton/m³/box/unit per activity/day;</p> <p>c) receipt/submission service, calculated based on unit of ton/m³/box/unit per activity; and</p> <p>d) extra services, consisting of:</p> <ol style="list-style-type: none"> 1) invoice administration fee, calculated based on unit of invoice; 2) Container Handover Letter, calculated based on unit of box; 3) export card fee, calculated based on unit of box; 4) hi-co scan fee, calculated based on unit of box; 5) hi-co scan with handling fee, calculated based on unit of ton/m³/unit/box; 6) initial stacking fee (stockpiling plus extra movement fee), calculated based on unit of ton/m³/unit/box; 7) transaction cancellation fee, calculated based on unit of ton/m³/unit/box; 8) IT system administrative fee for e-payment, calculated based on unit of invoice; 9) site office fee, calculated based on unit of m³/unit/box; and 10) monitoring/supervising fee, calculated based on unit of ton/m³/unit/box per activity;
	<p>8. Ro-Ro (Roll on-Roll off) vehicle and cargo loading/unloading service in a Ro-Ro Terminal, consisting of:</p> <ol style="list-style-type: none"> a) dock, calculated based on unit of ton/m³/unit; b) stockpile, calculated based on unit of ton/m³/unit per day; c) stevedoring, calculated based on unit of ton/m³/unit; d) field planning, calculated based on unit of ton/m³/unit; e) monitoring/supervising, calculated based on unit of ton/m³/unit per hour per activity; f) extra services, consisting of:

	<ol style="list-style-type: none"> 1) invoice administrative fee, calculated based on unit of invoice; and 2) IT system administrative fee for e-payment, calculated based on unit of invoice;
	<ol style="list-style-type: none"> c. passenger services, calculated based on unit of passenger per service in the waiting lounge.
	<p>3. The provisions of Article 18 are amended to read as follows:</p> <p style="text-align: center;">Article 18</p> <p>(1) Consultations as referred to in Article 17 paragraph (1) are conducted in the following mechanism:</p> <ol style="list-style-type: none"> a. Port Enterprise drafts a fee proposal by taking into consideration public service interests, improvement of service quality, interests of service users, enhancement of service provision, expense reimbursement, and business development, accompanied by supporting documents as follows: <ol style="list-style-type: none"> 1. calculation of cost of goods, comparison of prevailing fee and cost of goods, service quality and can also be accompanied by data of prevailing fees in domestic or overseas sea Port with similar type and level of service; 2. analysis and justifications of fee increase proposals to be borne by service users; 3. implementation of Service Level Agreement (SLA), Service Level Guarantee (SLG), and Port Operational Service Performance Standard; and 4. agreement with service user association; b. a draft proposal of ship service fees and cargo service fees developed by a Port Enterprise, before being brought to the Minister for consultation, shall first be disseminated and agreed between the Port Enterprise and the association of service users directly affected by the type of service whose fees are proposed and local port users, namely: <ol style="list-style-type: none"> 1. for ship service fees, the Indonesia National Shipowners Association (INSA) and People's Shipping (<i>Pelayaran Rakyat</i>/PELRA); and

2. for cargo service fees, the Association of Indonesian Loading/Unloading Companies (*Asosiasi Perusahaan Bongkar Muat Indonesia* - APBMI), Indonesian Logistics and Forwarders Association (*Asosiasi Logistik dan Forwarder Indonesia* - ALFI/ILFA), Coalition of Indonesian Exporting Companies (*Gabungan Perusahaan Ekspor Indonesia* - GPEI), and Coalition of Indonesian National Importers (*Gabungan Importir Nasional Seluruh Indonesia* - GINSI), while for handling container and dangerous goods services, INSA;

- c. the agreement as contained in paragraph b is reflected in a memorandum signed by and with the knowledge of the Port Operator;
- d. the Port Enterprise then submits the agreed fee proposal in written form to the Minister, accompanied by complete supporting data as contained in paragraph a, with a copy to the Port Operator;
- e. the fee proposal as contained in paragraph d is discussed in the relevant division under the Ministry of Transportation with the Port Enterprise;
- f. based on the discussion contained in paragraph e, taking into consideration the national interests, the Minister shall issue a written instruction and considerations to the Port Enterprise within 30 (thirty) working days after the receipt of the complete proposal from the Port Enterprise;
- g. in determining the amount of each service fee contained in Article 16 paragraph (5), the Port Enterprise must take notice the Ministerial instruction and considerations;
- h. if within the stated period of time no written ministerial instruction and considerations as referred to in paragraph f have been issued, the Port Enterprise can determine the amount of fees based on the agreement with service users;
- i. the Port Enterprise must announce and publicize the amount of fees as referred to in paragraph g

	<p>or h to all service users within 1 (one) month before the fees are applied; and</p> <p>j. the fee amount of ship and cargo services in Terminal which has been determined by the Port Enterprise shall be reported to the Minister.</p>
	<p>(2) The amount of fee agreed among ship tugging and towing services and service users which has not been consulted with the Minister can be formulated as ship pilotage and tug service fees for the Port Enterprise and have contribution applied, at the most 6 (six) months since the issuance of the handing over of the ship pilotage and tug service;</p>
	<p>4. The provisions of Article 20 are amended to read as follows:</p> <p style="text-align: center;">Article 20</p> <p>(1) A Port Enterprise can determine the amount of port service fees as contained in Article 16 paragraph (5) without any consultation with the Minister in:</p> <ul style="list-style-type: none"> a. similar Terminal whose port services are managed by more than 1 (one) Port Enterprise in 1 (one) port; or b. ship pilotage and tug services which have been handed over to more than 1 (one) Port Enterprise; <p>(2) The amount of port services fees as stated in paragraph (1) is reported to the Minister by attaching:</p> <ul style="list-style-type: none"> a. the calculation of the cost of goods, comparison between the prevailing fees and the cost of goods, the quality of the service provided and can be accompanied by the data of prevailing fees in both domestic and overseas sea ports with similar types and levels of services; b. an analysis and justifications of the fee increase proposal to users; and c. the implementation of the Service Level Agreement (SLA), Service Level Guarantee (SLG), and Port Operational Services Performance Standard.
	<p>5. The provisions of Article 21 are amended to read as follows:</p>

	<p style="text-align: center;">Article 21</p> <p>(1) In certain conditions, the rates of ship pilotage and tug service fees are determined by the Port Enterprise based on an agreement with the users within 6 (six) months after the agreement is achieved.</p> <p>(2) Certain conditions as stated in paragraph (1) include:</p> <ol style="list-style-type: none"> a. the waters have not been assigned as compulsory pilotage waters or special pilotage waters; and b. there is a request for ship pilotage and tug service; <p>(3) The rates of ship pilotage and tug fees outside normal service or for ships in special conditions such as ship blackout or damaged and grounded ship are determined by the Port Enterprise based on an agreement with the service users.</p>
	<p>6. The provisions of Article 22 are amended to read as follows:</p> <p style="text-align: center;">Article 22</p> <p>(1) The port service fees can be reviewed at the earliest once in two years, except in certain conditions.</p> <p>(2) Certain conditions as stated in paragraph (1) include:</p> <ol style="list-style-type: none"> a. An increase of the general inflation rate to or over 7% (seven percent); b. Service increase; c. Port infrastructure enhancement; or d. <i>Force majeure</i>.
	<p>7. The provisions of Article 23 are amended to read as follows:</p> <p style="text-align: center;">Article 23</p> <p>(1) Incentives can be given to national transportation companies operating their ships on fixed and regular routes and to mandatory public service providers for cargo and passenger transportation on the sea, in the form of docking priority, bunker facility depending on the route and number of sailing days, and/or reduction of port service fees.</p> <p>(2) The reduction of port service fees as stated in paragraph (1) include:</p>

	<ul style="list-style-type: none">a. berthing service fee;b. mooring service fee; andc. pilotage service fee which is determined by the Port Enterprise or Port Operators. <p>(3) For dangerous goods or hazardous goods requiring special treatment, an additional fee based on the classification of danger levels for such goods according to the International Maritime Organizations (IMO) is payable.</p> <p>(4) For containers requiring special treatment such as flat track, open top, open side, damaged containers, etc that requires special treatment, an additional fee in line with the level of service difficulty is payable.</p> <p>(5) In cases where the Port Enterprise performs services not regulated in this Ministerial Regulation, the fee for this unregulated service can be determined based on an agreement with the service user.</p> <p>(6) To promote visits of international tourists, incentives can be provided to cruises in the form of discounted fees for berthing, mooring, as well as ship pilotage and tugs.</p>
	<p>Article II</p> <p>This Ministerial Regulation comes into force on the date of its promulgation.</p> <p>In order that every person may know hereof, it is ordered to promulgate this Ministerial Regulation by its placement in the State Bulletin of the Republic of Indonesia</p> <p style="text-align: right;">Issued in Jakarta on 20 December 2018</p> <p style="text-align: right;">MINISTER OF TRANSPORTATION REPUBLIC OF INDONESIA,</p> <p style="text-align: right;">signed</p> <p style="text-align: right;">BUDI KARYA SUMADI</p>

Promulgated in Jakarta
on 28 December 2018

DIRECTOR GENERAL OF LEGISLATION
MINISTRY OF LAW AND HUMAN RIGHTS
REPUBLIC OF INDONESIA,

signed

WIDODO EKATJAHJANA

STATE BULLETIN OF THE REPUBLIC OF INDONESIA OF 2018 NUMBER 1761