

Annex V – List of applicable legislation (updated on 14 August 2015)

Criteria and sub criteria	Applicable laws and regulations	Legal Authority	
1. Legal rights to harvest			
1.1 Land tenure and management rights	Act No 5 Year 1960 on Agrarian Law (State Gazette of the Republic of Indonesia Year 1960 Number 104, Supplement to State Gazette of the Republic of Indonesia Number 2034).	http://www.bpn.go.id/Publikasi/Peraturan-Perundangan/Undang-Undang/undang-undang-nomor-5-tahun-1960-920	Minister and Ministry of Environment and Forestry (MoEF) "Kementarian Lingkungan Hidup dan Kehutanan".
	Act No 41 Year 1999 on Forestry.		Ministry of Trade.
	Government Regulation No 34 Year 2002 on Forest Land Use and Development of Forest Management Plan (attempted to reduce further the impacts of small-scale logging concessions by making Community Cooperatives (Kopermas) illegal).	http://www.bkprn.org/peraturan/the_file/PP_34-2002_TataHutan.pdf	Bupatis (Regent) and Town Majors have the authority to send technical requests to the Governor. Based on technical consideration, the Governor has the authority to send recommendation letters to the MoEF.
	Former Minister of Forestry Regulation No 50 Year 2010 (on procedures for granting and extension of work area IUPHHKHA, IUPHHK-RE, IUPHHK-HTI on production forest Article 3 - Article 12).		Minister and Ministry of Environment and Forestry (MoEF).
	Government Regulation No 27 Year 2012 on Environment License.	http://www.menlh.go.id/DATA/PP-Nomor-27-Tahun-2012.pdf	
	Trade Minister Regulation No 36 Year 2007 on publishing SIUP in conjunction with Trade Minister Regulation No 46 Year 2009 on changes of Trade Minister Regulation No 36 Year 2007. SIUP stands for Surat Izin Usaha Perdagangan and is a business permit.	http://www.pelayananperijinan.probolinggokota.go.id/dl/Permendag-No-36-Tahun-2007-ttg-Penerbitan-SIUP.pdf	
	Act No 40 year 2007 on Limited Liability Companies.		
	Ministry of Forestry Regulation No.P41/Menhut-II/2014 on Management of Timber Forest Product from Natural Forest.	http://www.dephut.go.id/uploads/files/eaca23fd3ce906a848b5c0c72d5feaf6.pdf	
	Ministry of Forestry Regulation No.P42/Menhut-II/2014 on Management of Timber Forest Product from Production Forest.	http://www.dephut.go.id/uploads/files/39ccc39763369bc4fb6ac9df849b22c3.pdf	

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	Government Regulation No 6 year 2007 on Forest Layout, Forest Management Planning, and Forest Use. http://prokum.esdm.go.id/pp/2007/pp_06_20_07.pdf	
	Government Regulation No 76 Year 2014 on the Stipulation of Business License Fee Utilisation of Forests. http://www.rimbawan.com/images/stories/aturan-pdf/2014/P%2076%20Menhut%20II%202014.pdf	
	President Instruction No 10 Year 2011 on Suspension of Granting of New Licenses and Improvement of Governance of Natural Primary Forest and Peat Land in conjunction with President Instruction No 6 Year 2013.	
1.2 Concession licenses	Act No 5 Year 1960 on Agrarian Law). http://www.bpn.go.id/Publikasi/Peraturan-Perundangan/Undang-Undang/undang-undang-nomor-5-tahun-1960-920	Minister and Ministry of Environment and Forestry (MoEF).
	Directorate General of Tax Regulation No 20 Year 2013 Chapter 2 Point C, Chapter 6 point C in conjunction with Directorate General No 38 year 2013 Chapter 6 point C. http://www.ortax.org/ortax/?mod=aturan&page=show&id=15280	Directorate General of Tax. Directorate General of MoEF
	Directorate General of MoEF Regulation Number P.2/VI-BUHT/2014 on Guidelines for Preparation, Appraisal, Approval and Reporting Annual Work Plan and Work Chart in Timber Forest Product Utilisation in Natural Forest. www.dephut.go.id/index.php/news/details/9606	Forest Planning Agency.
	Act No 41 Year 1999 on Forestry. http://prokum.esdm.go.id/uu/1999/uu-41-1999.pdf	WASGANISPHPL (15 types) with the authority to supervise GANISPHPL personnel at the concessions.
	Directorate General of MoEF Number P.7/VI-BUHT/2014 on Guidelines For Preparation, Assessment and Work Plan Approval in Business Utilisation of Forest Timber Forest Industrial Plant. http://www.dephut.go.id/uploads/files/dfdd61271087a2f95388e287b39f4097.pdf	GANISPHPL is a technician with an official training in one of 19 specified tasks.
1.3 Management and harvesting planning	Government Regulation No 35 Year 2002 on Reforestation Fund. www.bpkp.go.id/uu/filedownload/4/63/1076.bpkp	Minister and Ministry of Environment and Forestry (MoEF).
	Directorate General of MoEF Regulation No P.2/VI-BUHT/2014 on Guidelines for Preparation, Appraisal, Approval and Reporting Annual Work Plan and Work Chart in Timber Forest Product Utilisation in Natural Forest. www.dephut.go.id/index.php/news/details/9606	Directorate General of MoEF.

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	<p>Directorate General of MoEF No P.7/VI-BUHT/2014 on Guidelines For Preparation, Assessment and Work Plan Approval in Business Utilisation of Forest Timber Forest Industrial Plant.</p> <p>Minister of MoEF Regulation No P.11/Menhut/2009 in conjunction with Minister of Forestry Regulation No P.65/Menhut-II/2014.</p> <p>Government Regulation No 6 year 2007 on Forest Layout, Forest Management Planning and Forest Use in Conjunction with Government Regulation No 3 Year 2008 on Changes of Government Regulation No 6 Year 2007.</p>	<p>The Government employs experts, called WASGANISPHPL (15 types) with the authority to supervise GANISPHPL personnel at the concessions.</p> <p>GANISPHPL-CANHUT (Tenaga Teknis Pengelolaan Hutan Produksi Lestari - Perencanaan Hutan) - "Technical Person of Sustainable Forest Management - Forest Planning".</p>
1.4 Harvesting permits	<p>Directorate General of MoEF Regulation Number P.2/VI-BUHT/2014 on Guidelines for Preparation, Appraisal, Approval and Reporting Annual Work Plan and Work Chart in Timber Forest Product Utilisation in Natural Forest.</p> <p>Directorate General of MoEF Number P.7/VI-BUHT/2014 on Guidelines For Preparation, Assessment and Work Plan Approval in Business Utilisation of Forest Timber Forest Industrial Plant.</p> <p>Government Regulation No 12 Year 2014 on Non Tax Revenue in conjunction with the Minister of Forestry Regulation No P.68/Menhut-II/2014 on the Benchmark Prices for Calculation of Forest Products, Forest Resources and Replacement Indemnity Stands Stumpage.</p> <p>Government Regulation No 35 Year 2002 on Reforestation Fund.</p> <p>MoEF Decree No 132/Kpts-II/2000 on Enforcement Legal Documentation of Forest Product, Letter of Transport Document Substitute of Logs, Letter of Processed Timber Transport, and Letter of Transport Non-timber Forest Product.</p>	<p>Minister and Ministry of Environment and Forestry (MoEF).</p> <p>Directorate General of Minister of MoEF.</p> <p>The Government employs experts, called WASGANISPHPL (15 types) with the authority to supervise GANISPHPL personnel at the concessions.</p> <p>GANISPHPL-CANHUT (Tenaga Teknis Pengelolaan Hutan Produksi Lestari - Perencanaan Hutan) - "Technical Person of Sustainable Forest Management - Forest Planning".</p>

2. Taxes and fees

Criteria and sub criteria	Applicable laws and regulations		Legal Authority
2.1 Payment of royalties and harvesting fees	Government Regulation No 59 Year 1998 on Tariff of Non Taxable State's Revenue Under of Forestry and Estate Corps.	http://ekowisata.org/wp-content/uploads/2011/11/PP_59_1998.pdf	Minister and Ministry of Environment and Forestry (MoEF).
	Act No 12 Year 1985 on Land and Building Taxes (PBB) of Act No 12 Year 1994 about Changes of Act No 12 Year 1985.	http://www.sjih.depkeu.go.id/fullText/1985/12TAHUN~1985UU.HTM	Directorate General of Taxation.
	Directorate General of Tax Regulation No Per36/PJ/2011 on Build and Land Tax in Forest Sector.	http://www.dephut.go.id/uploads/files/PeraturanDirjenPajak_36_PBBKehutanan_2012.pdf	District Forest Department Staff (presenting royalty invoice, called SPP)
	Government Regulation No 12 Year 2014 on Non Tax Revenue in conjunction with Minister of Forestry Regulation No P.68/Menhut-II/2014 on the Benchmark Prices for Calculation of Forest Products, Forest Resources and Replacement Indemnity Stands Stumpage.	http://www.minerba.esdm.go.id/library/sjih/U12Th1994-PERUBAHAN%20UU%20No12%20TA.pdf	
	Determination of amount of Forest Utilization Permit Fee		
2.2 Value added taxes and other sales taxes	Act No 8 Year 1983 on Value Added Tax of Goods and Services and Sales Tax on Luxury Goods in conjunction with Act No 42 Year 2009 on the Third Changes of Act No 8 Year 1983.	http://ortax.org/ortax/?mod=aturan&page=show&id=11	Directorate General of Tax.
	Government Regulation No 12 Year 2014 on Non Tax Revenue in conjunction Minister of Forestry Regulation No P.68/Menhut-II/2014 on the Benchmark Prices for Calculation of Forest Products, Forest Resources and Replacement Indemnity Stands Stumpage.	http://www.minerba.esdm.go.id/library/sjih/U12Th1994-PERUBAHAN%20UU%20No12%20TA.pdf	The authorized person from the Directorate General of Tax.
2.3 Income and profit taxes	Act No 7 year 1983 on Tax Income in conjunction with Act No 36 Year 2008 on the 4th Changes of Law No 7 year 1983 on Tax Income.	http://luk.staff.uqm.ac.id/atur/UU7-1983PajakPenghasilan.pdf	Directorate General of Tax. The authorised person from Directorate General of Tax.
3. Timber harvesting activities			

Criteria and sub criteria	Applicable laws and regulations	Legal Authority
<p>3.1 Timber harvesting regulations</p>	<p>Minister of MoEF Regulation No P.11/Menhut/2009 on Silvicultural Systems in the Area of License for Utilization of Timber Forest Products in Production Forests in conjunction with Minister of Forestry Regulation No P.65/Menhut-II/2014 on Changes of Minister of Forestry Regulation No P.11/Menhut/2009.</p> <p>MoEF Decree No 132/Kpts-II/2000 on Enforcement Legal Documentation of Forest Product, Letter of Transport Document Substitute of Logs, Letter of Processed Timber Transport, and Letter of Transport Non-timber Forest Product.</p> <p>P.30 / Menhut-II / 2014: Complete periodic forest inventory and work plan in business utilisation of forest wood timber industry.</p> <p>Regulation of the director general of forestry P.1/VI-BPPHH/2015. Changes to the director general of forestry No. P.14 / VI-BPPHH / 2014 OF standards and implementation guidelines for forest management performance assessment sustainable production (SFM) and Timber Legality Verification (VLK).</p> <p>DG Forest Utilization technical guidelines P.14/VI-BPPHH/2014.</p> <p>P.31 / Menhut-II / 2014: procedures for issuing work permits and expansion area business utilisation of forest wood in natural forest, business permit the use of forest ecosystem restoration of wood or business permit the use of forest timber forest timber industry production</p>	<p>The Directorate General of Natural Forest Management (on behalf of the Minister of Forestry and Environment).</p> <p>The Government employs experts, called WASGANISPHPL (15 types) with the authority to supervise GANISPHPL personnel at the concessions.</p> <p>GANISPHPL-CANHUT (Tenaga Teknis Pengelolaan Hutan Produksi Lestari - Perencanaan Hutan) - "Technical Person of Sustainable Forest Management - Forest Planning".</p> <p>Minister of Forestry.</p> <p>Minister of Forestry</p>

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	P.33 / Menhut-II / 2014 complete periodic forest inventory and work plan on business permit the use of forest wood in natural forest.	Minister of Forestry.
3.2 Protected sites and species	Act No 5 Year 1990 on Conservation of Natural Resources and Ecosystems.	Minister and Ministry of Environment and Forestry (MoEF).
	Act No 41 year 1999 on Forest.	The Government employs experts, called WASGANISPHPL (15 types) with the authority to supervise GANISPHPL personnel at the concessions.
	Government Regulation No 68 Year 1998 on Natural Reserve Areas and Conservation Areas.	GANISPHPL-CANHUT (Tenaga Teknis Pengelolaan Hutan Produksi Lestari - Perencanaan Hutan) - "Technical Person of Sustainable Forest Management - Forest Planning".
	Government Regulation No 7 Year 1999 on Preservation of Plants and Animals.	GANISPHPL-CANHUT (Tenaga Teknis Pengelolaan Hutan Produksi Lestari - Perencanaan Hutan) - "Technical Person of Sustainable Forest Management - Forest Planning".
3.3 Environmental requirements	Act No 32 Year 2009 on Protection and Environmental Management.	Minister and Ministry of Environment and Forestry (MoEF). A Bupati or Major has the authority to approve the environmental license.
	Government Regulation No 27 Year 2012 on Environment License. Minister of Environment Regulation No.5/2012 on types of activities/projects requiring environmental impact assessment (EIA);	http://www.menlh.go.id/DATA/PP-Nomor-27-Tahun-2012.pdf WASGANISPHPL (15 types) with the authority to supervise GANISPHPL personnel at the concessions. GANISPHPL-CANHUT (Tenaga Teknis Pengelolaan Hutan Produksi Lestari - Perencanaan Hutan) - "Technical Person of Sustainable Forest Management - Forest Planning". Minister and Ministry of Environment and Forestry (MoEF).

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3.4 Health and safety	Act No 1 Year 1970 on Safety Work.	http://hukum.unsrat.ac.id/uu/uu_1_70.htm	Minister of Manpower and Transmigration.
	Minister of Manpower and Transmigration Regulation No 1 Year 1978 on Occupational Safety and Health in Logging and Timber Transport.	http://sahabatmedika.co.id/pdf/PerMen01-1978TtgK3PenebanganPengangkutanKayu.pdf	
	Regulation of the Minister for Manpower & Transmigration 609/2012	http://disnakertrans.jabarprov.go.id/produk_hukum/unduh/290	
	Regulation of the Minister of Manpower and Transmigration PER.08 / MEN / VII / 2010 CONCERNING PERSONAL PROTECTIVE EQUIPMENT.	http://kupedulikatiga.blogspot.dk/2012/12/per08menvii2010-tentang-alat-pelindung.html	
	Act No 13 Year 2003 on Manpower.	http://www.ppa-feui.com/images/upl/file-13934002502.pdf	
3.5 Legal employment	Act No 21 year 2000 on Labour Union.	www.bpkp.go.id/uu/filedownload/2/43/360.bpkp	Ministry of Manpower and Transmigration.
	Act No 13 Year 2003 on Employee.	www.hukumonline.com/pusatdata/.../fil51927/.../1314...	
	Act No 3 Year 1992 on Worker Social Security.	http://www.bpjsketenagakerjaan.go.id/content_file/uu3_92_jamsostek.pdf	
	Act No 24 Year 2011 on Social Security Organising Body.	http://www.bpjsketenagakerjaan.go.id/content_file/uu_24_11_bpjs.pdf	
3.6 Conversion	Act No 41 Year 1999 on Forestry.	http://prokum.esdm.go.id/uu/1999/uu-41-1999.pdf	Minister and Ministry of Environment and Forestry (MoEF).
	Government Regulation No 6 year 2007 on Forest Layout, Forest Management Planning and Forest Use.	http://prokum.esdm.go.id/pp/2007/pp_06_2007.pdf	
	Government Regulation No 10 Year 2010 on Procedures for Use Changes and Functions For Forest.	http://tanamanpangan.pertanian.go.id/files/PP_10_Tahun_2010%20ttg%20tata%20cara%20perubahan%20peruntukan%20dan%20fungsi%20kawasan%20hutan.pdf	
4. Third parties' rights			
4.1 Customary rights	Government Regulation No 89 Year 2014 on Indigenous Forest. Act No 41 Year 1999 on Forestry in conjunction with Constitutional Court Verdict No 35 Year 2012.	http://prokum.esdm.go.id/uu/1999/uu-41-1999.pdf	Minister and Ministry of Environment and Forestry (MoEF).

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4.2 Free prior and informed consent	FPIC is not mentioned or required as such in Act No 41 Year 1999 on Forestry.	http://prokum.esdm.go.id/uu/1999/uu-41-1999.pdf Minister and Ministry of Environment and Forestry (MoEF).
4.3 Indigenous/traditional peoples rights	Government Regulation No 89 Year 2014 on Indigenous Forest. Act No 41 Year 1999 on Forestry in conjunction with Constitutional Court Verdict No 35 Year 2012.	http://www.dephut.go.id/uploads/files/e3ca3a4fcb8ca92fb60773df2d560d0c.pdf Constitutional Court. Minister and Ministry of Environment and Forestry (MoEF).
5. Trade and transport		
5.1 Classification of species, quantities, qualities	MoEF Regulation No.P41/Menhut-II/2014 Management of Timber Forest Product From Natural Forest.	http://www.dephut.go.id/uploads/files/eaca23fd3ce906a848b5c0c72d5feaf6.pdf Minister and Ministry of Environment and Forestry (MoEF). P2LHP (the authorised inspector of production reports). The Government employs experts, called WASGANISPHPL (15 types) with the authority to supervise GANISPHPL personnel at the concessions.
	MoEF Regulation No.P42/Menhut-II/2014 Management of Timber Forest Product From Production Forest.	http://www.dephut.go.id/uploads/files/39ccc39763369bc4fb6ac9df849b22c3.pdf GANISPHPL-CANHUT (Tenaga Teknis Pengelolaan Hutan Produksi Lestari - Perencanaan Hutan) - "Technical Person of Sustainable Forest Management - Forest Planning".
5.2 Trade and transport	MoEF Regulation No.P41/Menhut-II/2014 Management of Timber Forest Product From Natural Forest.	http://www.dephut.go.id/uploads/files/eaca23fd3ce906a848b5c0c72d5feaf6.pdf Minister and Ministry of Environment and Forestry (MoEF). The Government employs experts, called WASGANISPHPL (15 types) with the authority to supervise

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	<p>MoEF Regulation No.P42/Menhut-II/2014 Management of Timber Forest Product from Production Forest.</p>	<p>http://www.dephut.go.id/uploads/files/39ccc39763369bc4fb6ac9df849b22c3.pdf</p> <p>GANISPHPL personnel at the concessions.</p> <p>GANISPHPL- NENHUT is the technician who has the qualification (trained by government authorities) to conduct the transportation of forest products.</p> <p>GANISPHPL- PKB is the technician who has the qualification to measure round wood, specify the quality and related requirements.</p>
<p>5.3 Offshore trading and transfer pricing</p>	<p>Act No 36 Year 2008 on the 4th Changes of Law No 7 year 1983 on Tax Income Article 18 Point 3.</p> <p>Directorate General of Tax Regulation No 22/PJ/2013 on Guidelines for the Examination of a Taxpayer Who has a Special Relationship.</p>	<p>http://www.sjdih.depkeu.go.id/fullText/2008/36TAHUN2008UU.htm</p> <p>https://triyani.files.wordpress.com/2013/06/peter-22pj2013-petunjuk-pemeriksaan-afiliasi.pdf</p> <p>Ministry of Finance.</p> <p>Directorate General of Tax.</p>
<p>5.4 Custom regulations</p>	<p>Minister of Finance Decree No 2751/KM.4/2014 on Pricing of Export Duties.</p> <p>Act No 17 year 2006 on Customs.</p>	<p>http://peraturan.beacukai.go.id/index.html?page=detail/jenis/27/662/keputusan-menteri-keuangan/kmk-2751-km-4-2014/penetapan-harga-ekspor-untuk-penghitungan-bea-keluar.html</p> <p>http://www.sjdih.depkeu.go.id/fullText/2006/17Tahun2006UU.htm</p> <p>Minister of Finance.</p> <p>President of the Republic of Indonesia.</p>
<p>5.5 CITES</p>	<p>Act No 5 Year 1990 On Conservation of Natural Resources and Ecosystem.</p>	<p>http://hukum.unsrat.ac.id/pres/keppres1987_1.pdf</p> <p>Conservation of Natural Resources Agency (BKSDA/Balai Konservasi Sumber Daya Alam)</p> <p>WASGANISPHPL (15 types) have the authority to supervise</p>

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	<p>President of the Republic of Indonesia Decree No 1 Year 1987 on For Ratification of CITES.</p> <p>http://jdih.bpk.go.id/wp-content/uploads/2012/03/1990-UU-05-Hayati-ekosistem.pdf</p>	<p>GANISPHPL personnel at the concessions.</p> <p>GANISPHPL- BINHUT is the technician who has the qualification (trained by Government authorities) to deal with protected endangered flora and fauna.</p> <p>LIPI/Lembaga Ilmu Pengetahuan Indonesia (Indonesian Institute of Science).</p>
6. Diligence/due care procedures		
<p>6.1 Legislation requiring due diligence/due care procedures</p>	<p>MoEF Regulation No P.43/Menhut-II/2014 on Performance Assessment of Sustainable Forest Management Products and Timber Legality Verification on the License Holder or the Rights of Forest.</p> <p>Directorate General of MoEF No P.5/VI-BPPHH/2014 on Standards and Guidelines for the Implementation of Performance Assessment of Sustainable Forest Management (SFM) and Timber Legality Verification.</p> <p>Directorate General of MoEF Form Letter No SE.8/VI-BPPHH/2014 on Liabilities Implementation of Timber Legality Verification System.</p>	<p>Directorate General of Ministry of Environment and Forestry (MoEF).</p> <p>The central Government is the authority to require the Indonesian Timber Legality Assurance System, called SVLK "Sistem Verifikasi Legalitas Kayu".</p>