



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

COPY OF

REGULATION OF THE MINISTER OF FINANCE OF THE REPUBLIC OF
INDONESIA NUMBER 67/PMK.06/2012

CONCERNING

MANAGEMENT OF STATE PROPERTY FROM THE COOPERATION
AGREEMENT / WORKS COAL MINING OPERATION

BY THE GRACE OF GOD ALMIGHTY

MINISTER OF FINANCE OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that all goods and equipment obtained the Contractor in the coal mining activity is State Property from other legitimate acquisition as the implementation of an agreement / contract;
 - b. that in order to achieve accountability and optimization of management of State Property, it is necessary to have the orderly administration and better management of the State Property from Cooperative Agreement / Coal Mining by upholding good governance;
 - c. that Regulation of the Minister of Finance Number 96/PMK.06/2007 concerning Procedures for Implementation of Using, Utilization, Removal, and Transferring of State Property has not specifically regulated the management of the State Property from Cooperative Agreement / Coal Mining, it is requiring the existence of a rules that can be as guidelines in the implementation of the management of the State Property from Cooperative Agreement / Coal Mining;
 - d. Based on the considerations as referred to in letters a, b and c, it is necessary to stipulate Regulation of the Minister of Finance concerning the Management of State Property which From Cooperation Agreements / Coal Mining;
- In View of :
1. Act Number 17 Year 2003 concerning State Finance (State Gazette of the Republic of Indonesia Year 2003 Number 47, Supplement to State Gazette of the Republic of Indonesia Number 4286);
 2. Act Number 1 Year 2004 concerning State Treasury (State Gazette of the Republic of Indonesia Year 2004 Number 5, Supplement to State Gazette of the Republic of Indonesia Number 4355);
 3. The Government Regulation Number 6 Year 2006 concerning the Management of State property / Regional (State Gazette of the Republic of Indonesia Year 2006 Number 20, Supplement to State Gazette of the Republic of Indonesia Number 4609) as amended by the Government Regulation Number 38 Year 2008 (State Gazette of the Republic of Indonesia Year 2008 Number 78, Supplement to State Gazette of the Republic of



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

- 2 -

Indonesia Number 4855);

4. The Presidential Decree Number 75 Year 1996 concerning The Basic Provisions of Coal Mining Agreement;
5. The Presidential Decree Number 56 / P Year 2010;
6. Regulation of the Minister of Finance Number 96/PMK.06/2007 concerning Procedures of Implementation of using, Utilization, Removal, and Transferring of State Property;

DECIDES:

To stipulate : REGULATION OF THE MINISTER OF FINANCE CONCERNING THE STATE PROPERTY MANAGEMENT FROM THE COOPERATION AGREEMENT / WORKS COAL MINING OPERATION.

CHAPTER I

GENERAL PROVISIONS

Part One

The Definition

Article 1

In this Regulation of the Minister, the following meanings:

1. Minister is the Minister of Finance of the Republic of Indonesia.
2. Ministry of Energy and Mineral Resources is in charge of the affairs of the ministry of energy and mineral resources.
3. Director General means the Director-General in the Ministry of Finance has the authority, duties and functions in the field of state assets.
4. The Contractor Agreement / Coal Mining, hereinafter called as the Contractor, is a business agency that conducts coal mining activities, both in the context of foreign investment (FDI) and domestic investment (DCI).
5. Cooperation Agreements / Coal Mining, which hereinafter as referred to as the Agreement, is an agreement / work between the Governments of the Republic of Indonesia with the Contractor to carry out the coal mining business.
6. The goods which belonging to / State Property which come from the Agreement / Coal Mining, hereinafter as referred to as the State Property, are all goods and equipment obtained the Contractor in order to do coal mining business and / or goods and equipment that are



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

- 3 -

not sold, not moved or transferred by the Contractor after termination of the agreement that has been passed through a period that has been determined to be owned by the Government, including the goods contractor on the termination of the agreement that will be used for public purposes.

Part Two

Scope

Article 2

State Property which set out in this Regulation of the Minister of Finance is State Property which its acquisition based on the Treaty Cooperation / Coal Mining.

Part Three

General Principles

Article 3

State Property consist of:

- a. The goods such as land, buildings, infrastructure, machinery, equipment, and supplies purchased or obtained through the exchange to be used, either directly or indirectly, in the coal mining business activities;
- b. The material purchased or obtained through the exchange to be used in operations activity and / or to be used in the production process;
- c. The residual waste of production operations of coal mining business with its material is within the responsibility of the Contractor.

Article 4

- (1) State Property which is still used in the operation of the coal mining business activities, it has not been established the status of its using.
- (2) State Property which has not been used in the operation of the coal mining business activities must be submitted to the Government cq. Ministry of Energy and Mineral Resources to be set its status to use.

CHAPTER II

AUTHORITY AND RESPONSIBILITIES

Part One

Authority and Responsibilities of the Minister

Article 5



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

- 4 -

- (1) Minister has the authority and is responsible for the management of State Property.
- (2) The Director-General is implementing functional on the authority and responsibility of the Minister as referred to in the paragraph (1).
- (3) The authority and responsibilities as described in the paragraph (2) include:
 - a. perform recording, monitoring and evaluation of the consolidated report submitted by the Ministry of Energy and Mineral Resources;
 - b. determine the status of the use of State Property;
 - c. request to the Ministry of Energy and Mineral Resources for the storage of documents of State Property in the form of land and / or buildings;
 - d. give a decision on the proposed use, or removal or transferring of the State Property proposed by the Ministry of Energy and Mineral Resources, and
 - e. Carry out other authorities in accordance with Acts and regulations.
- (4) In exercising the authorities and responsibilities as described in the paragraph (3), the Director-General on behalf of the Minister may appoint the structural work unit to carry out part of the authority and responsibility of the management of the State Property.

Part Two

Authority and Responsibilities of the Ministry of Energy and Mineral Resources

Article 6

- (1) The Minister of Energy and Mineral Resources exercising the authority and responsibility for the use of State Property.
- (2) The authority and responsibilities as described in the paragraph (1) include:
 - a. registering and recording of State Property by classification and codification goods in coal mining;
 - b. saving certificate / proof of ownership or other document relating to the State Property in the form of land and / or buildings upon request from the Minister and administrating;
 - c. storing and administering proof of ownership or other document relating to the State Property other than land and / or buildings, including if necessary may request the Contractor to perform the storage and administration



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

- 5 -

- of proof of ownership or other document it;
- d. security for State Property that are in their control, including if necessary may request the Contractor to provide security;
 - e. monitoring and evaluation of the State Property report submitted by the Contractor;
 - f. submit reports periodically of using the State Property to the Minister;
 - g. submit an application to the Minister on the proposed establishment of the status of the use, exploitation, alienation / removal of State Property proposed by the Contractor;
 - h. monitoring the use of State Property in the coal mining business scope, and
 - i. Exercise the authority and responsibilities in accordance with Acts and regulations.
- (3) In exercising the authorities and responsibilities as described in the paragraph (2), the Minister of Energy and Mineral Resources to appoint officials in the Ministry of Energy structural and Mineral Resources accordance with Act and regulations.

Part Three

Authority and Responsibilities of the Contractor

Article 7

- (1) The Contractor exercising authority and responsibility based on:
 - a. provisions of Acts and regulations and / or
 - b. Agreement.
- (2) The Contractor is obliged to:
 - a. keep records of State Property;
 - b. storing and administering:
 1. original proof of ownership or other document on the State Property in the form of a motor vehicle and proof of ownership or other document on the State Property upon request of the Ministry of Energy and Mineral Resources;
 2. copy / photocopy of proof of ownership or other document on State Property, unless proof of ownership or other document on the State Property in the form of a motor vehicle as referred to in the paragraph (2) letter b number 1;



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

- 6 -

- c. report data of State Property periodically to the Ministry of Energy and Mineral Resources;
- d. security for the State Property that are in their control, including those based on the request of the Ministry of Energy and Mineral Resources, and
- e. Perform maintenance on State Property there are in their control.

CHAPTER III

UTILIZATION

Article 8

- (1) Contractor may optimize the benefits of the State Property leasing to another party as long as it is supporting the coal mining business after obtaining the approval of the Minister based the recommendation of the Ministry of Energy and Mineral Resources.
- (2) Optimization of the benefits as referred to in the paragraph (1) consists of:
 - a. optimizing the benefits of the State Property to another party, which fully support the coal mining business by the Contractor;
 - b. Optimizing the benefits of the State Property to another party, which in addition to supporting the coal mining business activities by the Contractor, the benefits are shared by the other party.
- (3) Optimization of the benefits as referred to in the paragraph (1) can be done as long as not changing the ownership of the whole State Property that concerned.
- (4) The optimization of the benefits as referred to in the paragraph (1) reported to the Minister through the Ministry of Energy and Mineral Resources.
- (5) All revenues derived from the use of State Property, is a Non-Tax Revenues to be deposited into the general state treasury.
- (6) Non-Tax Revenues as referred to in the paragraph (5) is a general acceptance in the Ministry of Energy and Mineral Resources.

CHAPTER IV

THE TRANSFERRING

Part One

The General



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

- 7 -

Article 9

The transferring of State Property can be done through:

- a. Selling;
- b. Exchange;
- c. Grant.

Article 10

(1) The transferring of State Property is held after getting approval:

- a. The National Legislative Assembly, to:
 1. State Property in the form of land and / or buildings, or
 2. State Property besides land and / or buildings which worth over 100,000,000,000, 00 (one hundred billion dollars);
- b. The President, for:
 1. For State Property in the form of land and / or buildings which does not require the approval of the National Legislative Assembly are worth more than 10,000,000,000, 00 (ten billion dollars), or
 2. For State Property besides land and / or buildings worth over USD 10,000,000,000.00 (ten billion dollars) up to 100,000,000,000, 00 (one hundred billion dollars);
- c. The Minister for State Property are valued at up to 10,000,000,000, 00 (ten billion dollars).

(2) The transferring of State Property in the form of land and / or buildings as referred to in the paragraph (1) letter a does not require the approval of the National Legislative Assembly, if:

- a. It has not in accordance with or spatial arrangement of the city, or
- b. Intended for public interest.

Part Two

Selling

Article 11

- (1) Sale of State Property can be carried out by the consideration of the State Property is no longer used for mining coal exploitation and utilization cannot be done.
- (2) Sale of State Property can only be made after getting the approval by the Minister upon the recommendation of the Contractor through the Ministry of Energy and



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

- 8 -

Mineral Resources.

- (3) Sale of State Property conducted by auction through the State Tax Service and Auction Office.
- (4) Sale of State Property valuation should be done first in order to get the market value / fair.
- (5) The sale Proceeds of State Property must be paid entirely to the account of the General State Treasury as state revenue.

Part Three

Exchange

Article 12

- (1) Exchange of State Property held by the consideration to meet the operational needs of the coal mining business activities.
- (2) Exchange of the State Property can be done with other goods related to the coal mining business activity
- (3) Other goods as referred to in the paragraph (2) must have a value at least equal to the value of the State Property which exchanged.
- (4) The Exchange of State Property such as land, infrastructure such as roads, machinery and equipment, materials / supplies, as well as residual waste from the operation of machinery, equipment, and materials / equipment may only be carried out by the Contractor upon the approval of the Minister upon the recommendation of the Contractor through the Ministry of Energy and Mineral Resources and should be reported to the Minister and the Ministry of Energy and Mineral Resources.
- (5) Exchange of State Property valuation should be done prior first in order to get a fair value.

Part Four

Grants

Article 13

- (1) The Grant of State Property can be done by the consideration to the social, cultural, religious, humanitarian, non-commercial education, and administration of the State / Region.
- (2) The Grant of State Property may be made to the Local Government or foundation that meets the provisions as referred to in the paragraph (1).



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

- 9 -

- (3) The Grant of State Property must be approved by the Minister upon the recommendation of the Contractor through the Ministry of Energy and Mineral Resources.

Article 14

- (1) All revenue derived from the transferring of State Property is a Non-Tax Revenues to be deposited into the General State Treasury.
- (2) Non-Tax Revenues as referred to in the paragraph (1) is a general acceptance in the Ministry of Energy and Mineral Resources.

CHAPTER V

MAINTENANCE OF EQUIPMENT AND / OR MACHINE

Article 15

- (1) Maintenance of State Property in the form of equipment and / or machinery made by the Contractor.
- (2) In the case of maintenance of State Property in the form of equipment and / or machinery performed abroad or outside the jurisdiction of the Indonesian mining, then:
 - a. Contractor shall notify and request permission of maintenance plan to the Ministry of Energy and Mineral Resources;
 - b. Upon completion of maintenance activities and the State Property is ready for use, the Contractor shall report to the Ministry of Energy and Mineral Resources and the Minister.

CHAPTER VI

DESTRUCTION

Article 16

- (1) Destruction of State Property can be done if the State Property cannot be used, cannot be utilized, or is non-transferable.
- (2) Application of destruction as referred to in the paragraph (1) shall be submitted by the Contractor to the Ministry of Energy and Mineral Resources along with data and related documents required, including but not limited to statements of responsibility are not absolute full conditional signed by the Contractor.
- (3) The Ministry of Energy and Mineral Resources conducted a study and examination of the petition submitted by the Contractor.
- (4) In the case based on the research and tests carried out, culling worth doing, the next process take the following



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

- 10 -

mechanisms:

- (a) the disposal of the State Property in the form of chemicals and other materials that have expired and are categorized as hazardous and toxic (B3) carried out by the Ministry of Energy and Mineral Resources after obtaining the approval of the Minister;
- (b) the disposal of waste from chemicals that have been purchased and have been used for coal mining operations conducted by the Ministry of Energy and Mineral Resources;
- (c) disposal of expired explosives for coal mining operations conducted by the Ministry of Energy and Mineral Resources after obtaining the approval of the Minister.
- (5) Destruction of the explosives that had expired as described in the paragraph (4) letter c, made by referring to the provisions of Acts and regulations in the environmental field.
- (6) Implementation of destruction as referred to in the paragraph (4) shall be reported by the Ministry of Energy and Mineral Resources to the Minister, by attaching relevant supporting documents, including the minutes of destruction, at least 1 (one) month after the implementation of extermination.

Article 17

- (1) residual waste from the operation of the machine, equipment, and materials / supplies that will not sell the auction of 2 (two) times and based on the assessment of the Ministry of Energy and Mineral Resources no longer has economic value, can be destroyed after obtaining approval from the Minister.
- (2) Application of destruction as referred to in the paragraph (1) shall be submitted by the Contractor to the Minister through the Ministry of Energy and Mineral Resources, along with data and related documents required include but are not limited to statements of responsibility are not absolute full conditional signed by the Contractor.

CHAPTER VII

THE ELIMINATION

Article 18

Contractor, the Ministry of Energy and Mineral Resources and the Minister conduct a removal from the list of State Property in accordance with the limits of each authority, in terms of:

- a. the completion of the implementation of the transfer;



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

- 11 -

- b. the occurrence of genocide;
- c. it has approved by the Minister for that reason is not economical / profitable if done an alienation and not allowed to be transferred because of the location of assets in the ground, or
- d. it was approved by the Minister for reasons of other causes that are normally thought to be the cause of abolition fair among others missing, theft, fire, shrinkage, evaporate, melt, natural disaster, expired, damaged, and affected by the occurrence of force majeure (force majeure).

Article 19

- (1) The Elimination as referred to in Article 18 letter a is based on:
 - a. document of the transfer, and
 - b. The official handover of goods.
- (2) The Elimination as referred to in Article 18 letter b is based on news events extermination.
- (3) The Elimination as referred to in Article 18 letter c is based on statements from the Contractor.
- (4) The Elimination as referred to in Article 18 letter d is based on a certificate from the competent authority.

CHAPTER VIII

SECURITY AND ADMINISTRATION OF STATE PROPERTY

Article 20

- (1) The Minister of Energy and Mineral Resources and / or the Contractor shall secure the State Property which in their control.
- (2) Security State Property as referred to in the paragraph (1) including the administrative safeguards, physical safeguards and legal safeguards.

Article 21

- (1) The Contractor shall perform the registration and records the State Property that held and / or used by referring to the classification of goods and the provision of goods codification in coal mining.
- (2) The Minister of Energy and Mineral Resources shall perform the registration and listing of State Property, both of which are owned and / or used by the Contractor or which have been submitted to the Government, according to the classification and codification goods in



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

- 12 -

coal mining.

Article 22

Minister of Energy and Mineral Resources should conduct an inventory of goods at least 1 (one) times in 5 (five) years, the results are submitted to the Minister.

Article 23

Minister of Energy and Mineral Resources arrange the report on the State Property each semester and annual and submit it to the Minister.

Article 24

- (1) The Minister collected the State Property each semester and yearly that received from the Ministry of Energy and Mineral Resources.
- (2) The Minister, arrange the reports of State Property based on the accumulation of the report as referred to in the paragraph (1).
- (3) Report of the State Property as described in the paragraph (2) is used as an ingredient to prepare the balance sheet of the central government.

CHAPTER IX

SUBMISSION TO GOVERNMENT

Article 25

- (1) State Property shall be submitted to the Government if:
 - a. was not used by the Contractor;
 - b. Agreement has expired and / or has exceeded the stipulated time frame.
- (2) the State Property in the form of land and / or buildings which are not used for the implementation of the coal mining business activities submitted by the Contractor to the Minister through the Ministry of Energy and Mineral Resources.
- (3) The State Property besides land and / or buildings which are not used for the implementation of the activities proposed coal mining business management further by the Contractor to the Minister through the Ministry of Energy and Mineral Resources.

Article 26

- (1) The Submission as described in Article 25 the paragraph (1) letter a with the following mechanism:
 - a. The contractor appealed to the Ministry of Energy and



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

- 13 -

Mineral Resources along with data and related documents required;

- b. Ministry of Energy and Mineral Resources conducts research and examination, both administrative and physical, the State Property are requested to do the handover;
 - c. In terms of research and examination by the Contractor requests a decent follow-up, the Ministry of Energy and Mineral Resources Ministry proposed to the determination of the status of the use, utilization, or alienation;
 - d. Against the State Property of the proposed use or transfer, assessment to determine fair value in accordance with Acts and regulations;
 - e. Against the State Property as referred to in letter c, Contractors perform physical security and the implementation of the Act until the determination of the status of the use and utilization of execution or completion of the transfer of the State Property.
- (2) Submission as described in Article 25 the paragraph (1) letter b shall be made by the following mechanism:
- a. The contractor appealed to the Ministry of Energy and Mineral Resources along with data and related documents required;
 - b. Ministry of Energy and Mineral Resources conducts research and examination, both administrative and physical, the State Property are requested to do the handover;
 - c. In terms based on research and examination, the Contractor requests a decent approved, the Ministry of Energy and Mineral Resources issued a receipt submission approval of State Property and followed up with news handover ceremony between the Contractor and the Ministry of Energy and Mineral Resources;
 - d. Based on the official handover as referred to letter c, the Ministry of Energy and Mineral Resources submitted the proposed to the Minister regarding to the stipulation of the status of the use, utilization, or the transferring of the State Property that concerned;
 - e. Against the State Property proposed to be made use of or alienation, valuation to determine fair value in accordance with Acts and regulations;
 - f. Against the State Property as referred to in the letter d, Contractors perform physical security and the implementation of the Act until the determination of the status of the use and utilization of execution or



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

- 14 -

completion of the transferring of the State Property.

- (3) Delivery Mechanism of State Property to the Government, initiated by the Minister or the Ministry of Energy and Mineral Resources applies *mutatis mutandis* to the State Property that is not used by the Contractor and / or the Agreement has expired.

CHAPTER X

OTHER PROVISIONS

Article 27

Further provisions concerning norms, standards, procedures and criteria for the technical management of the State Property, including but not limited to the material and the format of:

- a. the official handover as referred to in Article 19 the paragraph (1) letter b, and Article 26 the paragraph (2) letter c;
- b. annihilation official report as referred to in Article 19 the paragraph (2);
- c. statement as referred to in Article 16 the paragraph (2), Article 17 the paragraph (2), and Article 19 the paragraph (3),

Established by the Ministry of Energy and Mineral Resources, after the coordination with the Minister.

CHAPTER XI

TRANSITIONAL PROVISIONS

Article 28

At the time of this Regulation of the Minister comes into force, the implementation of the determination of the status of the use, exploitation, alienation, or the elimination of the State Property which has been filed and has not been approved by the Minister before this Regulation of the Minister comes into force, settlement based on the provisions set out in this Regulation of the Minister of Finance.

CHAPTER XII

CLOSING PROVISIONS

Article 29

Conditions and procedures for the use, exploitation, alienation, and the abolition of the State Property that are not regulated in this Regulation of the Minister be implemented in accordance with the Acts and regulations in the management of the State Property.



MINISTER OF FINANCE
OF THE REPUBLIC OF INDONESIA

- 15 -

Article 30

This Regulation of the Minister of Finance shall come into force on the date of its promulgation.

For public cognizance, this Regulation of the Minister of Finance shall be promulgated by placing it in State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On April 30, 2012

MINISTER OF FINANCE

Signed.

AGUS D. W.
MARTOWARDOJO

Promulgated in Jakarta

on April 30, 2012

THE MINISTER OF JUSTICE AND HUMAN RIGHTS,

Signed.

AMIR SYAMSUDDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 478 YEAR 2012