

**MINISTER OF FINANCE OF THE REPUBLIC OF
INDONESIA REGULATION
NUMBER 158/PMK.010/2018**

CONCERNING

**EXCISE DUTY RATES FOR ETHYL ALCOHOL, BEVERAGES CONTAINING
ETHYL ALCOHOL AND
CONCENTRATES CONTAINING ETHYL ALCOHOL**

**BY THE GRACE OF ALMIGHTY GOD
THE MINISTER OF FINANCE OF THE REPUBLIC OF INDONESIA,**

Considering

- a. that excise duty on ethyl alcohol, beverages containing ethyl alcohol and concentrates containing ethyl alcohol constitutes state revenues managed through the state budget mechanism, which plays a fairly important and strategic role in program financing and government performance and development in the entire territory of the unitary state of the Republic of Indonesia in a planned, orderly, safe, fair and sustainable manner, so as to realise the prosperity and welfare of the people;
- b. that the excise duty rates for ethyl alcohol, beverages containing ethyl alcohol and concentrates containing ethyl alcohol are determined based on clear, logical, and justifiable parameters while taking into account the impact and justice for society and the state interests in favour of utility and benefit;
- c. that the Minister of Finance Regulation Number 62/PMK.011/2010 concerning Excise Duty Rates for Ethyl Alcohol, Beverages Containing Ethyl Alcohol And Concentrates Containing Ethyl Alcohol as amended by the Minister of Finance Regulation Number 207/PMK.011/2013 concerning the Amendment to the Minister of Finance Regulation Number 62/PMK.011/2010 concerning Excise Duty Rates for Ethyl Alcohol, Beverages Containing Ethyl Alcohol And Concentrates Containing Ethyl Alcohol no longer complies with developments and legal needs, thereby, needs to be replaced;

- d. that based on the considerations referred to in letter a, letter b and letter c, it is necessary to stipulate a Minister of Finance Regulation concerning Excise Duty Rates for Ethyl Alcohol, Beverages Containing Ethyl Alcohol And Concentrates Containing Ethyl Alcohol;

In View of

Law Number 11 of 1995 concerning Excise (State Gazette of the Republic of Indonesia of 1995 Number 76, Supplement to the State Gazette Number 3613) as amended by Law Number 39 of 2007 concerning the Amendment to Law Number 11 of 1995 concerning Excise (State Gazette of the Republic of Indonesia of 2007 Number 105, Supplement to the State Gazette Number 4755);

HAS DECIDED:

To stipulate

MINISTER OF FINANCE REGULATION CONCERNING EXCISE DUTY RATES FOR ETHYL ALCOHOL, BEVERAGES CONTAINING ETHYL ALCOHOL AND CONCENTRATES CONTAINING ETHYL ALCOHOL.

CHAPTER I GENERAL PROVISIONS

Article 1

Referred to herein this Ministerial Regulation:

1. Ethyl alcohol or ethanol, hereafter abbreviated to EA, is a liquid, clear and colourless, organic compound with the chemical formula C_2H_5OH , which is obtained either by fermentation and/or distillation or by chemical synthesis.

2. Beverages Containing Ethyl Alcohol, hereinafter abbreviated to MMEA, are all liquids commonly referred to as beverages containing ethyl alcohol produced through fermentation, distillation or other means, including beer, shandy, wine, gin, whiskey and the like.
3. Concentrates Containing Ethyl Alcohol, hereinafter abbreviated to KMEA, are materials containing ethyl alcohol used as raw materials or auxiliary materials in the manufacture of beverages containing ethyl alcohol.
4. Brand is writing, numbers or a combination of both in a certain way of writing and pronouncing on the packaging of Beverages Containing Ethyl Alcohol declared as an identity by the Manufacturer or Importer in the context of determining excise duty rates.
5. Minister is the Minister of Finance of the Republic of Indonesia.
6. Director General is the Director General of Customs and Excise.
7. Office of the Directorate General of Customs and Excise, hereinafter referred to as the Office, is the Prime Customs and Excise Office or the Customs and Excise Office within the Directorate General of Customs and Excise.

CHAPTER II

THE IMPOSITION AND AMOUNT OF EXCISE DUTY RATES

Article 2

- (1) Ethyl Alcohol, Beverages Containing Ethyl Alcohol, and Concentrates Containing Ethyl Alcohol are subject to excise duty.
- (2) Excise duty rates for Ethyl Alcohol, Beverages Containing Ethyl Alcohol and Concentrates Containing Ethyl Alcohol are determined using the amount in rupiah for each unit of Ethyl Alcohol, Beverages Containing Ethyl Alcohol and Concentrates Containing Ethyl Alcohol.
- (3) The amount of excise duty rates for Ethyl Alcohol, Beverages Containing Ethyl Alcohol and Concentrates Containing Ethyl Alcohol referred to in paragraph (2) are based on:
 - a. Ethyl Alcohol content; and

- b. the unit volume of Ethyl Alcohol and Beverages Containing Ethyl Alcohol or the weight of Concentrates Containing Ethyl Alcohol.

Article 3

- (1) Ethyl Alcohol, Beverages Containing Ethyl Alcohol and Concentrates Containing Ethyl Alcohol referred to in Article 2 may originate from domestic production or originate from abroad or imported.
- (2) Ethyl Alcohol, Beverages Containing Ethyl Alcohol and Concentrates Containing Ethyl Alcohol referred to in paragraph (1) are classified:
 - a. into groups; or
 - b. without groups.
- (3) The classification into groups referred to in paragraph (2) subparagraph a includes:
 - a. group A, namely beverages containing Ethyl Alcohol (C₂H₅OH) of up to 5% (five percent);
 - b. group B, namely beverages containing Ethyl Alcohol (C₂H₅OH) of more than 5% (five percent) up to 20% (twenty percent); and
 - c. group C, namely beverages containing Ethyl Alcohol (C₂H₅OH) of more than 20% (twenty percent).
- (4) Ethyl Alcohol originating from domestic production or originating from abroad or imported is classified without groups as referred to in paragraph (2) subparagraph b.
- (5) Beverages Containing Ethyl Alcohol originating from domestic production or originating from abroad or imported are classified into groups as referred to in paragraph (2) subparagraph a and paragraph (3).
- (6) Concentrates Containing Ethyl Alcohol originating from domestic production or originating from abroad or imported are classified without groups as referred to in paragraph (2) subparagraph b.

Article 4

- (1) Excise duty rates for Ethyl Alcohol, Beverages Containing Ethyl Alcohol and Concentrates Containing Ethyl Alcohol are listed in the Appendix which constitutes an integral part of this Ministerial Regulation.
- (2) The amount of excise duty value is calculated based on the excise duty rates referred to in paragraph (1), and the unit amount of:
 - a. litres of Ethyl Alcohol and Beverages Containing Ethyl Alcohol; and
 - b. grams of Concentrate Containing Ethyl Alcohol.
- (3) If the Concentrates Containing Ethyl Alcohol are liquid, the volume of the Concentrates Containing Ethyl Alcohol is converted into grams with a unit weight of 0.7892 kg (kilogram)/ltr (litre).

CHAPTER III

THE DETERMINATION OF EXCISE DUTY RATES

Article 5

- (1) The Head of the Office determines the excise duty rates by issuing a decision on the determination of the excise duty rates for Beverages Containing Ethyl Alcohol.
- (2) Determination of the excise duty rates for Beverages Containing Ethyl Alcohol referred to in paragraph (1) is based on the Ethyl Alcohol content of produced or imported Beverages Containing Ethyl Alcohol.
- (3) The determination of excise duty rates for Beverages Containing Ethyl Alcohol referred to in paragraph (1) is excluded if the imported Beverages Containing Ethyl Alcohol are intended for Duty-Free Shops.
- (4) Imported Brands of Beverages Containing Ethyl Alcohol may be subject to the determination of excise duty rates by the head of the Office for more than one importer insofar as they have obtained permission from the brand owner.

Article 6

- (1) The decision on the determination of Excise duty rates for Beverages Containing Ethyl Alcohol is declared invalid in the event of:
- a. a decision to re-determine the excise duty rates for Beverages Containing Ethyl Alcohol from the head of the Office;
 - b. a judge's decision that has permanent legal force over the occurrence of a brand dispute; or
 - c. the Manufacturer or Importer has never:
 1. realised the order of excise stamps with documents ordering excise stamps for more than 12 (twelve) consecutive months;
 2. paid excise duty settled through payment for more than 12 (twelve) consecutive months;
 3. realised the export using the declaration documents for the release of excisable goods whose excise has not been paid from the Beverages Containing Ethyl Alcohol factory for export purposes for more than 12 (twelve) consecutive months; or
 4. realised the delivery of Beverages Containing Ethyl Alcohol to free trade zones using the declaration documents for the release as well as transportation protection for excisable goods for the consumption of residents in free trade zones with excise exemption facilities for more than 12 (twelve) consecutive months.
- (2) If the Excise duty rates for Beverages Containing Ethyl Alcohol that have been determined fulfil the provisions referred to in paragraph (1), the determination of Excise duty rates for Beverages Containing Ethyl Alcohol must be revoked by the Head of Office and declared invalid.
- (3) If the Business Identification Number for Excise (NPPBKC) is revoked based on valid reasons pursuant to statutory provisions, the determination of Excise duty rates for Beverages Containing Ethyl Alcohol on said excisable goods must be revoked by the Head of the Office and declared invalid.

Article 7

Further provisions on procedures for the determination of excise duty rates are regulated by a Director General Regulation.

CHAPTER IV TRANSITIONAL PROVISIONS

Article 8

With the enactment of this Ministerial Regulation:

- a. The Head of Office re-determines the excise duty rates for Beverages Containing Ethyl Alcohol based on the excise duty rates listed in the Appendix which constitutes an integral part of this Ministerial Regulation.
- b. The excise duty rates for Beverages Containing Ethyl Alcohol referred to in letter a, are determined by issuing a decision without prior application from the Manufacturer or Importer.
- c. Re-determination referred to in subparagraph b may be used for the provision of tax stamps.
- d. The deadline for the attachment of tax stamps that have been ordered pursuant to the Minister of Finance Regulation Number 207/PMK.011/2013 concerning the Amendment to the Minister of Finance Regulation Number 62/PMK.011/2010 concerning Excise Duty Rates for Ethyl Alcohol, Beverages Containing Ethyl Alcohol And Concentrates Containing Ethyl Alcohol is no later than 1 February 2019.

CHAPTER V CLOSING PROVISIONS

Article 9

When this Ministerial Regulation comes into force, the Minister of Finance Regulation Number 62/PMK.011/2010 concerning Excise Duty Rates for Ethyl Alcohol, Beverages Containing Ethyl Alcohol And Concentrates Containing Ethyl Alcohol (Official Gazette of the Republic of Indonesia of 2010 Number 135) as amended by the Minister of Finance Regulation Number 207/PMK.011/2013 concerning the Amendment to the Minister of Finance Regulation Number 62/PMK.011/2010 concerning Excise Duty Rates for Ethyl Alcohol, Beverages Containing Ethyl Alcohol And Concentrates Containing Ethyl Alcohol (Official Gazette of the Republic of Indonesia of 2013 Number 1611), is revoked and declared invalid.

Article 10

The provisions on excise duty rates for Ethyl Alcohol, Beverages Containing Ethyl Alcohol and Concentrates Containing Ethyl Alcohol listed in the Appendix of this Ministerial Regulation, come into force as of 1 January 2019.

Article 11

This Ministerial Regulation comes into force as of the date of promulgation.

For public cognisance, this Ministerial Regulation shall be promulgated by placement in the Official Gazette of the Republic of Indonesia.

Stipulated in Jakarta
on 12 December 2018
MINISTER OF FINANCE OF THE REPUBLIC OF INDONESIA,
signed
SRI MULYANI INDRAWATI

Promulgated in Jakarta
on 13 December 2018
DIRECTOR GENERAL OF LEGISLATION
THE MINISTRY OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,
signed
WIDODO EKATJAHJANA

OFFICIAL GAZETTE OF THE REPUBLIC OF INDONESIA OF 2018 NUMBER 1639