



Energy and Resources Regulations Update

The following is a list of the new Energy and Resources regulations.

All regulations are available in Indonesian.

1. Regulation : [PP No 46 Tahun 2022](#)
- Date : 08 December 2022
- Title (Indonesian) : Penyertaan Modal Negara Republik Indonesia untuk Pendirian Perusahaan Perseroan (Persero) di Bidang Pertambangan
- Title (English) : Republic of Indonesia State Equity Participation for the Establishment of a Limited Liability Company (Persero) in the Mining Sector

Summary

This Regulation of the Government of the Republic of Indonesia regulates the investment of the State of the Republic of Indonesia for the management of Limited Liability Companies (Persero) in the Mining Sector, hereinafter referred to as Persero in this Government Regulation. Persero has the intent and purpose of carrying out business activities as a holding company in the mining sector, carrying out investment and management consultancy activities to purchase associated companies or other parties in the mining and construction sector, mining support services, industry, trade, and other sectors related to its activities. mining business, as well as optimizing the utilization of the company's resources based on the principles of good corporate governance. As of the date of ratification of the Persero legal entity, Government Regulation Number 26 of 2014 concerning the Establishment of PT Indonesia Asahan Aluminum as a Limited Liability Company (Persero) PT Indonesia Asahan Aluminum (State Gazette of the Republic of Indonesia of 2014 Number 84), was revoked and declared no longer valid. With the establishment of Persero as a holding company in the mining sector, all rights, obligations and assets of the Limited Liability Company (Persero) PT Indonesia Asahan Aluminum as a strategic function of the mining holding company were transferred to Persero.

This regulation is in effect starting 08 December 2022.

2. Regulation : [Permen ESDM No 12 Tahun 2022](#)
- Date : 17 October 2022
- Title (Indonesian) : Peraturan Pelaksana Peraturan Presiden Nomor 41 Tahun 2016 tentang Tata Cara Penetapan dan Penanggulangan Krisis Energi dan/atau Darurat Energi
- Title (English) : Implementing Regulation of Presidential Regulation Number 41 of 2016 concerning Procedures for Determining and Overcoming Energy Crisis and/or Energy Emergency

Summary

This regulation mandates the implementation of Regulation of Presidential Regulation Number 41 of 2016 concerning Procedures for Determining and Overcoming Energy Crisis and/or Energy Emergency, including the uses and types of energy such as fuel oil, electricity, LPG and natural gas; regulations in case of energy crisis and/or energy emergency based on operational technical condition and national condition; identifying potential areas with energy crisis and/or energy emergency by identifying the needs and availability in all business areas, collecting spatial map data of energy infrastructures to be integrated in the implementation of the Minister's one map policy, and planning the steps for countermeasures of energy crisis and/or energy emergency; countermeasure procedures in the case of energy crisis and/or energy emergency, the Minister will coordinate with affiliated minister or head of institution, governor and regent/mayor, leader of law institution, leader of business entity, and other affiliated parties.

This regulation is in effect starting 18 October 2022.

3. Regulation : [Permen ESDM No 11 Tahun 2022](#)
- Date : 5 October 2022
- Title (Indonesian) : Perubahan Atas Peraturan Menteri Energi dan Sumber Daya Mineral Nomor 10 Tahun 2021 tentang Perhitungan Harga Jual Eceran Bahan Bakar Minyak
- Title (English) : Amendment to the Regulation of the Minister of Energy and Mineral Resources Number 10 of 2021 concerning Calculation of the Retail Selling Price of Oil Fuel

Summary

Regulation of the Minister of Energy and Mineral Resources Number 11 of 2022 mandates that in order to carry out the provision and distribution of special assignment fuel types more efficiently through adjustments to the amount of distribution additional costs in calculating the retail selling price of special assignment fuel types, it is necessary to amend the Regulation of the Minister of Energy and Mineral Resources Number 20 of 2021 concerning Calculation of Selling Prices Fuel Oil Retail. Based on these considerations, it is necessary to stipulate a Regulation of the Minister of Energy and Mineral Resources concerning Amendments to the Regulation of the Minister of Energy and Mineral Resources Number 20 of 2021 concerning Calculation of Retail Selling Prices of Oil Fuel.

This regulation is in effect starting 13 October 2022.

4. Regulation : [172/PMK.04/2022](#)
- Date : 22 November 2022
- Title (Indonesian) : Perubahan atas Peraturan Menteri Keuangan Nomor 218/PMK.04/2019 tentang Pembebasan Bea Masuk dan/atau Tidak Dipungut Pajak dalam rangka Impor atas Impor Barang untuk Kegiatan Penyelenggaraan Panas Bumi
- Title (English) : Amendment to Regulation of the Minister of Finance Number 218/PMK.04/2019 concerning Exemption of Import Duty and/or No Tax Collection in the Context of Import on Import of Goods for Geothermal Activities

Summary

In the Regulation of the Minister of Finance no. 172/PMK.04/2022, amendments are made to the Minister of Finance Regulation Number 218/PMK.04/2019 concerning Exemption from Import Duty and/or No Tax Collection in the Context of Import on Imported Goods for Geothermal Activities. The changes referred to are made to Articles 1-4, Article 11, Article 13 and Article 14. There is also an attachment to a sample application letter format to obtain exemption from import duty and/or no tax collection in the context of imports on imported goods for geothermal activities.

This regulation is in effect starting 23 December 2022.

5. Regulation : [159/PMK.02/2022](#)
- Date : 7 November 2022
- Title (Indonesian) : Perubahan atas Peraturan Menteri Keuangan Nomor 159/PMK.02/2021 tentang Tata Cara Penyediaan, Pencairan, dan Pertanggungjawaban Dana Kompensasi atas

Kekurangan Penerimaan Badan Usaha Akibat Kebijakan Penetapan Harga Jual Eceran Bahan Bakar Minyak dan Tarif Tenaga Listrik

Title (English) : Amendments to Regulation of the Minister of Finance Number 159/PMK.02/2021 concerning Procedures for Provision, Disbursement, and Accountability of Compensation Funds for Revenue Shortages in Business Entities Revenue Due to the Policy of Determining Retail Selling Prices of Fuel Oil and Electricity Tariffs

Summary

Regulation of the Minister of Finance no. 159/PMK.02/2022 contains several amendments to the Regulation of the Minister of Finance Number 159/PMK.02/2021 concerning Procedures for Provision, Disbursement and Accountability of Compensation Funds for Shortages in Business Entity Revenue Due to the Policy of Determining Retail Selling Prices of Oil Fuel and Electricity Tariffs. The amendments referred in this regulation are contained in Article 1, Articles 6-8, Article 10, Article 12, Article 17, Article 19, Articles 20-23, and Article 20. There is also an attachment for an example of calculating the electricity compensation fund by calculating the difference between the original non-subsidized electricity tariffs and non-subsidized electricity tariffs set by the government, multiplied by the sales volume of electricity.

This regulation is in effect starting 14 November 2022.

6. Regulation : [264.K/MB.01/MEM.B/2022](#)
- Date : 4 November 2022
- Title (Indonesian) : Harga Mineral Logam Acuan dan Harga Batubara Acuan Untuk Bulan November Tahun 2022
- Title (English) : Reference Metal Mineral Prices and Reference Coal Prices for November 2022

Summary

The Decree of the Minister of Energy and Resources number 264.K/MB.01/MEM.B/2022 establishes the reference price of metal minerals and reference price of coal for November 2022. The metal mineral commodities mentioned in this Decree are nickel, cobalt, lead, zinc, aluminium, copper, forms of gold, forms of silver, forms of tin, manganese, iron ore, chrome ore, ilmenite concentrate, and titanium concentrate. There are different reference prices for each commodity as seen in the appendix of the Decree. The reference price for coal is 308,20 USD/ton.

This regulation is in effect starting 4 November 2022.

7. Regulation : [256.K/MG.01/MEM.M/2022](#)
- Date : 19 October 2022
- Title (Indonesian) : Perhitungan Harga Indeks Pasar Bahan Bakar Minyak
- Title (English) : Calculation of Fuel Oil Market Index Price

Summary

The Decision of ESDM Minister No. 256.K/MG.01/MEM.M/2022 decrees that Market Price Index of Fuel Oil (HIP BBM) is used to calculate basic price of Certain Fuel Oil and Special Assignment fuel Oil for kerosene, gas oil, and gasoline based on Mean of Platts Singapore (MOPS) publication price; HIP BBM of Gas Oil used to calculate the deviation between Market Price Index for Certain Fuel Oil Type Gas Oil and Market Price Index for General Fuel Oil Type Gas Oil with Market Price Index for Biofuel Type Biodiesel based on MOPS publication price. HIP BBM calculation uses average price of MOPS publication or Argus from the 25th of 1 month prior to the 24th of ongoing month for determining HIP BBM of the next 1 month. MOPS or Argus used in calculation opts for lower average price.

This regulation is in effect starting 1 January 2022.

8. Regulation : [255.K/MG.01/MEM.M/2022](#)
- Date : 19 October 2022
- Title : Formula Harga Dasar Jenis Bahan Bakar Minyak Khusus Penugasan
(Indonesian)
- Title (English) : Basic Price Formula for Assignment Specific Fuel Type

Summary

Basic price for Special Assignment Fuel Oil consists of acquisition cost, distribution cost, and storage cost including margin. Basic price formula for Special Assignment Fuel Oil Gasoline RON 90 is determined with formula 100% (one hundred percent) of Market Index Price for Gasoline RON 90 + IDR 1.200,00/litre (one thousand and two hundred rupiah per litre). Basic price formula is used as a reference to determine basic price of Gasoline RON 90. Basic price formula might be evaluated by considering realization factor that might effect provision and distribution of Special Assignment Fuel Oil.

This regulation is in effect starting 1 January 2022.

9. Regulation : [251.K/MG.01/MEM.S/2022](#)
- Date : 17 October 2022
- Title : Uraian Fungsi Balai Besar Pengujian Minyak dan Gas Bumi
(Indonesian)
- Title (English) : Description of the Functions of the Center for Oil and Gas Testing

Summary

This Decree of the Minister of Energy and Mineral Resources regulates the establishment of a description of the functions of a large oil and gas testing centre, including: preparation, monitoring and evaluation of plans, programs and budgets, as well as reporting; implementation of technical testing; implementation of technical testing services; management of technical testing facilities; implementation of quality management of testing services; preparation of standards, guidelines and technical criteria, calibration of measuring instruments within the Balai Besar; implementation of legal affairs, cooperation, and information management, as well as library management; management of financial affairs, state property and procurement of goods/services; and the implementation of personnel affairs, organization and administration, administration and filing, as well as equipment acquisition and domestic affairs.

This regulation is in effect starting 17 October 2022.

10. Regulation : [250.K/MB.01/MEM.S/2022](#)
- Date : 17 October 2022
- Title : Uraian Fungsi Balai Besar Pengujian Mineral dan Batubara
(Indonesian)
- Title (English) : Description of the Functions of the Center for Mineral and Coal Testing

Summary

This Decree of the Minister of Energy and Mineral Resources regulates the determination of the function description of the mineral and coal testing center, including: preparation, monitoring and evaluation of plans, programs and budgets, as well as reporting; implementation of technical testing; implementation of verification of quality and quantity test results; implementation of technical and laboratory testing services; implementation of measuring instrument calibration services; implementing the management of technical testing facilities; implementation of quality management of testing services; implementation of legal affairs, cooperation, and management of information; management of financial affairs, state property and procurement of goods/services; and the implementation of personnel affairs, organization and administration, administration and filing, as well as equipment acquisition and domestic affairs.

This regulation is in effect starting 17 October 2022.

11. Regulation : [249.K/MG.01/MEM.M/2022](#)
- Date : 14 October 2022
- Title : Penugasan Pelaksanaan Penyediaan Pasokan dan Pembangunan Infrastruktur Liquefied Natural Gas, Serta Konversi Dari Penggunaan Bahan Bakar Minyak Menjadi Liquefied Natural Gas Dalam Penyediaan Tenaga Listrik
- Title (English) : Assignment of Implementation of Liquefied Natural Gas Supply and Infrastructure Development, as well as Conversion from Oil Fuel Use to Liquefied Natural Gas in Electricity Supply

Summary

In the Decree of the Minister of Energy and Mineral Resources No. 249.K/MG.01/MEM.M/2022, it is stipulated that PT Pertamina (Persero) is assigned to carry out the supply and development of Liquefied Natural Gas infrastructure in the Provision of Electricity by PT Perusahaan Listrik Negara (Persero) at each power plant with the volume of Liquefied Natural Gas required; Provision of gas supply for power plants can come from allocations owned by PT Pertamina (Persero) and/or its affiliates, and/or allocations owned by PT Perusahaan Listrik Negara (Persero); Assigning PT Perusahaan Listrik Negara (Persero) to carry out conversion activities from using fuel oil to using Liquefied Natural Gas in the supply of electricity; In the event of adjustment to the completion target, power plant, volume of Liquefied Natural Gas demand, gas supply source and gas supply pattern agreed upon by PT Pertamina (Persero) and PT Perusahaan Listrik Negara (Persero), the adjustment must obtain approval from the Minister of Energy and Mineral Resources.

This regulation is in effect starting 14 October 2022.

12. Regulation : [246.K/MB.01/MEM.B/2022](#)

Date : 12 October 2022

Title : Harga Mineral Logam Acuan dan Harga Batubara Acuan Untuk Bulan Oktober Tahun
(Indonesian) 2022

Title (English) : Reference Metal Mineral Prices and Reference Coal Prices for October 2022

Summary

The Decree of the Minister of Energy and Resources number 246.K/MB.01/MEM.B/2022 establishes the reference price of metal minerals and reference price of coal for November 2022. The metal mineral commodities mentioned in this Decree are nickel, cobalt, lead, zinc, aluminium, copper, forms of gold, forms of silver, forms of tin, manganese, iron ore, chrome ore, ilmenite concentrate, and titanium concentrate. There are different reference prices for each commodity as seen in the appendix of the Decree. The reference price for coal is 330,97 USD/ton.

This regulation is in effect starting 12 October 2022.

13. Regulation : [245.K/MG.01/MEM.M/2022](#)
- Date : 11 October 2022
- Title : Perubahan Atas Keputusan Menteri Energi dan Sumber Daya Mineral Nomor
(Indonesian) 62.K/12/MEM/2020 tentang Formula Harga Dasar Dalam Perhitungan Harga Jual Eceran Jenis Bahan Bakar Minyak Umum Jenis Bensin dan Minyak Solar Yang Disalurkan Melalui Stasiun Pengisian Bahan Bakar Umum dan/atau Pengisian Bahan Bakar Nelayan
- Title (English) : Amendment to the Decree of the Minister of Energy and Mineral Resources Number 62.K/12/MEM/2020 concerning Basic Price Formula in Calculation of Retail Selling Prices for General Oil Fuel Types of Gasoline and Diesel Oil Channeled Through Public Fuel Filling Stations and/or Fisherman's Fuel Filling Stations

Summary

In this Minister of Energy and Mineral Resources Decree 245.K/MG.01/MEM.M/2022, several provisions in the Decree of the Minister of Energy and Mineral Resources Number 62.K/12/MEM/2020 concerning Basic Price Formulas in Calculating Retail Selling Prices for Fuel Types General Oil Types of Gasoline and Diesel Oil Distributed Through Public Fuel Filling Stations and/or Fisherman Filling Stations are amended. In the FIRST Dictum, there is a change to the base price formula as a guideline for calculating the retail selling price. Types of General Fuel Oil Types of Gasoline and Diesel Oil Distributed Through Public Fuel Filling Stations and/or Fishermen's Refuelling at the delivery point for each litre. In the SECOND Dictum, Business Entities Holding Oil and Gas Trading Permits are required to report the determination of the retail selling price every month and/or when there is a change in the determination of the retail selling price.

This regulation is in effect starting 11 October 2022.



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