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Mining News

LICENSING OF MINERAL AND COAL MINING BEFORE THE ISSUANCE OF IMPLEMENTING REGULATIONS

Wednesday, February 25, 2009 - 09:31AM GMT+7

(The following is the translation of a newly-released circular of the Directorate General of Mineral, Coal and Geothermal. The original Indonesian version is on the bottom of the page. Translation of new regulations is a new service of Petromindo.Com to help subscribers keep abreast of the regulatory sector of the industry)

THE MINISTRY OF ENERGY AND MINERAL RESOURCES THE DIRECTORATE GENERAL OF MINERAL, COAL AND GEOTHERMAL

**CIRCULAR
NUMBER: 03.E/31/DJB/2009**

REGARDING LICENSING OF MINERAL AND COAL MINING BEFORE THE ISSUANCE OF GOVERNMENT REGULATIONS AS THE IMPLEMENTATION OF LAW NUMBER 4 YEAR 2009

Following the promulgation of Law Number 4 Year 2009 regarding Mineral and Coal Mining/UU PMB 2009 (Statute Book of the Republic of Indonesia Year 2009 Number 4, Supplement to Statute Book of the Republic of Indonesia Number 4959), we hereby provide provisions on mineral and coal mining affairs before the issuance of government regulations as the implementation of UU PMB 2009 as follows:

A. Governors and Regents/Mayors throughout Indonesia shall pay attention to the following matters:

1. Mining Concession (KP) already existing before the enforcement of UU PMB 2009, including the upgrading of phase of activity thereof remains applying until the validity period of the said mining concession expires and must be adjusted to become Mining



Business License (IUP) on the basis of UU PMB 2009 in not later than one year as from the date of enforcement of UU PMB 2009.

2. To suspend the issuance of new IUP until the issuance of government regulations as the implementation of UU PMB 2009.
3. To coordinate the Directorate General of Mineral, Coal and Geothermal with respects to all applications for upgrading phase of activity of mining concession, including the extension thereof to be settled in accordance with UU PMB 2009.
4. To submit all applications for mining concessions already delivered and securing approval of reservation of areas before the enforcement of UU PMB 2009 to the Minister of Energy and Mineral Resources through the Director General of Mineral, Coal and Geothermal for the need of evaluation and diversification in the framework of preparing Mining Business License Area (WIUP) in accordance with provisions of national layout legislation in not later than one month as from the date of issuance of this circular.
5. To notify KP holders already embarking on the phase of exploration or to submit action plan in all KP areas until the expiration of the said KP exploitation in not later than 6 (six) months as from the date of enforcement of UU PMB 2009 in a bid to secure approval from the party granting KP, with a copy made available to the Director General of Mineral, Coal and Geothermal.
6. The decision on mining concession issued by the Minister, Governors, Regents, Mayors after January 12,2009 shall be declared null and void.
7. The Directorate General of Mineral, Coal and Geothermal is to issue format of the issuance of IUP Exploration and IUP Production Operation.
8. New applications for regional mining license of minerals belonging to Category C, including the extension thereof, which are submitted before the enforcement of UU PMB 2009, are still processed to become IUP in accordance with UU PMB 2009 after coordinating governors.

B. In not later than 6 (six) months as from the date of enforcement of UU PMB 2009, applicants of contract of work and working agreement on coal mining exploitation as referred to in Article 172 of UU PMB 2009 are obliged to set up Indonesian statutory body in accordance with the provisions of legislation as substance of consideration in the processing of IUP in accordance with UU PMB 2009.

This is for your information and proper implementation.

Stipulated in Jakarta
On January 30,2009

p.p. Minister of Energy and Mineral Resources
Director General of Mineral, Coal and Geothermal

Dr. Ir. Bambang Setiawan
CSR No. 100005432

**DEPARTEMEN ENERGI DAN SUMBER DAYA MINERAL
DIREKTORAT JENDERAL MINERAL, BATUBARA DAN PANAS BUMI**

**EDARAN
NOMOR: 03.E/31/DJB/2009**

**TENTANG
PERIZINAN PERTAMBANGAN MINERAL DAN BATUBARA
SEBELUM TERBITNYA PERATURAN PEMERINTAH SEBAGAI
PELAKSANAAN
UNDANG-UNDANG NOMOR 4 TAHUN 2009**

Sehubungan dengan telah diundangkannya Undang-Undang No. 4 Tahun 2009 tentang Pertambangan Mineral dan Batubara (UU PMB 2009), LN RI Tahun 2009 No. 4 dan TLN RI No.4959, dalam penyelenggaraan urusan di bidang pertambangan mineral dan batubara sebelum terbitnya peraturan pemerintah sebagai pelaksanaan UU PMB 2009 dengan ketentuan:

A. Gubernur dan Bupati/Walikota di seluruh Indonesia agar memperhatikan hal-hal sebagai berikut:

1. Kuasa Pertambangan (KP) yang telah ada sebelum berlakunya UU PMB 2009, termasuk peningkatan tahapan kegiatannya tetap diberlakukan sampai jangka waktu berakhirnya KP dan wajib disesuaikan menjadi IUP berdasarkan UU PMB 2009 paling lambat 1 (satu) tahun sejak berlakunya UU PMB 2009 ini.
2. Menghentikan sementara penerbitan Izin Usaha Pertambangan (IUP) baru sampai dengan diterbitkannya peraturan pemerintah sebagai pelaksanaan UU PMB 2009.
3. Berkoordinasi dengan Direktorat Jenderal Mineral, Batubara, dan Panas Bumi atas Semua Permohonan peningkatan tahap kegiatan Kuasa Pertambangan termasuk Perpanjangannya untuk diproses sesuatu dengan UU PMB 2009.
4. Menyampaikan kepada Menteri Energi dan Sumber Daya Mineral melalui Direktorat Jendral Mineral, Batubara dan Panas Bumi semua permohonan Kuasa Pertambangan yang telah diajukan, dan telah mendapat Persetujuan pencadangan wilayah sebelum berlakunya UU PMB 2009, untuk dievaluasi dan diversifikasi dalam rangka mempersiapkan Wilayah Izin Usaha Pertambangan (WIUP) sesuai dengan ketentuan peraturan Perundang-undangan di bidang tata ruang nasional, paling lama 1 (satu) bulan sejak Edaran ini di terbitkan.
5. Memberitahukan kepada para pemegang KP yang telah melakukan tahapan kegiatan eksplorasi atau eksploitasi paling lambat 6 (enam) bulan sejak berlakunya UU PMB 2009 harus menyampaikan

rencana kegiatan pada seluruh wilayah KP sampai dengan jangka waktu berakhirnya KP untuk mendapatkan persetujuan pemberi KP, dengan tembusan kepada Direktur Jendral Mineral, batubara dan Panas Bumi.

6. Surat Keputusan Kuasa Pertambangan yang diterbitkan Menteri, Gubernur, Bupati, Walikota setelah tanggal 12 Januari 2009 dinyatakan batal dan tidak berlaku.
7. Direktorat Jenderal Mineral, Batubara, dan Panas Bumi akan mengeluarkan format penerbitan IUP Eksplorasi dan IUP Operasi Produksi.
8. Permohonan baru Surat Izin Pertambangan Daerah bahan galian golongan C termasuk perpanjangannya yang diajukan sebelum berlakunya UU PMB 2009, tetap diproses menjadi IUP sesuai dengan UU PMB 2009 setelah berkoordinasi dengan Gubernur.

B. Permohonan Kontrak Karya dan Perjanjian Karya Pengusahaan Pertambangan Batubara sebagaimana di maksud dalam Pasal 172 UU PMB 2009, paling lambat 6 (enam) bulan sejak berlakunya UU PMB 2009 ini harus membentuk Badan Hukum Indonesia berdasarkan ketentuan peraturan perundang-undangan sebagai bahan pertimbangan dalam memproses IUP sesuai dengan UU PMB 2009.

Demikian Edaran ini dibuat untuk diketahui dan dipatuhi.

Ditetapkan di Jakarta
pada tanggal 30 Januari 2009

a.n. Menteri Energi dan Sumber Daya Mineral
Direktur Jenderal Mineral, Batubara dan Panas Bumi

Dr. Ir. Bambang Setiawan
NIP. 100005432

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- ▶ **05:17PM** Indian firm acquires Sumatra coal mine
- ▶ **11:05AM** WIKA to complete coal mine acquisition H1
- ▶ **09:28AM** Hexindo books new sales contracts worth \$45 million
- ▶ **06:49AM** Aussie firm enters C. Kalimantan iron ore project