

# REQUIREMENTS AND PROCEDURE FOR OBTAINING LICENSE FOR ANALYSIS APPRAISER COMMISSION ON LIVING ENVIRONMENTAL IMPACT

(Regulation of the State Minister of Living Environment of RI  
Number 15 Year 2010, dated May 7, 2010)

WITH THE BLESSING OF THE OEN AND ONLY GOD  
STATE MINISTER OF LIVING ENVIRONMENT OF  
THE REPUBLIC OF INDONESIA,

Considering:

That to implement the provision in Article 29 paragraph (3) of Law Number 32 Year 2009 concerning Protection and Management of Living Environment, it is necessary to stipulate Regulation of the State Minister of Living Environment concerning Requirements and Procedure for obtaining License for Analysis Appraiser Commission Concerning Living Environmental Impact;

In view of:

1. Law Number 32 Year 2009 (BN No. 7880 pgs. 6B-18B and so forth) concerning Protection and Management of Living Environment (Statute Book of the Republic of Indonesia Year 2009 Number 140, Supplement to Statute Book of the Republic of Indonesia Number 5059);
2. Regulation of President of the Republic of Indonesia Number 47 Year 2009 (BN No. 7927 pgs. 2B-12B) concerning Establishment and Organization of State Minister;

DECIDES:

To stipulate:

REGULATION OF THE STATE MINISTER OF LIVING ENVIRONMENT CONCERNING REQUIREMENTS AND PROCEDURE FOR OBTAINING LICENSE FOR ANALYSIS APPRAISER COMMISSION CONCERNING LIVING ENVIRONMENT.

CHAPTER I

GENERAL PROVISION

Article 1

What is meant in this Regulation of the Minister by:

1. Analysis on living environment impact hereinafter referred to as *amdal*, shall be study on important impact of any business and/or activities planned at living environment required for decision making process concerning implementation of business and/or activities.
2. License for *Amdal* Appraiser Commission hereinafter referred to as *license*, shall be evidence indicating compliance with the requirements of the Central *Amdal* Appraiser Commission of province, or regency/municipality to be able to evaluation on *Amdal* document.

3. License procedure shall be a series of activities covering application, verification, issue, and revocation of license.
  4. Integrated party shall be team assisting the governor in the license implementation process.
  5. Elements of high educational institution shall be study center on living environment and/or representative of high educational institution.
  6. Amdal appraising commission hereinafter referred to as commission that functions to appraise amdal document according to its authority.
  7. Regency/municipality living environment agency shall be agency implementing governmental affairs on protection and management of living environment of regency/municipality.
  8. Provincial living environment agency shall be agency implementing governmental affairs on protection and management of living environment of province.
  9. Central living environment agency shall be Ministry of Living Environment.
  10. Deputy Minister shall be Deputy State Minister of Living Environment functioning and responsible for amdal matter.
  11. Minister shall be minister implementing governmental affairs on protection and management of living environment.
- license as requirement for conducting appraisal of amdal document.
  - (2) The license referred to in paragraph (1) is issued by:
    - a. the Minister for Central appraising commission;
    - b. the Governor for provincial appraising commission; or
    - c. the Regent/Mayor for regency/municipality appraising commission.
  - (3) Issue of license referred to in paragraph (2) letter a shall be granted as soon as the Central Appraising Commission complies with the requirements.
  - (4) The issue of license referred to in paragraph (2) letter b and letter c shall be granted as soon as the provincial appraising commission or regency/municipality:
    - a. complies with the requirements; and
    - b. obtains recommendation.
  - (5) The requirements referred to in paragraph (3) and paragraph (4) letter a consist of:
    - a. chairman of appraising commission shall be led by official at least in Echelon II level;
    - b. secretariat of appraising commission domiciled within the Central Living Environment Agency of province, or regency/municipality;
    - c. technical team comprising human resources that passed training on amdal formulation of at least two (2) persons and training on amdal appraisal of at least three (3) persons;
    - d. membership of appraising commission shall at least cover experts on biogeophysical-chemical, economy, social, culture, health, planning of regional development and living environment;

## CHAPTER II

### PROCEDURE OF LICENSE

#### Article 2

- (1) The Central Appraising Commission of province or regency/municipality shall be obliged to possess

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- e. existence of living environment organization or self-support institution as one of the members of the appraising commission; and
  - f. existence of cooperation with accredited laboratory of having capability for quality testing of living environment at least for water and air parameter.
- (6) The recommendation referred to in paragraph (4) letter b shall be given by:
- a. the Deputy Minister for appraising commission of province; or
  - b. the Governor for appraising commission of regency/municipality.
- (7) The Governor may delegate authority for providing recommendation referred to in paragraph (6) letter b to the Head of Agency of Living Environment of province.
- (8) Recommendation on license for appraising commission of regency/municipality referred to in paragraph (2) letter c shall be based on the result of verification by integrated team duly established by the Head of Agency of Living Environment of province.
- (9) The integrated team referred to in paragraph (8) consists of:
- a.elements of living environment agency of province;
  - b.elements of agency appointing and/or providing recommendation to environmental laboratory; and
  - c.elements of high educational institution.

### Article 3

License for appraising commission issued by

the Governor or Regent/Mayor referred to in Article 2 paragraph (2) letter b and letter c shall be made based on the flow chart of license for appraising commission as specified in Attachment I constituting inseparable part of this Regulation of the Minister.

### Article 4

- (1) Governor through the living environmental agency of province shall submit application for recommendation for license to the Deputy Minister using the application form for recommendation for license as specified in Attachment II constituting inseparable part of this Regulation of the Minister.
- (2) Application for recommendation for license referred to in paragraph (1) must be supported by statement letter from the living environment agency of province with copy to the Governor stating the authenticity and compliance with the requirements referred to in Article 2 paragraph (5).
- (3) The Deputy Minister shall provide proof of receipt of application for recommendation for license by stating the day and date the application for recommendation for license is received.

### Article 5

- (1) The Regent/Mayor through the living environmental agency of regency/municipality shall submit application for recommendation for license to the Governor through the living environmental agency of province using the application for recommendation for license as specified in Attachment II.
- (2) The application for recommendation for license referred to in paragraph (1) supported by statement

letter from the living environmental agency of re-  
gency/municipality with copy to the Regent/May-  
or stating the authenticity and compliance with  
the requirements referred to in Article 2 paragraph  
(5).

- (3) The living environmental agency of province shall  
issue proof of receipt of application for recom-  
mendation for license stating the day and date the  
application file for recommendation for license is  
received.

#### Article 6

- (1) The application for recommendation for license  
referred to in Article 4 through Article 5 shall be  
verified by:
- a. the Deputy Minister for appraising commission  
of province; or
  - b. the Governor assisted by integrated team for  
appraising commission of rency/municipality.
- (2) Based on the result of verification referred to in  
paragraph (1), the Deputy Minister or Governor  
based on his/her authority shall be obliged to:
- a. issue recommendation, if the application com-  
plies with the requirements for license referred  
to in Article 2 paragraph (5); or
  - b. issue statement letter on non-compliance with  
the requirements for license, if the require-  
ments referred to in Article 2 paragraph (5),  
Article 4 paragraph (2), or Article 5 paragraph  
(2) are not complied with.
- (3) The Deputy Minister or Governor based on their  
respective authority shall be obliged to issue rec-  
ommendation or issue statement letter as referred

to in paragraph (2) within 30 (thirty) working days  
at the latest effective as of the date the applica-  
tion for recommendation for license is received.

- (4) Statement letter of Governor on non-compliance  
with the requirements referred to in paragraph (2)  
letter b shall be issued by the Head of Living Envi-  
ronmental Agency of province for application for  
recommendation for license from rency/munici-  
pality.
- (5) If within the period referred to in paragraph (3)  
no recommendation for license is issued by the  
Deputy Minister or Governor, the application for  
recommendation for license submitted by the ap-  
praising commission shall be deemed approved.
- (6) The recommendation for license referred to in  
paragraph (2) letter a shall be issued according  
to the format for recommendation for license as  
specified in Attachment III that constitutes insepa-  
rable part of this Regulation of the Minister.
- (7) Statement letter of non-compliance with the re-  
quirements for license referred to in paragraph  
(2) letter b shall be issued according to the for-  
mat specified in Attachment IV that constitutes  
inseparable part of this Regulation of the Minis-  
ter.

#### Article 7

Should statement letter on non-compliance  
with the requirements for license is issued as referred  
to in Article 6 paragraph (2) letter b, the living envi-  
ronmental agency of province, or living environment  
of rency/municipality may resubmit application for  
recommendation for license.

#### Article 8

- (1) The Minister shall be obliged to issue license based on the application for license that complies with the requirements referred to Article 2 paragraph (5).
- (2) The Governor or Regent/Mayor shall be obliged to issue license after obtaining recommendation to the application for license as referred to in Article 6 paragraph (2) letter a or comply with the provision referred to in Article 6 paragraph (3).
- (3) The license referred to in paragraph (1) and paragraph (2) shall be issued according to the format for license as specified in Attachment V that constitutes inseparable part of this Regulation of the Minister.

#### Article 9

- (1) License shall be valid for three (3) years and must be renewed.
- (2) In the event of amendment that causes non-compliance with the requirements for license referred to in Article 2 paragraph (5), such license must be renewed.
- (3) Application for renewal of the license referred to in paragraph (1) must be submitted within 30 (thirty) working days prior to expiry of the license validity.
- (4) The license referred to in paragraph (1) and paragraph (2) shall be renewed according to the flow chart of license formulated by the appraising commission as specified in Attachment I.

#### Article 10

- (1) Appraising commission possessing license shall

- be obliged to submit written notification on any amendment to compliance with the requirements for license referred to in Article 2 paragraph (5) to:
  - a. the Deputy Minister, for appraising commission of province; or
  - b. Governor through living environmental agency of province, for appraising commission of re-gency/municipality.

- (2) The notification referred to in paragraph (1) must be submitted within 14 (fourteen) working days as of occurrence of the amendment.
- (3) The Deputy Minister, or Governor through living environmental agency of province according to his/her authority after receiving the notification referred to in paragraph (1) shall give opportunity to the appraising commission to comply with the requirements for license within six (6) months as of receipt of the notification.

#### Article 11

- (1) Recommendation for license may be revoked by:
  - a. the Deputy Minister, for appraising commission of province; or
  - b. the Governor, for appraising commission of re-gency/municipality.
- (2) The recommendation for license referred to in paragraph (1) may be revoked if:
  - a. there is evidence that either of the requirements in the application for license submitted is fake;
  - b. there is amendment that causes non-compliance with either of the requirements for license and such amendment is not notified in writing as referred to in Article 9 paragraph (2);

c. if within six (6) months as referred to in Article 10 paragraph (3) the requirements for license are not complied with; and/or

d. violates amdal processing administration and/or five (5) amdal documents are found out to be determined as non-feasible the quality of which is poor to very poor based on quality test of the amdal document after being managed and supervised for one (1) year by:

1. the Minister, for appraising commission of province, or
2. Governor and/or Minister, for appraising commission for regency/municipality.
3. Revocation of recommendation for license referred to in paragraph (1) made in writing by:
  - a. Deputy Minister, for the commission of the provincial assessor; or
  - b. Governor, to the commission of assessment regency / Municipality

(4) In the event of revocation of recommendation for license referred to in paragraph (3), the license for appraising commission shall be declared revoked by the power of this Regulation of the Minister.

(5) If the recommendation for license referred to in is revoked paragraph (3), the living environmental agency of province, or living environmental agency of regency/municipality may re-submit application for recommendation for license.

#### Article 12

(1) In the event of deviation in the issuing process of recommendation for license the Governor or re-

gency/municipality may file complaint to the Minister.

(2) The Minister shall verify the complaint referred to in paragraph (1) as material for consideration for making decision.

(3) The Minister shall make decision within 20 (twenty) working days as of the date the complaint referred to in paragraph (1) is received.

(4) The decision of the Minister of referred to in paragraph (3) may be in the form of:

- a. instruction to the Governor to issue recommendation for license for the appraising commission of regency/municipality;
- b. approval for statement letter on non-compliance with the requirements for license issued by the Governor through the living environmental agency of province;
- c. approval for statement letter on non-compliance with the requirements for license issued by the Deputy Minister; or
- d. reminder to the Governor or Deputy Minister on the deviation in the process of application for recommendation for license.

### CHAPTER V

### MANAGEMENT AND SUPERVISION

#### Article 13

(1) To motivate establishment of appraising commission that complies with the requirements for license, improvement of capacity of the appraising commission that holds license, and renewal of license of the appraising commission shall be managed and supervised by the Governor and/or

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Minister.

- (2) The management and supervision conducted by the Governor and/or Minister referred to in paragraph (1) covers:
- quality of the amdal document; and
  - amdal processing administration.
- (3) The management and supervision referred to in paragraph (1) shall be conducted according to the Regulation of the Minister governing the management and supervision of the appraising commission.

### CHAPTER V

#### FINANCING

##### Article 14

- (1) The costs for issue recommendation for license for appraising commission shall be charged to:
- the budget of the Ministry of Living Environment, for Central appraising commission and appraising commission of province; or
  - the budget of regional secretary of province, for appraising commission of regency/municipality.
- (2) The cost for verification referred to in Article 6 paragraph (1) shall be charged to:
- the budget of the Ministry of Living Environment, for Central appraising commission and appraising commission of province; or
  - the budget of the living environmental agency of province, for appraising commission of province, for appraising commission of regency/municipality.
- (3) The cost for compliance with requirements for

license for appraising commission and issue of proof of identification of license shall be charged to:

- the budget of the Ministry of Living Environment, for Central appraising commission;
- the budget of living environmental agency of province, for appraising commission of province; or
- the budget of living environmental agency of regency/municipality, for appraising commission of regency/municipality.

- (4) The cost for management and supervision by the Governor referred to in Article 14 shall be charged to the budget of the living environmental agency of province.

- (5) The cost for verification of the complaint referred to in Article 12 paragraph (2), cost for management and supervision by the Minister referred to in Article 14 shall be charged to the budget of the Ministry of Living Environment.

### CHAPTER VI

#### TRANSITIONAL PROVISION

##### Article 15

- (1) Any license issued prior to this Regulation of the Minister is stipulated must be adjusted within one (1) year as of the date this Regulation of the Minister comes to force.
- (2) The appraising commission that has license prior to this Regulation of the Minister is stipulated may appraise the amdal document according to his/her authority up to the deadline for adjustment referred to in paragraph (1).

Article 16

- (1) The Central appraising commission or province not possessing license yet shall be obliged to possess license within one (1) year as of the date this Regulation of the Minister is stipulated.
- (2) The appraising commission referred to in paragraph (1) may continue appraising the amdal according to its authority up to the deadline for adjustment referred to in paragraph (1).

CHAPTER VII

CLOSING PROVISION

Article 17

By the time this Regulation of the Minister comes to force, Regulation of the Minister of Living Environment Number 06 Year 2008 concerning License System for Appraising Commission on Living Environment Impact of Regency/municipality is revoke and is declared null and void.

Article 18

This Regulation of the Minister takes effect on the date it is enacted.

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

Stipulated in Jakarta

On May 7, 2010

STATE MINISTER OF LIVING ENVIRONMENT  
OF THE REPUBLIC OF INOONESIA,  
sgd.

GUSTI MUHAMMAO HATTA

Enacted in Jakarta

On May 7, 2010

MINISTER OF LAW AND HUMAN RIGHTS OF THE  
REPUBLIC OF INOONESIA,  
Sgd..

PATRIALIS AKBAR

( MA )