

DUPLICATE OF
DECISION OF THE CHAIRMAN OF THE CAPITAL MARKET AND
FINANCIAL INSTITUTIONS SUPERVISORY AGENCY
NUMBER: KEP - 123/BL/2009
CONCERNING
REPORTS OF SECURITIES TRANSACTION

CHAIRMAN OF CAPITAL MARKET AND FINANCIAL INSTITUTIONS
SUPERVISORY AGENCY,

Considering : that in order to increase the development and integrity of debt securities and syariah debt securities market through the reports of Securities Transaction, it is necessary to improve the Rule of Capital Market and Financial Institutions Supervisory Agency Number X.M.3 concerning Bond Transaction Reporting;

In view of : 1. Law Number 8 Year 1995 concerning the Capital Market (State Gazette Year 1995 Number 64, Supplement to the State Gazette Number 3608);
2. Law Number 24 Year 2002 concerning the Government Bond (State Gazette Year 2002 Number 110, Supplement to the State Gazette Number 4236);
3. Law Number 19 Year 2008 concerning the Government Islamic Bond (State Gazette Year 2008 Number 70, Supplement to the State Gazette Number 4852);
4. Government Regulation Number 45 Year 1995 concerning Capital Market Organization (State Gazette Year 1995 Number 86, Supplement to State Gazette Number 3617) as revised by Government Regulation Number 12 Year 2004 (State Gazette Year 2004 Number 27, Supplement to State Gazette Number 4372);
5. Government Regulation Number 46 Year 1995 concerning Procedures for Formal Investigation in the Capital Market (State Gazette Year 1995 Number 87, Supplement to State Gazette Number 3618);
4. Government Regulation Number 76 Year 2005 concerning Management, Responsibility, and Information Publication of Government Debt Securities Management (State Gazette Year 2005 Number 162, Supplement to State Gazette Number 4590);

5. Decree of the President of the Republic of Indonesia Number 45/M Year 2006;

HAS DECIDED:

To enact : **DECISION OF THE CHAIRMAN OF THE CAPITAL MARKET AND FINANCIAL INSTITUTIONS SUPERVISORY AGENCY CONCERNING REPORTS OF SECURITIES TRANSACTION.**

Article 1

Provisions concerning Reports of Securities Transaction is regulated in Rule Number X.M.3 as stipulated in the Attachment of this Decision.

Article 2

Provisions concerning fines for the delay of Securities Transaction as stipulated in article 21 of Rule Number X.M.3 as mentioned in the attachment of this Decision, becomes effective for the Securities Transaction as of January 1. 2010.

Article 3

Since this Decision becomes effective, the Decision of the Chairman of the Capital Market and Financial Institutions Supervisory Agency Number Kep-07/BL/2006 dated July 31, 2006 concerning the Reports of Bond Transaction declared revoked and declared invalid.

Article 4

This decision shall become effective since October 1, 2009.

Enacted in : Jakarta
Date : May 29, 2009
Chairman of Capital Market and Financial
Institutions Supervisory Agency

Signed

A. Fuad Rahmany
NIP 060063058

Based on the original documents
Head of General Affairs Division

Signed

Prasetyo Wahyu Adi
NIP060076008

ATTACHMENT :

Decision of the Chairman of Capital
Market and Financial Institutions
Supervisory Agency

Number : Kep-123/BL/2009

Date : 29 May 2009

RULE NUMBER X.M.3 : SECURITIES TRANSACTION REPORTING

1. In this rule, what is meant by:
 - a. Participant is a Broker Dealer, Bank, or other Party approved by Capital Market and Financial Institutions Supervisory Agency (CMFISA), who utilizes reporting system and/or infrastructure of Securities Transaction and registered at the Recipient of Securities Transaction Report.
 - b. The Recipient of Securities Transaction Report is a Party appointed by CMFISA to provide system and/or infrastructure and receive Securities Transaction reporting.
 - c. Securities Transaction is any activity or contract to acquire, release, or utilize Securities, which causes an ownership transfer or does not cause an ownership transfer.
2. Securities Transaction that must be reported under this Rule is transaction of debt Securities and Sukuk sold through the Public Offering, Government Bond, and others Securities stipulated by the Chairman of CMFISA that must be reported, traded in the secondary market.
3. Securities Transaction that must be reported includes type of transaction as follows:
 - a. outright sale;
 - b. grant;
 - c. heritage;
 - d. exchange;
 - e. transfer due to court decision;
 - f. transfer due to merge, consolidation, or acquisition;
 - g. lending and borrowing;
 - h. repurchase agreement (*repo*);
 - i. securities book entry conducted by same Party;
 - j. Buyback;

- k. Securities transfer to issue and redeem Participation Unit of Mutual Fund in the Stock Exchange;
 - l. Conversion ;
 - m. Securities underwriting other than for the Exchange Transaction Settlement Guarantee placed in the Clearing and Guarantee Institution;
 - n. Others type of transaction stipulated by the Chairman of CMFISA.
4. Any Party may engage in Securities Transaction in the secondary market either in the Stock Exchange or in the over-the-counter.
 5. Any Party who executes Securities Transaction as referred to in number 3 must submit report on its every Securities Transaction to CMFISA through The Recipient of Securities Transaction Report, by the following provisions:
 - a. If Securities Transaction occurred in the Stock Exchange, the Securities Transaction reporting is automatically conducted by the Stock Exchange.
 - b. If Securities Transaction is occurred over-the-counter and the Securities Transaction is executed by or through the Participant, Securities Transaction reporting is automatically conducted by the Participant.
 - c. If Securities Transaction occurred over-the-counter and the Securities Transaction is not executed through Participant but its settlement is conducted through Participant, Securities Transaction reporting is automatically conducted by the Participant who settles the Securities Transaction.
 - d. If Securities Transaction is occurred over-the-counter and the Securities Transaction and its settlement are not executed through Participant, Securities Transaction reporting must be conducted by Participant appointed by the Party who conducts the Securities Transaction.
 - e. If Securities Transaction is occurred with the Government or Central Bank of Indonesia over-the-counter, Securities Transaction reporting must be conducted by the counterparty through Participant by the mechanism as referred to the letter b, letter c, or letter d.
 - f. If Securities Transaction is a conversion as referred to in number 3.1, Securities Transaction reporting must be conducted by the Party who converts to other Securities through Participant by the mechanism as referred to the letter b, letter c, or letter d.
 6. In case of the Securities Transaction reporting is conducted through the Stock Exchange as referred to the number 5.a, the Stock Exchange must report every transaction immediately after the transaction occurred (real time) in accordance with the Stock Exchange data.
 7. In case of the Securities Transaction reporting is conducted through Participant as referred to in number 5.b, letter c, letter d, letter e and letter f, the Participant must report every transaction by complying the following provisions:

- a. The report must be submitted electronically by using the system and/or infrastructure provided by the Recipient of Securities Transaction Report;
- b. Matters that must be reported are:
 - 1) name and serial number of the Securities;
 - 2) name of seller/initial owner/delivery account owner;
 - 3) name of buyer/last owner/beneficiary account owner
 - 4) type of account (Participant account or client account)
 - 5) transaction price;
 - 6) yield;
 - 7) transaction volume;
 - 8) transaction value;
 - 9) transaction time;
 - 10) reporting time or instruction time to the Participant;
 - 11) transaction type;
 - 12) date of transaction settlement
 - 13) ownership (local or foreigner);
 - 14) name of Custodian;
 - 15) participant identity; and
 - 16) Taxpayer Identification Number (NPWP) (if any); and
 - 17) price and transaction period (only for repurchase agreement or lending borrowing transaction).
- c. The report must be submitted immediately no later than 30 (thirty) minutes with the following provisions:
 - 1) after the Securities Transaction occurred if the Securities Transaction is executed by or through Participant; or
 - 2) if the Securities Transaction is not executed through Participant:
 - a) after the settlement instruction received by Participant if that Securities Transaction settlement is executed through the Participant.
 - b) after Participant receives of Securities Transaction report if the Securities Transaction settlement is not executed through the Participant.
- d. Specifically for Custodian name reporting as referred to in number 7.b.14) must be submitted no later than:
 - 1) at the end of Securities Transaction day, if the Securities Transaction is executed through Participant; or

- 2) at the end of the day when the report or Securities Transaction settlement instruction is received, if the Securities Transaction is not executed through Participant.
8. The provision of reporting time is stipulated by the Recipient of Securities Transaction Report with the following provisions:
 - a. If the transaction is executed, reported, or its settlement is instructed to Participant prior to the reporting time, reporting deadline as referred to in number 7.c and 7.d is calculated since the opening of reporting hour on the same day as the transaction executed or reported to the Participant.
 - b. If the transaction occurred, reported, or instructed its settlement to Participant after the reporting time, reporting deadline as referred to in number 7.c and 7.d is calculated since the opening of reporting hour on the next day since the transaction executed or reported to the Participant.
9. Participant must provide an evidence of Securities Transaction reporting as soon as possible to the Party who submits the report after the reporting received by the Participant.
10. Party, who has submitted Securities Transaction reporting through Participant, may obtain an evidence of Securities Transaction reporting from the Participant who submitted the reporting to the Recipient of Securities Transaction Report.
11. The Recipient of Securities Transaction Report must provide an evidence of Securities Transaction reporting to the Participant as soon as possible after the reporting received by the Recipient of Securities Transaction Report.
12. The Recipient of Securities Transaction Report must provide transaction data, which can be accessed by public, immediately after the transaction is reported (real time) without incurring any cost. The transaction data which must be available to public contains the following:
 - a. Securities name and serial number;
 - b. transaction price;
 - c. yield;
 - d. transaction volume;
 - e. transaction value;
 - f. transaction type;
 - g. date of transaction settlement; and
 - h. price and transaction period (only for repurchase agreement or lending borrowing transaction).
13. Contract between Participant and its client must contain provision related to client obligation to submit over-the-counter Securities Transaction reporting after the transaction being executed.

14. Submission of Securities Transaction report is free of charge.
15. In case of the Recipient of Securities Transaction Report provides additional services, the additional services along with its cost must be first be approved by CMFISA.
16. The Recipient of Securities Transaction Report must determine registration procedures for Participant, reporting procedures, and provide electronic reporting system accessible by the Participant, which must be first be approved by CMFISA.
17. The Recipient of Securities Transaction Report must provide information technology system to CMFISA to enable CMFISA supervises the Securities Transaction reporting at any time.
18. In order to supervise Securities Transaction by CMFISA, Central Securities Depository submits every data on Securities Transaction settlement to CMFISA through the Recipient of Securities Transaction Report using electronic reporting system and requires the Custodian to input reporting reference number on settlement instruction submitted to the Central Securities Depository.

Specifically for transaction reporting supervision of Government Securities, CMFISA may require Central Bank of Indonesia as Central Registry to submit every transaction settlement data of Government Securities to CMFISA through the Recipient of Securities Transaction Report using electronic reporting system and require Sub registry, bank or other Party as a member of the Central Registry to input reporting reference number on the settlement instruction submitted to the Central Registry.

19. The Recipient of Securities Transaction Report must ensure the confidentiality of reported Securities Transaction data other than the data which must be provided to public as referred to in number 12 of this rule.
20. If Participant is late or does not submit the report as referred to in number 7. c and 7.d of this rule, the Participant may be subject to administrative sanction in the form of fine based on accumulated late period of all transaction in one month.
21. The amount of fine as referred to in number 20 is Rp10.000,00 (ten thousand Rupiah) for every hour of late reporting per report or Rp100.000,00 (one hundred thousand Rupiah) for one day per report, and with provision that the maximum total amount of fine is Rp100.000.000,00 (one hundred million Rupiah) per report.
22. By no means undermining criminal provisions in the Capital Market, CMFISA may impose sanctions on any Party who violates this rule, as well as on any Person that causes the violation to occur.

Enacted in : Jakarta

Date : 29 May 2009

Chairman of Capital Market and
Financial Institutions Supervisory
Agency

Signed

A. Fuad Rahmany

NIP. 060063058

Based on the original documents
Head of General Affairs Division

Signed

Prasetyo Wahyu Adi Suryo

NIP 060076008