

Words, phrases, sentences in square brackets [] are added by translator for explanatory purposes.
Translated by Arif Suryobuwono. A hard copy of the provincial regulation was received via mail from the United Nations Industrial Development Organization (UNIDO) Jakarta Office on Tuesday, December 13, 2005; this translation was emailed on Dec. 21, 2005 to Budi Susilorini, Asst. to Country Focal Point – Indonesia, GEF/ UNDP/ UNIDO – Global Mercury Project

THE GOVERNMENT OF THE PROVINCE OF CENTRAL KALIMANTAN
THE INDUSTRY AND TRADE SERVICE
Jalan Yos Sudarso No. 82, Telephone 21650
Palangka Raya 73112

REGIONAL [PROVINCIAL] REGULATION NUMBER 6 OF THE YEAR 2003
CONCERNING
THE SALE AND USE OF MERCURY (Hg) AND
ITS IMPLEMENTING MANUAL

PALANGKA RAYA
2004



THE GOVERNOR OF CENTRAL KALIMANTAN
REGIONAL REGULATION OF THE PROVINCE OF CENTRAL
KALIMANTAN
NUMBER 6 OF THE YEAR 2003
CONCERNING
THE SALE AND USE OF MERCURY (Hg)

WITH THE GRACE OF THE ONE AND ONLY GOD
THE GOVERNOR OF CENTRAL KALIMANTAN,

Considering:

- a. That with the increasingly intensive use of mercury (Hg) for both industrial purposes and [in] people's mining, a misuse [literal translation: an aberrant use] [of it] may result in threats to the health of humans/ animals/ plants and destroy the sustainability of the environment;
- b. That because of the aforementioned, [and] in order to avoid and prevent the resultant risks associated with the use of mercury, it is thus necessary to control its sale and use without harming the smoothness of its procurement and distribution [literal translation: by continuing to maintain the smooth running (uninterrupted course) of procurement and distribution of mercury];
- c. That based on the considerations as referred to under letter a and letter b, it is necessary to regulate the sale and use of mercury (Hg) through the adoption of a Regional Regulation of the Province of Central Kalimantan.

In view of:

1. Act Number 21 of the Year 1958 concerning the Establishment of the First-Level Autonomous Region of Central Kalimantan (on the Statute Book of the Year 1958 Number 62, Supplement to the Statute Book Number 1622);

2. Act Number 5 of the Year 1984 concerning Industry (on the Statute Book of the Year 1984 Number 22, Supplement to the Statute Book Number 3274);
3. Act Number 8 of the Year 1981 concerning Criminal Code Procedures (on the Statute Book of the Year 1981 Number 76, Supplement to the Statute Book Number 3209);
4. Act Number 23 of the Year 1997 concerning Environmental Management (on the Statute Book of the Year 1997 Number 68, Supplement to the Statute Book Number 36694);
5. Act Number 22 of the Year 1999 concerning Regional Governments (on the Statute Book of the Year 1999 Number 90, Supplement to the Statute Book Number 3839).
6. Government Regulation Number 25 of the Year 2000 concerning the Authority of the Government and the Authority of Provinces As Autonomous Regions (on the Statute Book of the Year 2000 Number 54, Supplement to the Statute Book Number 3952).
7. Government Regulation Number 74 of the Year 2001 concerning the Management of Hazardous and Toxic Materials (on the Statute Book of the Year 2001 Number 138, Supplement to the Statute Book Number 4153).
8. Decision of the Minister of Industry Number 148/M/SK/4/1985 concerning the Safeguarding of Toxic and Hazardous Materials in Industrial Companies;

9. Decision of the Minister of Industry and Trade Number 254/MPP/Kep/7/2000 concerning the Regulatory Mechanism of Importing and Distributing Certain Hazardous Materials for Commercial Purposes;
10. Decision of the Minister of Home Affairs and Regional Autonomy Number 22 of the Year 2001 concerning Forms of Regional Legal Products;
11. Regional Regulation of the First Level Provincial Region of Central Kalimantan Number 12 of the Year 1986 concerning Civil Servant Investigators Within the Government of the First Level Provincial Region of Central Kalimantan;
12. Regional Regulation of the Province of Central Kalimantan Number 8 of the Year 2000 concerning the Establishment of the Organization and the System of Operation of the Regional Services of the Province of Central Kalimantan.

With the approval of

**THE REGIONAL LEGISLATIVE COUNCIL OF THE PEOPLE OF THE
PROVINCE OF CENTRAL KALIMANTAN**

DECIDES

To adopt: THE REGIONAL REGULATION OF THE PROVINCE OF CENTRAL KALIMANTAN CONCERNING SALE AND USE OF MERCURY (Hg).

CHAPTER I

GENERAL DEFINITIONS

Article 1

Under this Regional Regulation, that which is meant by:

1. Region [or Regional] is the Provincial Region of Central Kalimantan.
2. The Regional Government is the Head of the Region and the other Autonomous-Region government officials as the Executive Body of the Region.
3. The Provincial Government is the Government of the Province of Central Kalimantan.
4. Governor is the Governor of Central Kalimantan.
5. The Industry and Trade Service is the Industry and Trade Service of the Province of Central Kalimantan.
6. A Registered Importer of Certain Hazardous Materials, hereinafter referred to as an IT-B2T for short, is a Non-Producer Importer with a General-Import Identity Number (API-U) that acquires a special duty to import certain hazardous materials and acts as a distributor to distribute hazardous materials it imports to end users.
7. A Distributor is A Registered Importer of Certain Hazardous Materials (IT-B2T) that is appointed by the Minister of Industry and Trade.
8. Sale is an activity of transacting goods that is conducted continuously with the objective of transferring the right to goods in return for payment/ compensation.
9. An end user is a Business Corporation/ [an] Individual [Business Entity] and a Government Body/ Service/ Institution/ Agency that uses mercury according to its intended use.

CHAPTER II

DISTRIBUTOR AND SALE OF MERCURY

Article 2

[In order to legally distribute and sell mercury], a distributor is obliged to possess a permit from the Minister of Industry and Trade.

Article 3

The distributor as the seller of mercury can only sell its mercury to the end user, that is:

1. An Industrial Company that has obtained an Industrial Business License/ a Mark of Industrial Registration.
2. A Non-Importer Mining Company That Produces Certain Hazardous Materials (IP-B2T)
3. A cooperative and or a group of people's gold mining businesses.
4. A Government Body/ Service/ Institution/ Agency, which uses mercury in order to perform its duties and functions in accordance with laws and regulations.

CHAPTER III

OBLIGATION AND REPORTING

Article 4

- (1) A Distributor is obliged to record the names and addresses of its buyers [who buy mercury from him/her] and the amount of mercury that it sells.

- (2) A Distributor is obliged to report the names and addresses of its buyers [who buy mercury from him/ her] and the amount of mercury [that it sells to them] to the District/ City Government cq [which, in this case, is represented by] The [District/ City] Service in charge of Industry and Trade.
- (3) A Distributor is obliged to report developments concerning its distribution of mercury to the Regional Government cq [which, in this case, is] The Industry and Trade Service.
- (4) The reporting procedure will be specified [regulated] further with a Gubernatorial Decision.

CHAPTER IV

BAN ON THE SALE OF MERCURY

Article 5

End users as referred to under Article 3 are prohibited to be engaged in the selling and buying/ trading of [mercury] or [in any other activities that in effect cause or] make [it] to change hands with whomever using whatever ways and means and for whatever reasons.

CHAPTER V

THE USE OF MERCURY

Article 6

- (1) Only end users are to use mercury as referred to under Article 3. [Literal translation: the use of mercury is only used by end users as referred to under Article 3]
- (2) In order to be able to buy mercury again [from a Distributor], end users are obliged to submit to the Distributor an amount of waste of the mercury that they have previously bought [from the Distributor] as stated in the Environmental Management Effort (UKL) document and the Environmental Control Effort (UPL) document on Mining Areas.
- (3) Procedures concerning the use and the safeguarding of mercury waste as referred to under subsections (1) and (2) shall be regulated [specified] further with a Gubernatorial Decision.

CHAPTER VI

EDUCATIVE SUPERVISION AND CONTROL

Article 7

- (1) Educative supervision and control of the sale [of mercury] by Distributors shall be conducted by the Regional Government. [Translator's note: in this context, educative supervision implies supervision that enhances knowledge of, and awareness of the danger of, mercury through persuasion and conditioning to act in a desired way]

- (2) Educative supervision and control of the use of mercury shall be conducted by Technical Government Agencies according to their respective duties and functions.
- (3) Procedures for the educative supervision and control of mercury as referred to under subsections (1) and (2) shall be regulated further with a Gubernatorial Decision.

CHAPTER VII

INVESTIGATION

Article 8

- (1) Apart from Investigating Officers of The Police of The Republic of Indonesia who have the duty to investigate criminal acts, Civil Servant Investigators within Provincial Governments may [also] conduct an investigation into a criminal act as referred to under this Regional [Provincial] Regulation according to the jurisdiction [literal translation: legal territory] that has been [officially] designated [to them].
- (2) The Investigators as referred to under subsection (1) have the authority
- a. To receive a complaint report from someone concerning a criminal act
 - b. To take the first action at a certain time at the site of incident and to perform examination

- c. To instruct a suspect to stop his/ her activities and to examine the personal identity mark [card] of the suspect
- d. To confiscate items and or letters [documents]
- e. To take the fingerprints of, and to photograph, the suspect
- f. To summon a person to be heard and examined as a suspect or a witness
- g. To present an expert who is needed in connection with the examination of the case
- h. To stop an investigation after having received information from an investigator of the Police of the State of the Republic of Indonesia that there is no sufficient proof or that the incident is not a criminal act and then, through the investigator of the Police of the State of the Republic of Indonesia, to inform this to the public prosecutor of the suspect and his/ her family
- i. To take another action that can be accounted for by law

(3) The Civil Servant Investigators, in carrying out their duty as investigators, are under the coordination of the Investigators of the Police of the Republic of Indonesia.

CHAPTER VIII

CRIMINAL PROVISIONS

Article 9

- (1) Any person or legal entity that deliberately violates the provisions of Articles 2, Article 3, Article 4 subsections (1), (2), and (3), Article 5 and Article 6 subsections (1) and (2) shall be prosecuted on penalty of detention [being kept as a prisoner in a lockup] for as long as 6 (six) months at the most or a maximum fine of IDR 5,000,000 (five million Indonesian rupiah).
- (2) The criminal act as referred to under subsection (1) is an offence.
- (3) Apart from criminal acts as referred to under subsection (1), felonies are [also] liable to prosecution in accordance with laws and regulations.
- (4) The fine as referred to under subsections (1) and (3) shall be paid into the Region's Treasury.

CHAPTER IX

CLOSING PARAGRAPHS

Article 10

Matters that have not been regulated [under this Regional Regulation], as long as the implementation of this Regional Regulation is concerned, will be regulated further with a Gubernatorial Decision.

Article 11

This Regional Regulation shall start to come into force upon the date of its promulgation.

So that every person may be cognizant of it, [the Governor of the Province of Central Kalimantan] herewith orders the promulgation of this Regional Regulation by publication in the Regional Statute Book of the Province of Central Kalimantan.

Adopted in Palangkaraya

On the date of June 24, 2003

**THE GOVERNOR OF THE PROVINCE
OF CENTRAL KALIMANTAN**

Illegible signature

ASMAWI AGANI

Promulgated in Palangkaraya on June 25, 2003

REGIONAL SECRETARY OF THE PROVINCE OF CENTRAL KALIMANTAN

Illegible signature, stamped with the stamp of the Regional Secretary

Drs. H.A. DJ. NIHIN

Pembina Utama [a civil service rank roughly equivalent to chief manager]

NIP. 010 049 641 [Government Employee Master Identification Number 010 049 641]

[On] **THE REGIONAL STATUTE BOOK OF THE PROVINCE OF CENTRAL
KALIMANTAN OF THE YEAR 2003 NUMBER 18 SERIES E**

EXPLANATORY NOTES ON
THE REGIONAL REGULATION OF THE PROVINCE OF CENTRAL
KALIMANTAN NUMBER 6 OF THE YEAR 2003 CONCERNING THE SALE
AND USE OF MERCURY (Hg)

I. GENERAL EXPLANATION

This Regional Regulation is necessary to maintain and promote the health of the people and the sustainability of the environment in Central Kalimantan where mercury (Hg) is increasingly used in industry and mining, particularly in people's mining. Aberrant use of mercury may threaten human health, causing mental disorder and even death to humans/ animals/ vegetations and destroying the sustainability of the environment. [Literal translation: in order to maintain and promote the health of the people and the sustainability of the environment as a result of the increasing use of mercury (Hg) for industrial activities and mining activities, particularly people's mining, aberrant use [of mercury] may result in threats to human health such as, among others, mental disorder and even death/ animals/ vegetations and destroy the sustainability of the environment.]

In relation to that which has been mentioned above, then, in order to avoid and reduce the impacts of the inappropriate use [literal translation: unsuitable use] of mercury, then, its sale and use in Central Kalimantan need to be controlled by continuing to maintain the smooth running of procurement and distribution of mercury.

Recently, in Central Kalimantan in particular the use of mercury (Hg) has reached a very worrisome level to the health of humans/ animals/ vegetations as a result of sale/ trade and use that are excessive and not in line with the procedures to use it.

II. ARTICLE-BY-ARTICLE EXPLANATION

Article 1: Sufficiently clear

Article 2: Sufficiently clear

Article 3:

Number 1: That which is meant by industrial companies here are industrial businesses that make use of mercury in their production processes such as gold jewelry industries/ artisan gold jewelers.

Number 2: [The non-importer mining companies referred to here are] mining companies that have obtained an operational permit or equivalent from technical government agencies and make use of mercury in their production processes/ activities.

Number 3: Cooperatives and groups of people's gold mining businesses that are established by their members and have been registered with a technical government agency and that make use of mercury in their production processes.

Number 4: Government Bodies/ Services/ Agencies/ Institutions that make use of mercury for laboratory purposes or for research purposes according to their respective duties and functions.

Article 4: Sufficiently clear

Article 5: It is prohibited to buy and sell/ to trade or to cause [mercury] to change hands to whomever unless for purposes associated with [the nature of] one's own [business] environment and to members of cooperatives and or their groups. For example: [it is allowed to be engaged in the buying and selling/ trading of mercury or in activities that cause mercury to change hands]

1. Between Mining Companies and Mining Service Companies.
2. Between [Mining] Cooperatives and or Groups and Their Members.

Article 6:

Subsection (1): Sufficiently clear

Subsection (2): That which is meant by Mining Areas are [Areas that fall under] a Mining Concession (*Kuasa Pertambangan* or KP for short), a Contract of Work (*Kontrak Karya* or KK for short) of People's Mining Areas (*Wilayah Pertambangan Rakyat* or WPR).

Subsection (3): Procedures concerning the use and safeguarding of mercury waste will be regulated [specified] further by technical government agencies by taking into consideration scientific and technological developments according to the agencies' respective duties and functions through a Gubernatorial Decision.

Article 7 until Article 11: Sufficiently clear



THE GOVERNOR OF CENTRAL KALIMANTAN
THE DECISION OF THE GOVERNOR OF CENTRAL KALIMANTAN
NUMBER 133 OF THE YEAR 2004
CONCERNING
THE IMPLEMENTING MANUAL FOR THE REGIONAL REGULATION OF
THE PROVINCE OF CENTRAL KALIMANTAN NUMBER 6 OF THE YEAR
2003 CONCERNING THE SALE AND USE OF MERCURY (Hg)

THE GOVERNOR OF CENTRAL KALIMANTAN,

Considering:

- a. That the Regional Regulation of the Province of Central Kalimantan Number 6 of the Year 2003 concerning the Sale and Use of Mercury (Hg) has been promulgated on the Regional Statute Book of the Province of Central Kalimantan of the Year 2003 Number 18 Series E dated June 25, 2003, it is necessary to regulate its implementing manual;
- b. That in order to implement the Regional Regulation, it is considered necessary to adopt the Decision of the Governor of Central Kalimantan concerning the Implementing Manual for the Regional Regulation of the Province of Central Kalimantan Number 6 of the Year 2003 concerning the Sale and Use of Mercury (Hg);

In view of:

1. Act Number 21 of the Year 1958 concerning the Establishment of the First-Level [Administrative] Autonomous Region of Central Kalimantan;
2. Act Number 5 of the Year 1984 concerning Industry;
3. Act Number 23 of the Year 1997 concerning Environmental Management;
4. Act Number 22 of the Year 1999 concerning Regional Government
5. Government Regulation Number 25 of the Year 2000 concerning The Authority of the Government and the Authority of Provinces As Autonomous Regions;
6. Government Regulation Number 74 of the Year 2001 concerning the Management of Hazardous and Toxic Materials;
7. Decision of the Minister of Industry Number 148/ M/ SK/ 4/ 1985 concerning the Safeguarding of Toxic and Hazardous Materials in Industrial Companies;
8. Decision of the Minister of Industry and Trade Number 254/ MPP/ Kep/ 7/ 2000 concerning the Trade Regulation governing the Import and Distribution of Certain Hazardous Materials;
9. Decision of the Minister of Home Affairs and Regional Autonomy Number 22 of the Year 2001 concerning Forms of Regional Legal Products;
10. Regional Regulation of the Province of Central Kalimantan Number 8 of the Year 2000 concerning the Establishment of Organization and Operation System of Regional Services of the Province of Central Kalimantan;
11. Regional Regulation of the Province of Central Kalimantan Number 6 of the Year 2003 concerning the Sale and Use of Mercury (Hg);

DECIDES:

To adopt: **THE DECISION OF THE GOVERNOR OF CENTRAL
KALIMANTAN CONCERNING THE IMPLEMENTING MANUAL
FOR THE REGIONAL REGULATION OF THE PROVINCE OF
CENTRAL KALIMANTAN NUMBER 6 OF THE YEAR 2003
CONCERNING THE SALE AND USE OF MERCURY (Hg)**

**CHAPTER I
GENERAL DEFINITIONS**

Article 1

Under this Decision, that which is meant by:

1. Governor is the Governor of Central Kalimantan.
2. The Industry and Trade Service is the Industry and Trade Service of the Province of Central Kalimantan.
3. The Mining and Energy Service is the Mining and Energy Service of the Province of Central Kalimantan.
4. Mining is activities associated with investigation, excavation, processing/ refining and use and conservation of extractive mine material.
5. Extractive mine material is chemical elements, minerals, ores and all types of precious stones that constitute natural sediments over which the region has authority.
6. Quicksilver or mercury is a chemical substance whose Latin name is *hydrargyrum* with the atomic symbol of Hg that is used in the process of processing and refining gold ores by way of amalgamation.

7. Amalgamation is a process of binding gold metal and its associated minerals by mercury so as to become a mixture called amalgam.
8. A Distributor is a Registered Importer of Hazardous Materials, appointed [designated] by Minister of Industry and Trade to distribute mercury (Hg) to end users.
9. Sale is activities of transacting goods that are conducted continuously with the objective of transferring the right to the goods in return for payment/ compensation.
10. End users are Business Entities [Corporations]/ Individuals [Individual Business Entities] and Government Bodies/ Services/ Institutions/ Agencies who make use of mercury according to its intended use.

CHAPTER II

BUYING AND REPORTING

Article 2

- (1) An end user of mercury shall fill in the purchase form/ note made available by the Distributor and upon submitting to the Distributor the completed purchase form/ note shall attach to it 1 (one) sheet of authenticated [legalized] photocopy of the end user's Personal Identity Card (KTP) and [1 (one) sheet of authenticated [legalized] photocopy of the end user's] business license [or letter of permit to operate a business that the end user has obtained] from an authorized government agency. [Literal translation: End user of mercury fills in the purchase form/ note made available by Distributor by attaching 1 (one) sheet of legalized photocopy of

Personal Identity Card and letter of business license from authorized agency to Distributor.]

- (2) End users, when wanting to buy mercury again, are obliged to submit their mercury waste to the Distributor, and this shall be stated in the written record of goods that are handed over [or transferred] in the transaction.
- (3) In order to purchase mercury, a [member of a] cooperative or [a member of] a group must obtain a letter of introduction from the management of the cooperative or the group [acknowledging the membership of the member in question], which shall submit to the Distributor a list containing the names and addresses of its members and the amount of demand for mercury. [Literal translation with some reconstruction: As far as purchase by a cooperative or a group is concerned, a letter of introduction from the management of the cooperative or the group must be obtained and a list of names and addresses of its members and the amount of demand for mercury submitted to distributor.]
- (4) Distributor is obliged to record the names, addresses, numbers of business licenses [of those who buy mercury from it] and the amount of mercury that it sells and to keep the purchase forms/ notes [submitted to it] by end users.

Article 3

- (1) End users are obliged to make a three-monthly [quarterly] report concerning the use of mercury that they have purchased [that shall be addressed and submitted]

to the District's Chief/ the City's Mayor cq [which in this case is represented by] the [District/ City] Service in charge of Industry and Trade, according to the following schedules:

- a. The First Quarter [lasts] from January to March, [and the end user's report must be submitted] no later than April 15 of the current year;
- b. The Second Quarter [lasts] from April to June, [and the end user's report must be submitted] no later than July 15 of the current year;
- c. The Third Quarter [lasts] from July to September, [and the end user's report must be submitted] no later than October 15 of the current year.
- d. The Fourth Quarter [lasts] from October to December, [and the end user's report must be submitted] no later than January 15 of next year.

(2) Distributor is obliged to submit a report on the sale of mercury every Semester to the Governor cq [which in this case is represented by] the [Provincial] Service in charge of Industry and Trade, whose copies shall be sent to the District's Chief/ the City's Mayor cq [which, in this case, is represented by] the [District/ City] Service in charge of Industry and Trade, according to the following schedules:

- a. Semester I [lasts] from January to June, [and the Distributor's report for Semester I must be submitted] no later than July 15 of the current year.
- b. Semester II [lasts] from July to December, [and the Distributor's report for Semester II must be submitted] no later than January 15 of next year.

CHAPTER III

EDUCATIVE SUPERVISION AND CONTROL

Article 4

- (1) Educative supervision and control of the distribution of mercury shall be conducted by the Governor cq [which in this case is represented by] the Service in charge of Industry and Trade.
- (2) Control of the use of mercury shall be conducted by the District's Chief/ the City's Mayor cq [which in this case is represented by] the Service in charge of Industry and Trade and the Service in charge of Mining and related Government Agencies.
- (3) Procedures for the educative supervision and control of the use of mercury shall be regulated further with a District Chief/ City Mayor Decision in each respective region [district/ city].

CHAPTER IV

PROCEDURES FOR THE USE AND SAFEGUARDING OF MERCURY WASTE

Article 5

Industrial Companies/ Businesses as end users of mercury are obliged to follow the procedures for making use of mercury according to the following provisions:

1. Artisan goldsmiths/ gold shops must use a mercury retort for burning amalgams.
2. [Personal] protective equipment such as masks, gloves, and so on must be worn when working with or processing amalgams.

Article 6

Mining Companies / Businesses as end users of mercury are obliged to follow the following procedures for using mercury:

1. The mixing of mercury (Hg) with *puya* [gold-bearing sand] shall be carried out with extreme care using medium and equipment that are adequate [for this need] and by constructing a pool for the process of extracting gold and which [also] functions as a Waste Treatment Plant to prevent mercury from flowing or spilling over to [any] medium [that may carry or spread it out] to the environment.
2. The process of extracting gold must be carried out on land far away from a river and it is prohibited to do that above or over the body of a river.
3. The burning of amalgams to separate gold from mercury shall be carried out using a “Mercury Retort” or other equipment of the same kind.

Article 7

- (1) Mercury must be kept in tightly closed containers made of plastics / polyethylene or metal [coated] with plastic / polyethylene layers and [into which] non-acid water being added in order to prevent vaporization.
- (2) The ventilation of the storerooms [where mercury is kept] must always be able to prevent any build-up of mercury vapor.
- (3) Mercury must not be kept close to or within the same container with chlorine dioxide, nitrate acid, nitrate-nitrate, ethylene oxide, chlorine, methyl acid, acetylene, ammonia, and nickel; and [must] be kept in a locked place.

- (4) The amount of mercury that is kept must not exceed the amount of mercury that is needed for amalgamation for 6 (six) months.

Article 8

- (1) A site where amalgams are roasted must be kept at a minimum distance of 50 meters from the edge of a body of water open [or accessible] to the public.
- (2) A site where amalgams are roasted must be kept at a minimum distance of 100 meters from residential areas, areas where other activities take place, and bodies of water.
- (3) Amalgamation and the roasting of amalgams must be carried out in a centralized site.
- (4) The buildings where mercury is kept after the [completion of the] amalgamation process and the roasting of amalgams must be situated in areas free of flooding.

Article 9

Industrial and Mining Companies/ Businesses that use mercury (Hg) in their production processes are obliged to safeguard their mercury waste as follows:

1. Mercury waste shall be collected in a tightly closed container for mercury, which must be in a good condition, undamaged and free from rust and leakages.
2. The form and the size of, and the material used to make, the container for mercury shall be adjusted to the characteristics of mercury by taking into account the security and convenience aspects of its handling.
3. The container may be made of plastic, metal, or glass provided that the material used to make the container does not react with mercury that is kept inside it and

that a symbol and a label [informing its content] be put on the container according to applicable provisions.

CHAPTER V

SANCTIONS

Article 10

- (1) A written warning is issued to end users in the event of failure to fulfill the obligation as referred to under subsection (1) of Article 3.
- (2) The written warning as referred to under subsection (1) is issued as many as 3 (three) times in a row with a grace period of 1 (one) month at the longest.

Article 11

Sale of mercury by a distributor to an end-user will be stopped upon:

1. The issuance of written warning for as many as 3 (three) times as referred to under subsection (2) of Article 10.
2. The examination in a court of law because of being charged with committing a violation associated with the use of mercury and or other criminal acts pertaining to the use of mercury.

CHAPTER VI

CLOSING PARAGRAPHS

Article 12

Matters that have not been regulated [under this Regional Regulation], as long as their technical implementing manual is concerned, will be regulated further with a Decision of the Chief of the Industry and Trade Service if the matters fall under the industry and trade sector and a Decision of the Chief of the Mining and Energy Service if the matters fall under the mining sector.

Article 13

This Decision shall start to come into force upon the date of its promulgation.

So that every person may be cognizant of it, [the Governor of the Province of Central Kalimantan] herewith orders the promulgation of this Decision by publication in the Regional Statute Book of the Province of Central Kalimantan.

Adopted in Palangkaraya

On the date of March 17, 2004

**THE GOVERNOR OF THE PROVINCE
OF CENTRAL KALIMANTAN**

Illegible signature

ASMAWI AGANI

Promulgated in Palangkaraya on the date of March 17, 2004

REGIONAL SECRETARY OF THE PROVINCE OF CENTRAL KALIMANTAN

Illegible signature, stamped with the stamp of the Regional Secretary

Drs. H.A. DJ. NIHIN

Pembina Utama [a civil service rank roughly equivalent to chief manager]

NIP. 010 049 641 [Government Employee Master Identification Number 010 049 641]

**[On] THE REGIONAL STATUTE BOOK OF THE PROVINCE OF CENTRAL
KALIMANTAN OF THE YEAR 2004 NUMBER 07 SERIES E**