

**KEMENTERIAN KOORDINATOR BIDANG PEREKONOMIAN
REPUBLIK INDONESIA**



RAPAT MSG EITI

**Sekretariat EITI
20 Februari 2017**

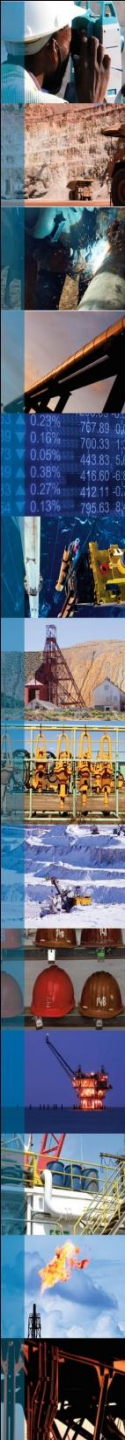
Agenda

1. Penyampaian Draft Final Laporan EITI
2. Koordinasi Pelaksanaan Roadmap Beneficial Ownership
3. Rencana Pengembangan EITI Daerah

Penyampaian Draft Final Laporan EITI TA 2014

Presentasi oleh IA

Koordinasi Pelaksanaan Roadmap BO



Pendahuluan

- Penyusunan Roadmap BO sudah diselesaikan dan diserahkan kepada EITI International pada akhir Desember 2016
- Dalam Roadmap terdapat matrix kegiatan yg harus dilaksanakan oleh beberapa K/L dalam periode 2017-2019 sehingga informasi BO bisa tersedia pada 2020
- Mengingat pelaksanaan Roadmap BO melibatkan berbagai pihak, perlu koordinasi antar instansi pelaksana untuk mewujudkan informasi BO

Kegiatan Roadmap BO

No	Roadmap Recommendation	Objectives	Activities	Responsibles	Outcomes	Timeframe/Deadlines
2017 Strategy Stage I - Defining Beneficial Owners in Indonesian Context						
1	Consider links between BO and national reform priorities	To define the connection between BO framework and national reform priorities	Discussion among stakeholders on national priorities on BO transparency	Bappenas, Kemenko Ekon, KSP		2016-2017
2		To develop objective measurable outcomes of implementation of beneficial ownership transparency	Discussion among stakeholders on the objective of beneficial ownership transparency	Bappenas, Kemenko Ekon, KSP	Measurable outcomes of beneficial ownership transparency	2017
3	Beneficial ownership definition	To define the appropriate BO and PEP concept for Indonesian context	Analysis on appropriate BO concept for Indonesian context: Definition, threshold, level of ownership	KPK, PPAK, Bappenas, DJP, OJK, BI, Kemenkumham, KSP	Tailor-made definition of beneficial owner for Indonesian context	2017
4			Discussion among relevant stakeholders on the definition of BO	Kemenko Ekon		2017
5	Reporting obligations for Politically Exposed Persons	To explore possible links between PEP and BO	Discussion among regulatory institutions on obligations of PEP	Kemenkumham	A policy framework that defines the obligations of PEP	2017
6	Level of detail to be disclosed	To identify natural persons that is required to disclose BO	Analysis on risk assessment of legal person in Indonesia	KPK, PPAK, Bappenas, DJP, OJK, BI, Kemenkumham	Clear types of information that is required to be disclosed, aligned with beneficial owner definition	2017
7			Consultations of levels of detail to be disclosed	All relevant stakeholders		2017

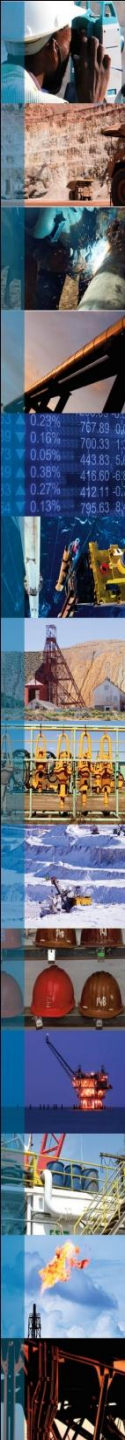
No.	Roadmap Recommendation	Objectives	Activities	Responsibles	Outcomes	Timeframe/Deadlines
8	Data collection, Data timeliness, Data accessibility	To identify the most effective and efficient way on BO data management	Analysis on options of data collection mechanisms, assurances and timeliness	KPK, PPATK, Bappenas, DJP, OJK, BI, Kemenkumham	A working framework that elaborates data collection mechanism, data assurance, data timeliness	2017
9		To have a prospective model of BO registries	Design and feasibility study of data interfacing among registries	KSP, Kemenkeu		2017
10		To ensure data collections, assurance and timeliness	Consultation of the method of data collection, assurance and timeliness	KPK, PPATK, Bappenas, DJP, OJK, BI, Kemenkumham		2017
2018 Strategy Stage II - Developing Institutional and Regulatory Framework of Beneficial Ownership Transparency						
11	Consider the institutional framework for BO disclosure	To define the institutional framework of BO registry	Review on strength and weakness each register on regulatory institutions	KSP, Kemenkeu	Clear institutional framework of BO information management system, including: a) clear division of responsibilities, b) clear procedures of BO data collection, c) mutual agreement on the model of BO registry, d) standards on security clearance, public access, e) standards on data verification and assurance, f) clear data collection period	2018
12			Development/Refinement of data interfacing among registries	KSP, Kemenkeu		2018
13			Discussion among regulatory enforcement	KPK, PPATK, Bappenas, DJP, OJK, BI, Kemenkumham		2018

No	Roadmap Recommendation	Objectives	Activities	Responsibles	Outcomes	Timeframe/Deadlines
14			Study and discussion to define the responsibilities of BO data collection, assurance, transparency, security clearance, public access and timeliness	KPK, PPATK, Bappenas, DJP, OJK, BI, Kemenkumham		2018
15		To identify regulations that in support and/or hampering BO implementation	Review on existing respective regulatory body law products to identify gaps between regulations and international standards	KPK, PPATK, Bappenas, DJP, OJK, BI, Kemenkumham	Each regulator identified the regulations/law products that requires amendments/enhancement	2018
16		To promote cooperation among regulatory institutions on implementing BO roadmap	Discussion on potential harmonization of regulations among regulatory institutions	KPK, PPATK, Bappenas, DJP, OJK, BI, Kemenkumham	Legal frameworks for each regulators should allow cooperation and coordination, i.e data exchange	2018
17		To improve legal framework for BO transparency	Consultation among relevant stakeholders to take possible measures in improving legal framework for BO transparency	Bappenas	Legal frameworks for each regulators should allow the implementation of previously developed BO information management system	2018
18		To have a robust monitoring and evaluation mechanism based on measurable outcomes	Discussion on monitoring and evaluation mechanism among regulators and stakeholders	All relevant stakeholders	A system of monitoring and evaluation of beneficial ownership roadmap implementation	2018

No.	Roadmap Recommendation	Objectives	Activities	Responsibles	Outcomes	Timeframe/Deadlines
19		To promote the BO transparency policy among industries	Socialization of BO transparency regime: data submission, public registry, sanctions and conflict resolution mechanism	All relevant stakeholders	Good understanding of newly developed beneficial ownership transparency regime by all stakeholders	2018
20	Capacity building needs	To provide capacity building activities	Knowledge sharing activities (e.g. Civil Society, Business Sectors, Journalists, Academicians)	NGOs	a) Regulatory institutions are capable of implementing BO information management systems, b) Companies are able to provide accurate information of their beneficial owners, c) Civil societies are able to access and initiate discussions based on disclosure and transparency of BO	2017-2020
2019 Strategy - Implementation of Transparency of Beneficial Ownership in Extractive Industries						
21	Implementation of public registry of BO information	To implement the BO registry	Start database implementation process (mainstreaming of interfaced database, database infrastructure, maintenance)	All relevant stakeholders	All processes within BO information management system are started widely among regulatory institutions, based on previously agreed legal and institutional framework	2019
22			Start periodic data collection process based on developed SOP	All relevant stakeholders		2019
23			Start the implementation of sanctions and conflict resolution, if any	All relevant stakeholders		2019

No.	Roadmap Recommendation	Objectives	Activities	Responsibles	Outcomes	Timeframe/Deadlines
24	Assuring the accuracy of the data	To assure the accuracy of the data	Start data assurance process	All relevant stakeholders	Companies provide accurate informations and assurance system is capable to maintain this transparency	2019
25		To provide rewards as incentives on complying companies	Discussion on incentives for complying industries	All relevant stakeholders	An objective incentive system to encourage company to be more transparent, especially on disclosing their beneficial owner information	2019
26	Monitoring and Evaluation	To monitor the implementation of BO Roadmap	Conduct periodic meeting on progress of BO roadmap implementation	MSG	Improvement of BO system based on evaluation	End of each Year
27		To evaluate the impact of implementation of beneficial ownership transparency	Conduct impact evaluation study	MSG through independent administrator	Increased BO transparency among business, based on objective indicators	End of 2019

Rencana Pengembangan EITI Daerah



Latar Belakang

- Penyusunan Laporan EITI merupakan salah satu persyaratan utama dari keanggotaan Indonesia sebagai negara pelaksana (*implementing country*) EITI
- Sejak terbitnya Perpres 26/2010 Indonesia telah menyusun 3 kali Laporan EITI, meliputi data penerimaan negara tahun 2009 s/d 2013. Dalam setiap penyusunan laporan ditetapkan *materiality threshold* pembayaran royalty oleh perusahaan, dan perusahaan yang memenuhi kriteria ini diwajibkan menyampaikan data pembayaran royalty dan pajak2 yg dibayarkannya.
- Setiap tahun sekitar 100-120 perusahaan masuk kriteria *materiality threshold*. Total penerimaan negara dari perusahaan2 ini mencakup sekitar 80-85 persen dari seluruh penerimaan negara dari sektor ekstraktif. Namun dari sisi jumlah, perusahaan2 yg dibawah *materiality threshold* jumlahnya sangat banyak, diperkirakan lebih dari 10.000 perusahaan.
- Sebagian perusahaan industri ekstraktif yg diwajibkan menyampaikan laporan sudah menyadari pentingnya laporan EITI bagi transparansi dan akuntabilitas perusahaan, tetapi banyak juga yang tidak memberikan perhatian yang memadai, khususnya perusahaan2 yg memperoleh IUP dari pemda. Terkait hal ini dirasakan perlunya partisipasi pemda untuk meningkatkan partisipasi perusahaan

Dasar Hukum Pengembangan EITI Daerah (1)

PERPRES 26/2010:

Pasal 3:

- 1) Tim Transparansi bertugas melaksanakan transparansi pendapatan negara dan **pendapatan daerah** yang diperoleh dari Industri Ekstraktif.
- 2) Dalam melaksanakan tugas sebagaimana dimaksud pada ayat 1), Tim Transparansi berwenang untuk meminta informasi, data tambahan, masukan dan/atau mengadakan konsultasi dengan instansi pemerintah pusat, **pemerintah daerah**, perusahaan Industri Ekstraktif, dan pihak lain yang dipandang perlu

Pasal 5:

Tim Pengarah sebagaimana dimaksud dalam Pasal 4, bertugas:

- d. **melakukan evaluasi** terhadap pelaksanaan transparansi pendapatan negara dan pendapatan daerah yang diperoleh dari Industri Ekstraktif.

Dasar Hukum Pengembangan EITI Daerah (2)

BAB III. MEKANISME TRANSPARANSI

Pasal 14

- (1) Pemerintah, **Pemerintah Daerah**, Badan Pelaksana Kegiatan Usaha Hulu Minyak dan Gas Bumi, dan perusahaan Industri Ekstraktif **menyerahkan laporan** kepada Tim Transparansi melalui Tim Pelaksana sesuai dengan format sebagaimana dimaksud dalam Pasal 8 huruf b.
- (2) **Muatan data dan informasi laporan** sebagaimana dimaksud pada ayat (1) untuk:
 - b. Pemerintah Daerah bersumber pada Laporan Keuangan Pemerintah Daerah yang telah direview oleh Badan Pengawasan Keuangan dan Pembangunan.

Review Pelaksanaan EITI di Daerah

- Pemerintah Daerah yang terlibat langsung dalam kegiatan EITI (sesuai Perpres 26/2010) baru 3 provinsi: Riau, Kaltim dan Jatim
- Tingkat partisipasi perusahaan industri ekstraktif, khususnya minerba selama ini belum optimal (lihat tabel). Perusahaan yang diwajibkan menyampaikan laporan hanya berjumlah sekitar 100-120 perusahaan pembayar royalti terbesar, sementara itu lebih dari 10.000 lainnya belum diwajibkan (karena kapasitas pemantauan yang terbatas)
- Akses untuk mendapatkan informasi kepada perusahaan sering kali cukup sulit bagi Sekretariat EITI
- Karena tidak terlibat langsung, tanggung jawab pemda untuk menyampaikan data tentang industri ekstraktif menjadi kurang optimal
- Pemda sulit mendapat akses data/informasi terkait industri ekstraktif bagi keperluan perencanaanya

Partisipasi Perusahaan

	2009	2010	2011	2012	2013	2014
<u>Minerba:</u>						
Jlh Prshn Wajib Laporan	72	193	193	108	108	119
Jlh Prshn Yg Laporan	72	53	83	76	99	70*
Persentase						
<u>Migas:</u>						
Jlh Prshn Wajib Laporan	57	71	71	67	72	71
Jlh Prshn Yg Laporan	57	71	71	69	72	70*
Persentase						

* Status 7/2/2017

Tujuan Pengembangan EITI Daerah

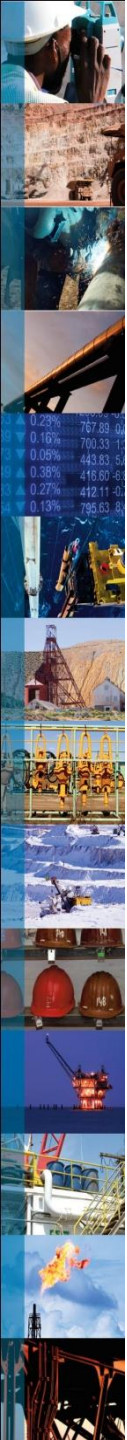
- Meningkatkan kerjasama antara pemerintah pusat dengan pemerintah daerah dalam upaya transparansi penerimaan negara dari industri ekstraktif
- Memfasilitasi pemda untuk mendapatkan data dan informasi terkait industri ekstraktif yang ada di daerahnya masing-masing sehingga dapat digunakan oleh pemda dalam perencanaan program di daerah
- Mendorong transparansi tata kelola industri ekstraktif di daerah dan di tingkat nasional

Ruang Lingkup

- Menyusun data dan informasi terkait perusahaan industri ekstraktif yang diluar kriteria *materiality threshold* di masing-masing wilayah
- Membantu perolehan data dan informasi perusahaan2 yg wajib melapor (diatas kriteria *materiality threshold*) tetapi belum tercatat dalam laporan EITI
- Melengkapi informasi terkait tata kelola industri ekstraktif yg tidak terekam dalam laporan EITI, khususnya yg berlaku di wilayah masing2 (kontribusi langsung kpd pemda, CSR, dll)
- Sinergi pusat daerah dalam transparansi informasi2 tertentu

Acuan Kegiatan EITI Daerah

- Menggunakan Standard EITI secara keseluruhan
- Mengacu Standard EITI, disesuaikan dengan kebutuhan daerah



TERIMA KASIH