

16 Sept, 2024

H.E. Mr. Budi Gunadi Sadikin
Minister of Health of the Republic of Indonesia
Jl. HR Rasuna Said Blok X5 Kav 4-9 Kuningan
South Jakarta 12950

RE: Recommendation on the Draft of the Minister of Health Regulation on the Safeguarding of Tobacco Products and Electronic Cigarettes

Dear Minister Budi,

We have received a copy of the Ministry's draft Regulation on the Safeguarding of Tobacco Products and Electronic Cigarettes. AVIA is the trade association for the video industry and ecosystem in Asia Pacific. It serves to make the video industry stronger and healthier through promoting the common interests of its members. Our membership consists of a combination of local, regional and multi-national companies, many of which are substantial cross-border investors; creating and purchasing video content to meet rapidly expanding consumer demands and investing in Indonesia's communications and creative industries.

AVIA recognises the steps the government has taken to strengthen Indonesia's public health system, including the passing of Law Number 17 of 2023 on Health and its implementing rule, Government Regulation Number 28 of 2024 (GR 28/2024). We also applaud initiatives aimed at protecting young people from consuming tobacco products, such as issuing the Minister of Health Regulation on the Safeguarding of Tobacco Products and Electronic Cigarettes (RPMK).

AVIA welcomes the opportunity to engage with the Ministry of Health and we understand that GR 28/2024 was recently published. Whilst we support the goal of the Ministry of Health to reduce consumption of tobacco, we do wish to raise our concerns regarding the lack of involvement from representatives of the Pay TV or Online Curated Content (OCC) industries in the development and issuance of GR 28/2024. We would also like to note our serious concerns with specific clauses found in the RMPK draft which may lead to potential limitations and restrictive provisions. In particular we are concerned with the provisions prohibiting the broadcast of content featuring tobacco products and e-cigarettes, especially including content available on online streaming platforms (Article 24). Such restrictions could significantly limit content availability, stifle creativity, and impede the development of Indonesia's screen industry.

As you may be aware, Indonesia's screen industry is a rapidly growing sector with enormous potential. In 2022, it generated Rp 81 trillion in GDP and employed 387,000 people. By 2027, it is estimated to boost GDP by Rp 98 trillion and generate 616,000 new employment. This rise demonstrates the sector's critical role in the creative economy and cultural development. Imposing stringent rules might impede the industry's development and be counterproductive to the government's vision of promoting growth and innovation in the sector.

Further, the proposed requirements impose a significant compliance burden on broadcast and online streaming platforms to review expansive content libraries and remove content from Indonesian audiences, regardless of the manner in which smoking and tobacco products are

depicted. This is onerous, time-consuming and logistically impractical. It adversely impacts the ease of doing business for the industry.

Given these concerns, we strongly urge the Ministry of Health to consider the removal of Article 24 in the RPMK, as it could have a significant negative impact on Indonesia's content industry. This provision would undermine the government's objectives of attracting investment, advancing the creative economy, and fostering the expansion of local content. Additionally, we also advocate for the inclusion of the local film and OCC industry stakeholders in future RPMK discussions to ensure a transparent and inclusive process.

AVIA is ready to participate in further discussions with the government and provide necessary recommendations to help develop regulations that support and uphold the growth of Indonesia's screen industry and creative sector.

Yours Sincerely,



Clare Bloomfield
Chief Policy Officer

CC:

1. Coordinating Minister for Maritime and Investment Affairs
2. Minister of Tourism and Creative Economy
3. Minister of Education, Culture, Research and Technology
4. Minister of Communications and Informatics
5. Minister of Investment
6. Chairwoman of the Indonesian Employers' Association (APINDO)
7. Chairman of the Indonesian Chamber of Commerce and Industry (KADIN)