

ABSTRAK

Ketentuan mengenai restriksi impor minyak kelapa sawit yang dikeluarkan oleh Uni Eropa melalui *The EU Renewable Energy Directive II (RED II)* menurut pemerintah Indonesia merupakan suatu ketentuan yang diskriminatif. Dalam hal ini, hukum perdagangan internasional diatur melalui *General Agreement on Tariffs and Trade (GATT)*, dimana ketentuan-ketentuannya merupakan sumber hukum bagi hubungan perdagangan internasional publik. Pemerintah Indonesia menyatakan bahwa tindakan Uni Eropa ini bertentangan dengan ketentuan-ketentuan yang ada di *GATT* sehingga berencana untuk menggugat ke badan penyelesaian sengketa *World Trade Organization*.

Hasil analisis dari tugas akhir ini menunjukkan, bahwa *RED II* yang dikeluarkan oleh Uni Eropa tidak melanggar ketentuan atau prinsip-prinsip dari *GATT* karena adanya pengecualian dalam *Article XX* yang selaras dengan tujuan dari *Paris Agreement*. Oleh sebab itu, pemerintah Indonesia, dalam hal ini Menteri Perdagangan, sebaiknya tidak mengajukan gugatan ke badan penyelesaian sengketa *WTO* terkait dengan ketentuan yang baru dikeluarkan oleh Uni Eropa.

KATA KUNCI: *The EU Renewable Energy Directive II, GATT, Impor Kelapa Sawit*

ABSTRACT

The newly applied provisions about the importation of palm oil that are implemented by the European Union through the EU Renewable Energy Directive II (RED II) is a discriminative act according to the Indonesian government. In this case, International Trade laws are sourced from General Agreement on Tariffs and Trade (GATT), where its provisions are a source of law for public trade relations. The Indonesian government states that the act of the European Union violates the provisions in GATT as such that they plan to take actions to sue through the World Trade Organization's dispute settlement body.

The purpose of this final paper is to understand whether the provisions from RED II that was implemented by the European Union truly violates the provisions from GATT and whether the Indonesian Government has legal grounds to sue them through WTO's dispute settlement body. The result of the analysis done in this paper shows that RED II from the European Union didn't violate the provision of or principles GATT because of Article XX which is in line with the Paris Agreement. Which is why, the Indonesian Government, in this case the Minister of Commerce does not need to sue the European Union through WTO's dispute settlement body about RED II.

KEYWORDS: *The EU Renewable Energy Directive II, GATT, Import of Palm Oil*