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Date: 6/22/2012

GAIN Report Number: ID1218

Indonesia

Post: Jakarta

Minister of Agriculture Regulation No 42 and 43 Year 2012

Report Categories:

Agricultural Situation

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Report Highlights:

New Indonesian Ministry of Agriculture (MOA) regulations allow for countries with recognized food safety control system for fresh foods of plant origins (FFPO) to retain access to Jakarta's primary seaport, Tanjung Priok, while other exporting countries are forced to ship to other designated ports. On June 13, 2012, the MOA issued two regulations, No. 42/2012 and No. 43/2012, respectively. Regulation 42 supersedes Regulation No. 37/2006 concerning fruit fly quarantine requirements and Regulation No. 15/2012 regarding the closure of Indonesian ports to specific horticultural products. Regulation 43 focuses on bulb vegetables and also replaces aspects of Regulation 37/2006, as well as Regulation No. 16/2012 on closure of specific ports to bulbs. The new regulations are in effect as of June 19, 2012.

General Information:

Minister of Agriculture (MOA) regulation No 42/2012

MOA Regulation No. 42/Permentan/OT.140/6/2012 regulates plant quarantine requirements for imported fresh fruits and vegetables. The regulation was issued in June 13, 2012 and went into effect as of June 19, 2012. According to the text, the intention of the regulation is to prevent the entry of plant quarantine pests, specifically fruit flies, into Indonesia; and to meet Indonesian food safety standards for FFPO. The regulation in [Bahasa](#) is published in full by the Agriculture Quarantine Agency of MOA.

The regulation comprises of the following:

1. Imports of fresh fruits and vegetables may derive from production site that are free or are not free from fruit fly. An [attachment of the regulation](#) provides the type of fresh fruits and vegetables permitted, as well as specific the treatment for products derived from sites that are not free of fruit flies.
2. Imported fresh fruits and vegetables shall arrive through the designated ports of entry and shall be accompanied by a plant health certificates from the country of origin, and from any transit countries. Plant health certificates should describe information of the products in ‘**additional declaration section**’ if originate from a fruit fly free site. If the product originates from a non-fruit fly free site, the necessary treatment should be described in the ‘**treatment column section**’.
3. Entry ports include:
 - a. Soekarno-Hatta, seaport of Makassar;
 - b. Tanjung Perak- seaport of Surabaya;
 - c. Belawan- seaport of Medan;
 - d. Soekarno-Hatta, Jakarta’s international airport; and
 - e. Other places of entry designated as ‘free trade and free port areas’.

The aforementioned designated ports do not apply to products imported from fruit fly free sites and/or countries or countries that have been recognized by the MOA for its FFPO food safety control systems.

Note: California has been recognized as free of Mediterranean fruit flies for table grape since December 2006.

Minister of Agriculture (MOA) regulation No 43/2012

MOA Regulation No. 43/Permentan/OT.140/6/2012 regulates quarantine requirements for imported fresh bulbs. The regulation was issued in June 13, 2012 and it went into effect as of June 19, 2012. According to the regulation’s text, the intent of the regulation is to prevent the entry of plant quarantine pests into Indonesia and to meet Indonesia’s food safety standards for FFPO. The regulation in [Bahasa](#) is published in full by the Agriculture Quarantine Agency of MOA.

The content of the Regulation 43 is almost entirely similar to Regulation 42. However, Regulation 43 regulates [plant quarantine pests](#) associated with fresh imported bulb vegetables.

According to the regulation, imported products must be free from roots, leaves, soil particles, and compost. The products should be fumigated and/or irradiated if they originate from production sites that are not free of plant quarantine pests. This information must be described in “**additional declarations section**” and any treatments should be provided in the ‘**treatment column section**’ of the plant health certificate.

The designated ports are also similar to regulation No 42/2011.

Below is the unofficial translation of the regulation No. 42/2012

REGULATION OF THE MINISTER OF AGRICULTURE
Number: 42/Permentan/OT.140/6/2012

CONCERNING

PLANT QUARANTINE MEASURES FOR THE IMPORTATION OF FRESH FRUIT AND FRESH FRUIT
VEGETABLES INTO THE TERRITORY OF THE REPUBLIC OF INDONESIA

WITH THE GRACE OF GOD ALMIGHTY
THE MINISTER OF AGRICULTURE,

Considering:

- a. that with the Regulation of the Minister of Agriculture Number 37/Kpts/HK.060/1/2006 jis the Regulation of the Minister of Agriculture Number 89/Permentan/OT.140/12/2011 and the Regulation of the Minister of Agriculture Number 15/Permentan/OT.140/3/2012 the Technical Requirements and Plant Quarantine Measures For the Importation of Fresh Fruits and/or Fresh Vegetables into the territory of the Republic of Indonesia have been set;
- b. that with the development of science and technology in the field of quarantine of plants for the treatment of the free plant intruding organism carrying media of fruit flies, the Regulation of the Minister of Agriculture Number 37/Kpts/HK.060/1/2006 jis the Regulation of the Minister of Agriculture Number 89/Permentan/OT.140/12/2011 and the Regulation of the Minister of Agriculture Number 15/Permentan/OT.140/12/2011 do no longer meet the needs;
- c. that on the basis of the above, it is necessary to provide for the Plant Quarantine Measures For the Importation of Fresh Fruit and Fresh Vegetables into the territory of the Republic of Indonesia;

In view of:

1. Act Number 16 of 1992 concerning Quarantine of Animals, Fish and Plants (State Gazette of the Republic of Indonesia Year 1992 Number 56, Supplementary State Gazette of the Republic of Indonesia Number 3482);
2. Act Number 7 of 1994 concerning Ratification of the Agreement Establishing the World Trade Organization (State Gazette of the Republic of Indonesia Year 1994 Number 57, Supplementary State Gazette of the Republic of Indonesia Number 35);
3. Act Number 7 of 1996 concerning Food (State Gazette of the Republic of Indonesia Year 1996 Number

- 99, Supplementary State Gazette of the Republic of Indonesia Number 3817);
4. Act Number 13 of 2010 concerning Horticulture (State Gazette of the Republic of Indonesia Year 2010 Number 132, Supplementary State Gazette of the Republic of Indonesia Number 5170);
 5. Government Regulation Number 14 of 2002 concerning the Plant Quarantine (State Gazette of the Republic of Indonesia Year 2002 Number 35, Supplementary State Gazette of the Republic of Indonesia Number 4196);
 6. Government Regulation Number 28 of 2004 concerning the Safety, Quality and Food Nutrition (State Gazette of the Republic of Indonesia Year 2004 Number 107, Supplementary State Gazette of the Republic of Indonesia Number 44424);
 7. Presidential Decree Number 2 of 1977 in connection with Presidential Decree Number 45 of 1990 concerning the Endorsement of the International Plant Protection Convention 1951;
 8. Presidential Decree Number 58 of 1992 concerning Asian Plant Protection Convention Endorsement;
 9. Presidential Decree Number 47 of 2009 concerning the Establishment and Organization of the State Ministries;
 10. Presidential Decree Number 84/P of 2009 concerning the Formation of the United Indonesia Cabinet II;
 11. Presidential Regulation Number 24 of 2010 concerning the Position, Tasks, and Functions of the State Ministries, as well as the Organization Structure, Tasks and Functions of the Echelon I;
 12. Regulation of the Minister of Agriculture Number 22/Permentan/OT.140/OT.140/4/2008 concerning the Organization, and The Work Procedure of the Agricultural Quarantine Technical Implementing Unit;
 13. Regulation of the Minister of Agriculture Number 09/Permentan/OT. 140/2/2009 concerning the Requirements and the Procedure for the Plant Quarantine Measures Against the Importation of the Media Carrying Intruding Organism into the territory of the Republic of Indonesia (State Gazette of the Republic of Indonesia Year 2009 Number 35);
 14. Regulation of the Minister of Agriculture Number 61/Permentan/OT.140/10/2010 concerning the Organization and The Work Procedure of the Ministry of Agriculture;
 15. Regulation of the Minister of Agriculture Number 88/Permentan/PP.340/12/2011 concerning Food Safety Oversight against the Importation and Exportation of Fresh Food From the Plants (State Gazette of the Republic Indonesia Year 2011 Number 842);
 16. Regulation of the Minister of Agriculture Number 93/Permentan/OT.140/12/2011 concerning the Types of Organism that Intrudes the Quarantine Plants (State Gazette of the Republic Indonesia Year 2012 Number 6);
 17. Regulation of the Minister of Agriculture Number 94/Permentan/OT.140/12/2011 concerning the Importation and Exportation Places of the Media Carrying Intruding Organism (State Gazette of the Republic Indonesia Year 2012 Number 7);

Having duly observed:

1. The WTO Notification Number G/SPS/N/IDN/24 dated 18th of May 2005;
2. The WTO Notification Number G/SPS/N/IDN/46 dated 7th of May 2012;

HAS DECIDED:

REGULATION OF MINISTER OF AGRICULTURE CONCERNING QUARANTINE MEASURES FOR THE IMPORTATION OF FRESH FRUIT AND FRESH VEGETABLES INTO THE TERRITORY OF THE REPUBLIC OF INDONESIA.

CHAPTER I
GENERAL PROVISIONS
Article 1

In this Regulation meant by:

1. Fresh Fruit or Fresh Fruit Vegetable are fruit or vegetable crops that take the form fleshy fruit, either intact or any portion thereof that has not been processed into processed material, which still potentially acts as a medium carrier of plant quarantine intruding organisms.
2. Plant Quarantine Intruding Organisms, hereinafter referred to as OPTK are all organisms that intrude plants as established by the Minister of Agriculture to be prevented from entering into and prevented from the spread across the territory of the Republic of Indonesia.
3. The Plant Health Certificate (Phytosanitary Certificate) is a certificate issued by the authorized officials of the Country of origin or transit countries which declare the Fresh Fruit or Fresh Fruit Vegetables free of OPTK and meet the plant quarantine requirements that have been established and/or other necessary information.
4. The points of entry are seaports, river ports, crossing ports, airports, post office, posts bordering with other countries and other places that are considered necessary, designated as a place to import the media carrier intruding the quarantine organisms' plants.
5. The Plant Quarantine Officer hereafter referred to as the Quarantine Officers who are certain civil servants who are tasked to perform plant quarantine measures pursuant to the laws and regulations in force.
6. The owners of Fresh Fruit and/or Fresh Vegetables or their Authorized Representatives, are persons or legal entities that own and/or are responsible for the importation of Fresh Fruit and/or Fresh Fruit Vegetables.

Article 2

1. This Regulation is intended as a basis for the importation of Fresh Fruit and Fresh Fruit Vegetables into the territory of the Republic of Indonesia and the implementation of plant quarantine measures.
2. The purpose of this arrangement is to prevent the entry of the OPTK of the fruit flies types into the territory of the Republic of Indonesia and meet the fresh food safety of plant origin.

Article 3

The scope of this regulation covers plant quarantine measures and Points of Entry.

Article 4

1. The importation of Fresh Fruit or Fresh Fruit Vegetables into the territory of the Republic of Indonesia can be derived from the area of production in the countries of origin that are free or not free from fruit fly infestations.
2. The production area in the countries of origin which are free of fruit fly infestations as mentioned in paragraph (1) shall be established by the Head of the Agriculture Quarantine Agency on behalf of the Minister in the form of a Decision.
3. The procedures for the designation of the area of production in the countries of origin that is free from fruit fly infestations as mentioned in paragraph (2) shall be carried out on the basis of the provisions of laws and regulations.

Article 5

1. In case of the importation of Fresh Fruit or Fresh Fruit Vegetables into the territory of the Republic of

Indonesia referred to in Article 4 derived from the production areas in the countries of origin which are not free from fruit fly infestations the technical requirements shall be mandatory met.

2. The technical requirements referred to in paragraph (1) in the form of the treatment measures in accordance with the types of the Fresh Fruit or Fresh Fruit Vegetables.
3. The treatment referred to in paragraph (2) is intended to prevent fruit fly infestations in Fresh Fruit or Fresh Fruit Vegetables.

Article 6

The types of the Fresh Fruit or Fresh Fruit Vegetables, fruit flies, and the treatment as listed on the appendix shall form an integral and inseparable part of this regulation.

Article 7

1. The importation of Fresh Fruit or Fresh Fruit Vegetables as referred to in article 4 in addition to meet the technical requirements, as referred to in article 5 shall also meet the requirements of the safety of fresh food of plant origin.
2. The food safety requirements referred to in paragraph (1) shall adhere to the provisions of the laws and regulations in the field of fresh food safety of the plant origin.

CHAPTER II PLANT QUARANTINE MEASURES

Article 8

1. Fresh Fruit or Fresh Fruit Vegetables that are imported into the territory of the Republic of Indonesia are under obligation to:
 - a. be equipped by the Plant Health Certificate from their country of origin and country of transit;
 - b. go through ports of entry as designated; and
 - c. be reported and handed over to the Quarantine Officer at the Points of Entry for purposes of the plant quarantine measures.
2. Plant Health Certificate referred to in paragraph (1) which shall set forth a statement:
 - a. The Fresh Fruit or Fresh Fruit Vegetables come from the production area that is free of fruit fly infestations; or
 - b. The Fresh Fruit or Fresh Fruit Vegetables were already subject to treatment in the country of origin;
3. The statement referred to in paragraph (2) letter a, shall be mandatory for the importation of Fresh Fruit or Fresh fruit Vegetables that come from the area of production in the country of origin that is free from fruit fly infestations, and stated in the column of additional declaration.
4. The statement referred to in paragraph (2) letter b shall be mandatory for the importation of Fresh Fruit or Fresh Fruit Vegetables that come from the area of production in the country of origin that is not free from fruit fly infestations, and stated in a treatment column.

Article 9

1. The owner or his authorized representative is obliged to report and submit the Fresh Fruit and/or the Fresh Fruit Vegetables to the Quarantine Officers at points of entry.

2. The report referred to in paragraph (1) shall be carried out at the latest upon their arrival of the Fresh Fruit and/or Fresh Fruit Vegetables in the places of entry, to be accompanied by the complete documents as required.

Article 10

1. The Quarantine Officers shall perform administrative inspection measures on the required document to determine the completeness, correctness and validity of the documents.
2. In terms of administrative examination results on the Plant Health Certificate referred to in paragraph (1) the Fresh Fruit or Fresh Fruit Vegetables come from production areas:
 - a. which are free, as evidenced by not citing the statement that they come from the area of production in the country of origin that is free from fruit fly infestations; or
 - b. which are not free, as evidenced by not citing that an act of treatment has been done: it is denied.

Article 11

From the administrative examination results referred to in article 10 it is proved to be:

- a. incomplete so the detention shall be effected;
- b. complete, valid and true, health checks shall be done.

Article 12

1. The medical examination referred to in Article 11 letter b shall be conducted to detect the possibility of the presence of the OPTK and find out the physical condition of the Fresh Fruit or Fresh Fruit Vegetables.
2. In the event that the health examination results referred to in paragraph (1) it is evidenced that:
 - a. is not free of the OPTK under group I, rotten or damaged, the act of annihilation shall be conducted;
 - b. is not free of the OPTK under group II, are given treatment; or
 - c. is free of the OPTK, is given release.
3. The release referred to in paragraph (2) letter c, can be done if the Fresh Fruit or Fresh Fruit Vegetables meet regulatory provisions of the legislation in the field of fresh food safety of the plant origin.

Article 13

The administrative inspection measures, health checks, detention, denial, extermination and the liberation treatment, referred to in Article 10, Article 11 and Article 12 shall be carried out in accordance with laws and regulations.

CHAPTER III PLACES OF ENTRY

Article 14

1. The Places of Entry of the Fresh Fruit and Fresh Fruit Vegetables as stipulated in article 8, paragraph (1)

- b, comprise:
- a. Tanjung Perak Seaport, Surabaya;
 - b. Belawan Seaports, Medan;
 - c. Soekarno-Hatta Airport, Jakarta; and
 - d. Soekarno-Hatta Seaports, Makassar.
2. In addition to the Places of Entry referred to in paragraph (1), the Places of Entry that have been designated based on the laws and regulations in the area of Free Trade Zones and Free Ports can be used as a Place for Entry of the Fresh Fruit and Fresh Fruit Vegetables.
 3. The importation of Fresh Fruit and Fresh Fruit Vegetables through the Places of Entry referred to in paragraph (2) may be done just to meet the needs of consumption and shall be prohibited from circulating outside the Free Trade Zones and Free Ports.
 4. The provisions of the Places of Entry referred to in paragraph (1) shall not apply to the importation of Fresh Fruit or Fresh Fruit vegetables that come from the area of production which is free from fruit fly infestations in the countries of origin that have been designated as referred to in Article 4, or countries of which the food security system has been recognized.

CHAPTER IV
TRANSITIONAL PROVISIONS
Article 15

The production area in the countries of origin that is free of fruit fly infestations that have been designated before this regulation shall still remain in force as long as it is not in conflict with this Regulation.

CHAPTER V
CONCLUDING PROVISIONS
Article 16

With the enactment of this Regulation, the Regulation of the Minister of Agriculture Number 37/Kpts/HK.060/1/2006 is the Regulation of the Minister of Agriculture Number 89/Permentan/OT.140/12/2011 and the Regulation of the Minister of Agriculture Number 15/Permentan/OT.140/3/2012 shall be repealed and declared to be no longer valid.

Article 17

This Regulation shall come into force on the 19th of June 2012.

For public cognizance, this Regulation of the Minister of Agriculture shall be enacted by inserting it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta
on the 13th of June 2012

MINISTER OF AGRICULTURE

SUSWONO

Enacted in Jakarta
on the -----

THE MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2012 NUMBER --