

REGULATION OF MINISTER OF AGRICULTURE OF THE REPUBLIC OF

INDONESIA

NO. 03/Permentan/OT.140/1/2012

CONCERNING

HORTICULTURE PRODUCT IMPORT RECOMMENDATION

WITH THE GRACE OF THE ALMIGHTY GOD

THE MINISTER OF AGRICULTURE,

Considering:

- a. that, in the framework of satisfying domestic demand for horticulture product, import of horticulture product from overseas can be done;
- b. that, import as referred to in letter a is conducted in consideration of balance between demand and supply of horticulture product which has not been satisfied by domestic supply;
- c. that, based on the above matters and to follow-up Article 88 of Law No. 13/2010 on Horticulture, it is necessary to stipulate Horticulture Product Import Recommendation;

In view of:

- 1. Law No. 16/1992 on Animal, Fish, and Plant Quarantine (Statute Book of 1992 No. 56, Supplement No. 3482);

2. Law No. 7/1994 on Ratification of Agreement Establishing the World Trade Organization (Statute Book of 1994 No. 57, Supplement No. 3564);
3. Law No. 7/1996 on Food (Statute Book of 1996 No. 99, Supplement No. 3656);
4. Law No. 8/1999 on Consumer Protection (Statute Book of 1999 No. 42, Supplement No. 3821);
5. Law No. 32/2004 on Regional Administration (Statute Book of 2004 No. 125, Supplement No. 4437);
6. Law No. 13/2010 on Horticulture (Statute Book of 2010 No. 132, Supplement No. 5170);
7. Government Regulation No. 69/1999 on Food Label and Advertisement (Statute Book of 1999 No. 131, Supplement No. 3867);
8. Government Regulation No. 28/2004 on Food Safety, Quality, and Nutrition (Statute Book of 2004 No. 107, Supplement No. 4424);
9. Government Regulation No. 38/2007 on Division of Administrative Affairs among Central Government, Provincial Government, and Regental/Municipal Government (Statute Book of 2007 No. 82, Supplement No. 4737);

10. Presidential Decree No. 84/P/2009 on Formation of United Indonesia Cabinet II;
11. Presidential Regulation No. 47/2009 on Formation and Organization of State Ministry juncto Presidential Regulation No. 91/2011 (Statute Book of 2011 No. 141);
12. Presidential Regulation No. 24/2010 on Position, Task, and Function of State Ministry and Organization Structure, Task, and Function of Echelon I of State Ministry juncto Presidential Regulation No. 92/2011 (Statute Book of 2011 No. 142);
13. Regulation of Minister of Agriculture No. 20/Permentan/OT.140/2/2010 on Quality Assurance System of Agricultural Food Products;
14. Regulation of Minister of Agriculture No. 61/Permentan/OT.140/10/2010 on Organization and Work Procedure of Ministry of Agriculture;
15. Regulation of Minister of Agriculture No. 88/Permentan/PP.340/12/2011 on Food Safety Control on Import and Export of Fresh Food of Plant Origin (State Gazette of 2011 No. 842);

16.Regulation of Minister of Agriculture No. 89/Permentan/OT.140/12/2011 on Amendment to Regulation of Minister of Agriculture No. 37/Kpts/HK.060/1/2006 on Technical Requirement and Plant Quarantine Action on Import of Fruits and/or Fresh Vegetable Fruits to Indonesian Territory (State Gazette of 2011 No. 843);

17.Regulation of Minister of Agriculture No. 90/Permentan/OT.140/12/2011 on Amendment to Regulation of Minister of Agriculture No. 18/Permentan/OT.140/12/2011 on Requirement and Plant Quarantine Action on Import of Live Plant Products in the form of Fresh Bulbs to Indonesian Territory (State Gazette of 2011 No. 844);

18.Regulation of Minister of Agriculture No. 94/Permentan/OT.140/12/2011 on Places of Entry and Exit of Carrier of Plant Quarantine Disease and Organism Harmful to Plants (State Gazette of 2012 No. 7);

DECIDED:

To stipulate: REGULATION OF THE MINISTER OF AGRICULTURE ON
HORTICULTURE PRODUCT IMPORT RECOMMENDATION.

CHAPTER I

GENERAL PROVISIONS

Article 1

The terms used in this Regulation shall be defined as indicated below:

1. Horticulture Product Import is a series of activities of importing horticulture product from overseas to Indonesian territory.
2. Horticulture Product is any product originating from fresh or processed horticulture plants.
3. Horticulture Product Import Recommendation, hereinafter called RIPH, is a written certificate given by the Minister or his authorized officer to every person who will perform import of horticulture product to Indonesian territory.
4. Every Person is individual or corporation, legal entity or non-legal entity, who carries out horticulture business.
5. Horticulture Business is any activity of yielding product and or organizing services relating to horticulture.
6. Director General is the Director General of Agricultural Processing and Marketing, Ministry of Agriculture.

7. Center for Plant Variety Protection and Agriculture Licensing, hereinafter called PPVT-PP, is a work unit responsible for administrative licensing function.

Article 2

This Regulation is intended as a governing law in RIPH granting services, and every person who will perform import of horticulture product.

Article 3

The aim of this Regulation is to provide certainty in RIPH granting services and implementation of import of horticulture product by every person performing import of horticulture product and assurance that the imported horticulture product is in accordance with food safety.

Article 4

The scope of this Regulation covers:

- a. requirement and procedure of obtaining RIPH;
- b. obligations of RIPH holder;
- c. supervision; and
- d. sanction provisions.

CHAPTER II

REQUIREMENT AND PROCEDURE OF OBTAINING RIPH

Part One

General

Article 5

(1) Import of horticulture product can be performed by every person after obtaining import license from the Minister of Trade.

(2) Import license, as referred to in paragraph (1), shall be issued by the Minister of Trade after obtaining RIPH from the Minister of Agriculture.

Article 6

(1) In the implementation of RIPH issuance, as referred to in Article 5, the Minister may delegate his authority to the Director General.

(2) RIPH, as referred to in paragraph (1), shall be issued in the form of Decree of Minister of Agriculture by the Director General on behalf of the Minister of Agriculture as specified in Attachment I as an inseparable part of this Regulation.

(3)RIPH, as referred to in paragraph (1), shall contain, at the minimum:

a. RIPH number;

b. name and address of company;

c. number and date of application letter;

d. country of origin, quantity, type, and specification of horticulture product;

e. place of entry;

f. validity period; and

g. objective of import and distribution.

Article 7

(1)The Director General in granting RIPH, as referred to in Article 6, shall consider:

a. production of similar product domestically;

b. domestic consumption of horticulture product to be imported;

c. availability of similar horticulture product domestically;

d. product's potency to distort market;

e. harvest time of horticulture product;

f. fulfillment of food security;

g. package and Indonesian language labeling requirement;
and/or

h. safety to health of humans, animals, plants, and
environment.

(2) Availability of similar horticulture product, as referred to
in paragraph (1) letter c, shall be done in accordance with
national demand analysis.

Article 8

(1) Horticulture products that can be granted RIPH are as
specified in Attachment II as an inseparable part of this
Regulation.

(2) Horticulture product for food, as referred to in paragraph
(1), shall meet food safety as stipulated by a separate
Regulation.

Article 9

Horticulture product imported to Indonesian territory for the first time may be done after Import Risk Analysis in accordance with quarantine regulation procedure.

Part Two

Requirements for Obtaining RIPH

Article 10

(1) RIPH can be granted to every person.

(2) Every person, as referred to in paragraph (1), shall be as Registered Importer issued by the Minister of Trade.

Article 11

(1) To obtain RIPH, as referred to in Article 6, every person as referred to in Article 10, shall meet administrative and technical requirements.

(2) Administrative requirement, as referred to in paragraph (1), consists of:

a. deed of establishment and amendments thereof;

b. identity card (KTP);

c. Taxpayer Identification Number (NPWP);

d. certificate of domicile;

e. statement certifying having a storehouse in accordance with product characteristics, if required;

f. Registered Importer (IT) for general importer from the Minister of Trade;

g. Technical Consideration Letter from the Ministry of Industry (industrial raw material);

h. Import Approval Letter from Drug and Food Control Agency (processed food).

(3) Technical requirement, as referred to in paragraph (1), consists of:

a. statement of producer registration;

b. packing house registration;

c. implementation of Good Agricultural Practices and/or food safety;

d. pesticide screening certificate;

e. sanitary and phytosanitary;

f. harvest time; and

g. storage period in storehouse.

Part Three

Procedure of Obtaining RIPH

Article 12

(1) To obtain RIPH as referred to in Article 6, every person shall file an application in writing to the Director General through Head of PPVT-PP as specified in Attachment III as an inseparable part of this Regulation completed with the requirement as referred to in Article 11.

(2) Head of PPVT-PP, after receiving the application, as referred to in paragraph (1), within not later than three (3) working days shall have finished inspecting document completeness and shall decide whether to accept or reject the application.

Article 13

(1) Application is rejected as referred to in Article 12 if based on result of document inspection, there is shortage of the documents required or document is incorrect.

(2) The rejection, as referred to in paragraph (1), shall be notified to the applicant by Head of PPVT-PP in writing along

with reasons of the rejection using format-1 as specified in Attachment IV as an inseparable part of this Regulation.

Article 14

(1) Application is accepted, as referred to in Article 12, if based on result of inspection, document has been complete and correct.

(2) Application that has been complete and correct, as referred to in paragraph (1), shall be submitted by Head of PPVT-PP to the Director General.

(3) The Director General, after receiving the application, as referred to in paragraph (2), within not later than seven (7) working days shall have finished inspecting completeness and correctness of technical requirement as referred to in Article 11 paragraph (3) and shall decide whether to accept or to reject the application.

Article 15

(1) Application is rejected, as referred to in Article 14, is based on result of inspection of technical requirement, there is document shortage or document is incorrect.

(2)The rejection, as referred to in paragraph (1), shall be notified to the applicant through Head of PPVT-PP by the Director General in writing along with reasons of the rejection using format-2 as specified in Attachment IV as inseparable part of this Regulation.

Article 16

(1)Application is accepted, as referred to in Article 14, if based on result of inspection, technical requirement has been complete and correct.

(2)If application has been complete and correct, as referred to in paragraph (1), the Director General may ask for input to the Team to obtain advice and consideration in issuing RIPH.

(3)The Team, within not later than seven (7) working days, shall have given advice and consideration to the Director General.

(4)The Team, in giving advice and consideration, as referred to in paragraph (3), shall comply with the provisions of Article 7.

Article 17

(1)After technical requirement has been complete and correct and is not in contradictory to the provisions of Article 7, the Director General shall issue RIPH.

(2)RIPH, as referred to in paragraph (1), shall be submitted by the Director General to Head of PPVT-PP.

(3)RIPH, as referred to in paragraph (2), shall be valid for a period of three (3) months for one (1) time import.

Article 18

(1)Membership of the Team, as referred to in Article 16, consists of representatives of the Directorate General of Horticulture, PPVT-PP, Agricultural Quarantine Agency, Food Security Agency, Socio Economic Center, and Directorate General of Agricultural Processing and Marketing.

(2)Membership structure and task of the Team, as referred to in paragraph (1), shall be stipulated by Decree of Minister of Agriculture by the Director General on behalf of the Minister of Agriculture.

CHAPTER III

OBLIGATIONS OF RIPH HOLDER

Article 19

Every person who has obtained RIPH, as referred to in Article 17, shall file a request for import horticulture product import license to the Minister of Trade.

Article 20

(1) Every person who has obtained import license from the Minister of Trade shall perform import of horticulture product through the entry gate as stipulated in RIPH.

(2) Every person who has performed import, as referred to in paragraph (1), within not later than seven (7) working days shall submit report on import realization to the Director General through Head of PPVT-PP.

(3) The report, as referred to in paragraph (2), shall be submitted by Head of PPVT-PP to the Director General, Director General of Horticulture, and Head of Agricultural Quarantine Agency.

CHAPTER IV

SUPERVISION AT PLACE OF ENTRY

Article 21

Supervision of horticulture product import at place of entry shall be performed by Plant Quarantine Officer.

Article 22

(1) Supervision, as referred to in Article 21, shall be performed on inspection of document of horticulture import and food safety.

(2) Supervision, as referred to in paragraph (1), shall be performed simultaneously with implementation of plant quarantine action.

(3) Document inspection, as referred to in paragraph (1), shall be performed to identify completeness, validity, and correctness of document content.

Article 23

Inspection on validity of import document, as referred to in Article 22 paragraph (3), consists of:

- a. conformity with the form stipulated;
- b. form of RIPH and officer issuing RIPH;
- c. quantity given in RIPH which has not been fulfilled; and
- d. validity period of import license which has not yet expired.

Article 24

Inspection on document correctness, as referred to in Article 22 paragraph (3), consists of:

- a. place of entry;
- b. type of imported horticulture product in accordance with the one specified in RIPH.

Article 25

In case that result of document inspection, as referred to in Article 22 proves that:

- a. it is not completed with import license, detention shall be performed, and the owner or his proxy is given a period of fourteen (14) working days since date of detention to submit import license to quarantine officer at place of entry;
- b. import license is invalid or incorrect, rejection action shall be performed;
- c. import license and other required documents are valid and correct, quarantine action shall be performed in accordance with the legislation on plant quarantine.

Article 26

If within fourteen (14) working days, as referred to in Article 25 letter a, import license cannot be fulfilled, rejection action shall be performed.

Article 27

In case that quantity of horticulture product exceeds the one specified in import license, rejection action shall be performed on the excess.

Article 28

(1) If within fourteen (14) working days since date of rejection, owner of horticulture product or his proxy did not immediately bring the horticulture product out of Indonesian territory, destruction action shall be performed.

(2) Owner of destroyed horticulture product, as referred to in paragraph (1) or his proxy shall not have the right to claim compensation.

CHAPTER V

SANCTION PROVISIONS

Article 29

Every person who has obtained RIPH, as referred to in Article 17, and did not file a request for import license to the Minister of Trade within the period stipulated in RIPH, will become a matter of consideration in obtaining the following RIPH.

Article 30

(1) Every person who, after obtaining horticulture product import license from the Minister of Trade, as referred to in Article 19, did not perform import and/or did not submit import realization report, as referred to in Article 20, shall be imposed with administrative sanctions in the form of:

- a. written reminder;
- b. temporary cessation of distribution activity;
- c. withdrawal of horticulture product from circulation; and
- d. revocation of import license.

(2) The administrative sanctions, as referred to in paragraph (1), shall be requested by the Minister of Agriculture to the Minister of Trade.

CHAPTER VI

CLOSING PROVISIONS

Article 31

(1) Requirement to have a storehouse in accordance with product characteristics, as referred to in Article 11, shall be effective two (2) years since date of enactment of this Regulation.

(2) This Regulation is not applicable for goods carried by aircraft and ship passengers and country border crossers intended for fulfillment of self-consumption and the quantity shall not exceed ten (10) kilograms per person.

Article 32

This Regulation comes into effect three (3) months since date of enactment.

In order that everyone shall take cognizance, this Regulation shall be enacted by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

January 31, 2012

MINISTER OF AGRICULTURE

signed and sealed

SUSWONO

Enacted in Jakarta

February 1, 2012

MINISTER OF JUSTICE AND HUMAN RIGHTS

OF THE REPUBLIC OF INDONESIA

signed and sealed

AMIR SYAMSUDDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2012 NO. 148