

INDONESIEN

Quelle: <http://rulebook-jica.ekon.go.id>

REGULATION OF MINISTER OF AGRICULTURE
No. 52/PERMENTAN/OT.140/10/2006
CONCERNING
ADDITION REQUIREMENTS OF PLANT QUARANTINE
MINISTER OF AGRICULTURE,

Considering :

- a. Whereas for the agenda of prevention of entry and spreading of destruction organism of quarantine plant into and inside terrestrial of Republic of Indonesia (RI) and the exit of Destruction Organisms of certain plant from within terrestrial of Republic of Indonesia (RI), then it is obligated to fulfill clauses of plant quarantine;
- b. whereas in the certain case of inclusion of destruction organism carrier media of plant into and exit from terrestrial of Republic of Indonesia (RI), terrestrial of Republic of Indonesia (RI), then besides fulfilling mandatory clauses it is also could be charge to fulfill addition clauses;
- c. Whereas based on above things and as execution of Article 5 of Government Regulation Number 14 year 2002 about Plant Quarantine, then it is considered necessary to specifies of addition obligation of plant quarantine;

In view of :

1. Law Number 12 year 1992 on Plant Cultivation System (The State Gazette of The Republic of Indonesia of 1992 Number 46, Supplementary to State Gazette Number 3478);
2. Law of Republic of Indonesia Number 16 year 1992 on Animal Quarantine, Fish and Plants (State Gazette of Republic of Indonesia year 1992 Number 56, Supplementary to State Gazette Number 3482);
3. Law number 7 year 1994 concerning Agreement of WTO Establishment (State Gazette of The Republic Of Indonesia number 57 year 1994, supplement to State Gazette number 3564);
4. Government Regulation Number 6 year 1995 about Plant protection (State Gazette of Republic of Indonesia year 1995 Number 12, Supplementary to State Gazette Number 3586);
5. Government Regulation Number 44 year 1995 about Plant Seeding (State Gazette of Republic of Indonesia year 1995 Number 85, Supplementary to State Gazette Number 3616);
6. Government Regulation Number 14 year 2002 about Plant Quarantine(State Gazette of Republic of Indonesia year 2002 Number 35, Supplementary to State Gazette Number 4196);
7. President Decree Number 2 year 1977 about Legalization of The International Plant Protection Convention juncto President Decree Number 45 year 1990;
8. President Decree Number 58 year 1992 about Legalization of Plant Protection Agreement for Asian the and Pacific Region;
9. Presidential Decree of the Republic of Indonesia Number 187/M Year 2004 regarding United Indonesia Cabinet Formation;

10. Presidential Regulation of the Republic of Indonesia Number 9 Year 2005 regarding The Status, Tasks, Functions, Structure of Organizations, and Working-System of Administration for the State Ministers of the Republic of Indonesia as amended by Presidential Regulation Number 62 Year 2005;
11. Presidential Regulation of the Republic of Indonesia Number 10 Year 2005 regarding The First Echelon Organizational Units and Duties of the State Minister of the Republic of Indonesia as already amended by Presidential Regulation of the Republic of Indonesia Number 80 Year 2005;
12. Decree of the Minister of Agriculture Number 469/Kpts/HK.310/8/2001 about places of Import and Export of Quarantine Plant Destruction Organism Carrier Media.
13. Regulation of the Minister of Agriculture Number 299/Kpts/OT.140/7/2005 about Organization and Work – Procedure in the Agriculture Department;
14. Regulation of the Minister of Agriculture Number 341/Kpts/OT.140/9/2005 about Comprehensiveness of Organization and Work - Procedure of Agriculture Department;
15. Decree of The Minister of Agriculture Number 38/Kpts/HK.060/1/2006 about Plant Destruction Organisms of Quarantine Plant type I, Category A1 and A2, Type II Category A1 and A2, Parent Species, Carrier Media and its spreading area;

HAS DECIDED :

To Promulgate :

REGULATION OF THE MINISTER OF AGRICULTURE CONCERNING ADDITION REQUIREMENTS OF PLANT QUARANTINE

**CHAPTER I
GENERAL**

Article 1

Reference to the following terms in this Minister Regulation shall mean:

1. The Carrier Media of the Plant Destruction Organisms, further referred to as the Carrier Media, are plant or its part and/or other goods which can carry the Quarantined Plant Destruction Organisms;
2. Plant is all kinds of vegetable natural resources in the living or dead state, either before or after being processed including protected plant except sea weed and other underwater plants (algae).
3. Other object is pathogenic material, biologic material, fish food, material for livestock food and or fish, supporting facilities for biological control, organism breeding, soil, compost or growth media of other plant, and vector.
4. Plant Health Certificate is a certificate prepared/made by the authorized officials in the country or Area of origin/sender/transit stating that the plant or parts of the plant listed in it are free from the Plant Destruction Organisms, the Quarantined Plant Destruction Organisms of Group I, the Quarantined Plant Destruction Organisms of Group II and/or The Important Plant Destruction Organisms and has fulfilled the stipulated requirements for Plant Quarantine and/or stating other information required;
5. Places of the Entry and the Exit are sea port, river port, crossing port, airport, post office, post in boundary with other state, and other places assumed to be required, which specified as arrival place of quarantine Plant Destruction Organisms carrier media.

6. Plant Quarantine Officer is certain public servant given duty to conduct action quarantine based on law and regulation applied.
7. Action of Plant Quarantine is action of inspection, deportation, observation, treatment, detention, rejection, destruction, and Liberation to Plant Destruction Organisms carrier media and or quarantine Plant Destruction Organisms.
8. Area covers the region in one island, or island, or a group of islands in the territory of the Republic of Indonesia that is related to preventing the Spread of the Plant Destruction Organisms;
9. The Risk Analysis of the Plant Destruction Organisms is a process to determine that a Plant Destruction Organisms is a Quarantined Plant destruction Organisms or the Important Plant Destruction Organisms and to determine the terms and the Plant Quarantine actions suitable to the prevention of entering and spreading the Plant Destruction Organisms;
10. The Quarantined Plant Destruction Organisms are all Plant Destruction Organisms issued by the Minister to be prevented for entering into and spreading them in the territory of the Republic of Indonesia.
11. The Important Plant Destruction Organisms are the Plant Destruction Organisms besides the Quarantined Plant Destruction Organisms, of which existences are in the trafficked plant seeds, can caused a damaging impact on the economy against the purpose of using such seeds and issued by the Minister to be subject to the Plant Quarantine activity;
12. The Certain Plant Destruction Organisms is Plant Destruction Organisms from within region of Republic of Indonesia which prevented to enter to other state and can be subjected to plant quarantine action;
13. The Owner of the Carrier Media, further referred to as the Owner, are persons or legal bodies owning the Carrier Media and/or that are responsible for its entry, excretion or transit of the Carrier Media ;
14. Addition Clauses for Plant Quarantine hereinafter referred to as addition clauses is quarantined plant technical clauses and or equipment clauses of document comprehensiveness which is mandatory to be fulfilled for carrier media packed into region of Republic of Indonesia, and or brought or sent from an area to other area in Republic of Indonesia region, and or will be released from within region of Republic of Indonesia based on risk analysis of plant destruction organism.
15. Certain treatment is plant quarantine treatment to free carrier media from quarantined plant destruction organism and or important plant destruction organism;
16. Verification was activity to ascertain truth of description of existence status of quarantined plant destruction organism and or important plant destruction organism and execution of risk management of quarantined plant destruction organism;
17. Certain states are nations which must be avoided for transit for transportation of carrier media because of the infectious situation of quarantined plant destruction organism;
18. Third State is state for execution place of plant quarantine action;
19. Certain Packaging Type is packaging type that is not contained or contaminated [by] quarantined plant destruction organism and can protect carrier media from re-infests of quarantined plant destruction organism;

20. Type and Route of Transportation is equipment to bring carrier media with type and route which can minimize the risk of the entry of quarantined plant destruction organism into Republic of Indonesia.

Article 2

(1) This regulation meant as guidance for Plant Quarantine Officer in conducting action plant quarantine to carrier media packed into Republic of Indonesia territory, which brought or sent from an area to other area in Republic of Indonesia, and will be released from within Republic of Indonesia;

(2) The Purpose of this arrangement are :

- a. To be prevented for the entering and spreading of quarantined plant destruction organism in the territory of the Republic of Indonesia;
- b. To be prevented for the excretion of certain plant destruction organism from the territory of the Republic of Indonesia.

Article 3

Arrangement scope in this regulation covers addition clauses of plant quarantine.

CHAPTER II CLAUSES of PLANT QUARANTINE

Article 4

Every carrier media packed into Republic of Indonesia territory shall be obligated to:

- a. equipped with plant health certificate from country of origin and transit state for the plant and its parts, except carrier media which pertained as other object;
- b. through place of entry which has been specified;
- c. Reported and delivered to Plant Quarantine Officer in entry places for plant quarantine action.

Article 5

Every carrier media brought or sent from an area to other area in Republic of Indonesia territory shall be obligated to:

- a. equipped with plant health certificate from country of origin and transit state for the plant and its parts, except carrier media which pertained as other object;
- b. through place of entry and excretion which has been specified;
- c. Reported and delivered to Plant Quarantine Officer in entry and excretion places for plant quarantine action.

Article 6

Every carrier media excreted from within of Republic of Indonesia, if required by state of purpose then shall be obligated to:

- a. equipped with plant health certificate from country of origin and transit state for the plant and its parts, except carrier media which pertained as other object;
- b. through place of excretion which has been specified;

- c. Reported and delivered to Plant Quarantine Officer in excretion places for plant quarantine action.

CHAPTER III ADDITION CLAUSES OF PLANT QUARANTINE

Part One General

Article 7

Every carrier media packed into by Republic of Indonesia territory, brought or sent from an area to other area in Republic of Indonesia or which will be excreted from within Republic of Indonesia besides be obligated to fulfill clauses as referred to in Article 4, Article 5 or Article 6, and may be charged by addition clauses.

Article 8

(1) Additional clauses as referred to in Article 7 shall be charged if in a specified situation based on risk analysis of Plant Destruction Organism result which is assessed to has big potency to the happening of Plant Destruction Organism spreading.

(2) Additional clauses as referred to in point (1) shall in the form:

- a. Technical clauses; and/or
- b. Document comprehensiveness clauses.

Article 9

(1) Risk analysis of plant destruction Organism as referred to in Article 8 point (1) to the entry of carrier media into Republic of Indonesia territory and or brought or sent from an area to other area in Republic of Indonesia territory, shall be done by Agriculture Quarantine Agency cq. Plant Quarantine Center.

(2) Risk analysis of plant destruction Organism as referred to in Article 8 point (1) to the excretion of carrier media from within Republic of Indonesia territory, shall be done by authorized institution in state purpose.

(3) In execution of risk analysis as referred to at point (1) then Agriculture Quarantine Agency cq. Plant Quarantine Center can involve the experts and or related institution.

Part Two

The Entry of Carrier Media From Abroad in the Territory of The Republic of Indonesia

Article 10

(1) Based on risk analysis result of plant destruction organism as referred to in Article 9 point (1) shall determine risk management to prevent the entry of Quarantined Plant Destruction Organism and or Important Plant Destruction Organism into Republic of Indonesia territory.

(2) To ascertain carrier media which will be packed into Republic of Indonesia is free of Quarantined Plant Destruction Organism and or Important Plant Destruction Organism, then shall be done verification in country of origin.

(3) Execution of verification in country of origin as referred to at point (2) shall be done by Agriculture Quarantine Agency cq. Plant Quarantine Center and can involve the experts and or related institution.

Article 11

Technical clauses as referred to in Article 8 paragraph (2) point a, for example covering:

- a. Carrier media must come from production area in country of origin which free of investment of certain plant destruction organism, which expressed in additional description columns (Additional declaration) at Certificate Plant Health which enclosed with consignment;
- b. Carrier media which coming from production area in country of origin that is not free of investment of quarantined plant destruction organism must be given certain treatment in country of origin before sent or packed into Republic of Indonesia territory, which shall be expressed in treatment columns (Treatment) at Certificate Plant Health which enclosed with consignment;
- c. Carrier media must be executed for plant quarantine in third state, that expressed with Certificate Plant Health for Re-export;
- d. Carrier media must be packed by using certain packaging type, which signed with mark/label;
- e. Carrier media shall be obligated to repackage in third state, that expressed with Certificate Plant Health for Re-export;
- f. Carrier media must be transported using type and route of certain transportation, which can be proved through transportation document of journey;
- g. Carrier media is prohibited to alights from to transportation in certain state if it transit there, which shall be expressed in additional description columns (Additional Declaration) at Certificate Plant Health which enclosed with consignment.

Article 12

Clauses of document comprehensiveness as referred to in Article 8 paragraph (2) point b, for example in the form:

- a. Plant Seed Entry Permit;
- b. Treatment Certificate which attached with Certificate Plant Health from country of origin;
- c. Country of origin letter;
- d. Arrival Plan of Transportation;
- e. Inward manifest;
- f. Cargo manifest;
- g. Bill of Lading (BL);
- h. Airway Bill (AWB);
- i. Packing list;
- j. Passenger declaration.

Part three
Entry and Excretion of Carrier Media from an Area to other area in Republic of Indonesia Territory

Article 13

(1) Based on risk analysis result of plant destruction organism as referred to in Article 9 paragraph (1) then it shall be determined risk management to prevent brought or sent of Quarantined Plant Destruction Organism and or Important Plant Destruction Organism from an area to other area in Republic of Indonesia Territory.

(2) To ascertain carrier media which will be brought or sent from an area to other area in Republic of Indonesia Territory free of Quarantined Plant Destruction Organism and Important or Quarantined Plant Destruction Organism then can be done verification and or action of plant quarantine in origin area.

(3) Execution of verification in area of as referred to at paragraph (2) shall be done by Agriculture Quarantine Agency cq. Plant Quarantine Center and can involve the experts and or related institution.

Article 14

Technical clauses as referred to in Article 8 paragraph (2) letter a, for example covering:

- a. Carrier media must come from area in Republic of Indonesia Territory which free of Infested of Quarantined Plant Destruction Organism and or Important Plant Destruction Organism, which shall be expressed in additional description columns (Additional Declaration) at Certificate Plant Health which enclosed with consignment;
- b. Carrier media which coming from production area in country of origin that is not free of infested of Quarantined Plant Destruction Organism and or Important Plant Destruction Organism must be given certain treatment before brought or sent from an area to other area in Republic of Indonesia Territory, which shall be expressed in treatment columns (Treatment) at Certificate Plant Health which enclosed with consignment;
- c. Carrier media must be packed by using certain packaging type, which signed with mark/label;
- d. Carrier media must be transported using type and route of certain transportation, which can be proved through transportation document of journey.

Article 15

Clauses of document comprehensiveness as referred to in Article 8 paragraph (2) point b, for example in the form:

- a. Treatment Certificate attached in inter area Certificate Plant Health from origin area;
- b. Origin area letter;
- c. Arrival Plan of Transportation;
- d. Inward manifest;
- e. Cargo manifest;
- f. Bill of Lading (BL);
- g. Airway Bill (AWB);

- h. Packing list.

Part Four

Excretion of Carrier Media from Within Territory of Republic of Indonesia

Article 16

(1) Based on risk analysis result of plant destruction organism as referred to in Article 9 paragraph (1) then shall be executed risk management to prevent the exit of certain Plant Destruction Organism from Republic of Indonesia Territory.

(2) To ascertain carrier media which will be sent from an area in Republic of Indonesia Territory is free of Certain Plant Destruction Organism then can be done verification and or action of plant quarantine in origin area.

(3) Execution of verification in area as referred to in paragraph (2) shall be done by Agriculture Quarantine Agency cq. Plant Quarantine Center and can involve the experts and or related institution.

Article 17

Technical clauses as referred to in Article 8 paragraph (2) point a, for example covering:

- a. Carrier media must come from area free of Infested of Republic of Indonesia Territory of certain plant destruction Organism, which shall be expressed in additional description columns (Additional declaration) at Certificate Plant Health which enclosed with consignment;
- b. Carrier media which coming from production area in Republic of Indonesia Territory that is not free of infested of certain plant destruction Organism, must be given certain treatment before excreted from within Territory of Republic of Indonesia, which shall be expressed in treatment columns (Treatment) at Certificate Plant Health which enclosed with consignment.

Article 18

Clauses of document comprehensiveness as referred to in Article 8 paragraph (2) point b, for example in the form:

- a. Plant Seed Entry Permit;
- b. Treatment Certificate attached in Certificate Plant Health from authoritative institution in Republic of Indonesia Territory;
- c. Country of origin letter.

Article 19

Rule about the management of risk analysis of plant destruction organism as referred to in Article 9 paragraph (1) shall be further regulated by The Head of Agriculture Quarantine Agency.

CHAPTER IV

CLOSING

Article 20

By the stipulation of this regulation therefore the regulation which ruled the addition clauses is invalid anymore.

Article 21

This Regulation shall take into effect on the date of stipulation.

Ratified in Jakarta

Date of Stipulation : 17 October, 2006

MINISTER OF AGRICULTURE,

signed

ANTON APRIYANTONO