

**DECREE OF THE MINISTRY OF AGRICULTURE  
NO. 411/KPTS/TP.120/6/1995  
CONCERNING  
IMPORTATION INTO THE TERRITORY OF THE REPUBLIC  
OF INDONESIA OF BIOLOGICAL AGENTS**

**THE MINISTER OF AGRICULTURE,**

- Considering :
- a. that for the purpose of controlling pests and diseases or pestiferous organism, or increasing production and or processing agricultural products, and for various other purposes, it is necessary to import biological agents into the territory of the Republic of Indonesia;
  - b. that besides the advantages gained from the above-mentioned uses, the use of biological agents may cause harmful effects on animals, fish, and plants, on the safety and health of human being, and on living environment;
  - c. that the existing regulations do not cover completely the importation into the territory of the Republic of Indonesia of biological agents;
  - d. that based on the above-mentioned facts it is deemed necessary to regulate the importation into the territory of the Republic of Indonesia of biological agents.

- Referring to :
1. Law No. 6 of 1967 (Government Gazette of 1967 No. 9);
  2. Law No. 9 of 1985 (Government Gazette of 1985 No. 46);
  3. Law No. 12 of 1992 (Government Gazette of 1992 No. 46);
  4. Law No. 16 of 1992 (Government Gazette of 1992 No. 56);
  5. Government Regulation No. 17 of 1973;
  6. Decree of the President of the Republic of Indonesia No. 44 of 1974;
  7. Decree of the President of the Republic of Indonesia No. 15 of 1984 connected with Decree of the President of the Republic of Indonesia No. 83 of 1993;
  8. Decree of the President of the Republic of Indonesia No. 96/M of 1993;
  9. Decree of the Minister of Agriculture No. 96/Kpts/OT.210/ 2/1994.

**HAS DECIDED**

To lay down :      **DECREE OF THE MINISTER OF AGRICULTURE CONCERNING  
IMPORTATION INTO THE TERRITORY OF THE REPUBLIC OF  
INDONESIA OF BIOLOGICAL AGENTS.**

**CHAPTER I**  
**GENERAL PROVISION**

**Article 1**

As used in this Decree :

1. "Biological agents" means any organism which includes species, sub-species, variety, all kinds of insects, nematodes, protozoa, fungi, bacteria, viruses, mycoplasmas, and other organisms in all stages of development which can be used for the purpose of controlling pests and diseases or pestiferous organisms, or stepping up the purpose of processing agricultural products, and for various other purposes;
2. "Importation of biological agents" means the effort to import biological agents from overseas into the territory of the Republic of Indonesia;
3. "Quarantine officer" means a civil servant charged with the carrying out animal, fish of plant quarantine measures/actions.

**Article 2**

The provisions of this Decree shall apply to any importation of biological agents both in formulated and un-formulated forms.

**CHAPTER II**  
**REQUIREMENTS AND PROCEDURES FOR GRANTING OF PERMIT**

**Article 3**

- (1) The importation of biological agents may only be made by a person or body having obtained a permit from the Minister of Agriculture.
- (2) For the granting of permit referred to in Paragraph (1), the Minister of Agriculture shall be assisted by the Biological Agents Commission whose membership, task and responsibility shall be provided in a separate Decree.

**Article 4**

Permit to import biological agents shall be granted only if the following requirements are met :

- a. The person or body desiring to import the biological agent domiciles within the territory of the Republic of Indonesia;
- b. The person or body desiring to import the biological agent owns the building and equipment which can be used and manage the biological agent properly;

- c. The person or body desiring to import the biological agent employs technical personnel who have at least a university degree or its equivalent in the related science;
- d. The letter of application is furnished with a declaration to the effect that the biological agent has been produced and/or sent by a person or body licensed therefor by a competent institute in the country of origin;
- e. The letter of application is furnished with a declaration by the producer to the effect that the biological agent has been obtained and/or produced according to methods which can be relied upon;
- f. The biological agent is not harmful to animals, fish, plants, the safety and health of people and the living environment

### **Article 5**

- (1) Application for permit to import biological agent shall be made in writing by the person or body desiring to make the importation to the Minister of Agriculture through the Chairman of the Biological Agent Commission.
- (2) The letter of application referred to in Paragraph (1) shall contain amongst others :
  - a. name and address of the person or body desiring to import the biological agents;
  - b. name and address of the consignor and/or producer of the biological agent;
  - c. date of importation;
  - d. country of origin of the biological agent;
  - e. common name, scientific name, and trade name of the biological agent;
  - f. quantity of the biological agent;
  - g. building, equipment owned, and qualification of the personal employed by the person or body making the importation;
  - h. containers used;
  - i. mode of transportation;
  - j. expected date of entry;
  - k. point of entry;
  - l. measures that will be taken to prevent contamination and/or escape of the biological agent;
  - m. stage of development; and
  - n. furnished with a declaration referred to in Article 4 letter d and e.

### **Article 6**

- (1) In addition to declaration mentioned in Article 5 Paragraph (2), the letter of application for permit to import new biological agents for the first time shall be accompanied by a declaration regarding :
  - a. life history of the biological agent;
  - b. result of research carried out in the country of origin and/or in other countries;
  - c. benefit and report on the study of the negative effects caused in the use of the biological agent in the country of origin and/or in other countries;
  - d. steps that have been taken to overcome the negative effects in the use of the biological agent in the country of origin and/or in other countries;
  - e. natural enemies, antagonist, and competitors of the biological agent;

- f. origin habitat, characteristics and specifications on the biological agent;
  - g. method of breeding and/or production of the biological agent.
- (2) In case the declaration referred to in Paragraph (1) is believed to be not sufficient for consideration whether to accept or refuse the application for permit, the applicant shall be required to bring in sample of the biological agent for research and testing.
- (3) Permit to bring in sample of the biological agent as mentioned in Paragraph (2) including the place of entry shall be granted by the Minister of Agriculture at the suggestion of the Chairman of the Biological Agent Commission.

### **Article 7**

Without prejudice to the provision referred to in Article 4 and Article 5, the research and testing as mentioned in Article 6 Paragraph (2) shall not be required to be done on those kinds of biological agents which have been imported before into the territory of the Republic of Indonesia.

### **Article 8**

- (1) The Director of the Centre for Agriculture at the advice of the Biological Agent Commission shall appoint an expert to conduct research and testing as referred to in Article 6 Paragraph (2) and the result of these shall be used by the Biological Agent Commission for advising the Minister of Agriculture.
- (2) The research and testing referred to in Paragraph (1) shall be carried out at the place designated by the Director of the Centre for Agricultural Quarantine.

### **Article 9**

- (1) If from the result of the research and testing referred to in Article 8 it becomes evident that the biological agent can be advantageous in accordance with its use and is not harmful to animals, fish, plants, safety and health of people and living environment, the result of the research and testing shall be made as the basis for recommendation for the Minister of Agriculture in granting the import permit.
- (2) If from the result of the research and testing it becomes evident that the biological agent cannot be used in accordance with the purpose of its introduction and is harmful to animals, fish, plants, the safety and health of human being, and living environment, the result of the research and testing shall be made as the basis for recommendation for the Minister of Agriculture in rejecting the application for permit to import the biological agent.

### **Article 10**

Permit to import biological agents shall be issued in the form of Ministerial Decision, whereas rejection of application for permit to import biological agents shall be issued in the form of letter of refusal.

#### **Article 11**

In the decision regarding permit to import biological agents as referred to in Article 10 the technical requirements for importation to be met in accordance with the kind of biological agent concerned shall be specified, whereas in the letter of refusal of application for permit to import biological agents the reasons for the refusal shall be mentioned.

#### **Article 12**

Permit to import biological agents shall be valid for the period of six months as from the date of issuance and may be used only for one importation.

### **CHAPTER III**

#### **PROCEDURES FOR IMPORTATION AND QUARANTINE ACTIONS**

#### **Article 13**

Any importation of biological agents shall be accompanied by a certificate issued by the competent authority in the country of origin declaring that the technical requirements for importation specified in the import permit have been met.

#### **Article 14**

The importation of biological agents shall be made only through the following ports of entry:

- a. Seaports:
  1. Belawan
  2. Boom Baru
  3. Tanjung Priok
  4. Tanjung Perak
  5. Makassar
  
- b. Airports:
  1. Polonia
  2. Sultan Mahmud Badaruddin II
  3. Soekarno-Hatta
  4. Juanda
  5. Hasanuddin.
  
- c. Post offices:

1. Medan
2. Palembang
3. Jakarta
4. Surabaya
5. Ujung Pandang.

### **Article 15**

At least five working days before arrival, the person or body making the importation shall notify the quarantine officers at the point of entry about the planned arrival of the biological agent and show the import permit to the officer.

### **Article 16**

- (1) At the time the biological agent arrives at the point of entry the person or body making the importation shall submit the biological agent along with the accompanying documents to the quarantine officer for inspection.
- (2) The inspection referred to in Paragraph (1) shall be made for the purposes of knowing the presence of the documents and the true-ness of the contents of the documents, whether the package is still intact, and for the purpose of detecting quarantine pests or other pestiferous organisms.

### **Article 17**

If upon inspection referred to in Article 16 it becomes evident that:

- a. the kind of the biological agent mentioned in the accompanying document it from abroad or on the label of its container or package conforms to the kind mentioned in its import permit and all of the requirements stipulated in the import permit have been met, the biological agent shall be taken to the quarantine establishment or to some other places designated by the Director of the Centre for Agricultural Quarantine for isolation and observation;
- b. the kind of the biological agent mentioned in the accompanying document, or on the label of the container or package, does not conform to the kind mentioned in its import permit, and/or the requirements stipulated in the import permit have not been complied with, the biological agent shall be refused entry;
- c. the package of the biological agent is in such a condition of damage that may cause escape of the biological agent or contamination that may be harmful to animals, fish and plants, the safety and health of human beings as well as living environment, the biological agent shall be destroyed.

## **Article 18**

- (1) The observation of biological agent shall be carried out by the quarantine officer;
- (2) If it is deemed necessary, the observation referred to in Paragraph (1) shall be carried out by the quarantine officer in conjunction with an expert appointed by the Director of the Centre for Agricultural Quarantine.

## **Article 19**

If after having conducted the observation it becomes evident that:

- a. the biological agent is not harmful to animals, fish, plants, the safety and health of human beings and environment, and its kind conforms to that mentioned in the import permit, the accompanying document, and on the label of its container or package, the biological agent shall be released on the issued of certificate of release by the quarantine officer;
- b. the biological agent is harmful to animals, fish, plants, the safety and health of human being and environment, and its kind conforms to that mentioned in the import permit, the accompanying document, and/or label of its container or package, the biological agent shall be destroyed.

## **Article 20**

- (1) The biological agent shall be detained if upon arrival at the point of entry the person or body making the importation is unable to show the import permit and/or the accompanying document to the quarantine officer.
- (2) During the time of detention of the biological agent, the person or body making the importation shall be given the opportunity to show the import permit and/or the document referred to in Paragraph (1) within seven working days.
- (3) If after elapse of the time referred to in Paragraph (2) the person or body making the importation of the biological agent fails to show the import permit and/or the accompanying document, the biological agent shall be refused entry.

## **Article 21**

- (1) The biological agent that has been refused entry shall be taken out of the territory of the Republic of Indonesia by the person or body making the importation within seven working days after the letter of refusal has been delivered it.
- (2) If after elapse of the time referred to in Paragraph (1) the biological agent has not been removed from the territory of the Republic of Indonesia.

## **Article 22**

- (1) The biological agent that has been detained or refused entry shall remain under the supervision of the quarantine officer prior to removal from the territory of the Republic of Indonesia.
- (2) If during the time of supervision, leakage or damage occurs to the container or package so that it may cause escape of the biological agent or contamination that may be harmful to animals, fish, plants, the safety and health of people and/or environment, the biological agent shall be destroyed.

## **Article 23**

The biological agent shall also be destroyed if after elapse of seven working days from the time of no person makes a claim thereto.

## **Article 24**

Subject to the provisions referred to in Article 21 and Article 22, biological agents that have been imported through entry points other than those mentioned in Article 14, shall be refused entry.

## **Article 25**

- (1) Destruction of biological agents shall be performed by quarantine officer in quarantine establishment or at some other places that complies with stipulated requirements, and shall be witnessed by:
  - a. the person or body making the importation of the biological agent;
  - b. customs officer; and
  - c. local police officer.
- (2) For the destruction referred to in Paragraph (1) an official report shall be issued in four (4) fold, the first copy is for the owner, the second copy is for the quarantine officer, the third copy is for the custom officer, the fourth copy is for the police officer.

## **Article 26**

The realization of importation and quarantine actions against the biological agent shall be reported by the Director of the Centre for Agricultural Quarantine.



## **CHAPTER IV**

### **OBLIGATION OF THE PERSON OR BODY MAKING THE IMPORTATION OF BIOLOGICAL AGENTS**

#### **Article 27**

The person or body making the importation of biological agents shall be required to:

- a. Provide training to persons who are engaged in the distribution and handling of biological agents being imported in order that they may have adequate knowledge and ability;
- b. Make available the correct information to the people about the benefit and the safe and efficient use of the biological agent;
- c. Assist in the suppression of an epidemic resulting from the use of biological agents that have been imported by him;
- d. Transmit report regarding the realization of importation, distribution, handling and use of biological agents that have been imported by him to the authorized official upon request.

#### **Article 28**

- (1) Expenses required for research and testing and for the performance of quarantine actions against biological agents shall be borne by the person or body making the importation.
- (2) The procurement of buildings, equipment and materials which cannot be made available by the Government in the framework of research and testing and the performance of quarantine actions against biological agents, shall be the responsibility of the person or body making the importation.

## **CHAPTER V**

### **CONFIDENTIAL IMPORTATION OF COMMERCIAL CHARACTER**

#### **Article 29**

All officials engaged in or having interests in the importation of biological agents including members of the Biological Agent Commission and experts appointed by the Director of the Centre for Agricultural Quarantine shall keep it confidential any information of commercial nature which has been obtained from producers, exporters and importers.

**CHAPTER VI**  
**EXCEPTION**

**Article 30**

The provisions of this Decree shall not apply to the importation of:

- a. vaccine;
- b. sera and anti-sera;
- c. antibiotics, biological pesticides, and other substances derived from micro-organisms as long as these substances no longer possess the ability of self-multiplication;
- d. biological agents that are used for purposes other than those in the field of agriculture in so far as it is known for certain that the biological agents are not harmful to animals, fish, plants and the environment and/or biological agents for the use of which special regulations have been issued.

**CHAPTER VII**  
**CLOSING PROVISION**

**Article 31**

By the issuance of this Decree, the Decree of the Minister of Agriculture No. 800/Kpts/TP.830/10/1984 is repealed.

**Article 32**

This Decree shall take effect on the date of issuance.

**Issued in Jakarta**  
**on the 1<sup>st</sup> of June, 1995**  
**The Minister of Agriculture,**

**Sgd**

**Dr. Sjarifudin Baharsjah**