

THE REGULATION OF MINISTER OF AGRICULTURE

NUMBER : 42/Permentan/OT.140/6/2012

REGARDING

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

IN THE MERCY OF THE GREAT UNITY, GOD

MINISTER OF AGRICULTURE,

- Considering :
- a. that under the Regulation of Minister of Agriculture Number: 37/Kpts/HK.060/1/ 2006, the Regulation of Minister Number 89/Permentan/OT.140/12/2011 and the Regulation of Minister of Agriculture Number 15/Permentan/OT.140/3/2012, the technical requirements and Plant Quarantine Measures for importation of Fresh Fruits and/or vegetables into the Territory of the Republic of Indonesia have been established;
 - b. that in the development of science and technology in the sector of plant quarantine for treatment of the plant pest organism carriers which are free of fruit flies, then the Regulation of Minister of Agriculture Number 37/Kpts/HK.060/1/2006, the Regulation of Minister of Agriculture Number 89/Permentan/OT.140/12/2011 and the Regulation of Minister of Agriculture Number 15/Permentan/OT.140/3/2012 shall be no longer appropriate.
 - c. that based on the aforesaid matters, it is necessary to regulate Plant Quarantine Measures for Importation of Fresh Fruits and Fresh Fruit Vegetables Into The Territory of The Republic of Indonesia;
- In view of :
1. The Laws Number 16 of 1992 on Animal, Fish and Plant Quarantines (The State Gazette of the Republic of Indonesia Number 56 of 1992, the Additional State Gazette of the Republic of Indonesia Number 3482);
 2. The Laws Number 7 of 1994 on Ratification for Agreement of Establishing The World Trade Organization (The State Gazette of the Republic of Indonesia Number 57 of 1994, the Additional State Gazette of the Republic of Indonesia Number 35);
 3. The Laws Number 7 of 1996 on Food (The State Gazette of the Republic of Indonesia Number 99 of 1996, the Additional State Gazette of the Republic of Indonesia Number : 3817);
 4. The Laws Number 13 of 2010 on Horticulture (The State Gazette of the Republic of Indonesia Number 132 of 2010, the Additional State Gazette of the Republic of Indonesia Number : 5170);
 5. The Laws Number 14 of 2002 on Plant Quarantine (The State Gazette of the Republic of Indonesia Number 35 of 2002, the Additional State Gazette of the Republic of Indonesia Number 4196);
 6. The Government Regulation Number 28 of 2004 on Food Security, Quality and Nutrient (The State Gazette of the Republic of Indonesia Number 107 of 2004, the Additional State Gazette of the Republic of Indonesia Number 4424);
 7. The Presidential Decree Number 2 of 1977 connected with the Presidential Decree Number 45 of 1990 on Ratification for International Plant Protection Convention 1951;
 8. The Presidential Decree Number 58 of 1992 on Ratification for Asian Plant Protection Convention;

9. The Presidential Regulation Number 47 of 2009 on Formation and Organization of State Ministry;
10. The Presidential Decree Number 84/P of 2009 on Formation of United Indonesian Cabinet II;
11. The Presidential Regulation Number 24 of 2010 on Position, Rule and Function of State Ministry, and Organizational Structure, Rule and Function of Echelon I;
12. The Regulation of Minister of Agriculture Number 22/Permentan/OT.140/OT.140/4/2008 on Organization and Work System of Technical Executive Unit For Agricultural Quarantine;
13. The Regulation of Minister of Agriculture Number 09/Permentan/OT.140/2/2009 on Requirement and Procedure of Plant Quarantine Measures for Importation of Quarantined Plant Pest Organism Carriers Into The Territory of The Republic of Indonesia (The State Gazette of the Republic of Indonesia Number 35 of 2009);
14. The Regulation of Minister of Agriculture Number 61/Permentan/OT.140/10/2010 on Organization and Work System of The Ministry of Agriculture;
15. The Regulation of Minister of Agriculture Number 88/Permentan/PP.340/12/2011 on Food Safety Control Against Importation and Exportation of Fresh Food of Plant Origin (The State Gazette of The Republic of Indonesia of 2011 Number 842);
16. The Regulation of Minister of Agriculture Number 93/Permentan/OT.140/12/2011 on Type of Quarantined Plant Pest Organism (The State Gazette of The Republic of Indonesia Number 6 of 2012);
17. The Regulation of Minister of Agriculture Number 94/Permentan/OT.140/12/2011 on Entry and Exit Points for Carriers of Quarantined Plant Pest Organism (The State Gazette of The Republic of Indonesia Number 7 of 2012);

- Taking Note of : 1. WTO's Notification Number G/SPS/N/IDN/24 dated 18th May 2005;
2. WTO's Notification Number G/SPS/N/IDN/46 dated 7th May 2012;

HAS DECIDED :

To Stipulate : THE REGULATION OF MINISTER OF AGRICULTURE REGARDING PLANT QUARANTINE MEASURE FOR IMPORTATION OF FRESH FRUIT AND FRESH FRUIT VEGETABLE INTO THE TERRITORY OF THE REPUBLIC OF INDONESIA

CHAPTER I GENERAL TERM

Article 1

In this Regulation the following meanings:

1. Fresh Fruit or Fresh Fruit Vegetables is a fruit or vegetable crop in the form of fleshy fruit, either whole or its parts that have not been yet processed into manufactured materials, which are still potential as carriers of quarantined plant Pest Organisms.

2. Quarantined Plant Pest Organism, hereinafter referred to as OPTK, is all plant Pest Organisms specified by the Minister of Agriculture in order to be prevented for both their importation into and their spread within the territory of the Republic of Indonesia.
3. Phytosanitary certificates is a certificate issued by the competent authorities from the country of origin or country of transit stating Fresh Fruits or Fresh Fruit Vegetable are free of quarantined Plant Pest Organisms (OPTK) and have met the specified plant quarantine requirements and / or stating other necessary information.
4. Entry Points are seaports, river ports, crossing seaports, airports, post offices, border posts with other countries and other places as may be deemed necessary, designated as locations for importation of quarantined plant pest organism carriers.
5. Plant Quarantine Officer, hereinafter referred to as a Quarantine Officer, is a specific civil servant assigned to perform plant quarantine measures pursuant to the applicable laws and regulations.
6. Owner of Fresh Fruits and / or Fresh Fruit Vegetables or His Proxy, hereinafter referred to as the owner or his proxy, is a person or legal entity that owns and / or is responsible for importation of Fresh Fruits and / or Fresh Fruit Vegetables.

Article 2

- (1) This regulation is intended as a basis for importation of Fresh Fruits and Fresh Fruit Vegetables into the territory of the Republic of Indonesia and the implementation of plant quarantine measures.
- (2) This regulation is aimed at preventing the entry of OPTK (Quarantined Plant Pest Organism), species of fruit flies into the territory of the Republic of Indonesia and complying with the fresh food safety of plant origin.

Article 3

The scope of this regulation shall include plant quarantine measures and entry points.

Article 4

- (1) The Fresh Fruits or Fresh Fruit Vegetables may be imported to the territory of the Republic of Indonesia from the production area in the country of origin that is free or not free of any fruit fly infestation.
- (2) The production area in the country of origin shall be free of any fruit fly infestation as referred to in paragraph (1), determined by the Chief of Agricultural Quarantine Agency on behalf of the Minister under a decree.**
- (3) The procedure for the determination of a production area in the country of origin that is free of fruit fly infestation as referred to in paragraph (2) shall be made under the provisions of the applicable laws and regulation.

Article 5

- (1) In case, the importation of Fresh Fruits or Fresh Fruit Vegetables into the territory of the Republic of Indonesia as referred to in Article 4 is derived from the production area in the country of origin which is not free of fruit fly infestation, then it shall meet the technical requirements.
- (2) The technical requirements referred to in paragraph (1) shall be in the form of treatment measures according to the type of Fresh Fruits or Fresh Fruit Vegetables.
- (3) The treatment referred to in paragraph (2) is to prevent any infestation of fruit flies on Fresh Fruits or Fresh Fruit Vegetables.

Article 6

Types of Fresh Fruits or Fresh Fruit Vegetables, fruit flies, and treatment as listed in the appendix shall be as the inseparable parts of this Regulation.

Article 7

- (1) Importation of Fresh Fruits or Fresh Fruit Vegetables as defined in Article 4 in addition to meeting the technical requirements as referred to in Article 5 shall comply with the requirements of fresh food safety of plant origin.
- (2) The Food safety requirements referred to in paragraph (1) shall comply with the applicable laws and regulation on fresh food safety of plant origin.

CHAPTER II PLANT QUARANTINE MEASURES

Article 8

- (1) Any Fresh Fruit or Fresh Fruit Vegetable imported to the territory of the Republic of Indonesia shall:
 - a. be completed with a Phytosanitary Certificate issued by both the country of origin and the country of transit;
 - b. pass through the designated entry point; and
 - c. be reported and submitted to the Quarantine Officer at the entry point for purpose of a plant quarantine measure.
- (2) The Phytosanitary Certificate referred to in paragraph (1) letter a shall contain the following statements:
 - a. The Fresh Fruits or Fresh Fruit Vegetables are derived from the production area that is free of any fruit fly infestation, or
 - b. Treatment measures for Fresh Fruits or Fresh Fruit Vegetables have been already taken in the country of origin.
- (3) The statement referred to in paragraph (2) letter a, shall be obligated for importation of Fresh Fruits or Fresh Fruit Vegetables derived from the production area in the country of origin which is free of any fruit fly infestation, and shall be expressed in the additional declaration column.
- (4) The statement referred to in paragraph (2) letter b shall be obligated/mandatory for importation of the Fresh Fruits or Fresh Fruit Vegetables derived from the production area in the country of origin which is free of any fruit fly infestation, and shall be expressed in the treatment column.

Article 9

- (1) The owner or his proxy shall report and deliver the fresh fruits and / or Fresh Fruit Vegetables to the Quarantine Officer at the entry point.
- (2) The report referred to in paragraph (1) shall be made no later than the time when the Fresh Fruits and / or Fresh Fruit Vegetables arrive at the entry point, equipped with the required documents.

Article 10

- (1) The quarantine officer shall take an administrative examination on the required documents so as to find out the completeness, correctness and validity of document.
- (2) In case, the result of administrative examination on the Phytosanitary Certificate as referred to in paragraph (1), the Fresh Fruits or Fresh Fruit Vegetables are derived from the production area which is:
 - a. Free of, proven not to include a statement of which the products are from the production area in the country of origin which is free of any fruit fly infestation, or
 - b. not free of, proven not to include a statement of which a treatment measure has been taken;it shall be rejected

Article 11

In case, the result of administrative examination as referred to in Article 10 is proven:

- a. incomplete, then a detention shall be made;
- b. complete, valid and correct, a medical examination shall be taken.

Article 12

- (1) The medical examination referred to in Article 11 letter b shall be taken for detecting any possibility of pest organisms and to know the physical condition of Fresh Fruits or Fresh Fruit Vegetables.
- (2) In case, the result of medical examination referred to in paragraph (1) is proven:
 - a. Not free of class-I OPTK, rotten or damaged, the products shall be destroyed;
 - b. Not free of class-II, the products shall be treated, or
 - c. free of OPTK, deliverance shall be made.
- (3) The deliverance as referred to in paragraph (2) letter c, may be done if the Fresh Fruit or Fresh Fruit Vegetables have complied with the laws and regulations on fresh food safety of plant origin.

Article 13

The actions of administrative examination, medical examination, detention, denial, treatment, disposal and deliverance referred to in Article 10, Article 11 and Article 12 shall be carried out pursuant to the provisions of the applicable laws and regulations.

CHAPTER III ENTRY POINTS

Article 14

- (1) The Entry Points for Fresh Fruits and Fresh Fruit Vegetable referred to in Article 8 paragraph (1) letter b shall consist of:
 - a. Tanjung Perak Seaport, Surabaya;
 - b. Belawan Seaport, Medan;
 - c. Soekarno-Hatta Airport, Jakarta, and
 - d. Soekarno-Hatta Seaport, Makassar.
- (2) Besides the entry points referred to in paragraph (1), the entry points defined under the laws and regulations on Free Trade Zone and Free Port may be used as entry points for Fresh Fruits and Fresh Fruit Vegetables.
- (3) Importation of Fresh Fruits and Fresh Fruit Vegetables via the entry points referred to in paragraph (2) may be done only to meet the need of consumption and shall be prohibited from being distributed outside the Free Trade Zone and Free Ports.
- (4) The terms and conditions of entry point referred to in paragraph (1) shall not apply to any importation of the Fresh Fruits or Fresh Fruit Vegetables derived from the production area which is free of any fruit fly infestation in the country of origin as specified in Article 4, or in the countries whose food safety systems have been recognized.

CHAPTER IV TRANSITIONAL PROVISIONS

Article 15

Any production area in the country of origin, which is free of any fruit fly infestation and has been defined before this Regulation is otherwise declared to remain applicable as long as it is not contrary to this Regulation.

CHAPTER V
CLOSING

Article 16

Upon enactment of this Regulation, then the Regulation of Minister of Agriculture No. 37/Kpts/HK.060/1/2006, the Regulation of Minister of Agriculture No. 89/Permentan/OT.140/12/2011 and the Regulation of Minister of Agriculture No. 15/Permentan/OT.140/3 / 2012 shall be revoked and declared no longer effective.

Article 17

This Regulation shall take effect on 19th June 2012.

For public cognizance, this Ministerial Regulation shall be enacted by placing it in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta
on 13th June 2012
MINISTER OF AGRICULTURE,
(signed)
SUSWONO

Promulgated in Jakarta

On

MINISTER OF LAW AND HUMAN RIGHTS OF
THE REPUBLIC OF INDONESIA

AMIR SYAMSUDIN

THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER OF 2012