

SUMMARY

REGULATION OF MINISTER OF AGRICULTURE NO. 55 OF 2016 CONCERNING FOOD SAFETY CONTROL ON IMPORTATION OF FRESH FOOD OF PLANT ORIGIN

This Regulation is substitutes of Regulation of Minister of Agriculture No. 04/Permentan/PP.340/2/2015 concerning Food Safety Control on Importation and Exportation of Fresh Food of Plant Origin and Regulation of the Minister of Agriculture of the Republic of Indonesia No. 13/Permentan/Kr.040/4/2016 Concerning Revision to the Regulation of the Minister of Agriculture No.04/Permentan/Pp.340/2/2015 Concerning Food Safety Control on the Importation and Exportation of Fresh Food of Plant Origin.

This Regulation has been stipulated and enforced on 18 November 2016.

The objective of this Regulation is to strengthening the consumer protection from hazardous food and to provide a better approach on food safety control particularly in entry points based on a risk-based inspection method.

The scope of regulation as follows:

1. Definition of FFPO

Fresh Food of Plant Origin, hereinafter abbreviated as **FFPO** means food of plant origin that has not been processed, readily consumed, and/or become a raw material for food processing.

2. Types of FFPO covered in this Regulation:

There are **100 types** of FFPO regulated on this Regulation as follows:

- a. **Fruits:** Grapes, Avocado, Apple, Apricot, Berries, Blackberry, Blueberry, Figs, Boysenberry, Cantaloupe, Cherries, Cranberry, Citrus Fruit, Currant, Dewberry, Durian, Gooseberry, Grapefruit, Oranges, Longan, Raisins, Kiwifruit, Lychee, Lemon, Lime, Mandarin, Mango, Melon, Cantaloupe, Pineapple, Nectarine, Papaya, Peach, Persimmon, Banana, Pear, Plum, Shaddock/pomelos, Prunes, Raspberries, Squash, Custard Apple, Strawberry (42 types);
- b. **Vegetables:** Artichokes, Asparagus, Onion, Garlic, Spinach, Beetroot, Sugar beet, Broccoli, Cauliflower, Peppers Chili, Chicory, Leeks, Flowerhead brassicas, Gherkin, Sweet corn, Mushroom, Potatoes, Kale, Kohlrabi, Cabbage, Brussels sprout, Chinnese cabbage, Lima bean, Radish, Turnips, Cucumber, Paprika, Parsley, Okra, Lettuce, Celery, Tomato, Eggplant, Sweet potatoes, Carrot (36 types);
- c. **Grains:** Barley, Rice, Wheat, Maize, Oats, Rye, Sorghum (7 types);
- d. **Nuts:** Almond, Hazelnuts, Macadamia nut, Pistachio Nuts, Peanut, Pecan (6 types);
- e. **Pulses:** Soybean, Mung bean, Broad bean, Cowpea, Peas (5 types);
- f. **Estate Crops:** Coffee beans, Pepper, Sugar cane, Tea (4 types).

3. Types of Contaminants covered in this Regulation:

- a. **Chemical contaminants:** Pesticide residues, heavy metals and mycotoxins (Aflatoxin and Ochratoxin A)
- b. **Biological contaminants:** *Salmonella* spp. and *Escherichia coli*.

The complete list of FFPO and the standard for each contaminant covered by this regulation is specified in Appendix I.

4. Requirement for Importation of FFPO to Indonesia:

- a. Importation of FFPO shall comply with Indonesia's food safety requirements.
- b. **FFPO shall only be imported to Indonesia from:**
 - 1) countries with recognition for its food safety control system; or
 - 2) countries with registered food safety testing laboratory/ies.
 - 3) countries with food safety control system has not been recognized and laboratory has not been registered
- c. Importation of FFPO from countries with recognition for its food safety control system must be accompanied by **prior notice**.
- d. Importation of FFPO from countries with registered food safety testing laboratory/ies shall be accompanied by:
 - 1) **prior notice; and**
 - 2) **certificate of analysis (CoA).**
- e. Importation of FFPO from countries with food safety control system has not been recognized and laboratory has not been registered shall be accompanied by:
 - 1) **prior notice; and**
 - 2) **food safety certificate.**
- f. **Prior Notice must be issued by exporter or its representative in origin country at the latest before the means of conveyance arrived in Indonesia.**
- g. **Electronic Prior notice must be issued through Indonesian Agricultural Quarantine Agency (IAQA)'s official website: <http://karantina.pertanian.go.id/> (then go to *Layanan Interaktif* (Interactive Service), find prior notice (PSAT)) or go directly to <http://notice.karantina.pertanian.go.id/>.**
- h. **In case of FFPO is transited and the volume and/or types of FFPO is reduced, a prior notice for transit shall be issued by exporter or its representative in the transit country.**
- i. **Certificate of analysis (CoA) must be issued by testing laboratory/ies that has/have been registered by IAQA.**
- j. **CoA must include the FFPO's identity; FFPO's owner identity; consignment identity; testing date; testing method; number and date of certificate; and result of analysis.**

- k. Food Safety Certificate must written in English version issued by Food Safety Competent Authority or Accredited Certification Body of origin country that state the FFPO are safe and fit for consumption.

5. Recognition for food safety control system in exporting country:

- a. A country's food safety control system may be recognized if the country has had and implemented the policy/regulation regarding Good Agricultural Practices (GAP) and Good Handling Practices (GHP)
- b. Procedure for recognition of food safety system control system in origin country:
 - 1) National Food Safety Competent Authority (NFSCA) in origin country shall submit a written application to Minister of Agriculture Republic of Indonesia with a copy for Directorate General of Agency for Agricultural Quarantine
 - 2) The application shall be accompanied by information regarding FFPO safety control system of origin country (in English) as follows:
 - a) Regulations or policies regarding food safety (Full Text in English);
 - b) Description of proposed FFPO;
 - c) List of production site that implementing Good Agricultural Practices/GAP;
 - d) List of handling facilities that implementing Good Handling Practices/GHP;
 - e) Resume of food safety control system that has been established and implemented;
 - f) Monitoring data for food safety at least for the last 3 (three) years;
 - g) Authorized bodies/agencies for food safety including food safety competent authority, legislation body that stipulating regulation of food safety, food safety monitoring/survey body and certification body;
 - h) List of producers/exporters;
 - i) Inspection and certification system for exportation of FFPO;
 - j) List of exit points.
 - 3) An expert team appointed by Minister of Agriculture will conduct the document assessment in order to ensure the compliance of submitted information with Indonesia's requirements.
 - 4) Should all the requirements has been complied, a team will conduct the field verification to origin country. The aim of field verification is to ensure the conformity between information provided by the applicant with the food safety control system implemented in the origin country.
 - 5) The result of field verification will be assessed and evaluated. When the result of field verification shows:
 - a. a minor non-compliance, NFCA of origin country shall conduct a corrective action at the latest of 6 (six) months after the date of notification of minor non-compliance letter.

- b. a major non-compliance, the application will be refused;
 - c. compliance with all requirements, the application will be accepted.
- 6) The recognition for food safety control system in origin country will be stipulated by Minister of Agriculture for period of 3 (three) years and may be extended.
 - 7) The application for the extension of recognition shall be submitted at the latest of 6 (six) months before the end of recognition's period.
 - 8) The complete procedure for stipulation and extension of recognition for food safety control system is covered by Appendix II as an integral part of this Regulation.

Application for recognition of food safety system control system as specified in Format 3.

6. Registration of food safety testing laboratory/ies in exporting country:

- a. The proposed food safety testing laboratory to be registered by IAQA shall meet the following requirements:
 - 1) accredited by competent authority;
 - 2) has the competency to analyze the type of FFPO that will be exported to Indonesia with testing scope at least in accordance with the type of pesticide used in exporting country and other relevant testing parameters (heavy metals, mycotoxin, and/or microbiological contaminant) as required in this regulation.
- b. Procedure for registration of food safety testing laboratory/ies in exporting country:
 - 1) National Food Safety Competent Authority (NFSCA) in exporting country shall submit a written application to Minister of Agriculture Republic of Indonesia with a copy for Directorate General of Agency for Agricultural Quarantine
 - 2) The application shall be accompanied by information as follows:
 - a) The profile of NFSCA including the name of agency; address; organizational chart; contact person; function and responsibilities;
 - b) The profile of competent authority authorized for accreditation the food safety testing laboratory including the name of agency; address; organizational chart; contact person; function and responsibilities;
 - c) The profile of testing laboratory including the name of laboratory/ies; address; organization structure; contact person; scope of of analysis; and copy of certificate of accreditation.
 - d) List of type of pesticide active ingredients used and licensed in origin country, and banned pesticides (or prohibited including Persistent Organic Pollutans/POPs);
 - e) List of regulation regarding pesticide or other agricultural chemical (if available);

f) Mechanism to control the food safety testing laboratory by NFSCA.

Application for Registration of Food Safety Testing Laboratory as specified in Format 8.

- 3) An expert team appointed by Minister of Agriculture will conduct the document assessment in order to ensure the completeness, validity and compliance of submitted information with Indonesia's requirements.
- 4) Should all the requirements has been complied, **if necessary**, a team will conduct the field verification to origin country. The aim of field verification is to assess the compliance of testing laboratory's competency with Indonesia's requirements.
- 5) The result of field verification will be assessed and evaluated. When the result of field verification shows:
 - a. a minor non-compliance, NFCA of origin country shall conduct a corrective action at the latest of 6 (six) months after the date of notification of minor non-compliance letter.
 - b. non-compliance, the application will be refused;
 - c. compliance with all requirements, the application will be accepted.
- 6) The registration of food safety testing laboratory in exporting country will be stipulated by Director General of IAQA on behalf of Minister of Agriculture for period of 3 (three) years and may be extended.
- 7) The application for the extension of recognition shall be submitted at the latest of 6 (six) months before the end of recognition's period.
- 8) The complete procedure for stipulation and extension of registration of food safety testing laboratory in exporting country is covered in Appendix III as an integral part of this Regulation.

7. Procedure of Food Safety Inspection in Entry and Exit Point

A. Procedure of Food Safety Inspection for Importation of FFPO from Country with Recognition for Food Safety Control System

1. Owner or its representative of FFPO shall report and submit the FFPO to the Plant Quarantine Officer at the entry point at least at the time upon arrival of FFPO.
2. If the FFPO is not accompanied by prior notice, the consignment will be **refused**.
3. If the FFPO is accompanied by prior notice (format-1), the Plant Quarantine Officer will conduct the document inspection to determine the validity of prior notice. If the prior notice (format-1) is not valid, the consignment will be **refused**.
4. If the prior notice (format-1) is valid, the Plant Quarantine Officer shall conduct the identity inspection by comparing the information on prior notice to the identity on the packaging and/or the physical of FFPO.
5. When the result of the inspection shows:
 - a. non compliance, FFPO will be **refused**, or

4. The detention is carried out to secure FFPO by sealing and placing the FFPO under the authority and control of the Plant Quarantine Officer.
5. Within the detention period, if the owner or the representative is not able to complete the CoA or food safety certificate, the FFPO importation shall be refused.
6. If the FFPO is accompanied by prior notice for transit, prior notice from origin country and CoA or food safety certificate, the Plant Quarantine Officer will conduct the document inspection to determine the validity of those document.
7. If the prior notice for transit, the prior notice from origin country, or CoA is not valid, the consignment will be refused.
8. If the prior notice and CoA are valid, the Plant Quarantine Officer shall inspect the identity by comparing the information on the document to the identity on the packaging and/or the physical of FFPO.
13. When the result of the inspection shows:
 - a. non compliance, FFPO will be refused, or
 - b. compliance, FFPO may be followed up by further plant quarantine measures.

8. Monitoring

- a. A monitoring program will be conducted for importation of FFPO from:
 1. Countries with recognition for its food safety requirements;
 2. countries with registered food safety testing laboratory/ies; and
 3. countries with food safety control system has not been recognized and laboratory has not been registered.
- b. The purpose of monitoring program is to determine the compliance of the exporting country with Indonesia's food safety requirement.
- c. Monitoring is conducted based on :
 - 1) Volume and type of FFFPO;
 - 2) Origin country;
 - 3) The compliance of importer/exporter;
 - 4) Testing laboratory;
 - 5) Food safety situation in origin country;
 - 6) Importation period;
 - 7) Frequency of importation; and/or
 - 8) Compliance record (based on the monitoring program).
- d. When a consignment of FFPO is under monitoring program, the FFPO will be sampled and analyzed in laboratory for chemical and biological contaminant as specified in Appendix I.

- e. Sampling done in owner facilities after FFPO has been released.
- f. Monitoring could be done for the FFPO outside of Appendix 1.

9. Suspension, Revoking, Renewal of Recognition/Registration and Closure of Importation

a. Suspension, Revoking, or Renewal of Recognition for Food Safety Control System in Origin Country

- 1) A recognition for food safety control system in origin country will be suspended if there are **5 (five) findings** for non compliance of laboratory testing result in the monitoring program.
- 2) The suspension will be notified to NFSCA of origin country and shall be followed up by corrective action.
- 3) The country shall conduct the corrective action at the latest **6 (six) month** since notification of suspension.
- 4) If in the period of six month, the country has not been able to conduct and complete the corrective action, the recognition will be revoked and importation of FFPO from that country will not be allowed.
- 5) The corrective action result shall be reported to Minister of Agriculture c.q. Director General of IAQA.
- 6) Based on the corrective action report, IAQA could carry out re-verification to origin country to ensure that the corrective action has been conducted in origin country and comply with Indonesia's food safety requirements.
- 7) Based on the re-verification result, if the corrective action:
 - a) Not comply with Indonesia's food safety requirements, **the recognition will be revoked;**
 - b) Comply with Indonesia's food safety requirements, **the suspension of recognition will be revoked.**

b. Suspension, Revoking, or Renewal of Registration of Registered Food Safety Testing Laboratory in Exporting Country

A registration of food safety testing laboratory in an exporting country will be **revoked** if there are **4 (four) findings** for:

- a) non compliance on required documents;
- b) non compliance on laboratory testing result in monitoring program.

c. Closure of importation for Country with Food Safety Control System Has Not Been Recognized and Laboratory Has Not Been Registered

Closure of FFPO importation will be applied for the exporting country if there are **3 (three) finding** of non compliance based on laboratory testing result in the monitoring program.

10. Food Safety Emergency Situation

- a. In case food safety emergency situation arises in origin country, to minimize the potential adverse public health effects, the importation of FFPO from that country is prohibited.
- b. The prohibition will be stipulated with specific Decree of Minister.

11. Cost and Fee

- a. Any cost or fee for assessment, verification and evaluation for recognition and registration laboratory process and clarification and/or verification for food safety emergency situation and reopening of FFPO importation will be born by the Government of Indonesia.
- b. Laboratory testing cost for monitoring program :
 - 1) Country with recognition for food safety control system: **Government of Indonesia.**
 - 2) Country with registered laboratory: **FFPO's owner or importer.**
 - 3) Country with food safety control system has not been recognized and laboratory has not been registered: **FFPO's owner or importer.**

12. Transitional Provision

- a. The recognition of FFPO safety control system of a country and registration of FFPO safety testing laboratories of a country that has been stipulated before the entry into force of this regulation remains valid until the end of recognition or registration period.
- b. The application for recognition of FFPO safety control system of a country and registration of FFPO safety testing laboratories of a country that has been submitted and on the progress will be processed based on the provisions of Regulation of Minister of Agriculture Number 55 of 2016.
- c. In terms of recognition of FFPO safety control system of a country or registration of FFPO testing laboratories of a country had expired and/or have not been granted for an extension, FFPO safety control refer to Procedures for Countries with food safety control system has not been recognized and laboratory has not been registered.
- d. FFPO which have arrived at entry point in Indonesia on 18 November 2016 should follow this Regulation.
- e. On the date of stipulation of this Ministerial Regulation, the regulation of Minister of Agriculture No.04 of 2015 and Regulation of Minister of Agriculture No.13 of 2016 are revoked.

- b. compliance, FFPO may be followed up by further plant quarantine measures.

B. Procedure of Food Safety Inspection for Importation of FFPO from Country with Registered Food Safety Laboratory Testing

1. Owner or its representative of FFPO shall report and submit the FFPO to the Plant Quarantine Officer at the entry point at least at the time upon arrival of FFPO.
2. The importation of FFPO shall be accompanied by the **hardcopy of prior notice (format-1) and Certificate of Analysis (CoA)**.
3. If the FFPO is not accompanied by prior notice (format-1), the consignment will be **refused**.
4. If the FFPO is not accompanied by CoA, (issued by the registered laboratory), FFPO will be detained, and the owner or the representative may complete the CoA no longer than 14 (fourteen) days.
5. The detention is carried out to secure FFPO by sealing and placing the FFPO under the authority and control of the Plant Quarantine Officer.
6. Within the detention period, if the owner or the representative is not able to complete the CoA, the FFPO importation shall be refused.
7. If the FFPO is accompanied by prior notice and CoA, the Plant Quarantine Officer will conduct the document inspection to determine the validity of those documents.
9. The validity of CoA is inspected in order to ensure:
 - a. The CoA has been issued by registered food safety testing laboratory;
 - b. The type of pesticide residues and other contaminants that have been tested are in accordance with required testing parameters; and
 - c. The result of analysis is comply with Indonesia's food safety standard as specified in Appendix I.
10. If the prior notice (format-1) or CoA is not valid, the consignment will be refused.
11. If the prior notice (format-1) and CoA are valid, the Plant Quarantine Officer shall inspect the identity by comparing the information on document to the identity on the packaging and/or the physical of FFPO.
12. When the result of the inspection shows:
 - a. non compliance, FFPO will be **refused**, or
 - b. compliance, FFPO may be followed up by further plant quarantine measures.

C. Procedure of Food Safety Inspection for Importation of FFPO from Countries with Food Safety Control System Has Not Been Recognized And Laboratory Has Not Been Registered

1. Owner or its representative of FFPO shall report and submit the FFPO to the Plant Quarantine Officer at the entry point at least at the time upon arrival of FFPO.

2. The importation of FFPO shall be accompanied by the **hardcopy of prior notice (format-1) and food safety certificate.**
3. If the FFPO is not accompanied by prior notice, the consignment will be **refused.**
4. If the FFPO is not accompanied by Food Safety Certificate, (issued by the Food Safety Competent Authority or Accredited Certification Body of origin country), FFPO will be detained, and the owner or the representative may complete the Certificate no longer than 14 (fourteen) days.
5. The detention is carried out to secure FFPO by sealing and placing the FFPO under the authority and control of the Plant Quarantine Officer.
6. Within the detention period, if the owner or the representative is not able to complete the Certificate, the FFPO importation shall be refused.
7. If the FFPO is accompanied by prior notice (format-1) and food safety certificate, the Plant Quarantine Officer shall inspect the identity by comparing the information on document to the identity on the packaging and/or the physical of FFPO.
8. When the result of the inspection shows:
 - a. non compliance, FFPO will be **refused**, or
 - b. compliance, FFPO may be followed up by further plant quarantine measures.
9. The food safety certificate must be:
 - a. issued by food safety competent authority or accredited certification body of origin country;
 - b. written in English version and declare the FFPO are safe and fit for consumption;

D. Procedure of Food Safety Inspection for Importation of FFPO from Country of Transit.

1. The consignment of FFPO shall be accompanied by:
 - a. prior notice (format-2) for transit (issued by exporter or its representative in transit country);
 - b. prior notice (format-1) from origin country;
 - c. certificate of analysis/CoA from origin country (if origin country has not been recognized but has registered laboratory).
 - d. Food safety certificate from origin country (if origin country has not been recognized and laboratory has not been registered)
2. If the FFPO is not accompanied by prior notice for transit or prior notice from origin country, the consignment will be **refused.**
3. If the FFPO is not accompanied by CoA, (issued by the registered laboratory), or food safety certificate, (issued by the the Food Safety Competent Authority or Accredited Certification Body of origin country), FFPO will be detained, and the owner or the representative may complete the CoA no longer than 14 (fourteen) days.