

FOOD SECURITY INSPECTION OF THE IMPORT AND EXPORT OF FRESH FOODS OF PLANT ORIGIN

(Regulation of the Agriculture Minister

No. 04/Permentan/PP.340/2/2015 dated February 10, 2015)

BY THE GRACE OF GOD ALMIGHTY
THE AGRICULTURE MINISTER OF
THE REPUBLIC OF INDONESIA,

Considering :

- a. that by Regulation of the Agriculture Minister No. 88/Permentan/PP.340/12/2011 the Food Security Inspection of the Import and Export of Fresh Foods of Plant Origin has been stipulated;
- b. that with the development of science and technology as well as the change in public demand, Regulation of the Agriculture Minister No. 88/Permentan/PP.340/12/2011 is no longer relevant;
- c. that based on the considerations as referred to in letters a and b to implement provisions in Law No. 18/2012 on Food, it is necessary to revise Food Security Inspection of the Import and Export of Fresh Foods of Plant Origin by Regulation of the Finance Minister;

In view of :

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

plement to Statute Book No. 3482);

2. Law No. 7/1994 on the Endorsement of Agreement Establishing the World Trade Organization (Statute Book of 1994 No. 57, Supplement to Statute Book No. 3554);
3. Law No. 8/1999 on Consumer Protection (Statute Book of 1999 No. 42, Supplement to Statute Book No. 3821);
4. Law No. 13/2010 on Horticulture (Statute Book of 2010 No. 132, Supplement to Statute Book No. 5170);
5. Law No. 18/2012 on Food (Statute Book of 2012 No. 227, Supplement to Statute Book No. 5360);
6. Law No. 20/2014 on Standardization and Appropriate Assessment (Statute Book of 2014 No. 216, Supplement to Statute Book No. 5584);
7. Law No. 39/2014 on Plantation (Statute Book of 2014 No. 308, Supplement to Statute Book No. 5613);
8. Government Regulation No. 102/2000 on National Standardization (Statute Book of 2000 No. 199, Supplement to Statute Book No. 4020);
9. Government Regulation No. 14/2002 on Plant Quarantine (Statute Book of 2002 No. 35,

Supplement to Statute Book No. 4196);

10. Government Regulation No. 28/2004 on Food Security, Quality and Nutrition (Statute Book of 2004 No. 107, Supplement to Statute Book No. 4424);
11. Presidential Regulation No. 47/2009 on the Formation and Organization of State Ministry as already several times amended the latest by Presidential Regulation No. 13/2014 on the Fifth Round of Amendment to Presidential Regulation No. 47/2009 on the Formation and Organization of State Ministry (Statute Book of 2014 No. 24);
12. Presidential Regulation No. 24/2010 on the Position, Task and Function of State Ministry as well as the Organizational Structure, Task and Function of Echelon I Officials of the State Ministry as already several times amended the latest by Presidential Regulation No. 135/2014 on the Seventh Round of Amendment to Presidential Regulation No. 24/2010 on the Position, Task and Function of State Ministry as well as the Organizational Structure, Task and Function of Echelon I Officials of the State Ministry (Statute Book of 2014 No. 273);
13. Presidential Decree No. 121/P/2014 on the Formation of Ministries and Appointment of Ministries of Working Cabinet of the 2014-2019 Period;
14. Presidential Regulation No. 165/2014 on the Arrangement of Tasks and Functions of the Working Cabinet (Statute Book of 2014 No. 339);
15. Regulation of the Agriculture Minister No. 58/Permentan/OT.140/8/2007 on the Implementation of National Standardization System in the Agricultural Sector;
16. Regulation of the Agriculture Minister No. 22/Permentan/OT.140/4/2008 on the Organization and Work Mechanism of Technical Executing Unit of Agricultural Quarantine;
17. Regulation of the Agriculture Minister No. 35/Permentan/OT.140/7/2008 on the Requirements and Application of Good Manufacturing Practices for Farm Products of Plant Origin;
18. Regulation of the Agriculture Minister No. 09/Permentan/OT.140/2/2009 on the Requirements and Procedure of Plant Quarantine Measures against the Import of Quarantine Plant Pest Carrier Media to the Indonesian Territory (State Gazette of 2009 No. 35);
19. Decree of the Agriculture Minister No. 3237/Kpts/HK.060/9/2009 on the Models and Types of Documents of Plant Quarantine Measures and Plant Originating Fresh Food Security (State Gazette 2009 No. 306);
20. Regulation of the Agriculture Minister No. 44/Permentan/OT.140/10/2009 on Guidelines for Good Handling Practices for Agricultural Products of Plant Origin (State Gazette of 2009 No. 399);

21. Regulation of the Agriculture Minister No. 48/Permentan/OT.140/10/2009 on Guidelines for Good Agriculture Practices for Fruit and Vegetables (State Gazette of 2009 No. 402);
22. Regulation of the Agriculture Minister No. 61/Permentan/OT.140/10/2010 on the Organization and Work Mechanism of the Agriculture Ministry;
23. Regulation of the Agriculture Minister No. 24/Permentan/SR.140/4/2011 on the Requirements and Procedure of Pesticide Registration (State Gazette of 2011 No. 232);
24. Regulation of the Agriculture Minister No. 94/Permentan/OT.140/12/2011 on the Place for the Import and Export of Quarantine Plant Pest Carrier Media (State Gazette of 2011 No. 7), as already amended by Regulation of the Agriculture Minister No. 44/Permentan/OT.140/3/2014 on Amendment to Regulation of the Agriculture Minister No. 94/Permentan/ OT.140/12/2011 on the Place for the Import and Export of Quarantine Plant Pest Carrier Media (State Gazette of 2014 No. 428);
25. Regulation of the Agriculture Minister No. 42/Permentan/OT.140/6/2012 on Plant Quarantine Measures for the Import of Fresh Fruits and Vegetables to the Territory of the Republic of Indonesia (State Gazette of 2012 No. 631);
26. Regulation of the Agriculture Minister No. 43/Permentan/OT.140/6/2012 on Plant Quarantine Measures for the Import of bulb vegetables to the Territory of the Republic of Indonesia (State Gazette of 2012 No. 632);
27. Regulation of the Agriculture Minister No. 38/Permentan/OT.140/3/2014 on Plant Quarantine Measures outside the Place for Import and Export (State Gazette of 2014 No. 351);

Observing :

1. Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995);
2. Codex Alimentarius Joint FAO/WHO Food Standards Program Volume 2B, Pesticide Residues in Food- Maximum Residue Limits, Second Edition, 2000;
3. Assuring Food Safety and Quality, Guidelines for Strengthening National Food Control Systems, FAO and WHO, 2003;
4. Guidelines for Food Import Control Systems (CAC/GL 47-2003), 1st Revision 2006;
5. Guidelines for the validation of food safety control measures (CAC/GL 69-2008);
6. SNI on the Maximum Content of Mycotoxin in Foods, SNI 7385:2009;
7. SNI on the Maximum Microbe Pollutant in Foods, SNI 7388:2009;
8. Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection

and Certification Systems (CAC/GL 26-1997), 1st Revision 2010;

9. Codex General Standard for Contaminants and Toxins in Foods, CODEX STAN 193-1995, 3rd Amendment 2013;
10. Notification No. G/SPS/N/IDN/94 dated September 3, 2014;

D E C I D E S :

To stipulate :

REGULATION OF THE FINANCE MINISTER ON FOOD SECURITY INSPECTION OF THE IMPORT AND EXPORT OF FRESH FOODS OF PLANT ORIGIN.

CHAPTER I

GENERAL PROVISIONS

Article 1

Referred to in this Ministerial Regulation as :

1. Food is anything originating from agricultural, plantation, forestry, fishery, husbandry, waters and water biological resources, processed or unprocessed, used as food or drink for human consumption, including food supplement materials, food raw materials, and other materials used in the process of preparing, processing and/or producing food or drink.
2. Plant is all types of vegetable natural resources, in live or dead condition, processed or unprocessed.
3. Fresh food is unprocessed food which can be consumed directly and/or can be used as raw material in the food processing.
4. Fresh food of plant origin, hereinafter abbreviated into PSAT, is unprocessed food of plant origin which can be directly consumed, processed minimally, and/or can be used as raw material in the food processing.
5. PSAT security is a condition and effort needed to prevent PSAT from the possibility of containing chemical contamination and biological contamination beyond the maximum limit.
6. Inspection is a series of measures done to ensure that PSAT imported to or exported from the territory of the Republic of Indonesia meets food requirements and security.
7. Chemical contamination is contamination in PSAT originating from chemical elements or compounds harmful and dangerous to human health.
8. Biological contamination is contamination in PSAT originating from biological materials.

9. Import is a series of activities to import PSAT from a foreign country to the territory of the Republic of Indonesia through the designated place of import.
10. Export is a series of activities to export PSAT from the territory of the Republic of Indonesia to a foreign country through the designated place of export.
11. Place of import and export is seaport, river port, airport, ferry port, dry-port, post office, border cross post designated as place of import or export.
12. Food security competent authority, hereinafter abbreviated into OKKP, is a government institution authorized to conduct food security inspection and/or certification during the food production process.

Article 2

This Ministerial Regulation is intended to serve as the basis for the control of PSAT security and is aimed at protecting the public from biological contamination and chemical contamination.

Article 3

The scope of this Ministerial Regulation covers requirements for import and export, recognition of PSAT security test laboratory inspection and registration system of a country, inspection of import and export, freeze and revocation of the recognition of PSAT security inspection system of a country, revocation of the registration of PSAT security test laboratory of a country, and costs.

CHAPTER II

REQUIREMENTS OF IMPORT AND EXPORT

Article 4

- (1) The import of PSAT for circulation shall meet requirements of PSAT security.
- (2) The PSAT security as referred to in paragraph (1) covers chemical contamination and biological contamination which do not exceed the maximum limit.
- (3) The type of PSAT, the maximum limit of chemical contamination and the maximum limit of biological contamination as referred to in paragraph (2) are contained in Attachment I which is an integral part of this Ministerial Regulation.

Article 5

The import of PSAT as referred to in Article 4 can come from a country whose PSAT security

inspection system :

- a. has been recognized; or
- b. has not been recognized.

Article 6

- (1) The import of PSAT from a country whose PSAT security inspection system has been recognized as referred to in Article 5 letter a shall be accompanied by PSAT prior notice.
- (2) The import of PSAT from a country whose PSAT security inspection system has not been recognized as referred to in Article 5 letter b shall be accompanied by :
 - a. PSAT prior notice; and
 - b. Certificate of Analysis.

Article 7

- (1) The PSAT prior notice as referred to in Article 6 is issued by the exporter in the country of origin no later than after PSAT has been loaded to the transport means in the country of origin.
- (2) If the exporter is not in the country of origin, the PSAT prior notice as referred to in paragraph (1) can be issued by its proxy the country of origin.
- (3) The model of PSAT prior notice as referred to in paragraph (1) follows Format-1 for a country whose PSAT security inspection system has been recognized and Format-2 for a country whose PSAT security inspection system has not been recognized.

Article 8

- (1) If PSAT of a country whose PSAT security inspection system has been recognized is in transit in a country and PSAT volume is reduced, besides PSAT prior notice as referred to in Article 6 paragraph (1) it shall also be accompanied by PSAT prior notice for transit issued by the exporter in the country of transit.
- (2) If PSAT of a country whose PSAT security inspection system has not been recognized, is in transit in a country and PSAT volume is reduced, besides PSAT prior notice and Certificate of Analysis as referred to in Article 6 paragraph (2), it shall also be accompanied by PSAT prior notice for transit issued by the exporter in the country of transit.
- (3) If the exporter is not in the country of transit, PSAT prior notice for transit as referred to in paragraphs (1) and (2) can be issued by its proxy in the country of transit.

- (4) The model of PSAT prior notice for transit as referred to in paragraphs (1) and (2) follows Format-3.

Article 9

- (1) The PSAT prior notice as referred to in Article 7 and PSAT prior notice for transit as referred to in Article 8, shall be conveyed by the exporter or its proxy online through the official website of the Agricultural Quarantine Board.
- (2) The submission of PSAT prior notice and PSAT prior notice for transit online as referred to in paragraph (1) is done to obtain special code (barcode).
- (3) If PSAT of a country whose PSAT security inspection system has not been recognized, exporter or its proxy shall put the number and date of Certificate of Analysis of the country of origin on the PSAT prior notice and PSAT prior notice for transit as referred to in paragraph (1).
- (4) If the official website of the Agricultural Quarantine Board malfunctions, exporter or its proxy can manually issue PSAT prior notice and PSAT prior notice for transit as referred to in paragraph (1).

Article 10

- (1) The Certificate of Analysis as referred to in Article 6 paragraph (2) letter b is issued by the analysis laboratory registered by the Agricultural Quarantine Board.
- (2) The Certificate of Analysis as referred to in paragraph (1) contains:
- a. identity of PSAT;
 - b. identity of owner;
 - c. identity of consignment;
 - d. date of analysis;
 - e. method of analysis;
 - f. number and date of certificate; and
 - g. analysis.
- (3) The analysis as referred to in paragraph (2) letter g is done to the types of active materials of pesticide used in the country of origin, types of heavy metal, mycotoxin and/or microbe contamination as referred to in Article 4 paragraph (3).
- (4) The analysis as referred to in paragraph (3) shall be smaller or equal to the maximum limit of residue and/or contamination as referred to in Article 4 paragraph (3).
- (5) The analysis as referred to in paragraph (2) letter g shall be equipped with guaranty that PSAT meets PSAT

security requirements set by the chief of analysis laboratory.

- (6) The model of Certificate of Analysis as referred to in paragraph (1) follows Format-4.

Article 11

- (1) The export of PSAT shall be equipped with a certificate or document stating that PSAT security accords with the requirements in the country of destination.
- (2) The certificate or document as referred to in paragraph (1) is issued by accredited analysis laboratory, accredited certification institution, or competent PSAT security authority.

CHAPTER III

RECOGNITION OF INSPECTION AND REGISTRATION SYSTEM OF PSAT SECURITY

ANALYSIS LABORATORY OF A COUNTRY

Part One

Requirements of Recognition

Article 12

A country can be recognized for its PSAT security inspection system as referred to in Article 5 letter a if it has had and applied policies related to :

- a. Good Agriculture Practices (GAP);
- b. Good Handling Practices (GHP); and/or
- c. Good Manufacturing Practices (GMP).

Part Two

Procedure of Recognizing PSAT Security Inspection System of A Country

Article 13

- (1) Competent PSAT security authority or representative of government of a country shall file a written application to the Minister through the Head of the Agricultural Quarantine Board according to Format-5.
- (2) The application as referred to in paragraph (1) shall carry information on PSAT security inspection system in the country of applicant.
- (3) The information as referred to in paragraph (2) covers :
- a. food security policy;
 - b. descriptions of type of PSAT proposed;

- c. production site applying GAP;
 - d. handling site applying GHP;
 - e. manufacturing site applying GMP;
 - f. PSAT security monitoring system;
 - g. the result of PSAT security monitoring at least in the past 3 (three) years;
 - h. PSAT security analysis laboratory;
 - i. authorized institutions including competent authority, food security policy institution, food security survey institution, and product certification institution;
 - j. list of producers/exporters;
 - k. PSAT export inspection and certification system;
 - l. PSAT import inspection and certification system; and
 - m. place of export.
- (4) Application for recognition of PSAT security inspection system as referred to in paragraph (1), shall be analyzed by a team.

Article 14

- (1) Analysis is done to ensure the compatibility of the information on PSAT security inspection system as referred to in Article 13 paragraph (3).
- (2) If the analysis as referred to in paragraph (1):
- a. is not relevant, the applicant shall meet compatibility no later than 2 (two) months after the date of notification of incompatibility; or
 - b. is relevant, spot verification shall be done.
- (3) The notification of incompatibility as referred to in paragraph (2) letter a shall be sent in writing by the Head of Agricultural Quarantine Board on behalf of the Minister to the country of applicant, along with reasons for incompatibility.
- (4) If the period of time as referred to in paragraph (2) letter a is not met, the application for recognition shall be regarded as being withdrawn.

Article 15

- (1) The spot verification as referred to in Article 14 paragraph (2) letter b is done to match information with the practice of PSAT security inspection system.

- (2) The result of spot verification as referred to in paragraph (1) is evaluated by a team.

Article 16

- (1) The evaluation as referred to in Article 15 paragraph (2) is done to evaluate the result of spot verification.
- (2) If during the evaluation as referred to in paragraph (1),
- a. minor incompatibility is found, OKKP in the country of origin shall take a corrective action no later than 6 (six) months since the date of notification of incompatibility;
 - b. major incompatibility is found, the evaluating team shall recommend the Minister to make rejection; or
 - c. compatibility is found, the evaluating team shall recommend the Minister to issue recognition.
- (3) If during the period of time as referred to in paragraph (2) letter a, the country of origin can improve the minor incompatibility, the evaluating team shall recommend the Minister to issue recognition.

Article 17

- (1) The rejection as referred to in Article 16 paragraph (2) letter b is conveyed in writing by the Head of the Agricultural Quarantine Board on behalf of the Minister to OKKP in the country of origin along with reasons for the rejection, according to Format-6.
- (2) The recognition as referred to in Article 16 paragraph (2) letters c and paragraph (3) is stipulated in a Ministerial Decree according to Format-7.

Article 18

- (1) The period of recognition as referred to in Article 17 paragraph (2) is valid for 3 (three) years.
- (2) The period of recognition as referred to in paragraph (1) can be extended.
- (3) Application for the extension as referred to in paragraph (2) is filed no later than 6 (six) months before the validity period of recognition ends.
- (4) If the application for the extension exceeds the period of time as referred to in paragraph (3) it shall be regarded as a new application for recognition.

Article 19

The procedure of recognition and the extension of recognition of PSAT security inspection system of a country as referred to in Article 18 is contained in Attachment II which is an integral part of this Ministerial Regulation.

Part Three

Procedure of Registering PSAT Security Analysis Laboratory of a Country

Article 20

- (1) Country whose PSAT security inspection system has not been recognized as referred to in Article 5 letter b can be a country of origin of PSAT, if it has a registered PSAT security analysis laboratory.
- (2) OKKP in the country of origin files an application for the registration of analysis laboratory as referred to in paragraph (1) to the Minister through the Head of the Agricultural Quarantine Board according to Format-8.
- (3) The analysis laboratory as referred to in paragraph (1) shall be accredited by a competent institution in the country of origin or competent international institution in the scope of analysis at least according to the type of PSAT and active materials of pesticides used, heavy metal, mycotoxin, and/or biological contamination as referred to in Article 4 paragraph (3).

Article 21

- (1) The application for registration from OKKP in the country of origin as referred to in Article 20 paragraph (2) shall carry the following information:
 - a. profile of OKKP in the country of origin, covering name of institution, address, contact person, organizational structure, tasks, and authority;
 - b. profile of competent institution accrediting food security analysis laboratory in the country of origin, covering name of institution, address, contact person, organizational structure, tasks, and authority;
 - c. profile of analysis laboratory, covering name of laboratory, address, organizational structure, contact person, scope of analysis, method of analysis, record of analysis in the past 2 (two) years, list of main equipment, office and laboratory layout, laboratory personnel including training period for laboratory analysts, copy of document indicating the result of evaluation of laboratory performance;
 - d. list of active materials of pesticides which are still used and are no longer used;
 - e. specimen signature and name of official authorized to endorse certificates of analysis;
 - f. laboratory accreditation system; and
 - g. mechanism of inspection by OKKP of food security analysis laboratory.
- (2) The application as referred to in paragraph (1), is analyzed by a team.

Article 22

- (1) The analysis as referred to in Article 21 paragraph (2) is done to ensure that information submitted by OKKP in the country of origin is complete, true and compatible.
- (2) If the analysis as referred to in paragraph (1) is not complete, correct or compatible, the Head of the Agricultural Quarantine Board shall reject the application for registration.
- (3) The rejection as referred to in paragraph (2) is conveyed in writing by the Head of the Agricultural Quarantine Board on behalf of the Minister to OKKP in the country of origin, along with reasons for the rejection, according to Format-9.

Article 23

- (1) If based on the analysis as referred to in Article 22 paragraph (1) information conveyed is complete, correct, and compatible, laboratory verification of PSAT security analysis can be done.
- (2) The laboratory verification as referred to in paragraph (1) is done to prove the competence of PSAT security analysis laboratory.
- (3) The result of laboratory verification as referred to in paragraph (2) is evaluated by a team.

Article 24

- (1) The evaluation as referred to in Article 23 paragraph (3) is done to evaluate the result of laboratory verification.
- (2) If during the evaluation as referred to in paragraph (1),
 - a. minor incompatibility is found, OKKP in the country of origin shall take a corrective action no later than 6 (six) months since the date of notification of incompatibility;
 - b. major incompatibility is found, the evaluating team shall recommend the Head of the Agricultural Quarantine Board to make rejection; or
 - c. compatibility is found, the evaluating team shall recommend the Head of the Agricultural Quarantine Board to endorse registration.
- (3) If during the period of time as referred to in paragraph (2) letter a, OKKP in the country of origin can improve the minor incompatibility, the evaluating team shall recommend the Head of the Agricultural Quarantine Board to endorse registration.

Article 25

- (1) The rejection as referred to in Article 24 paragraph (2) letter b is sent in writing by the Head of the Agricultural Quarantine Board on behalf of the Minister to OKKP in the country of origin along with reasons for the rejection, according to Format-9.
- (2) The application for registration accepted as referred to in Article 24 paragraph (2) letter c and paragraph (3) is stipulated in a decision of the Head of the Agricultural Quarantine Board on behalf of the Minister according to Format-10.

Article 26

- (1) The period of registration as referred to in Article 25 paragraph (2) is valid for 3 (three) years.
- (2) The period of registration as referred to in paragraph (1) can be extended.
- (3) Application for the extension as referred to in paragraph (2) is filed no later than 6 (six) months before the validity period of registration ends.
- (4) If the application for the extension exceeds the period of time as referred to in paragraph (3) it shall be regarded as a new application for registration.

Article 27

The procedure of registration and extension of registration of PSAT security analysis laboratory of a country as referred to in Article 26 is contained in Attachment III which is an integral part of this Ministerial Regulation.

Article 28

- (1) The team analyzing PSAT security inspection system as referred to in Article 13 paragraph (4) and the team evaluating PSAT security inspection system as referred to in Article 15 paragraph (2) is formed by the Minister.
- (2) The team analyzing registration as referred to in Article 21 paragraph (2) and the team evaluating registration as referred to in Article 23 paragraph (3) is endorsed by the Head of the Agricultural Quarantine Board.

CHAPTER IV

INSPECTION OF IMPORT AND EXPORT

Part One

General

Article 29

- (1) PSAT security inspection in the place of import and export of PSAT is done by plant quarantine officers.
- (2) The PSAT security inspection as referred to in paragraph (1) is done along with plant quarantine action.

Part Two

Procedure of Inspection of Import

Paragraph 1

Procedure of Inspecting Import of Country Whose PSAT Security Inspection System is recognized

Article 30

- (1) Owner or proxy importing PSAT from a country whose PSAT security inspection is recognized, shall report and delivers PSAT to the quarantine in the place for import no later than the arrival of PSAT.
- (2) The export of PSAT as referred to in paragraph (1) shall be accompanied by PSAT prior notice as referred to in Article 6 paragraph (1).
- (3) If the import of PSAT:
 - a. is not accompanied by PSAT prior notice, the import of PSAT shall be rejected; or
 - b. is accompanied by PSAT prior notice, the validity of PSAT Prior Notice shall be inspected.

Article 31

- (1) The inspection of the validity of PSAT (prior notice) as referred to in Article 30 paragraph (3) letter b is intended to prove the special code (barcode) in the PSAT prior notice accords with the country of origin of PSAT.
- (2) If the inspection of the validity of PSAT prior notice as referred to in paragraph (1) proves that the special code (barcode) in the PSAT prior notice:
 - a. does not accord with the country of origin of PSAT, rejection will be made
 - b. accords with the country of origin of PSAT, the identity shall be inspected.

Article 32

- (1) The inspection of identities as referred to in Article 31 paragraph (2) letter is done to see whether PSAT prior notice matches identity in the pack and physical condition of PSAT.

(2) If the inspection of the identity of PSAT as referred to in paragraph (1) shows:

- a. PSAT prior notice does not match the identity in the pack or physical condition of PSAT, rejection will be made; or
- b. PSAT prior notice matches the identity in the pack and physical condition of PSAT, plant quarantine measure will be taken according to the law and regulation in the field of plant quarantine.

Article 33

If PSAT comes from a country whose PSAT security inspection system is recognized, and transit in a country as referred to in Article 8 paragraph (1):

- a. is not accompanied by PSAT prior notice or PSAT prior notice for transit, rejection is made; or
- b. is accompanied by PSAT prior notice and PSAT prior notice for transit, the validity of PSAT Prior Notice and PSAT prior notice for transit will be inspected.

Article 34

(1) The inspection of validity as referred to in Article 33 letter b is intended to prove that special code (barcode) in PSAT prior notice and PSAT prior notice for transit match the country of origin of PSAT.

(2) If the inspection of validity as referred to in paragraph (1) proves that special code (barcode) in PSAT prior notice and PSAT prior notice for transit:

- a. does not match the country of origin of PSAT, rejection will be made; or
- b. matches the country of origin of PSAT, the inspection of identity will be conducted.

Article 35

(1) The inspection of identity as referred to in Article 34 paragraph (2) letter b is done to see whether PSAT prior notice and PSAT prior notice for transit match the identity in the pack and physical condition of PSAT.

(2) If the inspection of identity of PSAT as referred to in paragraph (1) shows:

- a. PSAT prior notice and PSAT prior notice for transit do not match the identity in the pack or physical condition of PSAT, rejection will be made; or
- b. PSAT prior notice and PSAT prior notice for transit match the identity in the pack and physical condition of PSAT, plant quarantine measure will be taken according to the law and regulation in the field of plant quarantine.

Paragraph 2

Procedure of Inspecting Import from Country Whose PSAT Security Inspection
System Has Not Been Recognized

Article 36

- (1) Owner or proxy importing PSAT from a country whose PSAT security inspection system has not been recognized, shall report and submit PSAT to the quarantine officer in the place of import no later than the arrival of PSAT.
- (2) The import of PSAT as referred to in paragraph (1) shall be accompanied by PSAT prior notice and Certificate of Analysis as referred to in Article 6 paragraph (2).
- (3) If the import of PSAT :
 - a. is not accompanied by PSAT prior notice, rejection will be made;
 - b. is not accompanied by Certificate of Analysis, rejection will be made; or
 - c. is accompanied by PSAT prior notice and Certificate of Analysis, inspection of the validity of PSAT prior notice and Certificate of Analysis will be done.
- (4) The detention as referred to in paragraph (3) letter b is made no later than 14 (fourteen) calendar days to give a chance to complete Certificate of Analysis.
- (5) If within the period of time as referred to in paragraph (4), owner or proxy cannot complete Certificate of Analysis, rejection will be made. Article 37

Article 37

- (1) The validity inspection of PSAT prior notice as referred to in Article 36 paragraph (3) letter c, is done to prove that :
 - a. special code (barcode) matches the country of origin of PSAT; and
 - b. the number and date of Certificate of Analysis match Certificate of Analysis.
- (2) If the validity inspection of PSAT prior notice as referred to in paragraph (1) proves :
 - a. the special code (barcode) does not match the country of origin of PSAT; or
 - b. the number and date of Certificate of Analysis does not match Certificate of Analysis, rejection shall be made.

Article 38

- (1) The validity inspection of the Certificate of Analysis as referred to in Article 36 paragraph (3) letter c, is done to prove that the Certificate of Analysis matches the provisions as referred to in Article 10.
- (2) If the result of the validity inspection of Certificate of Analysis as referred to in paragraph (1) proves that :
 - a. it is issued by an unregistered analysis laboratory;
 - b. the type of residue or contamination analyzed is less than the set residue or contamination; and/or
 - c. the result of analysis exceeds the maximum limit of residue or contamination as referred to in Article 4 paragraph (3), rejection shall be made.

Article 39

If the validity inspection of :

- a. PSAT prior notice as referred to in Article 37 paragraph (1) matches the country of origin of PSAT, and the number and date of Certificate of Analysis match Certificate of Analysis; and
- b. Certificate of Analysis as referred to in Article 38 paragraph (1) matches the provisions as referred to in Article 10, inspection of identity shall be made.

Article 40

- (1) The inspection of identity as referred to in Article 39 is done to see if PSAT prior notice and Certificate of Analysis match the identity in the pack and physical condition of PSAT.
- (2) If the inspection of identity of PSAT as referred to in paragraph (1) shows that:
 - a. PSAT prior notice and Certificate of Analysis do not match the identity in the pack or physical condition of PSAT, rejection shall be made; or
 - b. PSAT prior notice and Certificate of Analysis match the identity in the pack and physical condition of PSAT, plant quarantine measure shall be taken according to the law and regulation in the field of plant quarantine.

Article 41

- (1) If PSAT from a country whose PSAT security inspection system has not been recognized, transit in a country as referred to in Article 8 paragraph (2):
 - a. is not accompanied by PSAT prior notice or PSAT prior notice for transit), rejection shall be made;

- b. is not accompanied by Certificate of Analysis, detention shall be made; or
 - c. is accompanied by PSAT prior notice, PSAT prior notice for transit, and Certificate of Analysis, validity inspection of PSAT Prior Notice, PSAT prior notice for transit, and Certificate of Analysis.
- (2) The detention as referred to in paragraph (1) letter b is made no later than 14 (fourteen) calendar days to give a chance to complete Certificate of Analysis.
- (3) If within the period of time as referred to in paragraph (2), the owner or proxy cannot complete Certificate of Analysis, rejection shall be made.

Article 42

- (1) The validity inspection of PSAT prior notice and PSAT prior notice for transit as referred to in Article 41 paragraph (1) letter c, is done to prove :
- a. the special code (barcode) matches the country of origin of PSAT; and
 - b. the number and date of Certificate of Analysis match Certificate of Analysis.
- (2) If the validity inspection of PSAT prior notice as referred to in paragraph (1) proves that :
- a. the special code (barcode) does not match the country of origin of PSAT; or
 - b. the number and date of Certificate of Analysis do not match Certificate of Analysis, rejection shall be made.

Article 43

- (1) The validity inspection of Certificate of Analysis as referred to in Article 41 paragraph (1) letter c, is done to prove that Certificate of Analysis matches the provisions as referred to in Article 10.
- (2) If the validity inspection of Certificate of Analysis as referred to in paragraph (1) proves that :
- a. it is issued by an unregistered analysis laboratory;
 - b. the type of residue or contamination analyzed is less than the set residue or contamination; and/or
 - c. the result of analysis exceeds the maximum limit of residue or contamination as referred to in Article 4 paragraph (3), rejection shall be made.

Article 44

If the validity inspection of :

- a. PSAT prior notice and PSAT prior notice for transit as referred to in Article 42 paragraph (1) matches

the country of origin of PSAT, and the number and date of Certificate of Analysis matches (Certificate of Analysis; and

- b. Certificate of Analysis as referred to in Article 43 paragraph (1) matches the provisions as referred to in Article 10, inspection of identity shall be done.

Article 45

- (1) The inspection of identity as referred to in Article 44 is done to see if PSAT prior notice, PSAT prior notice for transit, and Certificate of Analysis match the identity in the pack and physical condition of PSAT.
- (2) If the inspection of identity of PSAT as referred to in paragraph (1) shows:
- a. PSAT prior notice, PSAT prior notice for transit, and Certificate of Analysis do not match the identity in the pack or physical condition of PSAT, rejection shall be made; or
 - b. PSAT prior notice, PSAT prior notice for transit, and Certificate of Analysis match the identity in the pack and physical condition of PSAT, plant quarantine measure shall be taken according to the law and regulation in the field of plant quarantine.

Paragraph 3

Extraordinary Occurrence

Article 46

- (1) If extraordinary incident which affects PSAT security occurs in a country of origin of PSAT its import shall be banned.
- (2) The ban on the import of PSAT as referred to in paragraph (1) is stipulated in a separate ministerial decree.

Part Three

Monitoring

Article 47

- (1) To see if the PSAT security inspection system of a country whose PSAT security inspection system has been recognized and registered PSAT security analysis laboratory meet PSAT security conditions of the Republic of Indonesia, monitoring shall be done.
- (2) The monitoring as referred to in paragraph (1) is done based on the following considerations:
- a. quantity and type of PSAT;
 - b. country of origin;

- c. obedience of PSAT exporter/importer;
- d. analysis laboratory;
- e. food security information;
- f. period of time for the import of PSAT;
- g. frequency of import of PSAT; and /or
- h. obedience record.

(3) The monitoring as referred to in paragraph (1) is done anytime during the import of PSAT by analyzing the content of chemical contamination and/or biological contamination.

(4) The monitoring as referred to in paragraph (3) is done by the technical unit of agricultural quarantine based on assignment from the Head of Agricultural Quarantine Board.

Article 48

(1) The analysis of the contamination content as referred to in Article 47 paragraph (3) is done at an accredited or appointed laboratory as contained in Attachment IV which is an integral part of this Ministerial Regulation.

(2) During the laboratory analysis as referred to in paragraph (1), PSAT is under the supervision of plant quarantine officer.

Article 49

If the laboratory analysis as referred to in Article 48 proves that :

- a. chemical contamination and/or biological contamination exceed the maximum limit as referred to in Article 4 paragraph (3), rejection shall be done; or
- b. chemical contamination and biological contamination do exceed the maximum limit as referred to in Article 4 paragraph (3), plant quarantine measure shall be taken according to the law and regulation in the field of plant quarantine.

Article 50

(1) The rejection of the import of PSAT as referred to in Article 30 paragraph (3) letter a, Article 31 paragraph (2) letter a, Article 32 paragraph (2) letter a, Article 33 letter a, Article 34 paragraph (2) letter a, Article 35 paragraph (2) letter a, Article 36 paragraph (3) letter a and paragraph (5), Article 37 paragraph (2), Article 38 paragraph (2), Article 40 paragraph (2) letter a, Article 41 paragraph (1) letter a and paragraph (3), Ar-

ticle 42 paragraph (2), Article 43 paragraph (2), Article 45 paragraph (2) letter a, or Article 49 letter a, is done by exporting PSAT from the territory of the Republic of Indonesia.

- (2) The rejection of the import of PSAT as referred to in paragraph (1) is conveyed to the owner or proxy by plant quarantine officer using a letter of rejection along with reasons.
- (3) In regard to the rejection of the import of PSAT as referred to in paragraph (1), the Head of the Technical Unit of the Agricultural Quarantine Board shall convey notification of non compliance to the competent PSAT security authority in the country of origin, with a copy addressed to the Head of the Agricultural Quarantine Board.

Article 51

- (1) If after a period of 14 (fourteen) calendar days since the letter of rejection is issued as referred to in Article 50 paragraph (2), PSAT has not been exported from the territory of the Republic of Indonesia, it shall be destroyed.
- (2) The destruction as referred to in paragraph (1) is done by plant quarantine officer by issuing an official report of destruction.

Article 52

The rejection as referred to in Article 50 and the destruction as referred to in Article 51 become the responsibility of the owner or proxy.

Part Four

Procedure of Supervising Export

Article 53

- (1) Plant quarantine officer in the place of export shall inspect whether the documents required by the country of destination are complete and correct.
- (2) If the inspection as referred to in paragraph (1):
 - a. does not match, rejection shall be made; or
 - b. matches, PSAT can be sent to the country of destination.

CHAPTER V

FREEZE AND REVOCATION OF RECOGNITION OF PSAT SECURITY INSPECTION SYSTEM OF

A COUNTRY AND REVOCATION OF REGISTRATION OF PSAT SECURITY ANALYSIS

LABORATORY OF A COUNTRY

Part One

Freeze and Revocation of Recognition of PSAT Security Inspection System of

A Country

Article 54

The freeze of recognition of PSAT security inspection system of a country is done by the Minister if 3 (three) laboratory analyses as referred to in Article 49 letter a show chemical contamination and/or biological contamination which exceed the maximum limit.

Article 55

- (1) The freeze as referred to in Article 54 shall be notified in writing by the Head of the Agricultural Quarantine Board on behalf of the Minister to OKKP in the country of origin to take corrective action.
- (2) The corrective action as referred to in paragraph (1) shall be done no later than 6 (six) months since the notification date of the freeze using Format-11.
- (3) The result of the corrective action as referred to in paragraph (2) shall be reported to the Minister through the Head of the Agricultural Quarantine Board.
- (4) If within the period of time as referred to in paragraph (2), OKKP in the country of origin did not take corrective action, recognition shall be revoked by a Ministerial Decree using Format-12.

Article 56

- (1) Based on the report of corrective action as referred to in Article 56 paragraph (3), repeat verification to the country of origin shall be made.
- (2) The repeat verification as referred to in paragraph (1) is done to prove that corrective action has been taken in the country of origin and has met provisions on PSAT security in the Republic of Indonesia.
- (3) If the result of repeat verification as referred to in (2) proves that it :
 - a. does not match the requirements of PSAT security, recognition shall be revoked; or
 - b. matches the requirements of PSAT security, freeze shall be revoked.
- (4) The revocation of freeze as referred to in paragraph (3) letter b shall be notified in writing by the Head of the Agricultural Quarantine Board on behalf of the Minister to OKKP in the country of origin using Format-13.

- (5) The import of PSAT cannot be done from a country whose recognition of PSAT security inspection system is being frozen.
- (6) The procedures of freezing, revoking the recognition of, and revoking the freeze of PSAT security inspection system of a country are set forth in Attachment II which is an integral part of this Ministerial Regulation.

Part two

Revocation of the Registration of PSAT Security Analysis Laboratory of A

Country

Article 57

- (1) If PSAT security analysis laboratory in the country of origin has 3 (three) times issued Certificates of Analysis which do not match provisions on PSAT security during the registration period, the registration of PSAT security analysis laboratory shall be revoked.
- (2) The revocation of the registration of analysis laboratory as referred to in paragraph (1) shall be notified in writing by the Head of the Agricultural Quarantine Board on behalf of the Minister to OKKP in the country of origin using Format-14.
- (3) The procedure of revoking the registration of PSAT security analysis laboratory as referred to in paragraph (1) is set forth in Attachment III which is an integral part of this Ministerial Regulation.

Article 58

Certificate of Analysis issued by analysis laboratory whose registration is revoked as referred to in Article 57 paragraph (1) can not be used as requirement for the import as referred to in Article 6 paragraph (2).

Article 59

Format-1 up to Format-14 as referred to in Article 7 paragraph (3), Article 8 paragraph (4), Article 10 paragraph (6), Article 13 paragraph (1), Article 17, Article 20 paragraph (2), Article 22 paragraph (3), Article 25, Article 55 paragraphs (2) and (4), Article 56 paragraph (4), and Article 57 paragraph (2) are contained in Attachment V which is an integral part of this Ministerial Regulation.

CHAPTER VI

EXPENSES

Article 60

- (1) All expenses needed to carry out analysis, verification and evaluation as referred to in Article 13 up to Article 28 are borne by the State Budget (APBN).
- (2) The expenses needed to conduct laboratory analysis within the framework of monitoring as referred to in Article 47 up to Article 49 of PSAT from:
 - a. countries whose PSAT security inspection system has been recognized become the responsibility of the Agricultural Quarantine Board; or
 - b. countries whose PSAT security inspection system has not been recognized become the responsibility of owners.
- (3) The detention expenses as referred to in Article 36 paragraph (3) letter b and Article 41 paragraph (1) letter b, the rejection expenses as referred to in Article 50, and the destruction expenses as referred to in Article 51 become the responsibility of owners or proxies.

CHAPTER VII

TRANSITIONAL PROVISIONS

Article 61

- (1) The recognition of PSAT security inspection system of a country which has been given before this Ministerial Regulation takes effect, shall remain valid until its validity period ends.
- (2) Application for the recognition of PSAT security inspection system of a country which has been filed and has not been approved before this Ministerial Regulation takes effect shall follow provisions in Ministerial Regulation No. 88/Permentan/PP.340/12/2011 on Food Security Inspection of the Import and Export of Fresh Foods of Plant Origin.

CHAPTER VIII

CONCLUSION

Article 62

When this Ministerial Regulation began to take effect, Regulation of the Agriculture Minister No. 88/Permentan/PP.340/12/2011 on Food Security Inspection of the Import and Export of Fresh Foods of Plant Origin (State Gazette of 2011 No. 842), shall be revoked and declared null and void.

Article 63

Provisions on the registration of PSAT security analysis laboratories as referred to in Article 20 up to Article 28 shall take effect as from the promulgation date of this Ministerial Regulation.

Article 64

This Ministerial Regulation shall come into force 1 (one) year after the date of promulgation.

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

Stipulated in Jakarta

On February 10, 2015

THE AGRICULTURE MINISTER OF
THE REPUBLIC OF INDONESIA,

sgd.

AMRAN SULAIMAN

Promulgated in Jakarta

On February 17, 2015

THE LAW AND HUMAN RIGHTS MINISTER OF
THE REPUBLIC OF INDONESIA,

sgd.

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA
OF 2015 NO. 275

Editor's Notes :

- Attachments are not carried for technical reason.

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