

## CONSEVATION AND UTILIZATION OF PLANT GENETICS RESOURCE

(The Regulation of Minister of Agriculture of Republic of  
Indonesia Number 37/Permentan/OT.140/7/2011,  
July 8, 2011)

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

Considering:

- a. that with the Regulation of Minister of Agriculture Number 67/Permentan/OT.140/12/2006 has been stipulated the Conservation and Utilization of Plant Genetics Resource;
- b. that with the organization change happened in the Ministry of Agriculture, and to increase service in the activity of Conservation and Utilization of Plant Genetics Resource, it is necessary to review the Regulation of Minister of Agriculture Number 67/Permentan/OT.140/12/2006;
- c. that in relation with those aforementioned, it is necessary to stipulate Conservation and Utilization of Plant Genetics Resource;

In view of:

1. Law Number 12 Year 1992 (BN No. 5261 page 10B-11B) concerning Plant Cultivation System (State Gazette of Republic of Indonesia Year 1992 Number 46, Supplementary State Gazette of Republic of Indonesia Number 3478);
2. Law Number 16 Year 1992 (BN No. 5292 page 4B-13B) concerning Quarantine of Animals, Fish, and Plants (State Gazette Year 1992 Number 56, Supplementary State Gazette Number 3482);
3. Law Number 5 Year 1994 concerning Ratification of United Nations Convention on Biological Diversity (State Gazette Year 1994 Number 41, Supplementary State Gazette Number 3556);
4. Law Number 29 Year 2000 (BN No. 6522 page 1B-18B) concerning Plant Variety Protection (State Gazette Year 2000 Number 241, Supplementary State Gazette Number 4043);
5. Law Number 18 Year 2002 (BN No. 6818 page 1B-10B) concerning National System of Research, Development, and Technology (State Gazette Year 2002 Number 84, Supplementary State Gazette Number 4219);
6. Law Number 32 Year 2004 concerning Regional Government (State Gazette Year 2004 Number 125, Supplementary State Gazette Number 4437);
7. Law Number 18 Year 2004 (BN No. 7132 page 15B-16B) concerning Plantation (State Gazette

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- Year 2004 Number 84, Supplementary State Gazette Number 4411);
8. Law Number 4 Year 2006 concerning Ratification of International Treaty on Plant Genetic Resources for Food and Agriculture (State Gazette Year 2006 Number 23, Supplementary State Gazette Number 4612);
9. Law Number 18 Year 2009 concerning Animal Husbandry and Health (State Gazette Year 2009 Number 84, Supplementary State Gazette Number 5015);
10. Law Number 13 Year 2010 concerning Horticulture (State Gazette Year 2010 Number 132, Supplementary State Gazette Number 5170);
11. Government Regulation Number 44 Year 1995 concerning Plant Culture (State Gazette Year 1995 Number 85, Supplementary State Gazette Number 3616);
12. Government Regulation Number 14 Year 2002 (BN No. 6773 page 3B-14B) concerning Plant Quarantine (State Gazette Year 2002 Number 35, Supplementary State Gazette Number 4196);
13. Government Regulation Number 13 Year 2004 concerning Nomenclature, Registration, and Usage of Variety of Origin for Essential Derivative Variety Production (State Gazette Year 2004 Number 30, Supplementary State Gazette Number 4375);
14. Government Regulation Number 21 Year 2005 concerning Biosafety of Genetics Engineering Product (State Gazette Year 2005 Number 44, Supplementary State Gazette Number 4498);
15. Government Regulation Number 38 Year 2007 (BN No. 7576 page 1B-6B) concerning Division of Governmental Affairs Among Government, Provincial Government and Regency/Municipality Government (State Gazette Year 2007 Number 82, Supplementary State Gazette Number 4737);
16. Presidential Decree Number 84/P Year 2009 concerning Formation of United Indonesia Cabinet II;
17. President Regulation Number 47 Year 2009 concerning Formation and Organization of State Ministry;
18. President Regulation Number 24 Year 2010 Concerning Positions, Duties, and Functions of State Ministry as well as the Order of Organization, Duties, and Functions of Echelon I of State Ministry;
19. President Regulation Number 39 Year 2010 concerning Commission for Biosafety of Genetics Engineering Product;
20. Regulation of Minister of Agriculture Number 15/Permentan/OT.140/3/2009 concerning Arrangement Guidelines for Material Transfer Agreement;
21. Regulation of Minister of Agriculture Number 46/Kpts/HK.310/8/2010 concerning Import and Export Places of Carrier Media of Disturbing Organism of Quarantine Plants;
22. Regulation of Minister of Agriculture Number 61/Permentan/OT.140/10/2010 concerning Organization and Management of Ministry of Agriculture;

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### DECIDES:

To stipulate:

REGULATION OF MINISTER OF AGRICULTURE CONCERNING CONSERVATION AND UTILIZATION OF PLANT GENETIC RESOURCE.

### CHAPTER I GENERAL PROVISIONS

#### Article 1

In this Regulation there are definitions as follows:

- a. Plant Germplasm, next mentioned as Plant Genetics Resource (PGR) is genetics material from plant that has real or potential value.
- b. Exploration of PGR, next mentioned as Exploration, is activity of finding and collecting then followed by identification, characterization, documentation, and evaluation.
- c. Collection Garden is the garden used for PGR collection in the living form.
- d. Mutually Agreed Term is provision agreed between the Owner or the Power of Attorney and Applicant.
- e. PGR Collection, next mentioned as Collection, is collecting activity followed by storing and maintaining the PGR of exploration result, in the form of material as well as PGR information.
- f. Genetics material of material from plant, including proportion material of reproductive and vegetative that contains functional units of heredity.
- g. PGR Conservation, next mentioned as Conservation, is a string of activities to maintain the existence and PGR diversity in the enabling condition and potency to be utilized sustainably.
- h. Utilization is a series of activities of PGR import and export for research and collection.
- i. Import is a series of activities importing from abroad into territory of Republic of Indonesia for the interest of research and/or breeding.
- j. PGR transfer is transferring of a collection garden of PGR to other place for the sake of PGR salvation.
- k. Plant breeding, next mentioned as Breeding, is a series activities of research and examination or activities of invention and development of a variety, accordingly to standard method to produce new variety and to maintain the purity of variety seed produced.
- l. Research is activities carried out according to scientific principles and methods systematically to obtain information, data, and explanation related to the comprehension and verification of correctness or incorrectness of an assumption and/or hypothesis in the field of science and technology as well as to draw scientific conclusion for the sake of science and technology advancement.
- m. PGR Export, next mentioned as Export, is a series of activities to bring and/or to send PGR outside

Genetics material can be in the form of DNA, pollen, plant tissues, cutting, plant parts, seed and/or whole plant.

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the territory of Republic of Indonesia in the frame of exchanging for the sake of research and/or breeding.

- n. Initial Information-Based Approval (Persetujuan Atas Dasar Informasi Awal/PADIA) is approval on PGR access of the Owner or the Power of Attorney to the Applicant.
- o. Material Transfer Agreement/MTA is agreement that has been approved by the giver and receiver in the frame of PGR transfer.
- p. PGR Bank or PGR storing place, next mentioned as storing place, is the place to store PGR in vitro, in the form of seed, pollen, tissue culture, as well as cryopreservation.
- q. Protection Center of Plant Variety and Agricultural Licensing, next abbreviated as PPVTPP (Pusat Perlindungan Varietas Tanaman dan Perizinan Pertanian), is an Organization working unit in the Ministry of Agriculture that has duties and functions in the field of Protection of Plant Variety and Agricultural Licensing.

### Article 2

- (1) This regulation is intended to be the guidelines in service provision to individual, government institution, and legal entity in conservation and utilization of PGR.
- (2) This regulation aims to provide certainty in conservation and utilization of PGR as well as to guarantee the sustainability of agricultural development.

### Article 3

The scope of this Regulation includes conservation and utilization of PGR.

## CHAPTER II

### CONSERVATION OF GENETICS RESOURCE

#### First Part

##### General

### Article 4

Conservation can be done through activities of exploration, collection garden, and PGR storing place.

### Article 5

Conservation as meant in Article 4 can be done by individual, government institution, or legal entity.

#### Second Part

##### Exploration

### Article 6

- (1) Exploration by individual or legal entity can be done after obtaining permission from the Minister.
- (2) Individual or legal entity as meant at paragraph (1) that carries out activities of research and breeding.

### Article 7

- (1) Exploration can be done by government institution that has authority in the field of research and/or breeding.

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- (2) Exploration as meant at paragraph (1) does not require permission from the Minister.

### Article 8

Permission grant as meant in Article 6 paragraph (1) in the implementation is carried out by the Head of Agricultural Research and Development Agency on behalf of the Minister.

### Article 9

- (1) Exploration as meant in Article 6 by foreign party can be done for research cooperation.
- (2) Exploration as meant at paragraph (1) must be done with assistance of researcher suggested by applicant and approved by the Head of Agricultural Research and Development Agency.

### Article 10

- (1) In order to obtain exploration license as meant in Article 6 paragraph (1), individual as well as legal entity are obliged to submit written application to the Head of Agricultural Research and Development Agency through the Head of PPVTPP in accordance to model-01 form.
- (2) Application as meant at paragraph (1) must be completed with the following information:
- complete name and address of the applicant;
  - status of the applicant (individual/legal entity);
  - deed of establishment and its amendments;
  - Tax Payer Identification Number (NPWP);
  - purpose of PGR exploration;

- activities scope of related Indonesian citizen individual or Indonesian legal entity;
  - type and amount of PGR to find out;
  - intended location of PGR exploration;
  - owned facilities;
  - exploration method;
  - period of time of the exploration to be done; and
- l. PADIA and Mutually Agreed Term (MAT) from regional government or chief of the custom/tribe accordingly to model-02 form.

- (3) For exploration by foreign party as meant in Article 9 besides from completing information as meant at paragraph (2), must be completed with:
- information from governmental institution, legal entity, and/or foreign citizen individual as the working partner of the applicant; and
  - cooperation script concerning exploration between applicant with the partner.

### Article 11

- (1) Head of PPVTPP, after receiving application as meant in Article 10, within 3 (three) working days must have finished checking the document and give reply to delay, to reject, or to accept.
- (2) Application is delayed, as meant at paragraph (1), if the requirements as meant in Article 10 are not completed.
- (3) Delay as meant at paragraph (2) is informed by the Head of PPVTPP to applicant in written along with reason for delay.

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- (4) Applicant must have completed the lack of requirements as meant at paragraph (2) at least 5 (five) working days since the date of delay information acceptance as meant at paragraph (3).
- (5) If after 5 (five) working days as meant at paragraph (4), Applicant has not completed the lack of requirements as meant at paragraph (2), application is considered withdrawn.

### Article 12

- (1) Application is rejected, as meant in Article 11 paragraph (1), if the requirements as meant in Article 10 are incorrect or against valid laws and regulations.
- (2) Rejection as meant at paragraph (1) by the Head of PPVTPP is informed to applicant in written accordingly to model-03 form along with reason for rejection.

### Article 13

- (1) Accepted application as meant in Article 11 paragraph (1) by the Head of PPVTPP is submitted to the Head of Agricultural Research and Development Agency to get exploration permit.
- (2) Head of Agricultural Research and Development Agency, after receiving application from the Head of PPVTPP, as meant in paragraph 1, within 15 (fifteen) working days must have given reply to reject or to accept.

### Article 14

- (1) Application is rejected, as meant in Article 13

paragraph (2), if it technically can threaten PGR sustainability.

- (2) Rejection as meant at paragraph (1) by the Head of Agricultural Research and Development Agency is informed by the applicant to the Head of PPVTPP in written along with reason for rejection accordingly to model-04 form.

### Article 15

- (1) Accepted application, as meant in Article 13 paragraph (2), is given license for PGR Exploration in the form of Ministerial Decision accordingly to model-05 form.
- (2) Upon license granting, as meant at paragraph (1), the Head of Agricultural Research and Development Agency must observe suggestions and consideration from National Commission for Genetics Resource.
- (3) Exploration license, as meant in Article 13, is valid for 1 (one) year period.
- (4) License, as meant at section 3, is delivered to the applicant through the Head of PPVTPP.

### Article 16

Exploration license, as meant in Article 15, can be prolonged for 6 (six) months period.

### Article 17

- (1) In order to obtain license extension, as meant in Article 16, applicant submits written application to the Head of Agricultural Research and Development

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Agency through the Head of PPVTPP 3 (three) months at the latest before license period due in accordance to model-06 form.

- (2) Head of PPVTPP, after receiving license extension application as meant in paragraph (1), within 3 (three) working days must have submitted it to the Head of Agricultural Research and Development Agency to obtain license extension.
- (3) The Head of Agricultural Research and Development Agency, after receiving license extension application as meant in paragraph (2), within 5 (five) working days must have given reply to reject or to accept.
- (4) The reply of rejecting or accepting, as meant at paragraph (3), is given by the Head of Agricultural Research and Development Agency based on suggestions and consideration from National Commission for Genetics Resource.

### Article 18

Rejection upon license extension as meant in Article 17 is carried out by the Head of Agricultural Research and Development Agency and delivered to the applicant through the Head of PPVTPP in written along with reason for rejection accordingly to model-07 form.

### Article 19

- (1) Upon accepted license extension application, as meant in Article 17, license extension is issued by the Head of Agricultural Research and Develop-

ment Agency in the form of Ministerial Decision accordingly to model-08 form.

- (2) License extension, as meant at paragraph (1), is delivered to the applicant through the Head of PPVTPP.

### Article 20

- (1) Individual, governmental institution, legal entity, foreign citizen, or foreign legal entity in doing exploration is obliged to:
  - a. maintain the sustainability of PGR and environmental functions;
  - b. store collected PGR well;
  - c. pay attention to and respect local culture, and/or
  - d. obey the laws and regulations.
- (2) License is revoked from the applicant who does not fulfill obligations as meant at paragraph (1).

### Article 21

- (1) Ownership of exploration license, as meant in Article 6, is forbidden to be transferred to other party.
- (2) Transferred license as meant at paragraph (1), is considered as null and void.

### Article 22

Revocation of exploration license, as meant in Article 20, is performed by the Head of Agricultural Research and Development Agency in the form of Ministerial Decision accordingly to model-09 form.

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### Article 23

- (1) Individual, governmental institution, legal entity, or with cooperation with foreign party in doing exploration is obliged to report and to submit duplicate of exploration result to the Head of Agricultural Research and Development Agency.
- (2) Report, as meant at paragraph (1), is accordingly to the requirements as meant in Article 10, which at least consists of:
  - a. type and amount of PGR;
  - b. time and place of exploration; and
  - c. purpose of exploration.
- (3) Report, as meant at paragraph (1), is signed by the executor of exploration and the foreign party.
- (4) Delivery of report and duplicate of exploration result, as meant at paragraph (1), is done within 20 (twenty) days working days after the implementation of exploration ends accordingly to model-10 form.

### Article 24

- (1) Individual, governmental institution, legal entity, or with cooperation with foreign party is obliged to submit report and RPG Duplicate of that has ability to grow to the Head of Agricultural Research and Development Agency.
- (2) Head of Agricultural Research and Development Agency, after receiving report and duplicate of exploration result as meant at paragraph (1), gives receipt accordingly to model-11 form.
- (3) PGR duplicate, as meant at paragraph (1), is col-

lected and stored in Collection Garden and PGR storing place organized by the Government.

- (4) Agricultural Research and Development Agency records all licenses and reports of exploration result.

### Second Part

#### Collection Garden and Storing Place

### Article 25

- (1) PGR conservation can be done outside the habitat (ex-situ) in the form of collection garden and/or storing place by individual, governmental institution, or legal entity.
- (2) Collection garden and/or storing place, as meant at paragraph (1), must be completed with facilities to sustain the vitality and the genetics traits.

### Article 26

- (1) Collection garden facilities, as meant in Article 25 paragraph (2), among other includes:
  - a. land availability;
  - b. availability of office building, storehouse, field equipments, irrigation network system;
  - c. garden safety and security system; and
  - d. management system that involves human resource, funding, and documentation.
- (2) Storing place facilities, as meant in Article 25 paragraph (2), among other includes:
  - a. availability of building with room with arrangeable temperature and humidity;
  - b. equipments for processing, packaging, and



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storing of PGR;

c. electric power supply guarantee; and

d. management system that involves human resource, funding, and documentation.

g. land status of collection garden and/or storing place.

(2) Requirements, as meant at paragraph (1), are submitted manually and electronically.

### Article 27

(1) Collection garden and/or PGR storing place, as meant in Article 25, is obligatory to be registered to the Minister.

(2) Registration mark issue, as meant at paragraph (1), in the implementation is carried out by the Head of Agricultural Research and Development Agency on behalf of the Minister.

### Article 28

(1) In order to obtain registration mark as meant in Article 27, applicant must fulfill the regulations as meant in Article 25 and submits application to the Head of Agricultural Research and Development Agency through the Head of PPVTPP in accordance to model-12 form and attach the requirements as follows:

- a. complete name and address of the applicant;
- b. status of the applicant (individual/legal entity);
- c. deed of establishment and its amendments;
- d. Tax Payer Identification Number (NPWP);
- e. purpose of collection garden and/or PGR storing place;
- f. type and amount of PGR collected and/or stored; and

### Article 29

(1) Head of PPVTPP, after receiving license extension application as meant in Article 28, within 3 (three) working days must have submitted it to the Head of Agricultural Research and Development Agency to obtain registration mark.

(2) Head of Agricultural Research and Development Agency, after receiving application from the Head of PPVTPP as meant at paragraph (1), within 15 (fifteen) working days must have issued registration mark in the form of Ministerial Decision accordingly to model-13 form.

### Article 30

(1) In issuing registration mark, as meant in Article 29, the Head of Agricultural Research and Development Agency must observe suggestions and consideration from National Commission for Genetics Resource.

(2) Registration mark, as meant at paragraph (1), is delivered to the applicant through the Head of PPVTPP.

### Article 31

(1) Individual, governmental institution, or legal entity who/that gets registration mark of collection

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garden and/or storing place, as meant in Article 30 paragraph (1), is obliged to submit development report periodically to the Head of Agricultural Research and Development Agency at least 1 (one) time in 1 (one) year with copy to the Head of PPVTTP.

- (2) If the reporting, as meant at paragraph (1), is not carried out within 2 (two) years in a row, registration mark of Collection Garden, as meant in Article 30 paragraph (1) is revoked.

### Article 32

PGR transfer, partially or wholly, from one Collection Garden to another Collection Garden must be reported to the Head of Agricultural Research and Development Agency.

## CHAPTER III

### UTILIZATION OF PLANT GENETICS RESOURCE

#### First Part

#### Import

### Article 33

- (1) PGR imported into the territory of Republic of Indonesia is utilized for research and/or collection.
- (2) Research, as meant at paragraph (1), among other is breeding to produce new excellent variety and/or bioprospecting to produce new product with economic value.
- (3) Collection, as meant at paragraph (1), is intended to increase genetics diversity.

### Article 34

- (1) PGR Import can be in the form of DNA, pollen, plant tissues, cutting, plant parts, seed, and/or whole plant.
- (2) PGR Import, as meant at paragraph (1), can be implemented if it is not found in the territory of Republic of Indonesia.
- (3) Import, as meant at paragraph (2), can be implemented if it is done accordingly to needs.
- (4) Amount of needs, as meant at paragraph (3), is decided by the Head of Agricultural Research and Development Agency based on suggestions and consideration from National Commission for Genetics Resource.

### Article 35

- (1) PGR Import, as meant in Article 34, can be implemented after obtaining the license from the Minister.
- (2) License issue, as meant at paragraph (1), in the implementation is carried out by the Head of Agricultural Research and Development Agency on behalf of the Minister.

### Article 36

- Import as meant in Article 34, is implemented only to:
- support research program, including plant breeding;
  - enrich genetics diversity;
  - save and conserve PGR; and/or

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d. PGR recovery from natural disaster.

reply to reject or to accept.

### Article 37

(1) In order to obtain license, as meant in Article 35, individual, governmental institution, or legal entity submit written application to the Head of Agricultural Research and Development Agency through the Head of PPVTPP in accordance to model-14 form.

(2) Application, as meant at paragraph (1), must be completed with the following information:

- a. complete name and address of the applicant;
- b. copy of National Identity Card (KTP);
- c. deed of establishment and its amendments;
- d. Tax Payer Identification Number (NPWP);
- e. type, form, and amount of PGR to import;
- f. research proposal or collection;
- g. activities scope of related Indonesian citizen individual or Indonesian legal entity;
- h. location of origin of PGR;
- i. institution of country of origin that gives PGR; and
- j. information required for seed introduction/importation to Indonesia.

(3) Information, as meant at paragraph (2), is submitted manually and electronically.

### Article 38

Head of PPVTPP, after receiving application as meant in Article 37, within 3 (three) working days must have finished checking the document and give

### Article 39

(1) Application is rejected, as meant in Article 38, if the requirements as meant in Article 37 are incorrect or against valid laws and regulations.

(2) Rejection, as meant at paragraph (1), by the Head of PPVTPP is informed to applicant in written accordingly to model-15 form along with reason for rejection.

### Article 40

(1) Accepted application, as meant in Article 38, by the Head of PPVTPP is submitted to the Head of Agricultural Research and Development Agency to get import license.

(2) Head of Agricultural Research and Development Agency, after receiving application from the Head of PPVTPP, as meant in paragraph 1, within 10 (fifteen) working days must have given reply to reject or to accept.

### Article 41

(1) Application is rejected, as meant in Article 40, if it technically can threaten PGR sustainability.

(2) Rejection, as meant at paragraph (1), is performed by the Head of Agricultural Research and Development Agency and informed to the applicant through the Head of PPVTPP in written accordingly to model-16 form along with reason for rejection.

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### Article 42

- (1) Accepted application, as meant in Article 40, is given import license in the form of Ministerial Decision accordingly to model-17 form.
- (2) Upon license granting, as meant at paragraph (1), the Head of Agricultural Research and Development Agency must observe suggestions and consideration from National Commission for Genetics Resource.
- (3) Import license, as meant at paragraph (1), is valid for 6 (six) months period.
- (4) License, as meant at paragraph (1), by the Head of Agricultural Research and Development Agency is delivered to the applicant through the Head of PPVTPP with copy to the head of Agricultural Quarantine Agency.

### Article 43

PGR Import, as meant in Article 35, besides from fulfilling the requirements as meant in Article 37 must be done accordingly to laws and regulations in the field of plant quarantine.

### Article 44

For PGR import of genetics engineered product, besides from following the regulation in Article 36, must follow the laws and regulations concerning genetics engineered product biosafety.

### Article 45

- (1) Individual, governmental institution, or legal en-

tity that imports PGR, is obliged to:

- a. maintain the sustainability of PGR and environmental functions; and
  - b. store imported PGR well;
- (2) License is revoked from the applicant who does not fulfill obligations as meant at paragraph (1).

### Article 46

- (1) Import license ownership, as meant in Article 35, is forbidden to be transferred to other party.
- (2) Transferred license as meant at paragraph (1), is considered as null and void.

### Article 47

Revocation of import license, as meant in Article 45, is performed by the Head of Agricultural Research and Development Agency in the form of Ministerial Decision accordingly to model-18 form.

### Article 48

Import, as meant in Article 43, can be done through direct access or PGR exchange.

## Second Part

### Export

### Article 49

- (1) PGR can be exported from the territory of Republic of Indonesia for research cooperation.
- (2) Export, as meant at paragraph (1), is not applicable for PGR as in Law number 4 Year 2006, except for the countries non-party of International

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Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

### Article 50

- (1) PGR export, as meant in Article 49, can be implemented after obtaining the license from the Minister.
- (2) License issue, as meant at paragraph (1), in the implementation is carried out by the Head of Agricultural Research and Development Agency on behalf of the Minister.

### Article 51

- (1) In order to obtain license, as meant in Article 50, individual, governmental institution, or legal entity submit written application to the Minister through the Head of PPVTPP in accordance to model-19 form.
- (2) Application, as meant at paragraph (1), must be completed with the following information:
  - a. complete name and address of the applicant;
  - b. deed of establishment and its amendments;
  - c. Tax Payer Identification Number (NPWP);
  - d. type, form, and amount of PGR to export;
  - e. material transfer agreement; and
  - f. institution of receiver country.
- (3) Information, as meant at paragraph (2), is submitted manually and electronically.

### Article 52

Head of PPVTPP, after receiving application

as meant in Article 51, within 3 (three) working days must have finished checking the document and give reply to reject or to accept.

### Article 53

- (1) Application is rejected, as meant in Article 52, if the requirements as meant in Article 51 are incorrect or against valid laws and regulations.
- (2) Rejection, as meant at paragraph (1), by the Head of PPVTPP is informed to applicant in written accordingly to model-20 form along with reason for rejection.

### Article 54

- (1) Accepted application, as meant in Article 52, by the Head of PPVTPP is submitted to the Head of Agricultural Research and Development Agency to get export license.
- (2) Head of Agricultural Research and Development Agency, after receiving application from the Head of PPVTPP, as meant in paragraph 1, within 10 (ten) working days must have given reply to reject or to accept.

### Article 55

- (1) Application is rejected, as meant in Article 54, if it technically can threaten PGR sustainability.
- (2) Rejection, as meant at paragraph (1), is performed by the Head of Agricultural Research and Development Agency and informed to the applicant through the Head of PPVTPP in written

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accordingly to model-21 form along with reason for rejection.

### Article 56

- (1) Accepted application, as meant in Article 54, is given export license in the form of Ministerial Decision accordingly to model-22 form.
- (2) Upon export license granting, as meant at paragraph (1), the Head of Agricultural Research and Development Agency must observe suggestions and consideration from National Commission for Genetics Resource.
- (3) Export license, as meant in Article 53, is valid for 6 (six) months period.
- (4) Export license, as meant at paragraph (2), is delivered to the applicant through the Head of PPVTPP with copy to the Head of Agricultural Quarantine Agency.

### Article 57

PGR export, as meant in Article 50, besides from fulfilling the requirements as meant in Article 51 must be done accordingly to laws and regulations in the field of plant quarantine.

### Article 58

For PGR export of genetics engineered product, besides from following the regulation in Article 56 and Article 57, must follow the laws and regulations concerning genetics engineered product biosafety.

### Article 59

- (1) Export license ownership, as meant in Article 56, is forbidden to be transferred to other party.
- (2) Transferred license, as meant at paragraph (1), is revoked and void.

### Article 60

Revocation of export license, as meant in Article 59, is performed by the Head of Agricultural Research and Development Agency in the form of Ministerial Decision accordingly to model-23 form.

### Article 61

Export, as meant in Article 56, can be done through direct access or PGR exchange.

### Article 62

For export of protected PGR from the territory of Republic of Indonesia, it is arranged accordingly to the laws and regulations.

## CHAPTER IV

### TRANSITIONAL PROVISIONS

### Article 63

License for exploration, export, and/or import of PGR issued before the promulgation of this Regulation is stated as still in effect until the license is expired.

## CHAPTER V

### FINAL PROVISIONS

**GOVERNMENT REGULATIONS**

**Article 64**

By the promulgation of this Regulation, the Regulation of Minister of Agriculture Number 67/Permentan/OT.140/12/2006 and the Regulation of Minister of Agriculture Number 38/Permentan/OT.140/8/2006 as long as for import and/or export of seed for the purpose of research and/or breeding, are revoked and stated as null and void.

**Article 65**

This Regulation starts to take effect since the promulgation date.

For everybody to acknowledge this regulation, this Regulation of Minister of Agriculture is promulgated by placing it in the State Gazette of Republic of Indonesia.

Stipulated in Jakarta

on July 8, 2011

THE MINISTER OF AGRICULTURE

REPUBLIC OF INDONESIA,

sgd.

SUSWONO

Promulgated in Jakarta

on 20 July 2011

THE MINISTER OF LAW AND HUMAN RIGHTS

REPUBLIC OF INDONESIA,

Sgnd

PATRIALIS AKBAR

THE STATE GAZETTE OF REPUBLIC OF INDONESIA

YEAR 2011 NUMBER 435

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