

**TERMS AND PROCEDURE FOR REGISTRATION OF
INORGANIC FERTILIZER**
**(Regulation of the Minister of Agriculture of RI
Number 43/Permentan/SR.140/8/2011, dated August 9, 2011)**

WITH THE BLESSING OF THE ONE AND ONLY GOD
MINISTER OF AGRICULTURE OF
THE REPUBLIC OF INDONESIA,

c. that with respect to the foregoing matters, it is necessary to stipulate Terms and Procedure for Registration of Inorganic Fertilizer;

Considering:

- a. that Regulation of the Minister of Agriculture Number 08/Permentan/SR.140/2/2007 stipulates Terms and Procedure for Registration of Inorganic Fertilizer;
- b. that with respect to the change duly made to the organization and work procedure within the Ministry of Agriculture, for scientific and technological development and improved services as well as certainty in granting Registration Number for inorganic fertilizer, it is necessary to review Regulation of the Minister of Agriculture Number 08/Permentan/SR.140/2/2007;

In view of:

1. Law Number 12 Year 1992 (BN No. 5261 pgs. 10B-11B) concerning Plant Cultivation System (Statute Book Year 1992 Number 46, Supplement to Statute Book Number 3478);
2. Law Number 8 Year 1999 (BN No. 6311 pgs. 5B-11B) concerning Consumer Protection (Statute Book Year 1999 Number 42, Supplement to Statute Book Number 3821);
3. Law Number 32 Year 2009 concerning Protection and Management of Living Environment (Statute Book Year 2009 Number 144, Supplement to Statute Book Number 5063);

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4. Government Regulation Number 102 Year 2000 (BN No. 6550 pgs. 1B-5B) concerning National Standardization (Statute Book Year 2000 Number 199, Supplement to Statute Book Number 4020);
5. Government Regulation Number 8 Year 2001 tentang Pupuk Budidaya Tanaman (Statute Book Year 2001 Number 14, Supplement to Statute Book Number 4079);
6. Government Regulation Number 58 Year 2001 (BN No. 6660 pgs. 7B-9B) concerning Management and Supervision of Implementation of Consumer Protection (Statute Book Year 2001 Number 103, Supplement to Statute Book Number 4126);
7. Government Regulation Number 49 Year 2002 concerning Tariff for State Non-Tax Income prevailing within the Department of Agriculture (Statute Book Year 2002 Number 92, Supplement to Statute Book Number 4224) juncto Government Regulation Number 7 Year 2004 (Statute Book Year 2004 Number 14, Supplement to Statute Book Number 4362);
8. Presidential Decree 84/P Year 2009 concerning Establishment of Indonesia Bersatu II Cabinet;
9. Presidential Regulation Number 47 Year 2009 concerning Establishment and Organization of the State Ministry;
10. Presidential Regulation Number 24 Year 2010 concerning Capacity, Duty and Function of the State Ministry and Organizational Structure, Duty and Function of Echelon 1 Official of the State Ministry;
11. Regulation of the Minister of Agriculture Number 61/Permentan/OT.140/10/2010 concerning Organization and Work Procedure of the Ministry of Agriculture;

DECIDES:

To stipulate:

REGULATION OF THE MINISTER OF AGRICULTURE
ON TERMS AND PROCEDURE FOR REGISTRATION
OF INORGANIC FERTILIZER.

CHAPTER I

GENERAL PROVISION

Article 1

What is meant in this Regulation by:

1. Fertilizer formula shall be combined content from prime nutritious element and/or micro nutritiour element and microbe.
2. Engineered fertilizer formula shall be a series of engineering activities either chemically, physically and/or biologically for the purpose of producing fertilizer formula.
3. Inorganic fertilizer shall be fertilizer resulting from chemical, physical and.or biological engineering process constituting industrial product or fertilizer manufacturing factory.
4. Quality testing shall be analysis of composition and nutrient content of inorganic fertilizer, con-

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- ducted at chemical laboratory based on the stipulated method of analysis.
5. Effectiveness testing shall be testing on beneficial use of inorganic fertilizer on plant productivity and its economical analysis.
 6. Certificate of fertilizer formula hereinafter referred to as Certificate shall be Statement Letter stating that the fertilizer is the result of engineering after having been tested that complies with the requirements for quality and effectiveness so that it is feasible for use on plant cultivation.
 7. Recommendation letter shall be information containing result of effectiveness test issued by Effectiveness Testing Institution.
 8. Registration shall be activities to grant Registration Numbr so that the fertilizer that has obtained certificate of formula may be produced and circulated.
 9. Quality standard of inorganic fertilizer shall be composition and nutrient content of inorganic fertilizer duly stipulated by the National Standardization Agency in the form of SNI, or duly stipulated by the Minister of Agriculture in the form of Minimum Technical Requirement for Inorganic Fertilizer.
 10. Special formula shall be Formula of Inorganic Fertilize specially ordered by the user that has been justified with the nutrient content available in the soil and the need of the plant cultivated by the user.
 11. Package shall be material used to pack solid inorganic fertilizer or liquid inorganic fertilizer.
 12. Director General shall be Director General of Agriculture Infrastructure and Facilities.
 13. Head of Department shall be Head of Department of Plants Variety Protection and License of Agriculture.

Article 2

- (1) This Regulation constitutes the legal basis for registration including testing and permits as well as supervision on inorganic fertilizer.
- (2) This Regulation is meant to:
 - a. protect the people and living environment from hazardous effect from the use of inorganic fertilizer;
 - b. improve efficiency and effectiveness in the use of inorganic fertilizer;
 - c. give business certainty in conducting producing activities, procurement and circulation of inorganic fertilizer;
 - d. give certainty on inorganic fertilizer formula circulating within the territory of the State of the Republic of Indonesia that complies with the quality standard and secured effectiveness thereof.

Article 3

Scope of regulating this regulation shall cover requirements for registration, procedure for registration, registration cost, and testing cost, testing institution, obligations of the officers, institution and

holder of Registration Number, terms of penalty, other terms, transitional provision and closing provision.

CHAPTER II

REQUIREMENTS FOR REGISTRATION

Article 4

(1) Business entity or Indonesiaan legal entity may submit application for registration of inorganic fertilizer after having complied with the requirements for registration as follows:

- a. Deed of Establishment of Company and its amendments for business entity (Trading Business, Firm, CV, NV), and legal entity (PT, Cooperatives);
- b. Business License Certificate for Trading (SIUP)/Trading Business Registration Identification Number (TDUP) for inorganic fertilizer;
- c. Obligatory Taxpayer Identification Number (NPWP);
- d. Statement Letter of Domicile/Resident Identity Card (KTP) for person representing business entity or legal entity;
- e. Statement stating that the person is authorized to sign documents in the context of fertilizer registration;
- f. an Agent appointed by the owner of formula originating from overseas;
- g. example/concept of lable and package;
- h. Registration Certificate of mark/mark certificate from the competent authority.
- i. provide SNI Certificate for inorganic fertilizer

that has obtained SNI Certificate from the National Standardization Agency(BSN).

- (2) The inorganic fertilizer referred to in paragraph (1) must be registered by the formula owner concerned or his/her authorized person.

Article 5

- (1) Registered inorganic fertilizer must be separately named constituting the identity of each formula of inorganic fertilizer to be circulated.
- (2) The naming referred to in paragraph (1) may not be the same or similar to the formula that has been registered in the name of other company.
- (3) The naming referred to in paragraph (1) must comply with the requirements below:
 - a. each formula must only bear one name, such as the trade name that is irrelevant to general name and/or element name with figure indicating the content of nutritious element;
 - b. each registered name labeling of inorganic fertilizer formula must be supported by proof of registration from the competent authority in accordance with the provisions in the statutory regulation on Intellectual Property Rights (HKI);
 - c. the naming of formula referred to in letter a and b must not be agitative such as the words "terrific", "tremendous", "super" or "effective".

Article 6

For application for registration other than

complying with the requirements referred to in Article 4, each formula produced by every owner must be registered in the name of the applicant.

Article 7

- (1) The producer and/or importer shall be responsible for the quality and effectiveness of the inorganic fertilizer it registers, and is obliged to affix label on the fertilizer package.
- (2) The label on the package referred to in paragraph (1) must be written in Indonesian language stating at least:
 - a. trade name;
 - b. registration number;
 - c. nutrient content;
 - d. net content or weight;
 - e. circulation period;
 - f. name and address of the producer/importer;
 - g. date, month, and year of production;
 - h. direction for use (for liquid fertilizer).
- (3) All information on the package label and attached direction for use must be made in Indonesian language using non-agitative words such "terrific", "tremendous", "super", "strong" or "effective".
- (4) The information on the package label must be clearly printed, legible or visible, understandable and not easily wiped-off.

Article 8

The quality and effectiveness of inorganic fertilizer product referred to in Article 7 must be based

on the result of quality trial test and effectiveness test obtained from Accredited Testing Institution or appointment by the Minister of Agriculture.

CHAPTER III

PROCEDURE FOR REGISTRATION

Part One

Application for Registration

Article 9

- (1) Application for registration of inorganic fertilizer must be submitted in writing by the applicant to the Minister of Agriculture through the Head of Center supported by compliance with administrative requirement referred to in Article 4, using the format specified in Attachment I constituting inseparable part of this Regulation.
- (2) The Head of Center within three (3) working days at the latest must have completed examination of the completeness of administrative requirement as referred to in Article 4 paragraph (1) and reply either to to accept or reject it.

Article 10

- (1) The application referred to in Article 9 paragraph (2) will be rejected if the administrative requirement referred to in Article 4 paragraph (1) is incomplete or incorrect, and the Head of Center shall notify the applicant supported by reason for rejection in writing using Form Model-1 as specified in Attachment II constituting inseparable part of this Regulation.

- (2) The application referred to in Article 9 paragraph (2) will be accepted if the administrative requirement referred to in Article 4 paragraph (1) has been complied with, thereby the Head of Center shall forward it to the Director General in writing for further technical process using Form Model-2 as specified in Attachment III constituting inseparable part of this Regulation.

Article 11

- (1) In conducting technical process referred to in Article 10 paragraph (2) the Director General shall, within three (3) working days, issue certificate to the applicant to conduct quality test using Form Model-3 as specified in Attachment IV constituting inseparable part of this Regulation.
- (2) The quality test referred to in paragraph (1) shall be conducted by Accredited Testing Institution appointed by the Minister of Agriculture as specified in Attachment V constituting inseparable part of this Regulation.
- (3) In conducting the quality test referred to in paragraph (2) the Testing Institution shall use standard method such as specified in Attachment VI constituting inseparable part of this Regulation.
- (4) The result of quality test referred to in paragraph (3) conducted by the testing laboratory must be submitted to the Director General by the Applicant for technical evaluation on the result of quality test according to the SNI requirements or minimum technical requirement of inorganic fertilizer

such as specified in Attachment VII constituting inseparable part of this Regulation.

Article 12

- (1) The formula of inorganic fertilizer that bears Indonesian National Standard Certificate (SNI) will no longer undergo quality test as referred to in Article 11.
- (2) The formula of inorganic fertilizer referred to in paragraph (1), must be attached to the SNI Certificate in order to obtain Registration Number.

Article 13

- (1) If the result of quality test of inorganic fertilizer referred to in Article 11 fails to comply with the requirements, the Director General shall notify the applicant through the Head of Center in writing in order to be able to submit application for re-quality test using Form Model-4 as specified in Attachment VIII constituting inseparable part of this Regulation.
- (2) If the result of quality test of inorganic fertilizer referred to in paragraph (2) complies with the requirements, the Director General shall issue Certificate to the applicant to conduct effectiveness test using Form Model-5 as specified in Attachment IX constituting inseparable part of this Regulation.
- (3) The effectiveness test referred to in paragraph (2) will be conducted by Effectiveness Testing Institution appointed by the Minister of Agriculture as

specified in Attachment X constituting inseparable part of this Regulation.

- (4) In conducting effectiveness test the Effectiveness Testing Institution referred to in paragraph (3) the Effectiveness Testing Institution shall follow the standard method as specified in Attachment XI constituting inseparable part of this Regulation.
- (5) Report of the effectiveness test and recommendation on effectiveness test conducted by the Effectiveness Testing Institution must be submitted to the Director General for technical evaluation based on the Conditions for Passing Effectiveness Test on Inorganic Fertilizer as specified in Attachment XII constituting inseparable part of this Regulation.
- (6) In compiling the report of effectiveness test result referred to in paragraph (5) the Effectiveness Testing Institution must follow the standard method as specified in Attachment XIII constituting inseparable part of this Regulation.
- (7) In issuing recommendation on the effectiveness test result referred to in paragraph (5) must follow the standard method as specified in Attachment XIV constituting inseparable part of this Regulation.
- (8) Within a period of ten (10) working days at the latest the Director General must have completed technical evaluation of the result of effectiveness test referred to in paragraph (5).

Part Two

Registration Number for Inorganic Fertilizer

Article 14

- (1) If application for registration of the technical evaluation of effectiveness test result that complies with the requirement of standard method referred to in Article 12 is declared accepted, the Director General on behalf of the Minister of Agriculture shall, within 14 (fourteen) working days, issue Registration Number for Inorganic Fertilizer.
- (2) The Registration Number for inorganic fertilizer referred to in paragraph (1) must be issued in the form of Decision of the Minister of Agriculture.
- (3) If the application for registration of the technical evaluation of the effectiveness test result that fails to comply with the requirements referred to in Article 12 is rejected, the Director General shall notify the applicant through the Head of Center using Form Model-6 as specified in Attachment XV constituting inseparable part of this Regulation.

Article 15

- (1) The Registration Number for Inorganic Fertilizer which Decision of the Minister of Agriculture has been issued as referred to in Article 13 paragraph (2), must be submitted to the applicant through the Head of Center.
- (2) Procedure for numbering of inorganic fertilizer referred to in paragraph (1) shall cover registration number, type of formula, nature of formula and year of birth as specified in Attachment XVI constituting inseparable part of this Regulation.

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Article 16

- (1) The Registration Number referred to in Article 15 is valid for five (5) years, and is renewable one time for the next five (5) years period.
- (2) The formula of inorganic fertilizer that has been registered may be re-registered by complying with the provision in Article 9 through Article 13 supported by:
 - the result of quality re-test of the formula of re-registered inorganic fertilizer in odd numbers (first, third, etc.);
 - the result of re-test quality and effectiveness re-test of re-registered inorganic fertilizer in even number (second, fourth, etc.)
- (3) The re-registration referred to in paragraph (1) must be made within at least 30 (thirty) working days prior to expiry of the Registration Number.
- (4) Re-registration of inorganic fertilizer formula must also consider the result of evaluation of the supervision over the fertilizer conducted by the competent authority.

Article 17

- (1) If the application for re-registration referred to in Article 16 paragraph (3) is accepted, then Decision of the Minister of Agriculture concerning registration and License for Inorganic Fertilizer should have been issued.
- (2) If within 90 (ninety) working days Decision of the Minister of Agriculture on Registration and License for inorganic fertilizer referred to in para-

graph (1) is not issued, the Director General on behalf of the Minister of Agriculture shall issue Decision of the Minister of Agriculture.

- (3) If no re-registration referred to in paragraph (1) is made or re-registration is rejected, the Registration and License shall automatically expire by law.
- (4) If the expired Registration Number and License of re-registration of inorganic fertilizer is rejected, then such inorganic fertilizer must be withdrawn from circulation within six (6) months at the latest.

Article 18

- (1) Amendment pertaining to registered inorganic fertilizer shall cover amendment to:
 - a. the name of formula;
 - b. the package;
 - c. the nature of formula/solid;
 - d. the origin of formula; abd/or
 - e. the color of fertilizer.
- (2) The amendment referred to in paragraph (1) may be approved after testing made on the quality in comparison with the result thereof complies with the requirements.
- (3) The holder of Registration Number shall be obliged to report the amendment referred to in paragraph (1) to the Director General through the Head of Department to be recorded in the Registration Book which stipulation will be further processed by the Director General.

CHAPTER IV

REGISTRATION AND TESTING COSTS

Article 19

Registration cost of inorganic fertilizer shall constitute Non-Tax State Revenue (PNBP) that must be deposited to the State Treasury the amount and procedure of which must be stipulated based on the provisions in the prevailing statutory regulation.

Article 20

The holder of Registration Number of inorganic fertilizer will be charged on the entire testing cost which amount and procedure will be determined by the Testing Institution.

CHAPTER V

TESTING INSTITUTION

Article 21

(1) The Testing Institution appointed by the Minister of Agriculture referred to in Article 11 and Article 13 must at least comply with the requirements below:

a. Quality Testing Institution

Quality Testing Institution must possess facilities and capability to conduct analysis of inorganic fertilizer quality, based on the requirements below:

1. has laboratory that complies with the requirements;
2. has testing equipment of inorganic fertilizer quality;

3. has expert or analyser in the field of inorganic fertilizer quality testing;
4. is capable to conduct analysis of inorganic fertilizer quality based on stipulated analysis.

b. Effectiveness Testing Institution

Effectiveness Testing Institution must possess facilities and capability to conduct testing on effectiveness/beneficial use of inorganic fertilizer against vegetation productivity, both technically and economically, based on the requirements below:

1. has equipment to conduct effectiveness test;
2. has sufficient land or other facilities for conducting effectiveness test;
3. has expert in the field of testing effectiveness of inorganic fertilizer supported by other operating expert;
4. is capable to conduct effectiveness test based on the duly stipulated testing method.

(2) Feasibility verification of Quality Testing Institution and Effectiveness Testing Institution referred to in paragraph (1) shall be conducted by the Ministry of Agriculture through the Directorate General of Agriculture Infrastructure and Facilities.

CHAPTER VI

OBLIGATIONS OF OFFICER AND HOLDER OF REGISTRATION NUMBER

Article 22

- (1) The officer serving registration, the quality testing officer and effectiveness testing officer shall be obliged to maintain the authenticity and confidentiality of inorganic fertilizer formula which based on its nature needs to be kept confidential.
- (2) The Testing Institution shall be obliged to guarantee the confidentiality of inorganic fertilizer formula that has been tested..
- (3) The Director General shall be obliged to maintain management of Registration Number and record all mutation either the subject of the object of inorganic fertilizer.

Article 23

- (1) The holder of Registration Number shall be obliged to state all required information on the package label that has been registered.
- (2) The holder of Registration Number shall be obliged to report to the Director General any amendment made to the Registration Number to be recorded in the Registration Book and for amendment to the Registration Number Certificate.

Article 24

The holder of Registration Number shall be obliged to submit annual reports on procurement and circulation covering production and/or import, sale and purchase domestically and/or export every six (6) months to the Director General using the format specified in Attachment XVII constituting inseparable

part of this Regulation.

Article 25

- (1) Any registration number not submitted may be transferred or assigned, on the grounds that:
 - a. the holder of Registration Number appointed other party acting as the holder of Registration Number;
 - b. the holder of Registration Number assigned the ownership of his/her formula to other party;
 - c. appointment of other party as the holder of Registration Number resulting from merger of the company;
 - d. change of the name of the holder of Registration Number.
- (2) The party receiving the assignment acting as the new holder of Registration Number referred to in paragraph (1) shall be obliged to settle the problem between the previous holder of Registration Number and the new holder of Registration Number in the form of agreement, and it must be further reported to the Director General through the Head of Department to be recorded in the Registration Book and propose a decision on such transfer.

CHAPTER VII

TERMS OF PENALTY

Article 26

The Testing Institution and/or testing labora-

tory that is proven to have failed to guarantee confidentiality and authenticity of the test result conducted shall be given written warning by the Director General and report it to the competent authority to be charged penalties according to the provisions in the prevailing statutory regulation.

Article 27

The officer in charge of registration that is proven to have failed to guarantee confidentiality of the fertilizer formula shall be charged employee disciplinary penalty in accordance with the provisions in the prevailing statutory regulation.

Article 28

Any applicant that is proven to have circulated inorganic fertilizer which registration is in process, shall be charged penalty in the form of rejection to the registration application until the investigation process conducted by the competent authority until it obtains permanent legal power.

Article 29

- (1) The holder of Registration Number that is proven to have failed to state all the required information on the label referred to in Article 7 paragraph (2) and/or failed to report the change of the holder of Registration Number is subject to penalty in the form of revocation of the Registration Number.
- (2) The holder of Registration Number that is proven to have failed to guarantee the quality of inor-

ganic fertilizer produced and/or circulated, shall be charged to penalty in the form of revocation of the Registration Number.

- (3) The holder of Registration Number not producing and/or not importing inorganic fertilizer that is registered as referred to in Article 24 for two (2) consecutive years shall be charged penalty in the form of revocation of Registration Number.
- (4) The holder of Registration Number that fails to report the change referred to in Article 18 paragraph (3) shall be charged penalty in the form of revocation of Registration Number.
- (5) The holder of Registration Number referred to in paragraph (1), paragraph (2), paragraph (3) and paragraph (4) shall be obliged to withdraw the inorganic fertilizer from circulation within three (3) months at the latest as of the issue of Decision of the Director General concerning Revocation of Registration Number.

Article 30

Withdrawal of inorganic fertilizer from circulation referred to in Article 29 paragraph (5) shall be made by and on account of the owner of registration number for the inorganic fertilizer concerned.

Article 31

- (1) Producer or holder of Registration Number for inorganic fertilizer may serve order with special formula in physical form as it is registered and used directly by the ordering party.

(2) Special formula referred to in paragraph (1) is not obligatory for registration based on this Regulation.

Article 32

Order for inorganic fertilizer with special formula referred to in Article 31 paragraph (1) prior to use must be reported to the Director General through the Director of Fertilizer and Pesticide to obtain monitoring and supervision with copy to the Head of Center.

Article 33

Inorganic fertilizer with the formula referred to in Article 31 shall be prohibited from distribution and used for public use.

Article 34

- (1) Any inorganic fertilizer added with micro element, phytohormon, glue, ameliorant, and organic material must be registered in accordance with the provisions in this Regulation.
- (2) Quality test and effectiveness test for inorganic fertilizer referred to in paragraph (1) must be conducted by Testing Institution and must be assessed by Technical Evaluation Registration Team duly established under separate Decision.

CHAPTER VIII

TRANSITIONAL PROVISION

Article 35

(1) Any inorganic fertilizer that is registered at stipulation of this Regulation, the Registration Number thereof is still valid until expiry of the registration period, and further re-registration must be made according to the provision in this Regulation.

(2) Application for registration of inorganic fertilizer under testing process prior to the issue of this Regulation the provisions in Regulation of the Minister of Agriculture Number 08/Permentan/SR.140/2/2007 shall apply.

(3) Application for registration of inorganic fertilizer not being tested prior to this Regulation is issued, shall be processed in accordance with the provisions in this Regulation.

CHAPTER IX

CLOSING PROVISION

Article 36

With the enactment of this Regulation, Regulation of the Minister of Agriculture Number 08/Permentan/SR.140/2/2007, concerning Terms and Procedure for Registration of Inorganic Fertilizer is revoked and declared null and void.

Article 37

This Regulation takes effect on the date it is enacted.

For public cognizance, this Regulation of the Minister of Agriculture shall be announced by placing it in the State Gazette of the

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Stipulated in Jakarta

On August 9, 2011

MINISTER OF AGRICULTURE
OF THE REPUBLIC OF INDONESIA,

sgd.

SUSWONO

Enacted in Jakarta

On August 12, 2011

MINISTER OF LAW AND HUMAN RIGHTS
OF REPUBLIC OF INDONESIA,

sgd.

PATRIALIS AKBAR

STATE GAZETTE OF THE REPUBLIC OF INDONESIA
YEAR 2011 NUMBER 491

Note from Editor:

- Due to technical reason no Attachment is provided herein.

(MA)