

## JAPAN'S FISHERY PRODUCTS AND FISH FARMING PRODUCTION FACILITIES ENTERING THE TERRITORY OF THE REPUBLIC OF INDONESIA

(Regulation of the Maritime Affairs and Fisheries Minister of the Republic of Indonesia No. PER.12/MEN/2011, dated May 9, 2011)

BY THE GRACE OF GOD ALMIGHTY  
THE MARITIME AFFAIRS AND  
FISHERIES MINISTER OF  
THE REPUBLIC OF INDONESIA,

Considering :

- a. that to anticipate the entry of Japan's radioactive-contaminated fishery products and fish farming production facilities, it is necessary to make a supervisory effort to protect the public, fishery resources and the environment in the territory of the Republic of Indonesia;
- b. that the effort to supervise radioactive-contaminated fishery products and fish farming produc-

tion facilities is made by controlling, safeguarding and tracing Japan's fishery products and fish farming production facilities that will enter the territory of the Republic of Indonesia;

- c. that based on the considerations in letters a and b, it is necessary to stipulate Regulation of the Maritime Affairs and Fisheries Minister on Japan's Fishery Products and Fish Farming Production Facilities Entering the Territory of the Republic of Indonesia;

In view of :

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

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- to Statute Book No. 3482);
2. Law No. 23/1992 on Health (Statute Book of 1992 No. 100, Supplement to Statute Book No. 3495);
  3. Law No. 7/1994 on the Ratification of Agreement Establishing The World Trade Organization (Statute Book of 1994 No. 57, Supplement to Statute Book No. 3564);
  4. Law No. 7/1996 on Food (Statute Book of 1996 No. 99, Supplement to Statute Book No. 3656);
  5. Law No. 8/1999 on Consumer Protection (Statute Book of 1999 No. 42, Supplement to Statute Book No. 3821);
  6. Law No. 31/2004 on Fisheries (Statute Book of 2004 No. 118, Supplement to Statute Book No. 4433) as already amended by Law No. 45/2009 (Statute Book of 2009 No. 154, Supplement to Statute Book No. 5073);
  7. Law No. 17/2006 on Customs (Statute Book of 2006 No. 93, Supplement to Statute Book No. 4661);
  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. 15/2002 on Fish Quarantine (Statute Book of 2002 No. 36, Supplement to Statute Book No. 4197);
  10. Government Regulation No. 28/2004 on Food Safety, Quality and Nutrition (Statute Book of 2004 No. 107, Supplement to Statute Book No. 4424);
  11. Presidential Regulation No. 10/2008 on the Use of Electronic System within the Framework of Indonesian National Single Window (NSW);
  12. Presidential Regulation No. 47/2009 on the Formation and Organization of State Ministries;
  13. Presidential Regulation No. 24/2010 on the Position, Task and Function of State Ministries and the Organizational Structure, Task and Function of First Echelon Officials of State Ministry as already amended by Presidential Regulation No. 67/2010;
  14. Presidential Decree No. 84/M/2009 as already amended by Presidential Decree No. 56/P/2010;
  15. Regulation of the Maritime Affairs and Fisheries Minister No. PER.20/MEN/2007 on Fish Quarantine Measures for the Entry of Media Carrying Quarantine Fish Pest and Diseases from Abroad and from One Area to Another within the Territory of the Republic of Indonesia;
  16. Regulation of the Maritime Affairs and Fisheries Minister No. PER.02/MEN/2010 on the Procurement and Circulation of Fish Feed;
  17. Regulation of the Maritime Affairs and Fisheries Minister No. PER.15/MEN/2010 on the Organization and Work Mechanism of the Maritime Affairs and Fisheries Ministry;
  18. Regulation of the Maritime Affairs and Fisheries Minister No. PER.17/MEN/2010 on Quality Control and Safety of Fishery Products Entering the Territory of the Republic of Indonesia;
  19. Regulation of the Maritime Affairs and Fisheries

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Minister No. PER.19/MEN/2010 on the Control of Quality and Safety Guarantee System of Fishery Products;

20. Decree of the Maritime Affairs and Fisheries Minister No. KEP.24/MEN/2002 on the Procedure and Technique of Drawing Up Laws and Regulations at the Maritime Affairs and Fisheries Ministry;

21. Decree of the Maritime Affairs and Fisheries Minister No. KEP.26/MEN/2002 on the Supply, Circulation, Use and Control of Fish Medicines;

22. Decree of the Maritime Affairs and Fisheries Minister No. KEP.01/MEN/2007 on Requirements of Fishery Products' Quality and Safety Guarantee in the Production, Manufacture and Distribution Processes;

**DECIDES :**

Stipulate :

**REGULATION OF THE MARITIME AFFAIRS AND FISHERIES MINISTER CONCERNING JAPAN'S FISHERY PRODUCTS AND FISH FARMING PRODUCTION FACILITIES ENTERING THE TERRITORY OF THE REPUBLIC OF INDONESIA.**

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1**

Referred to in this Ministerial Regulation as:

1. Fishery product is live, fresh, frozen or dried fish including other marine biotas handled and/or processed and/or turned into end product, either for

human consumption or non-consumption.

2. Fish farming production facility is fish medicine and fish feed to support fish farming.

3. Fish is all types of organism whose life cycle is entirely or partly in waters.

4. Radioactive is any substance that reflects pengion radiation with activity type larger than 70 kBq/kg (2nCi/g).

5. Competent authorities are an organizational unit at the Maritime Affairs and Fisheries Ministry mandated by the minister to take quarantine measures, control quality and safety guarantee system of fishery products.

6. Health certificate in the fish quarantine field is an official document signed by a quarantine officer or authorized official in the country of origin or transit stating that the carrier media contained therein are not contaminated by quarantine fish pest and/or disease as signaled.

7. Health certificate in quality field is an official document signed by an authorized official/authorities in the country of origin stating that the fishery product is safe for human consumption.

**CHAPTER II**

**REQUIREMENTS**

**Article 2**

(1) Any Japanese fishery product that is to enter the territory of the Republic of Indonesia :  
a. shall be equipped with a health certificate in the fish quarantine field and/or health

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- certificate in the quality field from the authorized agency/institute in the country of origin stating that the fishery product is free from radioactive;
- b. shall be equipped with a certificate of origin (CoO) issued by the competent authorities in the country of origin;
  - c. shall carry the results of laboratory test in the country of origin stating that the entering fishery product is free from microbiological pollutant, residual, and contaminant as well as other hazardous chemicals according to the Indonesian National Standard (SNI) requirements or other stipulated provisions;
  - d. shall meet the law and regulation on food label and advertisement;
  - e. shall be at least 20 (twenty) percent glazed for fishery product in frozen form; and
  - f. shall be equipped with a Good Aquaculture Practices (GAP) certificate for fish farm products.
- (2) The statement that the fishery product is free from radioactive as referred to in paragraph (1) letter a can also be in the form of radioactive-free certificate issued by an authorized agency/institute in Japan.
- (3) Fishery product in the form of new type of fish introduced and/or for the first time entering the territory of the Republic of Indonesia shall meet the conditions as referred to in paragraph (1) and paragraph (2) in addition to undergoing fish importation risk analysis according to the law in force.
- (4) Fishery product in the form of new type of fish introduced and/or for the first time entering the territory of the Republic of Indonesia shall meet the conditions as referred to in paragraph (1), paragraph (2) and paragraph (3) for non-consumption fish in addition to receiving a recommendation from the Director General of Fish Farming

### Article 3

- (1) Any fish farming production facility in the form of fish medicine from Japan to be imported to the territory of the Republic of Indonesia shall be equipped with certificates issued by authorized agencies/institutes in Japan in the form of :
- a. Certificate of Origin (CoO);
  - b. Certificate of Free Sale;
  - c. Certificate of Analysis; and
  - d. Certificate of Good Manufacturing Practice (GMP).
- (2) Any fish farming production facility in the form of fish feed from Japan to be imported to the territory of the Republic of Indonesia shall be equipped with:
- a. Certificate/publication from the Japanese government stating that the fish has been and is still traded in Japan;
  - b. Certificate of analysis from a competent government/private institute in Japan;
  - c. Certificate of appointment from producer to

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importer and/or distributor; and

- d. Certificate from the government or independent institute in Japan stating that the fish feed has a positive impact on fish growth or can increase fish growth to the optimum level and does not endanger human health and the environment.
- (3) In addition to being equipped with the certificates/documents as referred to in paragraph (1) and paragraph (2) fish farming production facilities from Japan to be imported to the territory of the Republic of Indonesia shall be equipped with radioactive-free certificate.
  - (4) The radioactive-free certificate as referred to in paragraph (3) shall be issued by the authorized agency/institute in Japan.

### Article 4

Fishery products and fish farming production facilities can be imported from Japan to the territory of the Republic of Indonesia only through:

- a. Seaports: Belawan in Medan, Tanjung Priok in Jakarta, Tanjung Emas in Semarang, Tanjung Perak in Surabaya, Soekarno Hatta in Makassar; and/or
- b. Airports: Polonia in Medan, Soekarno Hatta in Jakarta, Juanda in Surabaya, Sultan Hasanuddin in Makassar, Ngurah Rai in Denpasar.

### Article 5

- (1) If fishery products and fish farming production facilities to be imported from Japan are believed

to have been contaminated by radioactive, the Competent Quality Control Authorities can take samples.

- (2) The samples as referred to in paragraph (1) shall be conveyed to the National Nuclear Power Body for examination.
- (3) The examination of samples as referred to in paragraph (2) shall be subject to fees according to the law and regulation in force and become the responsibility of the importer.

### Article 6

- (1) If based on the results of examination as referred to in Article 5 paragraph (2), the fishery products and fish farming production facilities contain radioactive, they shall be reexported to Japan.
- (2) The re-export as referred to in paragraph (1) shall become the responsibility of the importer.

### Article 7

- (1) Fishery products from Japan that are to be imported to the territory of the Republic of Indonesia and shipped via a third country shall be equipped with a radioactive-free certificate issued by the competent authorities/authorized agency in Japan which is part of health certificate in the fish quarantine field and health certificate in the quality field or a radioactive-free certificate issued by the authorized agency/institute in Japan.
- (2) Fish farming production facilities from Japan that are to be imported to the territory of the Republic

of Indonesia and shipped via a third country shall be equipped with a radioactive-free certificate issued by the authorized agency/institute in Japan.

**CHAPTER III  
TRANSITIONAL PROVISIONS**

**Article 8**

Fishery products and fish farming production facilities shipped from Japan to Indonesia directly or via a third country from March 11, 2011 to the stipulation date of this Ministerial Regulation shall be subject to examination in Indonesia to see if they are free from radioactive.

**CHAPTER IV  
CONCLUSION**

**Article 9**

This Ministerial Regulation shall come into force as from the date of stipulation.

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 May 9, 2011

**THE MARITIME AFFAIRS AND  
FISHERIES MINISTER OF  
THE REPUBLIC OF INDONESIA,**

sgd.

**FADEL MUHAMMAD**

Promulgated in Jakarta

On May 9, 2011

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

sgd.

**PATRIALIS AKBAR**

**STATE GAZETTE OF THE REPUBLIC OF INDONESIA  
OF 2011 NO. 281**

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