Minister of Industry of the Republic of Indonesia

REGULATION OF THE
MINISTER OF INDUSTRY OF THE REPUBLIC OF INDONESIA
NUMBER : 35/M-IND/PER/3/2011

ON

OBLIGATORY APPLICATION OF THE INDONESIAN NATIONAL STANDARD (SNI) FOR WHEAT FLOUR AS A FOODSTUFF

WITH THE BLESSINGS OF THE ONE ALMIGHTY GOD

THE MINISTER OF INDUSTRY OF THE REPUBLIC OF INDONESIA,

Considering :

a. whereas in connection with the revision to the Indonesian National Standard (SNI) for Wheat Flour as Foodstuff which is an obligatory application by Regulation of the Minister of Industry Number 49/M-IND/PER/7/2008, it is necessary to rearrange the matters related to the application of SNI on Wheat Flour as Foodstuff as regulated in the Regulation of the Minister meant above;

b. whereas based on the consideration as meant in letter a, it is necessary to issue a Regulation by the Minister of Industry;

Bearing in mind :

1. Law Number 5 Year 1984 on Industries (State Gazette of the Republic of Indonesia Year 1984 Number 22, Supplement State Gazette of the Republic of Indonesia Number 3274);

2. Law Number 7 Year 1994 on Ratification of the Agreement Establishing The World Trade Organization (State Gazette of the Republic of Indonesia Year 1994 Number 57, Supplement State Gazette of the Republic of Indonesia Number 3564);

3. Law Number 10 Year 1995 on Customs and Excise (State Gazette of the Republic of Indonesia Year 1995 Number 75, Supplement State Gazette of the Republic of Indonesia Number 3612) as amended by the Law Number 17 Year 2006 (State Gazette of the Republic of Indonesia Year 2006 Number 93, Supplement State Gazette of the Republic of Indonesia Number 4661);

4. Law Number 8 Year 1999 on Consumer Protection (State Gazette of the Republic of Indonesia Year 1999 Number 42, Supplement State Gazette of the Republic of Indonesia Number 3821) ;

5. Law Number 32 Year 2004 on Regional Governments (State Gazette of the Republic of Indonesia Year 2004 Number 125, Supplement State Gazette of the Republic of Indonesia Number 4437) as several times amended, lastly by the Law Number 12 Year 2008 (State Gazette of the Republic of Indonesia Year 2008 Number 59, Supplement State Gazette of the Republic of Indonesia Number 4844);
6. Government Regulation Number 17 Year 1986 on The Authority to Regulate, Develop, and Build Industries (State Gazette of the Republic of Indonesia Year 1986 Number 23, Supplement State Gazette of the Republic of Indonesia Number 3330);
7. Government Regulation Number 102 Year 2000 on National Standardization (State Gazette of the Republic of Indonesia Year 2000 Number 199, Supplement State Gazette of the Republic of Indonesia Number 4020);
8. Government Regulation Number 38 Year 2007 on The Division of Governmental Affairs Between the Government, Provincial Government and District/Municipal Government (State Gazette of the Republic of Indonesia Year 2007 Number 82, Supplement State Gazette of the Republic of Indonesia Number 4737);
9. Regulation of the President of the Republic of Indonesia Number 47 Year 2009 on The Establishment and Organization of State Ministries;
10. Regulation of the President of the Republic of Indonesia Number 24 Year 2010 on the Position, Tasks and Function of State Ministries and the Organizational Structure, Tasks and Function of Echelon I at State Ministries;
11. Decree of the President of Republic of Indonesia Number 78 Year 2001on the National Accreditation Committee;
12. Decree of the President of Republic of Indonesia Number 84/P Year 2009 on Establishment of the United Indonesia II Cabinet, Period of 2009-2014;
13. Regulation of the Minister of Trade Number 14/M-DAG/PER/3/2007 on Standardization of Services in Trade and Control Over the Obligatory Indonesian National Standard (SNI) on Goods and Services as amended by the Regulation of the Minister of Trade Number 30/M-DAG/PER/7/2007;
14. Regulation of the Minister of Trade Number 20/M-DAG/PER/5/2009 on the Provisions and Methods of Goods and/or Services;
15. Regulation of the Minister of Industry Number 86/M-IND/PER/9/2009 on The Indonesian National Standards in Industry;

16. Regulation of the Minister of Industry Number 105/M-IND/PER/10/2010 on the Organization and Working Procedure at the Ministry of Industry;

HAS DECIDED:

To stipulate : THE REGULATION OF THE MINISTER OF INDUSTRY ON THE OBLIGATORY APPLICATION OF THE INDONESIAN NATIONAL STANDARD (SNI) ON WHEAT FLOUR AS FOODSTUFF.

Article 1

In this Ministerial Regulation, what is meant by :

1. Wheat Flour as foodstuff which shall further be referred to as wheat flour is the flour made from the endosperm of Triticum aestivum L (club wheat) and/or Triticum compactum Host or a mixture of both with the addition of Fe, Zn, vitamin B1, vitamin B2 and folic acid as fortification.
2. Certificate of Product Using the SNI Mark, hereinafter referred to as SNI Certificate, is a Certificate of Product Using the SNI Mark issued by the Product Certification Agency to a producer that is able to produce Wheat Flour as foodstuff according to the requirements of SNI.
3. Product Certification Agency, hereinafter shall be referred to as LSPro, is an agency accredited by the National Accreditation Committee to perform the activities related to the certification of products that use the SNI Mark.
4. The Testing Laboratory is a laboratory that examines and tests the sample of goods in accordance with the specifications/testing methods for SNI.
5. The National Accreditation Committee, which hereinafter shall be referred to as NAC, is a non structural institution under and responsible to the President, with the task of determining the system of accreditation and certification and is authorized to accredit agencies and laboratories to carry out certification activities.
6. Surveillance is the periodic checking and or specific checking up on companies/producers who have obtained the SNI Certificate, regarding their consistency in applying the SNI, performed by the Product Certification Agency.
7. The Controlling Officer for Goods and or Services in Factories, hereinafter referred to as COG/S is a civil servant at central or regional level assigned to control the goods and or services at the location of production and outside the location of production activities, where it is obligatory to apply the SNI.

8. Minister is the Minister handling the government's affairs in the sector of industry.
9. The Directorate General for the Development of Industry is the Directorate General of Agro Industries, Ministry of Industry.
10. The Director-General for the Development of Industries is the Director-General of Agro Industries, Ministry of Industry.
11. The Director for Development of Industries is the Director who develops the wheat flour industry as foodstuff at the Directorate General of Agro Industries, Ministry of Industry.
12. BPKIMI is the Agency for the Study of Climate Policies and Quality of Industries, Ministry of Industry.
13. The Provincial Office is the Office at province level that handles the government affairs in the sector of industry.
14. The District/Municipal Office is the Office at district/municipal level that handles the government affairs in the sector of industry.

Article 2

(1) The obligatory application of the Indonesian National Standard (SNI) 3751: 2009 on Wheat Flour as a Foodstuff with HS Rate Entry Number 1101.00.10.00.

(2) The obligatory application of SNI as meant in paragraph (1) shall be effective for :

a. Wheat Flour in packaging and or in bulk; and
b. Wheat Flour re-packed.

Article 3

The Company producing or importing wheat flour as a foodstuff as meant in Article 2 is required to comply with the provisions of SNI by :

a. obtaining an SNI Certificate for Wheat Flour in conformity with the SNI provisions as meant in Article 2;
b. affixing the SNI Mark on Wheat Flour as foodstuff on each package in a place where it can be read easily but cannot be easily removed; or
c. attaching the SNI Certificate for Wheat Flour as a foodstuff when in bulk form.

Article 4

(1) Wheat Flour under the number HS 1101.00.10.00 which is used for non food purposes shall not be required to follow the provisions as meant in Article 3

(2) The import of wheat flour used for non food purposes as meant in paragraph (1) shall be subject to the following terms :

a. It must be imported only by a Producer Importer (PI); and
b. It is accompanied by a letter concerning the use of wheat flour for non food purpose issued by the Directorate General for Development of Industry.

(3) The letter concerning the use of wheat flour for non food as meant in paragraph (1) should at least contain the following information:
a. the identity of the requesting company;
b. the production capacity and production plan of the company;
c. the amount of products to be imported (for imported goods); and
d. product specifications.

(4) The issuance of a Letter regarding the Use of Wheat Flour for Non-Food Purpose as meant in paragraph (1) is issued on the basis of a request from the industrial company with a Statement Letter bearing sufficient duty stamp, declaring that the product being imported is a raw material, and should include accountable and reliable evidence thereof.

(5) In issuing the Letter as meant in paragraph (1), the Directorate General for Development of Industry may coordinate with related agencies and industrial associations.

(6) The authority to issue a Letter on the Use of Wheat Flour for Non Food Purpose as meant in paragraph (1) is delegated to the Director for Development of Industry.

(7) The terms and conditions for issuing a Letter as meant in paragraph (1) shall be regulated further by the Regulation of the Director General for Development of Industry.

Article 5

Wheat Flour as Foodstuff as meant in Article 2 and sold within the country which is domestically produced or imported shall be required to meet the provisions of SNI as meant in Article 3.

Article 6

(1) The issuance of the SNI Certificate for Wheat Flour as Foodstuff as meant in Article 3 point a shall be done by the LSPro accredited by the NAC with scope according to the SNI for Wheat Flour as Foodstuff and appointed by the Minister, through implementation of :

a. The Guidelines for National Standardization PSN 302-2006: Conformity Assessment – Fundamentals of Product Certification, System 5 consisting of :

1. testing the quality of the product according to SNI as meant in Article 2; and
2. audit on the application of the SNI Quality Management System ISO 9001 : 2008 or its revisions or other recognized quality management system; or

b. Guidelines for National Standardization PSN 302-2006: Conformity Assessment – Fundamentals of Product Certification, System 1b, consisting of :

1. For domestic products, testing the quality of the product according to SNI in each production lot per 3 (three) months;
2. For imported wheat flour, it should be accompanied by a Certificate of Analysis (CoA) document which at least contains :
   a) the name and address of the company;
   b) the name of the testing laboratory;
   c) the date of testing and results of the testing that meet the parameters of SNI conducted by a laboratory that has signed an MoU with LSPro in Indonesia; and
   d) has attached an Official Report of Taking a Sample; or
3. For imported Wheat Flour which does not have the Certificate of Analysis (CoA) document attached as meant in point 2, a sample will have to be taken and tested in accordance with the parameters of SNI as meant in Article 2 paragraph (1) by a testing laboratory appointed by the LSPro.

(2) The testing as meant in paragraph (1) point a number 1 shall be performed by :

a. A testing laboratory accredited by the NAC with the scope of SNI for Wheat Flour as Foodstuff and appointed by the Minister; or

b. A foreign laboratory appointed by the Minister on condition that there is an agreement for Mutual Recognition of Arrangement (MRA) between the NAC and the Accreditation Board of the country concerned and there is a bilateral or multilateral agreement in technical regulations between the Government of the Republic of Indonesia and the country concerned.

(3) An audit on the application of the quality management system as meant in paragraph (1) point a number 2 based on a guarantee of quality issued by the Quality Certification Agency accredited by NAC or the Accreditation Board of the exporting country that has signed the Mutual Recognition of Arrangement (MRA) with NAC.

(4) In the event there is not yet any LSPro and or Testing Laboratory accredited by NAC in accordance with the scope of SNI for Wheat Flour

as a Foodstuff, then the Minister may appoint an LSPro and or laboratory whose competence has already been evaluated by BPKIMI.

(5) The appointed LSPro and or testing laboratory as meant in paragraph (4) should at the latest 2 (two) years after the said appointment, be accredited by NAC.

Article 7

(1) LSPro as meant in Article 6 paragraph (1) or paragraph (4) is required to report the implementation of certification activities to the Director General for Development of Industry and the Head of BPKIMI at the latest 7 (seven) working days from the issuance of the SNI Certificate.

(2) The LSPro issuing the SNI Certificate for Wheat Flour as a Foodstuff shall be responsible for conducting a surveillance on the use of the SNI Mark from the SNI Certificate that was issued.

Article 8

(1) Wheat Flour as a Foodstuff which is imported but does not meet the provisions as meant in Article 5 shall be prohibited from entering the customs area of Indonesia.

(2) The Wheat Flour as a Foodstuff which is imported as meant in paragraph (1) must be destroyed or exported back to the country of origin by the importer of said wheat flour.

Article 9

(1) Wheat Flour as a Foodstuff which is domestically produced but does not fulfill the SNI provisions as meant in Article 5 shall be prohibited to circulate and must be destroyed by the producer of the wheat flour.

(2) Wheat Flour as a Foodstuff which is circulated in the market and was imported and or domestically produced and does not meet the provisions as meant in Article 5 must be withdrawn from the markets and destroyed by the producer or the importer of the wheat flour or be exported back to the country of origin by the importer concerned.

(3) The method of exporting back the wheat flour as meant in Article 8 paragraph (2) and withdrawal of the product from the market and the destroying of the wheat flour as meant in paragraph (2) shall be done in accordance with the laws.

Article 10

(1) The Directorate General for Development of Industry shall guide and supervise the performance of:
   a. the application of SNI for Wheat Flour as meant in Article 2 at the factory; and

b. the use of Wheat Flour as Non Food as meant in Article 4 paragraph (1) at the factory in relation to the provisions as meant in Article 4 paragraph (2)

(2) The supervision as meant in paragraph (1) shall be exercised at least 1 (one) time in a year by assigning a Controlling Officer.

(3) BPKIMI shall provide guidance to the Conformity Assessment Agency in the framework of obligatory application of SNI on Wheat Flour as Foodstuff.

(4) In exercising the supervision as meant in paragraph (3), BPKIMI may issue a written reprimand to the LSPro that does not submit a report as meant in Article 8.

Article 11

The Director General for Development of Industry determines the technical guidelines for implementation and supervisory guidelines for application of the SNI for Wheat Flour as Foodstuff at the factory.

Article 12

Any business player, LSPro and or testing laboratory that violates the provisions in this Regulation of the Minister shall be subject to a sanction in accordance with the laws.

Article 13

(1) SNI Certificates for Wheat Flour as Foodstuff which were issued pursuant to SNI 01-3751-2006 shall remain valid and effective for maximum 1 (one) year from the enactment of this Regulation of the Minister.

(2) A company that holds an SNI Certificate for Wheat Flour as Foodstuff as meant in paragraph (1) is required to immediately adjust the SNI Certificate based on this Regulation of the Minister.

Article 14

The rules of implementation regulated on the basis of the Regulation of the Minister of Industry Number 49/M-IND/PER/7/2008 are declared still valid as long as they have not been replaced in accordance with this Regulation of the Minister.

Article 15

Upon enactment of this Regulation, the Regulation of the Minister of Industry Number 49/M-IND/PER/7/2008 on the Obligatory Application of the Indonesian National Standard (SNI) on Wheat Flour as a Foodstuff is revoked and declared null and void.

Article 16

This Regulation of the Minister shall become effective 2 (two) months from the date of its enactment.

In order for all to be aware, this Regulation of the Minister will be enacted through placement in the Official Gazette of the Republic of Indonesia.

Stipulated in Jakarta
On the date, 22 March 2011

MINISTER OF INDUSTRY

sgd

MOHAMAD S. HIDAYAT

Enacted in Jakarta
On the date 23 March 2011

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

sgd

PATRIALIS AKBAR

OFFICIAL GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2011 NUMBER 167

Copy true to the original.
Secretariat General
Ministry of Industry
Head of Bureau for Laws and Organisation

(seal and signature)

RAYONO