

DECREE OF THE MINISTER OF AGRICULTURE
No.245/Kpts/LB.730/4/90
Concerning
QUARANTINE ACTIONS AGAINST LIVE FISH INTENDED
FOR EXPORT FROM THE TERRITORY OF THE REPUBLIC
OF INDONESIA

THE MINISTER OF AGRICULTURE

Considering : that in order that the performance of quarantine for export certification shall not hamper the exportation of live fish it is deemed necessary to stipulate provisions regarding the quarantine actions against live fish intended for export.

Referring to : 1. Law No.9 of 1985 (Statute Book 1985:46)
2. Presidential Decree No.44 of 1974;
3. Presidential Decree No.15 of 1984 related to Presidential Decree No.4 of 1990;
4. Presidential Decree No.64/M of 1988;
5. Decree of the Minister of Agriculture No.OT.210/706/Kpts/9/1983;
6. Decree of the Minister of Agriculture No. 45/Kpts/OT.210/2/1986;
7. Decree of the Minister of Agriculture No.519/Kpts/OT.210/8/1988.

HAS DECIDED

To Lay down: DECREE OF THE MINISTER OF AGRICULTURE CONCERNING QUARANTINE ACTIONS AGAINST LIVE FISH INTENDED FOR EXPORT FROM THE TERRITORY OF THE REPUBLIC OF INDONESIA

Article 1

In this Decree

- a. "Quarantine Actions" means activities which include health inspection and or observation and or isolation and or treatment and or destruction and the issuance of Fish Health Certificate.
- b. "Fish Health Certificate", hereinafter referred to as FHC, means a certificate stating that the live fish, the species and quantity of which mentioned therein, have been inspected as to their health and found to be free from dangerous fish disease agents and pests.
- c. "F i s h" means all species of fish including other aquatic biota in all stages of development/existence, as referred to in Law No.9 of 1985 and its explanatory memorandum.
- d. "Live Fish" means live fish being transported with or without water medium, including fish in a dormant state.
- e. "Exportation of Live Fish" means all activities aimed at transporting live fish out of the territory of the Republic of Indonesia.
- f. "Dangerous Fish Disease" means fish disease designated by the importing country as fish disease that must be prevented from being brought with live fish into its territory.
- g. "Fish Quarantine Establishment" hereinafter called "Establishment" means a place with the required equipment belonging to the Fish Quarantine Station at point of export, for the performance of quarantine actions.
- h. "Temporary Fish Quarantine Establishment" hereinafter called "Temporary Establishment" means a place with the necessary equipment for the performance of quarantine actions, which is owned by the exporter of live fish, and which is authorized by the Director of the Center for Agricultural Quarantine°

- i. "Transit" means the temporary stay of exported live fish commodity at a seaport or airport before the commodity proceeds to its destination in a foreign country.
- j. "Fish Quarantine Officer" means a civil servant who has undergone training in fish quarantine and has been appointed by the authorized official to perform quarantine actions.
- k. "Owner" means a natural or juridical person who is responsible for the exportation of live fish.

Article 2

- (1) The exportation of live fish for either consumption or other purposes shall not be required to undergo quarantine actions including health certification, unless so required by the importing country.
- (2) Fish health inspection intended for the issuing of FHC as referred to in paragraph (1) shall be carried out without affecting the condition of the live fish as well as the smoothness of their exportation.

Article 3

FHC can be obtained at the places listed in the Appendix to this Decree.

Article 4

- (1) Quarantine actions against live fish intended for export shall be performed at the Establishments or Temporary Establishments.
- (2) The Director of the Center for Agricultural Quarantine shall stipulate the requirements and procedure for the designation of Temporary Establishments.

Article 5

- (1) The quarantine period shall be at most seven days as from the day the live fish are submitted by the owner to the Fish Quarantine Officer, unless the importing country requires otherwise.
- (2) If based on the result of clinical observation further quarantine action is needed the Fish Quarantine Officer can extend the quarantine period after approval has been received from the Director of the Center for Agricultural Quarantine.

Article 6

- (1) The owner who needs quarantine actions for securing FHC shall submit an application to the authorized Fish Quarantine Officer at point of export two days prior to the performance of quarantine actions.
- (2) Upon receipt of the application referred to in paragraph (1) the Fish Quarantine Officer shall immediately make preparations for the Establishment.
- (3) In case the Fish Quarantine Station at point of export has not yet been equipped with an Establishment, the owner shall provide it with a Temporary Establishment.
- (4) After the Establishment/Temporary Establishment has been prepared, the owner shall submit to the Fish Quarantine Officer the live fish intended for export.
- (5) Upon receipt of the fish the Fish Quarantine Officer shall immediately perform the quarantine actions according to the procedure fixed jointly by the Director of the Center for Agricultural Quarantine and the Director-General of Fisheries.

Article 7

- (1) If based on inspection the fish are found to be healthy the Fish Quarantine Officer shall immediately issue an FHC.
- (2) If based on inspection the fish are found to be:
 - (a) diseased but can still be treated, the fish shall be treated until they become healthy, after which an FHC shall be issued.
 - (b) diseased so that they cannot possibly be treated, the fish shall be destroyed.
- (3) Live fish that have been furnished with an FHC shall be packed by the owner under the supervision of the Fish Quarantine Officer.

Article 8

In order to safeguard the fish that have been provided with an FHC, the addition of oxygen, the repacking of fish at the place of transit and or at the point of export, shall be done under the supervision of the Fish Quarantine Officer.

Article 9

If in the performance of quarantine actions the Center for Agricultural Quarantine requires assistance in laboratory examination from other agencies, such assistance shall be requested from the relevant organization within the Ministry of Agriculture. by the Fish Quarantine Officer.

Article 10

- (1) The preparation of the Establishment, the caring of the fish during the quarantine period shall be carried out by the owner under the supervision of the Fish Quarantine Officer.
- (2) The provision of equipment and material for the performance of quarantine action referred to in paragraph (1) and treatment shall be the responsibility of the owner.
- (3) The real necessity which is required by the Fish Quarantine Officer in the performance of quarantine actions at the Temporary Establishment shall be borne by the owner and be arranged further by the Director of the Center for Agricultural Quarantine.

Article 11

If in the proper performance of the duties of the Fish Quarantine Officer loss, damage or death occurs to the live fish or delay occurs in the loading and unloading of live fish into ^{and} from their carrier, the Fish Quarantine Officer or the Government is exempt from all claims for compensation.

Article 12

- (1) The destruction of live fish shall be carried out by or under the supervision of the Fish Quarantine Officer.
- (2) Each destruction of fish shall be attended by the owner or his proxy and shall be witnessed by a Police Officer, and officers of other agencies concerned.
- (3) In each case of destruction an official report shall be made in at least threefold, the first copy is for the owner, the second copy for the officer(s) of the agencies concerned with the destruction of fish, and the third copy for the Fish Quarantine Officer.

Article 13

In case the fish are destroyed as referred to in Article 12, the owner shall have no right to claim for or receive compensation.

- (1)

Article 14

- (1) For the performance of quarantine actions the owner shall pay fees according to a schedule to be laid down by the Minister of Agriculture in a separate Decree.
- (2) The fees referred to^w paragraph (1) shall be paid by the owner before the Fish Health Certificate is placed at his disposal.
- (3) All money received in connection with the collection of fees referred to in paragraph (1) shall constitute the revenue of the State and shall be deposited in the State Treasury.

Article 15

This Decree shall take effect on the day of its issuance.

Issued in Jakarta
on the 11th day of April 1990

The Minister of Agriculture

sgd

Ir. Wardoyo