

ORGANIC FERTILIZERS AND SOIL ENHANCERS

(Regulation of the Minister of Agriculture No. 02/Pert/HK.060/2/2006 dated February 10,2006)

BY GRACE OF GOD THE ALMIGHTY

THE MINISTER OF AGRICULTURE,

Considering:

- a. that organic fertilizers and soil enhancers play important role in supporting the success of development of crop cultivation;
- b. that in order to protect consumers/users and producers/business communities, organic fertilizers and soil enhancers to be distributed in the territory of the Republic of Indonesia must meet standards of quality and minimal technical requirements;
- c. that based on the above mentioned matters, it is deemed necessary to stipulate provisions on organic fertilizers and soil enhancers;

In view of:

1. Law No. 5/1984 on Industry (Statute Book of 1984 No. 22, Supplement to Statute Book No. 3274);
2. Law No. 12/1992 on Crop Cultivation System (Statute Book of 1992 No. 46, Supplement to Statute Book No. 3478);
3. Law No. 7/1994 on Ratification of Agreement Establishing The World Trade Organization (Statute Book of 1994 No. 57, Supplement to Statute Book No. 35);
4. Law No. 10/1995 on Customs (Statute Book of 1995 No. 75, Supplement to Statute Book No. 3611);
5. Law No. 23/1997 on Environmental Management (Statute Book of 1997 No. 68, Supplement to Statute Book No. 3699);
6. Law No. 8/1999 on Consumer Protection (Statute Book of 1999 No. 42, Supplement to Statute Book No. 3478);

7. Law No. 32/2004 on Regional Administration (Statute Book of 2004 No. 125, Supplement to Statute Book No. 4473);
8. Law No. 85/1999 on The Amendment to Government Regulation No. 18/1999 on Management of Dangerous and Poisonous Materials (Statute Book of 1999 No. 190, Supplement to Statute Book No. 3910);
9. Government Regulation NO. 25/2000 on the Authority of the Government and the Authority of Provinces as Autonomous Regions (Statute Book of 2000 No. 54, Supplement to Statute Book No. 3952);
10. Government Regulation No. 102/2000 on National Standardization (Statute Book of 2000 No. 199, Supplement to Statute Book No. 4020);
11. Government Regulation No. 8/2001 on Fertilizers of Crop Cultivation (Statute Book of 2001 No. 14, Supplement to Statute Book No. 4079);
12. Government Regulation No. 8/2001 on Fostering and Supervision Over Consumer Protection (Statute Book of 2001 No. 103, Supplement to Statute Book No. 4126);
13. Presidential Decree No. 187/M/2004 on the Establishment of the United Indonesia Cabinet;
14. Presidential Regulation NO. 9/2005 on the Status, Tasks, Functions, Organizational Structures and Working Arrangement of State Ministries of the Republic of Indonesia juncto Presidential Decree No. 62/2005;
15. Presidential Decree No. 10/2005 on First-echelon Organizational Units and Tasks of State Ministries;
16. Decree of the Minister of Agriculture No. 797/Kpts/TP.830/10/1984 on the Import of Plant Growth Media into the Territory of the Republic of Indonesia;

17. Decree of the Minister of Agriculture No. 170/Kpts/OT.210/3/2002 on Realization of National Standardization in the Agricultural Sector;
18. Decree of the Minister of Agriculture No. 237/Kpts/OT.210/4/2003 on Guidance for Supervision over Procurement, Distribution and Use of An organic fertilizers;
19. Regulation of the Minister of Agriculture No. 299/Kpts/OT.140/7/2005 on the Organization and Working Arrangement of the Ministry of Agriculture;
20. Regulation of the Minister of Agriculture No. 341/Kpts/OT.140/9/2005 on Organizational Apparatuses and Working Arrangement of the Ministry of Agriculture;
5. Organic Fertilizer Formula Engineering shall be a set of engineering activities physically and/or biologically to produce formula of organic fertilizers.
6. Soil Enhancer Formula Engineering shall be a set of engineering activities physically and/or biologically to produce formula of soil enhancer.
7. Quality Test of Organic Fertilizer shall be analysis of composition and content of substances of organic fertilizers executed in laboratory on the basis of stipulated analytical methods.
8. Quality Test of Soil Enhancer shall be analysis of composition and content of substances of soil enhancer executed in laboratory on the basis of stipulated analytical methods.

D E C I D E S :

To stipulate:

THE REGULATION OF THE MINISTER OF AGRICULTURE ON ORGANIC FERTILIZERS AND SOIL ENHANCERS

CHAPTER I

GENERAL PROVISION

Article 1

Referred to in this regulation as:

1. Organic fertilizers shall be fertilizers composed mostly or wholly of organic substances coming from plants and/or animals which have passed an engineering process, that can be in solid or liquid form used for supplying organic substances, improving physical, chemical and biological characteristics of soil.
2. Soil enhancers shall be synthetic or natural, organic or mineral substances in solid or liquid form that can improve physical, chemical and biological characteristics of soil.
3. Formula of Organic Fertilizers shall be content of organic substances and elements of macro and/or micro substances.
4. Formula of Soil Enhancers shall be content of organic materials and/or minerals and/or synthetic substances.
9. Certificate of Organic Fertilizer or Soil Enhancer Formula shall be a certificate issued by quality test institutions to formula of organic fertilizer/soil enhancer whose quality has been tested by the quality test institutions.
10. Quality Standard of Organic Fertilizer shall be composition and content of substances of organic fertilizers stipulated by the National Standardization Board in the form of the Indonesian National Standard (SNI) or stipulated by the Minister of Agriculture in the form of Minimum Technical Requirements.
11. Quality Standard of Soil Enhancer shall be composition and content of substances of soil enhancer stipulated by the National Standardization Board in the form of the Indonesian National Standard (SNI) or stipulated by the Minister of Agriculture in the form of Minimum Technical Requirements.
12. Effectiveness Test of Organic Fertilizers shall be site test to ascertain influence of organic fertilizers on the growth and production of plants as well as to ascertain their influence on the enhancement of soil fertility in the form of the increase in organic C of soil.
13. Effectiveness Test of Soil Enhancer shall be laboratory

test to ascertain influence of the soil enhancer on the improvement of any of soil characteristics, namely physical and/or chemical and/or biological characteristics of soil.

14. Minimal Technical Requirements for Organic Fertilizers and Soil Enhancers shall be minimal technical requirements stipulated by the Minister of Agriculture.

15. Procurement of Organic Fertilizers or Soil Enhancers shall be an activity of provision of organic fertilizers or soil enhancers from domestic or overseas production.

16. Distribution shall be an activity or a series of activity in the framework of distribution of organic fertilizers or soil enhancers in the country for trade or not.

17. Use shall be an activity of utilization of organic fertilizers or soil enhancers by users.

18. Supervision shall be examination to determine conformance of composition and content of substances of organic fertilizers or soil enhancers to the quality standards or minimum technical requirements.

19. Testing Institution shall be an institution or laboratory having competence to test the quality and effectiveness of organic fertilizers or soil enhancers, which has been accredited or appointed.

Article 2

(1) The regulation shall be prepared as the legal basis for registration, procurement, distribution, use and supervision over organic fertilizers or soil enhancers.

(2) The regulation shall aim at ensuring the organic fertilizers or soil enhancers distributed in the territory of the Republic of Indonesia to meet the quality standards or minimum technical requirements.

Article 3

The scope of this regulation shall cover provision, requirements for registration, registration procedures, distribution, use, supervision and fostering.

CHAPTER II

PROVISION

Article 4

(1) Organic fertilizers or soil enhancers can be procured through domestic production or the import from other countries.

(2) Provision of organic fertilizers or soil enhancers coming from domestic production or the import from other countries as meant in paragraph (1) shall meet the standards of quality and standards of effectiveness or minimum technical requirements as contained in Attachment I to this regulation.

(3) Provision of the organic fertilizers or soil enhancers as meant in paragraph (1) can be realized by individuals or statutory bodies.

Article 5

(1) The individuals or statutory bodies as meant in Article 4 paragraph (3) that will produce organic fertilizers or soil enhancers shall secure prior license from local regents or mayors.

(2) In issuing the license as meant in paragraph (1), the regents or mayors shall observe legislation in force.

Article 6

(1) Organic fertilizers or soil enhancers to be produced shall come from formula of organic fertilizers or formula of soil enhancers resulting from engineering.

(2) The formula of organic fertilizers or soil enhancers as meant in paragraph (1) shall meet the standards of quality or minimum technical requirements as meant in Article 4 paragraph (2) and pass quality and effectiveness test.

Article 7

(1) The organic fertilizers and/or soil enhancers importing from other countries as meant in Article 4 paragraph (1) shall meet the standards of quality or minimum technical requirements as meant in Article 4 paragraph (2) and pass the quality and effectiveness test.

(2) The

- (2) The individuals or statutory bodies as meant in Article 4 paragraph (3) planning to import organic fertilizers or soil enhancers shall secure prior license in accordance with legislation in force and provisions in the quarantine field.

CHAPTER III
REQUIREMENTS FOR REGISTRATION

Article 8

- (1) Every formula of organic fertilizers or soil enhancers to be distributed for use in the agricultural sector shall meet the standards of quality or minimum technical requirements as meant in Article 4 paragraph (2).

- (2) The formulas of organic fertilizers or soil enhancers to be registered by applicants cannot use trade-mark of the same formula or brand, or nearly same as trade mark of other registered formula.

Article 9

Applications for registration of formula of organic fertilizers or formula of soil enhancers can be submitted by individuals or statutory bodies fulfilling the following requirements:

1. Deed of establishment of company and amendment (in the case of statutory body);
2. Trading Business License/Corporate Business Registry Number/Recommendation, in the case of Foreign/Domestic Investments;
3. Taxpayer Code Number (NPWP);
4. Citizenship Identity Card (KTP) of Personnel in Charge;
5. Certificate of Domicile of Company;
6. Owner of the formula or proxy;
7. Agent appointed by owner of formula coming from other countries; and
8. Certificate of Mark or letter of registration of mark

from the Directorate General of Intellectual Property Right, Ministry of Law and Human Rights.

CHAPTER V
PROCEDURES FOR REGISTRATION

Part One

Application for Registration

Article 10

- (1) Applications for registration of organic fertilizers or soil enhancers shall be submitted in writing to the Head of the Licensing and Investment Center by using the form as contained in Attachment II to this regulation and given sufficient duty stamp on the basis of legislation in force.

- (2) The applications as meant in paragraph (1) shall be accompanied by the requirements as meant in Article 9.

Article 11

- (1) After receiving the applications for registration completely, the Head of the Licensing and Investment Center shall give answer in writing whether the applications are accepted or not in not later than 10 (ten) working days.

- (2) In the case of the applications for registration as meant in paragraph (1) being acceptable, applicants shall undertake the quality test of formula or organic fertilizers or formula of soil enhancers which are registered.

- (3) In the case of the applications as meant in paragraph (1) being rejected, applicants shall be given letter of rejection, accompanied by reasons in writing.

- (4) In the case of the Head of the Licensing and Investment Center being not yet able to give the written answer in the period as meant in paragraph (1), applications for registration shall be deemed acceptable and applicants shall be obliged to undertake the quality test of formula of organic fertilizers or formula of soil enhancers which are registered.

Part Two

T e s t

Article 12

- (1) In order to ensure that the formula of organic fertilizers or soil enhancers as meant in Article 8 paragraph (1) can meet the standards of quality or minimum technical requirements, the quality test and effectiveness test shall be executed.
- (2) In the case of organic fertilizers or soil enhancers coming from the import, the quality test and effectiveness test shall only be applied to the first organic fertilizers or soil enhancers.
- (3) The quality test and effectiveness test as meant in paragraph (1) shall be executed by testing institutions already accredited or appointed.

Article 13

- (1) The appointment of the testing institutions as meant in Article 12 paragraph (3) shall be based on the following requirements:
1. having laboratory building fulfilling the requirements;
 2. having equipment for testing the quality of organic fertilizers and soil enhancers fulfilling the requirements;
 3. having land or other facility sufficient to undertake effectiveness test;
 4. having specialists or analysts in the field of the quality test of organic fertilizers and soil enhancers;
 5. capable of undertaking the test of organic fertilizers and soil enhancers on the basis of the stipulated analytical methods.
- (2) Verification of feasibility of the quality and effectiveness testing institutions as meant in paragraph (1) shall be done by institution of the Agricultural Ministry in charge of standardization and accreditation affairs.

Article 14

- (1) Samples of organic fertilizers or soil enhancers shall

be taken by referring to SNI No. 19-0428-1989 in the case of the fertilizers or enhancers being solid and SNI 19-0429-1989 in the case of the fertilizers or enhancers being liquid.

- (2) In undertaking the test, the testing institutions as meant in Article 12 paragraph (3) shall use the quality and effectiveness testing methods of organic fertilizers or soil enhancers as meant in Attachment III to this regulation.
- (3) Evaluation of results of the quality test and effectiveness test shall be based on the standards of quality or minimum technical requirements as meant in Article 4 paragraph (2).

Article 15

The sample taking by the quality and effectiveness testing methods of organic fertilizers or soil enhancers as meant in Article 14 paragraphs (1) and (2) can be changed in accordance with scientific and technological developments.

Article 16

- (1) Formula of organic fertilizers or formula of soil enhancers already fulfilling the standards of quality and effectiveness or minimum technical requirements as meant in Article 4 paragraph (2) shall be declared passing the test by the testing institutions and given certificate of formula.
- (2) The testing institutions as meant in paragraph (1) shall be responsible for results of the tests that they execute.

Part Three

Granting of Registration Number

Article 17

Before the production and/or distribution, formulas of organic fertilizers or formulas of soil enhancers already securing certificates from the testing institutions as meant in Article 16 paragraph (1) shall obtain registration numbers from the Head of the Licensing and Investment Center.

Article 18

- (1) In order to obtain the registration number as meant in Article 17, applicants shall convey results of the quality test and effectiveness test by using the form as contained in Attachment IV to this regulation, accompanied by concept of label.
- (2) Based on the results of the quality test and effectiveness test as meant in paragraph (1), the Head of the Licensing and Investment Center shall undertake evaluation in not later than 7 (seven) working days as from the date of receipt of the results of the quality test and effectiveness test as meant in paragraph (1) and issue stipulation of number of registration.

Article 19

- (1) The registration number as meant in Article 18 paragraph (2) shall apply for 5 (five) years and can be extended once for another term of 5 (five) years as long as the quality requirements are still fulfilled.
- (2) In the case of period of registration number following the extension to another term of 5 (five) years as meant in paragraph (1) expiring, holders of registration number shall renew.
- (3) The renewal of the registration number as meant in paragraph (2) shall be done in accordance with the provisions in this regulation.

Article 20

- (1) Based on the registration number as meant in Article 18 paragraph (2), applicants can ask license to produce and/or import organic fertilizers or soil enhancers as well as distribute organic fertilizers or soil enhancers on the basis of the provisions of legislation in force.
- (2) In order to guarantee the fulfillment of the standards of quality and effectiveness test of organic fertilizers or soil enhancers before the distribution, organic fertilizers or soil enhancers produced abroad or imported from other countries shall have certificate of guarantee for the quality and results of the effectiveness test.

- (3) Certificate of Guarantee for the Quality shall be issued by the testing institutions as meant in Article 12 paragraph (3).

CHAPTER V REGISTRATION COST

Article 21

The registration cost of organic fertilizers and soil enhancers shall constitute Non-Tax State Revenue, which must be remitted to the State Cash with the amount and procedures stipulated on the basis of the provisions of legislation in force.

Article 22

- (1) Testing institutions shall stipulate costs of the quality test and/or effectiveness test carried out by private testing institutions.
- (2) Costs of the quality test and/or effectiveness test carried out by government-owned testing institutions shall constitute Non-Tax State Revenue (PNBP) whose amount is stipulated on the basis of legislation in force.

CHAPTER VI DISTRIBUTION

Article 23

- (1) The distributed organic fertilizers or soil enhancers shall meet the standards of quality or technical minimum requirements as meant in Article 4 paragraph (2) and be labeled.
- (2) The label as meant in paragraph (1) shall make in the Indonesian language, minimally mentioning trade name, kind (organic fertilizer or soil enhancer), composition, net volume/weight, name and address of producer (domestic production) or distributor (import) as well as registration number.
- (3) The composition as meant in paragraph (1) shall be minimally organic C, C/N ratio, pH and water content in the case of solid organic fertilizers and organic C, pH in the case of liquid organic fertilizers.
- (4) The composition as meant in paragraph (1) shall be

minimally Kation Exchange Capacity, pH and water content in the case of soil enhancers.

- (5) The label as meant in paragraph (1) shall be mentioned in waterproof container whose placement is easily visible, readable clearly and uneasy to destroy.

Article 24

Individuals or statutory bodies producing and/or distributing organic fertilizers or soil enhancers shall follow the provisions of legislation in force.

CHAPTER VII

U S E

Article 25

- (1) Kind and the use of organic fertilizers or soil enhancers shall be stipulated by observing productivity and conservation of environmental functions.

- (2) Kind and procedures for the use of organic fertilizers or soil enhancers as meant in paragraph (1) shall be further stipulated by the Director General of Food Crop.

Article 26

The use of organic fertilizers or soil enhancers shall be counseled by observing the principles of efficiency and effectiveness.

CHAPTER VIII

SUPERVISION

Article 27

The quality of organic fertilizers and soil enhancers shall be supervised for protecting interests of users and business communities, enhancing efficiency and effectiveness of organic fertilizers and soil enhancers as well as maintaining the conservation of environmental functions.

Article 28

- (1) Supervision over organic fertilizers and soil enhancers shall be done as follows:
- at the formula engineering level, becoming authority of the Minister of Agriculture;
 - at the procurement, distribution and use level, becoming authority of local regents or mayors under coordination of the governor.

- (2) Supervision over the procurement, distribution and use of organic fertilizers or soil enhancers as meant in paragraph (1) shall be done in an integrated and coordinated manner.

Article 29

- (1) The supervision as meant in Article 28 paragraph (1) letter a shall be done by fertilizer supervisors.
- (2) The supervisors as meant in paragraph (1) shall supervise the application of the standards of quality or minimum technical requirements of organic fertilizers or soil enhancers, realization of the quality and effectiveness test and use of the registration number.

Article 30

- (1) In executing the supervision as meant in Article 28 paragraph (1) letter b, regents/mayors can appoint fertilizer supervisors.
- (2) The fertilizer supervisors as meant in paragraph (1) shall foster and supervise the procurement, distribution and use of organic fertilizers and soil enhancers.

Article 31

Individuals or statutory bodies procuring organic fertilizers or soil enhancers shall permit the fertilizer supervisors as meant in Articles 29 and 30 to undertake the fostering and supervision in their business places.

Article 32

- (1) The fertilizer supervisors as meant in Article 30 paragraph (1) shall be authorized:
- to examine the production of organic fertilizers or soil enhancers;
 - to examine facilities of storage place and packing method;
 - take sample of organic fertilizers or soil enhancers for testing the quality;
 - to examine documents and reports;
 - to examine the fulfillment of licensing requirements for procurement and/or distribution of organic fertilizers or soil enhancers.

(2) In the case of supervisors supposing strongly that falsification and/or damage of the distributed organic fertilizers or soil enhancer occurred, the supervisors can suspend the distribution of the organic fertilizers or soil enhancers in their working areas for 30 (thirty) days at the maximum to undertake the quality test.

(4) In the case of the period as meant in paragraph (2) expiring and decision on the falsification and/or damage of organic fertilizers or soil enhancers being not yet made, the suspension of distribution by the fertilizer supervisors shall expire legally.

(5) In the case of results of the quality test as meant in paragraph (2) showing that the organic fertilizers or soil enhancers are not suitable to the label or spoiled, the supervisors shall recommend the local regents or mayors to withdraw the organic fertilizers or soil enhancers from the distribution.

Article 33

The fertilizer supervisors as meant in Article 29 paragraph (1) and Article 30 paragraph (1) can be appointed as civil servant investigators in accordance with legislation in force.

CHAPTER IX OBLIGATION

Article 34

(1) Testing institutions shall be obliged to guarantee the confidentiality of formulas of organic fertilizers or soil enhancers already tested.

(2) Officers serving the registration of organic fertilizers and soil enhancers shall keep the secrecy of formulas of organic fertilizers or formulas of soil enhancers whose registration is requested.

(3) The Head of the Licensing and Investment Center shall manage the registration number book and record all mutations in both subjects and objects of registration of organic fertilizers or soil enhancers.

Article 35

Producers and/or importers shall be responsible

for the quality of their production and mention registration number in label in easily visible and readable place as well as uneasy to erase.

Article 36

Holders of registration numbers shall report every change in subject of holders of registration numbers to the Head of the Licensing and Investment Center for recording in the registration number book and changing decision on the granting of registration number.

Article 37

Holders of registration numbers shall convey report to the Director General of Food Crop on procurement, covering the production, import from other countries and distribution of organic fertilizers or soil enhancers every 6 (six) months by using the form as contained in Attachment VIII to this regulation with a copy made available to the Head of the Licensing and Investment Center.

CHAPTER X FOSTERING

Article 38

(1) Producers of organic fertilizers and/or soil enhancers whose production is not destined to distribution and/or whose products have not been able to meet the standards of quality or minimum technical requirements as meant in Article 4 paragraph (2) shall be given the fostering of production of organic fertilizers or soil enhancers.

(2) Further provisions on the production of organic fertilizers and/or soil enhancers as meant in paragraph (1) shall be stipulated by a specific regulation.

CHAPTER XI PENAL PROVISION

Article 39

Quality testing institutions proven not guaranteeing the confidentiality as meant in Article 34 paragraph (1), not responsible for results of the test as meant in Article 16 paragraph (2) shall be given a written warning and reported to the authorized officials by the Head of

the Licensing and Investment Center for imposing sanctions in accordance with legislation in force.

Article 40

Officers serving the registration number proven not guaranteeing the secrecy of formulas of organic fertilizers or formula of soil enhancers before the stipulation of the registration number as meant in Article 34 paragraph (2) shall be subjected to employee disciplinary sanction by the authorized official in accordance with legislation effective in the personnel affairs.

Article 41

Producers or importers of organic fertilizers or soil enhancers proven not mentioning registration number in the label as meant in Article 35, not guaranteeing the quality of their production or not reporting change in holders of registration number as meant in Article 36 shall be subjected to sanction of revocation of the registration number by the Head of the Licensing and Investment Center and recommended to the authorized official so that the production license or import license is revoked and the organic fertilizers or soil enhancers must be withdrawn from the distribution, accompanied by the sanction in accordance with legislation.

Article 42

The withdrawal of organic fertilizers or soil enhancers from the distribution as meant in Article 41 shall be done by and at expense of producers and/or importers of the organic fertilizers or soil enhancers.

Article 43

Unless producers of organic fertilizers or soil enhancers already securing registration number produce and/or import as well as convey report on procurement and distribution of organic fertilizers or soil enhancers for 2 (two) years consecutively, the producers shall be subjected to sanction of revocation of registration number by the Head of the Licensing and Investment Center.

Article 44

Supervision over the distribution or use as meant in Article 28 paragraph (2) shall be apply Decree of the

Minister of Agriculture No. 237/Kpts/OT.210/4/2003 mutatis mutandis.

CHAPTER XII

TRANSITIONAL PROVISION

Article 45

- (1) Organic fertilizers or soil enhancers already registered before the stipulation of this regulation shall be declared to remain valid until the registration number expires.
- (2) Organic fertilizers or soil enhancers in the course of testing or already tested before the stipulation of this regulation shall have their registration still processed in accordance with the provisions before the stipulation of this regulation.
- (3) In the case of organic fertilizers or soil enhancers being in the course of registration before the stipulation of this regulation but not yet tested, they shall be treated in accordance with the provisions in this regulation.

CHAPTER XIII

CONCLUSION

Article 46

With the enforcement of this regulation, Decree of the Minister of Agriculture No. 797/Kpts/TP.830/10/1984 shall apply to the import of plant growth media in the form of soil and compost as long as the media is not organic fertilizer or soil enhancer.

Article 47

The regulation shall come into force as from the date of stipulation.

Stipulated in Jakarta

On February 10, 2005

THE MINISTER OF AGRICULTURE

Sgd

ANTON APRIYANTONO

Editor's Note :

The attachments are not obtained.

====(R)====