

FISHERY SEAPORT

(Regulation of the Minister of Marine and Fishery No. PER-16/MEN/2006 dated June 23, 2006)

THE MINISTER OF MARINE AND FISHERY,

Considering:

- a. that pursuant to Article 41 of Law No. 31/2004 on Fishery, fishery seaport plays important role in driving up fishery production, encouraging traffic of fishing ships, boosting the economic growth of fishery communities, exploitation and control over fishery resources and accelarting service for activities in the fishery business;
- b. that in a bid to ensure the orderly, effective and efficient operation, the activities as meant in letter a need to be regulated by a regulation of the Minister;

In view of:

1. Law No. 31/2004 on Fishery;
2. Law No. 32/2004 on Regional Administration;
3. Government Regulation No. 69/2001 on Harbor Affairs;
4. Government Regulation No. 54/2002 on Fishery Business;
5. Government Regulation No. 62/2002 on Tariffs of Non-Tax State Revenue Effective Within the Ministry of Marine and Fishery as already amended by Government Regulation No. 19/2006;
6. Presidential Decree No. 187/M/2004 on the Establishment of the United Indonesia Cabinet as already amended the latest by Presidential Decree No. 20/P/2005;

7. Presidential Regulation No. 9/2005 on Status, Tasks, Functions, Organizational Structures and Working Arrangements of State Ministries as already amended the latest by Presidential Regulation No. 62/2005;
8. Presidential Decree No. 10/2005 on First-echelon Organizational Units and Tasks of State Ministries as already amended by Presidential Regulation No. 80/2005;
9. Decree of the Minister of Marine and Fishery No. KEP.24/MEN/2002 on Procedures and Techniques of Formulation of Legislation within the Ministry of Marine and Fishery;
10. Decree of the Minister of Marine and Fishery No. KEP.10/MEN/2003 on Fishing Business License;
11. Regulation of the Minister of Marine and Fishery No. PER.07/MEN/2005 on Organization and Working Arrangement of the Ministry of Marine and Fishery as already amended by Regulation of the Minister of Marine and Fishery No. PR.13/MEN/2006;
12. Regulation of the Minister of Marine and Fishery No. PER.02/MEN/2006 on Organization and Working Mechanism of Fishery Seaport;

D E C I D E S :

To stipulate :

THE REGULATION OF THE MINISTER OF MARINE AND FISHERY ON FISHERY SEAPORT

CHAPTER I GENERAL PROVISION

Article 1

1. Fishery is all activities related to management and exploitation of fishery resources and their environment, starting from pre-production, production, processing to marketing, which is executed in a fishery business system.
2. Fishery seaport is a place consisting of mainland and surrounding waters with certain borders as a place of administration activities and activities of fishery business system, which is used as place where ships berth, anchor and/or load/disembark, which is equipped by facilities of navigation safety and fishery supporting activities.
3. Fishing is an activities to obtain fish in waters, which is not in the state of cultivation by whatever tool or mean, including activities using ship for loading, carrying, storing, cooling, handling, processing and/or preserving.
4. Fishery seaport built by the government, provincial governments and/or regental/municipal governments is a fishery seaport whose development cost comes from the State Budget of Revenue and Expenditure (APBN)/Foreign Aid or Regional Budgets of Revenue and Expenditure (APBD).
5. Fishery Seaport built by State-owned Enterprises (BUMN) or private companies is fishery seaport whose development cost comes from BUMN or private companies.
6. Fishery Seaport Facility is facility and infrastructure available at fishery seaport to support operational activities of the seaport.
7. Maintenance of Fishery Seaport is all efforts to optimize the utility and functions of fishery seaport.
8. Indonesian Fishery Management Territory is Indonesian waters, Indonesian Economic Exclusive Zone and rivers, lakes, reservoirs, swamp and other inundated water which can be exploited as well as potential fish breeding area in the territory of the Republic of Indonesia.
9. Fishing ship is ship or vessel or other floating structure used for fishing, supporting fishing operation, breeding fish, carrying fish, processing fish, fishery training and fishery research/exploration.
10. Working Area is a place being part of mainland and waters, which is used directly for fishery seaport activities.

11. Operational Area is mainland and waters directly influential to development of fishery seaport operation.
12. Evaluation Team is a team assigned to undertake site study on proposal related to technical standard, administrative feasibility and judicial feasibility, technical supervision and control as well as recommendation about operational worthiness of fishery seaport and established by the Director General.
13. Government is the Central Government.
14. Regional Government is provincial government and/or municipal/regental government.
15. Minister is the minister in charge of fishery affairs.
16. Director General shall be the Director General of Fishing Affairs.

CHAPTER II

SCOPE

Article 2

The scope of this regulation covers planning, building, operation, management and exploitation of fishery seaport.

CHAPTER III

NATIONAL FISHERY-SEAPORT MASTER-PLAN

Article 3

- (1) The National Fishery-Seaport Master-Plan consists of:
- Long-term Plan for 20 (twenty) years
 - Medium-term Plan for 10 (ten) years
 - Short-term Plan for 5 (five) years.
- (2) The national fishery-seaport master-plan as meant in paragraph (1) is formulated by considering:
- the available potential of fishery resources;
 - human resource potential;
 - Fishery Management Area (WPP);
 - General Layout Plan of Provinces/Regencies/Cities;

- Regional infrastructure support;
- Regional geographic and waters condition.

(3) In the implementation, fishery-seaport master plans can be evaluated by observing the national fishery-seaport master plan.

(4) The national fishery-seaport master-plan as meant in paragraph (1) is stipulated by a regulation of the Minister.

CHAPTER IV

FUNCTION OF FISHERY SEAPORT

Article 4

- (1) Fishery seaport functions to support activities related to the management and exploitation of fishery resources and their environment, starting from pre-production, production, processing to marketing.
- (2) The function of fishery seaport in supporting the activities related to the management and exploitation of fishery resources as meant in paragraph (1) can be in the form of:
- berthing and anchoring service for fishery ships and fishery supervisory ships;
 - loading and unloading service;
 - fostering quality and processing of fishery products;
 - marketing and distributing fish;
 - collecting data about fishing and fishery products;
 - counseling and developing fishermen;
 - implementing operational activities of fishery ships;
 - supervising and controlling fish resources;
 - seaport administration;
 - executing function of fish quarantine;
 - publishing results of marine and fishery researches;
 - monitoring coastal area and oceanic tourism;
 - controlling environment (sanitation, security and order/K3), fire and pollution).

CHAPTER V

BUILDING OF FISHERY SEAPORT

Article 5

- (1) The government organizes and fosters fishery seaports built by the government, provincial governments, regental/municipal governments, state-owned enterprises and private companies.
- (2) The government, provincial governments, regental/municipal governments, state-owned enterprises and private companies planning to build fishery seaports are obliged to follow the national fishery-seaport master-plan and its technical regulations.
- (3) The building of fishery seaports is realized through the phasing of Study, Investigation, Detail Design, Construction, Operation and Maintenance (SIDCOM).
- (4) Technical regulations on the fishery-seaport master plan and phasing of SIDCOM as meant in paragraphs (2) and (3) are stipulated by the Director General.

Article 6

The building of fishery seaports as meant in Article 5 paragraph (1) minimally must meet the following requirements:

- a. stipulation of location from local regental/municipal government;
- b. building approval from the Minister.

Article 7

- (1) The stipulation of building location of fishery seaports as meant in Article 6 letter a must refer to the national fishery-seaport master-plan.
- (2) The building location of fishery seaports as meant in paragraph (1) is stipulated by considering:
 - a. regional layout plan;
 - b. regional geography;
 - c. number of fishermen in the region;
 - d. socio and economic condition of local community;
 - e. regional potential;
 - f. the level of need for seaport.
- (3) The building location of fishery seaports as meant in paragraph (1) is stipulated by local regents/mayors.

Article 8

- (1) Based on the stipulation of location from regents/mayors as meant in Article 7 paragraph (3), accompanied by proposal, application for building fishery seaport is conveyed to the Minister through the Director General.
- (2) The proposal for building fishery seaport as meant in paragraph (1) minimally contains:
 - a. identity of applicant;
 - b. deed of establishment in the case of state-owned enterprises and private company;
 - c. copy of Fishery Business License (SIUP) in the case of state-owned enterprises and private company;
 - d. evidence of control over land where the location is planned;
 - e. background of plan for building seaport;
 - f. detail of design for fishery seaport and calculation;
 - g. location point of the planned seaport;
 - h. size, depth of waters basin, mainland of seaport location and description of the facilities, which will be built;
 - i. site picture/map of the planned seaport and layout of building plan;
 - j. environmental analysis in accordance with the requirements set forth in legislation on Environmental Impact Analysis (AMDAL);
 - k. development period.
- (3) The evaluation team applies site-study related to technical standard, administrative and judicial feasibility to the proposal as meant in paragraph (2).
- (4) Based on result of the site-study on proposal already fulfilling the requirement by the evaluation team, the Director General passes on to the application for building fishery seaport to the Minister for securing stipulation.

Article 9

- (1) The fishery seaport must be built by referring to detail of design and technical standards for the building of fishery seaport.

- (2) In realizing the building of fishery seaport, the evaluation team undertakes technical supervision and control.

CHAPTER VI
OPERATION, MANAGEMENT AND MAINTENANCE OF
FISHERY SEAPORT

Article 10

- (1) Operation of fishery seaport already built completely must secure prior approval from the Minister.
- (2) The approval of operation of fishery seaport as meant in paragraph (1) is issued by the Minister in the case of:
- a. the principal, functional and supporting facilities being already owned;
 - b. recommendation about operational worthiness being already obtained from the evaluation team.
- (3) Provincial governments planning to operate fishery seaports submit application for approval of operation of fishery seaports to the Minister through the Director General.
- (4) Regental/municipal governments planning to operate fishery seaports submit application for approval of operation of fishery seaports to the Minister through the Director General, accompanied by recommendation from provincial governments.
- (5) State-owned enterprises and private companies planning to operate fishery seaports submit application for approval of operation of fishery seaports to the Minister through the Director General, accompanied by recommendation from provincial governments and regental/municipal governments.

Article 11

- (1) Fishery seaports owned by the government, provincial governments or regental/municipal governments are managed by Central Technical Executive Unit (UPT) or Regional UPT.
- (2) Fishery seaports owned by state-owned enterprises

or private companies can be managed directly or the management can be entrusted to other parties on the basis of approval of the Minister.

Article 12

- (1) Management of fishery seaports is responsible for the maintenance of facilities located at fishery seaports.
- (2) Procedures for the maintenance and accountability for the maintenance of the facilities as meant in paragraph (1) are subsequently stipulated by the Director General.

Article 13

- (1) Management of fishery seaports owned by the government, provincial governments, regental/municipal governments is led by a chief of seaport.
- (2) Management of fishery seaports owned by state-owned enterprises or private companies is led by a chief of seaport, securing stipulation from the Director General.
- (3) The chief of fishery seaport as meant in paragraph (2) can be nominated from civil servant by the owner with the approval of the Director General.
- (4) The chief of fishery seaports acts as sole coordinator in the operation of fishery seaports.
- (5) In arranging and disciplining the operation of fishery seaports, the Chief of Fishery Seaport can issue provisions related to the operation of seaports.

Article 14

- (1) The implementation of administration functions at fishery seaports is coordinated by the chief of fishery seaport by referring to mechanism of working relations.
- (2) The mechanism of working relations as meant in paragraph (1) is later stipulated specifically by the Minister.

Article 15

Article 15

Fishery seaports built by state-owned enterprises and private companies are obliged to accept officials appointed by the Director General in the framework of fostering, collecting data, supervision over navigation safety.

CHAPTER VI

CLASSIFICATION OF FISHERY SEAPORT

Article 16

Fishery seaports are classified into 4 (four) classes, namely:

- a. Ocean Fishery Seaport (PPS);
- b. National Fishery Seaport (PPN);
- c. Coastal Fishery Seaport (PPP);
- d. Fish Landing Base (PPI).

Article 17

The ocean fishery seaport as meant in Article 16 letter a is stipulated on the basis of technical criteria as follows:

- a. serving fishing ships undertaking fishery activities on territorial sea, Indonesian Economic Exclusive Zone and free sea;
- b. having berthing facility for fishing ship measuring 60 GT at the minimum;
- c. having quay 300 m in length and water basin in a depth of minus 3 m at the minimum;
- d. capable of accommodating minimally 100 fishery ships or the total weight of 6,000 GT of fishery ships in lump sum;
- e. part of the landed fish is destined to the export;
- f. having fishery industry.

Article 18

The national fishery seaport as meant in Article 16 letter b is stipulated on the basis of technical criteria as follows:

- a. serving fishing ships undertaking fishery activities on territorial sea, Indonesian Economic Exclusive Zone;
- b. having berthing facility for fishing ship measuring 30 GT at the minimum;

- c. having quay 150 m in length and water basin in a depth of minus 3 m at the minimum;
- d. capable of accommodating minimally 75 fishery ships or the total weight of 2,250 GT of fishery ships in lump sum;
- e. having fishery industry.

Article 19

The coast fishery seaport as meant in Article 16 letter c is stipulated on the basis of technical criteria as follows:

- a. serving fishing ships undertaking fishery activities on remote sea, archipelagic sea and territorial sea;
- b. having berthing facility for fishing ship measuring 10 GT at the minimum;
- c. having quay 100 m in length and water basin in a depth of minus 2 m at the minimum;
- d. capable of accommodating minimally 30 fishery ships or the total weight of 300 GT of fishery ships in lump sum.

Article 20

The fish landing base as meant in Article 16 letter d is stipulated on the basis of technical criteria as follows:

- a. serving fishing ships undertaking fishery activities on remote sea and archipelagic sea;
- b. having berthing facility for fishing ship measuring 3 GT at the minimum;
- c. having quay 50 m in length and water basin in a depth of minus 2 m at the minimum;
- d. capable of accommodating minimally 20 fishery ships or the total weight of 60 GT of fishery ships in lump sum.

Article 21

(1) The class of the fishery seaport as meant in Article 16 letters b, c and d can be promoted on the basis of technical criteria.

(2) Promotion of class of fishery seaports built by the government is proposed by the Director General to the Minister after securing recommendation from regents/mayors.

(3) Promotion

(3) Promotion of class of fishery seaports built by provincial governments is proposed by governors to the Minister through the Director General after securing recommendation from regents/mayors.

(4) Promotion of class of fishery seaports built by regental/municipal governments is proposed by regents/mayors to the Minister through the Director General.

(5) Procedures for promoting class of the fishery seaport are stipulated further by the Director General.

CHAPTER VIII

FACILITIES OF FISHERY SEAPORT

Article 22

(1) Facilities at fishery seaport cover:

- a. principal facilities;
- b. functional facilities;
- c. supporting facilities.

(2) The principal facilities as meant in paragraph (1) letter a minimally cover:

- a. protector, such as breakwater, revetment and groin in the case of the facilities being needed technically;
- b. berthing, such as pier and jetty;
- c. waters such as basin and navigation lane;
- d. connector, such as road, drainage, tunnel and bridge;
- e. land of fishery seaport.

(3) The functional facilities as meant in paragraph (1) letter b minimally cover:

- a. marketing of fishery products, such as fish auction place (TPI);
- b. shipping navigation and communications, such as telephone, internet, SSB, marks, signal light and controlling tower;
- c. supply of drinking-water, ice and electricity;
- d. maintenance of ship and fishing tools, such as dock/slipway, workshop and net repairing place;
- e. handling and processing of fishery products, such as transit sheet and quality fostering laboratory;

- f. office building such as seaport administration office;
- g. transportation such fish and ice carriers; and
- h. waste treatment, such as IPAL.

(4) The supporting facilities as meant in paragraph (1) letter c minimally cover:

- a. fishermen fostering, such as fishermen assembly center;
- b. seaport management, such as mess of operators, sentry, and integrated service post;
- c. social and public, such as worship place and toilet;
- d. information and technology kiosk;
- e. implementation of public-administration function.

(5) The operational facilities of public-administration function as meant in paragraph (4) letter c minimally cover:

- a. navigation safety;
- b. sanitation, security and order;
- c. customs and excise;
- d. immigration;
- e. fishery supervision;
- f. public health; and
- g. fish quarantine.

Article 23

The facilities which must be available at fishery seaports for operational affairs minimally cover:

- a. principal facilities, such as quay, waters basin and waters lane;
- b. functional facilities, among others, office, drinking water, electricity and fish handling facilities;
- c. supporting facilities, among others, sentry and toilet.

Article 24

Technical specifications of the building of the facilities as meant in Article 19 are regulated by a special regulation of the Minister.

CHAPTER IX

COMMERCIAL OPERATION OF FISHERY SEAPORT

Article 25

- (1) Fishery seaports managed by the government, provincial governments, regental/municipal governments and state-owned enterprises and private companies can be operated commercially.
- (2) The commercial operation of the fishery seaports as meant in paragraph (1) is in the form of rental of facilities and provision of services.
- (3) The rental of facilities as meant in paragraph (2) covers:
- rental of land;
 - rental of buildings;
 - rental of equipment.
- (4) Provision of the services as meant in paragraph (2) covers:
- ship service;
 - goods and tool service;
 - service for fulfilling logistics of fishery ships;
 - cold storage service;
 - ship repairing service;
 - fish auction service;
 - entry pass and parking service;
 - other services in accordance with legislation in force.
- (5) The commercial operation of the fishery seaports as meant in paragraph (1) can be done in the form of Joint Operation Cooperation (KSO) with the third party in accordance with legislation in force.

Article 26

- (1) Everybody or statutory body utilizing or using the facilities of fishery seaports must undertake maintenance.
- (2) Persons or statutory bodies causing the facilities as meant in paragraph (1) to damage because of their actions or negligence are obliged to pay compensation.
- (3) The amount of the compensation as meant in paragraph (2) is stipulated in accordance with the repair-

ing cost of the facilities or in accordance with the cost of substitution to the used facilities.

- (4) The persons or statutory bodies as meant in paragraph (2) are obliged to give up guarantee to fishery seaport management before the facilities are repaired.

CHAPTER X

WORKING AREA AND OPERATIONAL AREA OF FISHERY SEAPORT

Article 27

- (1) In the interest of fishery seaport operation, borders of working areas and operational areas of fishery seaports are stipulated on the basis of master plan already stipulated.
- (2) Borders of working areas and operational areas of fishery seaports are stipulated by geographic coordinate to guarantee activities of fishery seaports.
- (3) The working area of fishery seaports consists of:
- mainland area for activities of principal, functional and supporting facilities;
 - waters area for activities of navigation lane, loading and unloading place of fishery ships, berthing and anchoring, ship basin, seaport affairs activities and ship repairing place.
- (4) The operational area of fishery seaports consists of:
- mainland area of fishery seaport operation, covering mainland for fishery seaport development, consisting of road access and fishery resettlement area;
 - waters area of fishery seaport operation covering waters for development of fishery seaports, composed of navigation lane from and to fishery seaports, need for emergency condition, piloting activity, ship building, trial run of ships and placement of dead ships.

Article 28

- (1) The working area and operational area of fishery seaports are stipulated by the Minister after securing recommendation from regents/mayors of local regions.

(2) The Minister stipulates the working area and operational area of fishery seaport sharing border or the same interest with other institutions after coordinating with the institutions.

CHAPTER XI

FOSTERING AND REPORTING

Article 29

(1) The Director General fosters fishery seaports and technically and operationally.

(2) In the interest of the fostering as meant in paragraph (1), the Chief of fishery seaports is obliged to convey report on activities of fishery seaports every month to the Director General with a copy made available to governors and regents/mayors.

(3) Model and format of the report as meant in paragraph (2) and follow up to the report are regulated by the Director General.

CHAPTER XII

MISCELLANY

Article 30

In a bid to enhance capability and welfare of fishery society around fishery seaports, the Chief of fishery seaports is obliged to undertake fostering.

Article 31

Supervision and control over the operation of fishery seaports are executed by the Director General.

Article 32

(1) Seaports built by private companies to undertake fishery activities for both interest of the private companies and the third party are obliged to perform functions of fishery seaports.

(2) The functions of the fishery seaports as meant in paragraph (1) consist of:

- a. fostering quality and processing fishery products;
- b. collecting data about fishing and fishery products;
- c. counseling and developing fishermen;
- d. undertaking operational activities of fishery ships;
- e. supervising and controlling fish resources;

- f. implementing seaport activities;
- g. performing function of fish quarantine;
- h. controlling environment (sanitation, security and order/K3, fire and pollution).

(3) The functions of the fishery seaports as meant in paragraph (1) are executed by local fishery seaports.

(4) Further provisions on the seaports are regulated by a regulation of the Minister.

CHAPTER XIII

TRANSITIONAL PROVISION

Article 33

Fishery seaports built by state-owned enterprises and private companies already existing before this regulation is stipulated, must have implemented this regulation in not later than 2 (two) years.

Article 34

With the enforcement of this regulation, all technical directives for Decree of the Minister of Marine and Fishery No. KEP.10/MEN/2004 on Fishery Seaport remain effective as long as they do not contravene or have not been replaced by new legislation.

CHAPTER XIV

CONCLUSION

Article 35

With the stipulation of this regulation, Decree of the the Minister of Marine and Fishery No. KEP.10/MEN/2004 on Fishery Seaport is declared null and void.

Article 36

The regulation comes into force as from the date of stipulation.

Stipulated in Jakarta

On June 23, 2006

THE MINISTER OF MARINE AND FISHERY

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