

# Procedure And Requirement For Permit For Processing/ And Analyzing Samples Of Fishery Overseas (Regulation of the Minister of Marine and Fishery of RI Number PER.11/MEN/ 2010, Dated May 11, 2010)

MINISTER OF MARINE AND FISHERY  
OF THE REPUBLIC OF INDONESIA,

Considering:

- a. that to implement the provision in Article 36 paragraph (6) of Government Regulation Number 30 Year 2008 concerning Research and Development Fishery, it is necessary to govern Procedure and Requirements for Permit for Processing and Analyzing Fishery Samples Overseas;
- b. that therefore it is necessary to stipulate Regulation of the Minister;

In view of:

1. Law Number 5 Year 1994 concerning Ratification of United Nations Convention on Biological Diversity (Konferensi Perserikatan Bangsa-Bangsa mengenai Keanekaragaman Hayati);
2. Law Number 24 Year 2000 (BN No. 6546 pgs. 3B-7B) concerning International Agreement;
3. Law Number 18 Year 2002 (BN No. 6818 pgs. 1B-10B) concerning National Research, Development and Application System and Application of Science and Technology.
4. Law Number 31 Year 2004 (BN No. 7144 pgs. 7B-12B and so forth) concerning Fishery as referred to in Law Number 45 Year 2009 (BN No. 7890 pgs. 2B-16B);

5. Government Regulation Number 41 Year 2006 concerning Permit to conduct Research and Development for Foreign High Educational Institution, Foreign Research and Development Institution, Foreign Business Entity, and Foreigners;
6. Government Regulation Number 30 Year 2008 (BN No. 7703 pgs. 1B-11B) concerning Implementation of Research and Development of Fishery;
7. Decision of the Minister of Marine and Fishery Number KEP.24/MEN/2002 concerning Procedure and Technical Compilation of statutory regulation within the Department of Marine and Fishery.

DECIDES:

To stipulate:

REGULATION OF THE MINISTER OF MARINE AND FISHERY CONCERNING PROCEDURE AND REQUIREMENTS FOR PERMIT FOR PROCESSING AND ANALYSIS OF DATA AND SAMPLES ON FISHERY OVERSEAS.

## CHAPTER I

### GENERAL PROVISION

#### Article 1

1. Research and development of fishery hereinafter referred to as Research and Development on Fishery shall be activities covering research and development to support development on fishery.

3. Sample shall be part of a group of object of research and development on fishery that indicates the nature of such group.
4. Sample delivery agreement (Substance Transfer Agreement/MTA) shall be written agreement between the Indonesian research and development operator and the foreign research and development operator concerning delivery of data and sample in the context of cooperation with the Research and Development on Fishery.
5. Protocol of research and development on fishery hereinafter referred to as Protocol of Research and Development on Fishery, shall be document containing all measures to take activities on Research and Development on Fishery.
6. Minister shall be Minister of Marine and Fishery.
7. Head of Agency shall be Head of Agency responsible in research and development at the Ministry of Marine and Fishery.

CHAPTER II

PERMIT FOR RESEARCH AND DEVELOPMENT

Part One

Authority for Granting Permit

Article 2

- (1) Operator of Research and Development intending to deliver data and sample of fishery to be processed and analyzed overseas shall be obliged to obtain permit from the Minister.
- (2) The Minister shall grant authority to the Head of Agency to issue permit for processing data and sample on fishery to be processed and analyzed overseas.

Part Two

Research and Development Operator

Article 3

- (1) Operator of Research and Development on Fishery shall cover:
  - a. individual;
  - b. high educational institution;
  - c. community self-support institution;
  - d. government-owned research and development institution; and/or
  - e. private-owned research and development institution.
- (2) Government-owned research and development institution referred to in paragraph (1) letter d consists of:
  - a. ministry fishery research and development institution;
  - b. ministry research and development institution;
  - c. non-ministry research and development institution;
  - d. regional government-owned research and development institution;
  - e. State-owned research and development business entity; and
  - f. regional-owned research and development business entity.

Part Three

Process and Requirements

Article 4

- (1) Any Operator of Research and Development on Fishery intending to process and analyze data and

sample on fishery overseas shall be obliged to submit application for written permit to the Head of Agency.

- (2) Submission of written application for permit to the Head of Agency referred to in paragraph (1) must be supported by the following requirements
- a. statement letter as to the purpose of delivery of data and sample on fishery (including type of processing and analysis of data and sample);
  - b. list of curriculum vitae of the person in charge of the Research and Development Institution on Fishery;
  - c. Protocol of Research and Development on Fishery;
  - d. photocopy of Resident Identity Card for individual operator of research and development;
  - e. photocopy of Deed of Establishment of legal entity for private-owned research and development institution or community self-support institution that has been ratified by the competent authority;
  - f. identity of Indonesian researcher involved in the processing and analyzing of data and sample on fishery overseas;
  - g. sample delivery agreement (Material Transfer Agreement/MTA) between the Operator of Research and Development on Fishery;
  - h. statement letter of willingness to submit report on the result of processed and analyzed data and sample on fishery overseas to the Head of Entity;
  - i. guarantee letter from the recipient overseas

to involve the Indonesian researches, either receiving and/or facilitating the Indonesian researchers as needed;

- j. period of processing and analyzing data and sample;
- k. type of sample; and
- l. total number of sample and delivery.

#### Article 5

Sample delivery agreement (Material Transfer Agreement/ MTA) referred to in Article 4 paragraph (2) letter g shall at least contain:

- a. identity of the delivering party and the receiving party;
- b. purpose and objective of the sample delivery agreement;
- c. specification, total number, point of origin, type of processing and analysis of sample, and method to be conducted;
- d. procedure for transfer of fishery sample to be delivered overseas including procedure for delivery and procedure for handling the remaining samples;
- e. rights and obligations of the delivering party and the receiving party;
- f. term of agreement;
- g. output of the analysis;
- h. finance; and
- i. dispute settlement.

#### Article 6

- (1) Based on the application referred to in Article 4 paragraph (1), the Head of Agency shall examine

compliance with the requirements for examination of technical feasibility.

- (2) The examination of compliance with the requirements referred to in paragraph (1) shall be conducted within five (5) working days effective as of the date the application is received.
- (3) Failure to comply with the requirements, the Head of Agency shall notify the applicant to complete his application within ten (10) working days as of receipt of the notification.
- (4) If the requirements are fully complied with, the Head of Agency shall examine the technical feasibility within 15 (fifteen) working days at the latest.
- (5) Examination of the technical feasibility referred to in paragraph (1) and paragraph (4) shall be conducted by evaluation, examination, assessment, and evaluation of the requirements for processing and analyzing the data and sample on fishery overseas as referred to in Article 4 paragraph (2).
- (6) The result of technical feasibility referred to in paragraph (5) shall be in the form of granting permit for processing and analyzing data and sample on fishery overseas or rejection supported by reason thereof.
- (7) The Head of Agency in conducting examination on compliance with the requirements and examination of technical feasibility referred to in paragraph (1) may establish technical team for permit for Research and Development on Fishery.

Article 7

The nature and format of permit for process-

ing and analyzing data and sample on fishery overseas shall be as specified in Attachment to this Regulation of the Minister.

CHAPTER III  
VALIDITY PERIOD

Article 8

The validity period of permit for processing and analyzing data and sample on fishery overseas shall be two (2) months as of the date it is issued.

Article 9

Permit for processing and analyzing data and sample on fishery overseas is hereby declared void due to the reasons below:

- a. expiry of the validity of permit for processing and analyzing data and sample on fishery overseas;
- b. is returned by the holder of permit for processing and analyzing data and sample on fishery overseas;
- c. is revoked by the grantor of permit due to violation of the provisions in the statutory regulation; or
- d. death of the holder of permit for processing and analyzing data and sample on fishery overseas to individual research and development operator.

CHAPTER IV  
SUPERVISION AND CONTROL

Article 10

Supervision and control on delivery activities of data and sample overseas for process and analysis shall be conducted by the supervisor of fishery

in accordance with the provisions in the statutory regulation.

CHAPTER V

PENALTY

Article 11

- (1) Any Research and Development Operator of Fishery delivering data and sample of fishery for process and analysis overseas without obtaining permit from the Head of Agency is subject to penalty in the form of fine and the ownership of data and sample shall be taken over by the State.
- (2) The penalty in the form of fine referred to in paragraph (1) shall be charged maximum 10 times of the cost for Research and Development on Fishery issued and constituting State Non-Tax Income (PNBP) deposited to the State Treasury.

CHAPTER VI

OTHER PROVISIONS

Article 12

Any Fishery Research and Development Operator submitting application for permit for processing

and analyzing data and sample on fishery overseas shall be free of charge.

Article 13

Provision required for granting permit for processing and analyzing data and sample on fishery overseas shall be further governed by the Head of Agency.

CHAPTER VII

CLOSING PROVISION

Article 14

This Regulation of the Minister takes effect on the date it is stipulated.

Stipulated in Jakarta

On May 11, 2010

MINISTER OF MARINE AND FISHERY OF R.I.,

sgd.

FADEL MUHAMMAD

(MA)