

# THE PROCEDURES AND REQUIREMENTS OF LICENCING FISHERIES RESEARCH AND DEVELOPMENT

(Regulation of the Maritime Affairs and Fisheries Minister No.PER.10/MEN/20110 dated May 11, 2010)

THE MARITIME AFFAIRS AND FISHERIES MINISTER  
OF THE REPUBLIC OF INDONESIA,

Considering :

- a. that to implement provisions in Article 25 paragraph (4), Article 27 paragraph (5), and Article 28 paragraph (5) of Government Regulation No. 30/2008 on Fishery Research and Development, it is necessary to stipulate Procedures and Requirements of Licencing Fishery Research and Development;
- b. that towards that end, it is necessary to stipulate a ministerial regulation;

In view of :

1. Law No. 17/1985 on Ratification of United Nations Convention on The Law of The Sea;
2. Law No. 5/1994 on Ratification of United Nations Convention on Biological Diversity;
3. Law No. 18/ 2002 on the National Systems of Research, Development and Application of Science and Technology;
4. Law No. 31/2004 on Fisheries as already amended by Law No. 45/2009;
5. Law No. 27/2007 on Management of Coastal Areas and Islets;

6. Law No. 32/2009 on Protection and Management of the Environment;
7. Government Regulation No. 74/2001 on Management of Hazardous and Toxic Substances;
8. Government Regulation No. 41/2006 on the Licencing of Foreign Institutes of Higher Learning, Foreign Research and Development Institutes, Foreign Corporate Bodies and Foreign Individuals to Carry Out

Research and Development Activities;

9. Government Regulation No. 30/2008 on Fisheries Research and Development;
10. Decree of the Maritime Affairs and Fisheries Minister No. KEP.24/MEN/2002 on Procedure and Technique of Making Regulations within the Maritime Affairs and Fisheries Ministry;

DECIDES :

To stipulate:

REGULATION OF THE MARITIME AFFAIRS AND FISHERIES MINISTER ON THE PROCEDURES AND REQUIREMENTS OF LICENCING FISHERIES RESEARCH AND DEVELOPMENT.

CHAPTER I  
GENERAL PROVISIONS

## Article 1

Referred to in this Ministerial Regulation as :

1. Fisheries research and development is a series of activities covering research and development to support development of the fisheries sector.
2. Research is an activity carried out according to scientific principle and method systematically to get information and data related to the effort to understand and prove whether an assumption and/or hypothesis in the field of science and technology is true or not as well as to draw a scientific conclusion for the benefit of science and technology.
3. Development is a scientific and technological activity designed to take advantage of scientific principle and theory that has proven true to increase the function, benefit and application of the existing science and technology or to produce new technology.
4. Researcher is a person who based on his/her capacity and capability plays an active role in making a concept or creating new knowledge, product, process, method, and system as well as in carrying out fisheries research and development activities.
5. High sea is part of sea that does not belong to the Exclusive Economic Zone of Indonesia, the territorial sea of Indonesia, the waters of Indonesian islands, and the interior sea of Indonesia.
6. Endangered fish species is fish species which is protected by the law. The definition of endangered fish species includes limited endangered fish species based on certain size, certain spread

area or a certain period of time. The definition of endangered fish species is fish species protected by the law and also by the international law ratified by Indonesia (such as Appendixes I, II and III of CITES). The definition of endangered fish species includes eggs, parts of body, and/or derivative products.

7. Non-endangered fish species is fish species which is not protected by the law but by the international law ratified by Indonesia (such as Appendixes I, II, and III of CITES). Non-endangered fish species includes fish species which is not protected either by the law or the international law but requires administrative requirements and process according to the international convention (CITES) in the international trade.
8. Minister is the Maritime Affairs and Fisheries Minister.
9. Head of Body is the Head of Body responsible for research and development at the Maritime Affairs and Fisheries Ministry.

## CHAPTER II

TYPES OF PERMITS OF FISHERIES RESEARCH  
AND DEVELOPMENT

## Article 2

The types of permits of fisheries research and development include :

- a. Permit of fisheries research and development at high sea;
- b. Permit of fisheries research and development with the object having unique characteristics;

- c. Permit of fisheries research using chemicals, biological materials, explosives, instruments, and/or method, and/or building harmful and/or hazardous to the conservation of fishery sources and/or the environment; and
- d. Permit of fisheries research and development using a motor vessel or research and development instruments owned by foreign party.

CHAPTER III

LICENCING OF RESEARCH AND DEVELOPMENT

Part One

The Authority of Issuing Permits

Article 3

- (1) Organizers of fisheries research and development shall secure permits from the Minister to carry out :
  - a. fisheries research and development at high sea;
  - b. fisheries research and development with the object having unique characteristics;
  - c. fisheries research using chemicals, biological materials, explosives, instruments, and/or method, and/or building harmful and/or hazardous to the conservation of fishery sources and/or the environment; and
  - d. fisheries research and development using a motor vessel or research and development instruments owned by foreign party.

- (2) The Minister shall authorize the Head of Body to issue permits as referred to in Article 2.

Part Two

Organizers of Research and Development

Article 4

- (1) Organizers of fisheries research and development cover:
  - a. individuals;
  - b. institutes of higher learning;
  - c. non-governmental organizations;
  - d. government research and development institutes; and/or
  - e. private research and development institutes.

- (2) The government research and development institutes as referred to in paragraph (1) letter d shall consist of :

- a. fisheries research and development institutes run by ministries;
- b. research and development institutes run by ministries;
- c. research and development institutes run by non-ministerial agencies;
- d. research and development institutes run by regional governments;
- e. research and development institute run by state-owned companies; and
- f. research and development institutes run by regional government-owned companies.

Part Three

Process and Requirements

Article 5

Any organizer of fisheries research and development wishing to carry out fisheries research and development as referred to in Article 3 paragraph (1) shall apply in writing for a permit to the Head of Body.

## Article 6

The written application for a permit to the Head of Body as referred to in Article 5 to carry out fisheries research and development at high sea shall be accompanied by :

- a. a curriculum vitae of the person responsible for fisheries research and development;
- b. a photocopy of deeds of incorporation of corporate body for privately-run research and development institute or non-governmental organization, approved by the authorized official;
- c. a photocopy of citizen identity card for individual organizer of fisheries research and development;
- d. a statement of financial guarantee from the organizer of fisheries research and development to finance fisheries research and development and to provide insurance to researchers while carrying out fisheries research and development; and
- e. a fisheries research and development plan covering title, name of research team, object, location, field of research and development, benefit for national development, aim, methodology, and fisheries research and development facilities to be used.

## Article 7

(1) The written application for a permit to the Head of Body as referred to in Article 5 for fisheries research and development having unique characteristics shall be accompanied by :

- a. a curriculum vitae of the person responsible for fisheries research and development;

- b. a photocopy of deeds of incorporation of corporate body for privately-run research and development institute or non-governmental organization, approved by the authorized official;
- c. a photocopy of citizen identity card for individual organizer of fisheries research and development;
- d. a statement of financial guarantee from the organizer of fisheries research and development to finance fisheries research and development during fisheries research and development;
- e. a research permit or a photocopy of application for a research and development permit for foreigner;
- f. a fisheries research and development plan covering title, name of research team, object, location, field of research and development, benefit for national development, aim, methodology, and fisheries research and development facilities to be used; and
- g. a statement with duty stamp that the fisheries research and development will not destroy fish genetic resources, conservation area, cultural reserve, and local wisdom.

(2) The objects of fisheries research and development having unique characteristics include :

- a. fish that only exists and/or is newly found in Indonesia;
- b. endangered and non-endangered fish;
- c. research and development in areas near borders with other countries; and/or
- d. research and development in waters conservation areas.

## Article 8

- (1) The written application for a permit to the Head of Body as referred to in Article 5 for fisheries research using chemicals, biological materials, explosives, instruments, and/or method, and/or building harmful and/or hazardous to the conservation of fishery sources and/or the environment, shall be accompanied by :
- a. a curriculum vitae of the person responsible for fisheries research and development;
  - b. a photocopy of deeds of incorporation of corporate body for privately-run research and development institute or non-governmental organization, approved by the authorized official;
  - c. a photocopy of citizen identity card for individual organizer of fisheries research and development;
  - d. a statement of financial guarantee from the organizer of fisheries research and development to finance fisheries research and development and provide insurance to researchers while carrying out fisheries research and development;
  - e. a fisheries research and development plan covering title, name of research team, object, location, field of research and development, benefit for national development, aim, methodology, and fisheries research and development facilities to be used;
  - f. a statement with duty stamp that the fisheries research and development will not harm and/or endanger human beings and/or the environment;
  - g. information and/or statement on the names of chemicals and/or explosives and/or instruments and/or buildings to be used, including specifications, quantity, and dangerous characteristics caused clearly;
  - h. information and/or statement on the method of using materials and/or instruments as referred to in letter g including security measures;
  - i. a research permit or a photocopy of application for a research and development permit for foreigner;
  - j. data on experts who will carry out research and development, accompanied by their curriculum vitae and expertise certificate; and
  - k. recommendations and/or statements from the authorized agencies.
- (2) The authorized agencies as referred to in paragraph (1) letter k cover:
- a. the ministry responsible for the industrial sector, to obtain hazardous chemicals;
  - b. the ministry responsible for the trade sector, to obtain hazardous chemicals;
  - c. the ministry responsible for the environment, to use hazardous chemicals other than nuclear;
  - d. the national institute responsible for national atomic energy, to control the use of hazardous nuclear chemicals;
  - e. the ministry responsible for the health sector, to use hazardous antibiotic chemicals; and/or
  - f. the National Police of the Republic of Indonesia, to buy, possess, store, transport and use explosives.

## Article 9

The written application for a permit to the Head of Body as referred to in Article 5 to use a research and development vessel or instrument owned by foreign party, shall be accompanied by :

- a. a curriculum vitae of the person responsible for fisheries research and development;
- b. a photocopy of deeds of incorporation of corporate body for privately-run research and development institute or non-governmental organization, approved by the authorized official;
- c. a photocopy of citizen identity card for individual organizer of fisheries research and development;
- d. a fisheries research and development plan covering title, name of research team, object and field of research and development, benefit for national development, aim, methodology, and identity of the vessel and a list of fisheries research and development facilities to be used;
- e. a research permit or a photocopy of application for a research and development permit for foreigner;
- f. technical data on the vessel, namely brand and engine number, quantity and size of fish hold, tonnage gross (GT) size and engine capacity, single mark and research map;
- g. technical data on instruments aboard the vessel and other research and development facilities covering types, specifications and functions;
- h. a statement of readiness to use a transmitter for vessel monitoring system compatible with the vessel monitoring system of the Maritime Affairs and Fisheries Ministry; and
- i. data on crew members covering names, qualifications and tasks.

## Article 10

- (1) Based on the application as referred to in Article 5, the Head of Body shall check the completeness of requirements and audit technical feasibility.
- (2) The check of the completeness of requirements as referred to in paragraph (1) shall be conducted no later than 5 (five) working days after the application has been received.
- (3) If the requirements are declared incomplete, the Head of Body shall notify the applicant to complete the requirements no later than 10 (ten) working days after the notification has been received.
- (4) If the requirements are declared complete, the Head of Body shall audit technical feasibility no later than 15 (fifteen) working days.
- (5) The audit of technical feasibility as referred to in paragraph (1) and paragraph (4) shall be conducted by evaluating, checking and assessing fisheries research and development requirements as referred to in Article 6, Article 7, Article 8, and Article 9.
- (6) The result of the audit of technical feasibility as referred to in paragraph (5) shall come in the form of issuing a fisheries research and development permit as referred to in Article 2 or refusing the application along with reasons.
- (7) In checking the completeness of requirements and auditing the technical feasibility as referred to in paragraph (1) the Head of Body can form

a technical team in charge of licencing fisheries research and development.

#### Article 11

The model and format of fisheries research and development permit shall be as contained in Attachment to this Ministerial Regulation.

### CHAPTER IV

#### PERIOD AND EXTENSION OF PERMIT

#### Article 12

The fisheries research and development permit as referred to in Article 2 shall be given for a maximum period of 1 (one) year and can be extended twice at the most for the same period of time.

#### Article 13

- (1) The extension of permit as referred to in Article 12 that has expired shall be done based on an application for the extension of permit from the organizer of fisheries research and development.
- (2) The application for the extension of permit as referred to in paragraph (1) shall be filed to the Head of Body no later than 30 (thirty) working days before the permit expires, accompanied by :
  - a. the original of fisheries research and development permit;
  - b. a report on the result of fisheries research and development carried out;
  - c. a curriculum vitae of the person responsible for fisheries research and development;
  - d. a photocopy of deeds of incorporation of cor-

porate body for privately-run research and development institute or non-governmental organization, approved by the authorized official;

e. a photocopy of citizen identity card for individual organizer of fisheries research and development;

- (3) Based on the application for the extension of permit as referred to in paragraph (1), the Head of Body shall check the requirements and evaluate the extension of fisheries research and development permit.
- (4) The Head of Body can reject an application for the extension of research and development permit as referred to in paragraph (1) if the result of evaluation is not relevant to the requirements for the extension of fisheries research and development permit.
- (5) If the application is declared complete, the Head of Body shall extend the fisheries research and development permit no later than 10 (ten) days after receiving the application for the extension of permit as referred to in paragraph (1).

#### Article 14

Fisheries research and development permit shall be declared invalid because:

- a. the permit is returned by the permit holder;
- b. the permit is revoked by the permit issuer;
- c. the validity period of the permit has expired;
- d. the permit holder dies if the organizer of fisheries research and development is individual; or
- e. the organizer of fisheries research and development is dissolved.

CHAPTER V  
SUPERVISION AND CONTROL

Article 15

Supervision and control of fisheries research and development shall be conducted by fisheries supervisor according to the law and regulation.

CHAPTER VI  
SANCTIONS

Article 16

- (1) The organizer of fisheries research and development carrying out fisheries research and development activities as referred to in Article 3 paragraph (1) without a written permit from the Head of Body shall be liable to an administrative sanction.
- (2) The administrative sanction as referred to in paragraph (1) shall come in the form of ceasing fisheries research and development activities.
- (3) In addition to administrative sanction in the form of ceasing fisheries research and development activities as referred to in paragraph (2), the organizer of fisheries research and development carrying out fisheries research and development activities without a permit shall also be liable to fines as much as 10 (ten) times of the fishery research and development cost incurred at the most and the fines shall constitute non-tax state revenue (PNBP) paid to the state treasury.
- (4) In addition to administrative sanction in the form of ceasing fisheries research and development activities and fines as referred to in paragraph (2) and paragraph (3), the organizer of fisheries research and development carrying out fisheries research and development activities at high sea

and the organizer of fisheries research and development with the object of research and development having unique characteristics without a permit shall be liable to a sanction in the form of taking over the result of fisheries research and development by the Government.

CHAPTER VII  
OTHER PROVISIONS

Article 17

Every organizer of fisheries research and development applying for a fisheries research and development permit shall be exempt from any fees.

Article 18

Further provisions needed to issue fisheries research and development permits shall be stipulated by the Head of Body.

CHAPTER VIII  
CONCLUSION

Article 19

This Ministerial Regulation shall come into force as from the date of stipulation.

Stipulated in Jakarta

On May 11, 2010

THE MARITIME AFFAIRS AND FISHERIES MINIS-

TER,

sgd.

FADEL MUHAMMAD

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