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A G R I C U L T U R E

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DEPARTMENT OF AGRICULTURE

**DECREE OF THE MINISTER OF AGRICULTURE
NO. 411/KPTS/TP.120/6/95 : DATED JUNE 1, 1995**

RE

**THE IMPORT OF BIOLOGICAL AGENTS INTO THE TERRITORY
OF THE REPUBLIC OF INDONESIA**

THE MINISTER OF AGRICULTURE

- Considering :**
- a. that in the framework of controlling pests and diseases or disturbing organisms, raising the level of production and processing agricultural produce and various other purposes, it is necessary to import biological agents into the territory of the Republic of Indonesia;
 - b. that in addition to the above-mentioned benefits, the use of biological agents may cause disadvantages to animals, fish and plants, human safety and health and the environment;
 - c. that the existing legislation has not comprehensively accommodated the import of biological agents into the territory of the Republic of Indonesia;
 - d. that on the basis of the above-mentioned matters, it is deemed necessary to regulate the import of biological agents into the territory of the Republic of Indonesia.

- Bearing in mind :**
- 1. Act No. 6/1967;
 - 2. Act No. 9/1985;
 - 3. Act No. 12/1992;
 - 4. Act No. 16/1992;
 - 5. Act No. 17/1973;
 - 6. Presidential Decree No. 44/1974;
 - 7. Presidential Decree No. 15/1984 jo. Presidential Decree No. 83/1993;

8. Presidential Decree No. 96/M/1993;
9. Decree of the Minister of Agriculture No. 96/Kpts/OT.210/1/1994.

H A S D E C I D E D :

To stipulate : THE DECREE OF THE MINISTER OF AGRICULTURE ON THE IMPORT OF BIOLOGICAL AGENTS INTO THE TERRITORY OF THE REPUBLIC OF INDONESIA.

CHAPTER I

GENERAL PROVISIONS

Article 1

Referred to in this Decree as :

1. Biological agents shall be any organisms encompassing species, sub-speciesm varieties, all kinds of insects, nematodes, protozoa, fungi, bacteria, viruses, microplasms and other organisms in all their stadia of development which may be used for the control of pests and diseases or disturbing organisms, production processes, the processing of agricultural produce and various other purposes.
2. The import of biological agents shall be efforts to bring biological agents from abroad into the territory of the Republic of Indonesia.
3. A quarantine officer shall be a certain civillian civil servant assigned to take a quarantine measure against animals, fish or plants.

Article 2

The stipulation in this Decree shall apply to all imports of biological agents, in a form which is either formulated or un-formulated.

CHAPTER II

**REQUIREMENTS AND PROCEDURE FOR THE GRANTING
OF A LICENCE**

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Article 3

- (1) The import of biological agents may be conducted by persons or statutory bodies already in possession of a licence from the Minister of Agriculture.
- (2) In the framework of granting the licence as referred to in paragraph (1), the Minister of Agriculture shall be assisted by the Commission of Biological Agents whose membership, tasks and responsibility shall be stipulated in a Ministerial Decree.

Article 4

A licence for the import of biological agents may be granted only if the following requirements are fulfilled :

- a. the person or the statutory body wishing to import biological agents shall be domiciled in the territory of the Republic of Indonesia;
- b. the person or the statutory body wishing to import biological agents shall have the facilities and equipment which may be used to store and manage biological agents well;
- c. the person or the statutory body wishing to import biological agents shall have experts who are at least holders of university degrees or are of equal educational level in relevant sciences;
- d. the person or the statutory body wishing to import biological agents shall be in possession of a certificate certifying that the said biological agents are produced and/or sent by a person or a statutory body possessing a licence to do so from an authorized institution in the country of origin;
- e. the person or the statutory body wishing to import biological agents shall be in possession of a certificate from the producer certifying that the said biological agents are obtained and/or produced in ways whose correctness may be accounted for;
- f. the said biological agents shall bring no harm to animals, fish, plants, human safety and health and the environment.

Article 5

- (1) An application for a licence to import biological agents must be submitted in writing by the person or the statutory body wishing to import them to the Minister of Finance as the Chairman of the Commission of Biological Agents.
- (2) The letter of application for the licence as referred to in paragraph (1) shall contain among others :
 - a. the name and the address of the person or the statutory body wishing to import biological agents;
 - b. the name and the address of the sender and/or the producer of biological agents overseas;
 - c. the aim of import;

- d. the country of origin of biological agents;
- e. the general names, the scientific names and the trade names of the biological agents;
- f. the quantity of the biological agents to be imported;
- g. the facilities, the equipment and the qualification of the personnel belonging to the person or the statutory body;
- h. the container or the packing used;
- i. the method transportation;
- j. the estimated date of entry;
- k. the place of entry;
- l. the safeguarding measures to be taken to prevent contamination and/or the biological agents from being let loose;
- m. stadia of development, and
- n. certificates as referred to in letters d and e of Article 4.

Article 6

- (1) As for the new and initial import of biological agents, in addition to the certificates referred to in Article 5 section (2), the letter of application must also be accompanied by the following certificates on :
 - a. the biology of biological agents;
 - b. the outcome of researchers already made in the country of origin and/or in other countries;
 - c. the benefits of and a report on studies on the negative impacts which arise in the use of the said biological agents in the country or origin and/or in other countries;
 - d. the management measures which have been taken to overcome the negative impacts arising from the use of the said biological agents in the country of origin and/or in other countries;
 - e. the natural enemies, the antagonists and the competitors of the said biological agents;
 - f. the original habitat, the characteristics and the specifications of he said biological agents;
 - g. the method of captive breeding and/or producing the said biological agents.

- (2) If the information as referred to in paragraph (1) is not considered sufficient as a material to into consideration the acceptance or rejection of the application for a licence, the applicant shall be obligated to bring in specimens of biological agents which shall be imported for examination and testing.
- (3) The licence to bring in the specimens of biological agents as referred to in paragraph (2) including the place of entry shall be granted by the Minister at the suggestion of the Chairman of the Commission of Biological Agents.

Article 7

Irrespective of the stipulations as referred to in Article 4 and Article 5, the examination and testing as referred to in Article 6 paragraph (2) need not be imposed on species of biological agents which have previously been imported into the territory of the Republic of Indonesia.

Article 8

- (1) Head of the Centre of Agricultural Quarantine shall at the suggestion of the Commission of Biological Agents appoint experts to conduct the examination and testing as referred to in Article 6 paragraph (2) while the outcome shall be used by the Commission of Biological Agents in the framework of providing suggestions to the Minister of Agriculture.
- (2) The examination and testing as referred to in section (1) shall be conducted at a site appointed by the Head of the Centre of Agricultural Quarantine.

Article 9

- (1) If it turns out from the outcome of the examination and testing as referred to in Article 8 that the said biological agents may generate the benefits in accordance with their designation and shall not bring harm to animals, fish, plants, human safety and health and the environment, the outcome of the said examination and testing shall be used as a material of recommendation to the Minister of Agriculture for the granting of an import licence.
- (2) If it turns out from the outcome of the examination and testing that the said biological agents cannot generate the benefits in accordance with their designation and shall bring harm to animals, fish, plants, human safety and health and the environment, the outcome of the said examination and testing shall be used as a material of recommendation to the Minister of Agriculture for the rejection of the application for a licence to import the said biological agents.

Article 10

A licence to import biological agents shall be granted in the form of a Decree, while a rejection of an application for a licence to import biological agents shall be given in the form of a letter of rejection.

Article 11

A Decree on a licence to import biological agents as referred to in Article 10 shall contain technical import requirements which must be fulfilled in accordance with the varieties of the biological agents concerned, while the letter of rejection of the application for a licence to import biological agents shall mention the reasons of the rejection.

Article 12

A licence to import biological agents shall be valid for a period of six months as from the date of its issuance and can be used only for one import occasion.

CHAPTER III

IMPORT PROCEDURE AND QUARANTINE MEASURE

Article 13

Any import of biological agents must be accompanied by a certificate issued by an authorized official in the country of origin certifying that the technical import requirements contained in the import licence have been fulfilled.

Article 14

The import of biological agents may be conducted only through the following places :

a. Seaports :

1. Belawan
2. Boom Baru
3. Tanjung Priok
4. Tanjung Perak
5. Makasar

b. Airports :

1. Polonia
2. Sultan Mahmud Badaruddin II
3. Soekarno-Hatta
4. Juanda
5. Hasanuddin

c. Post-Offices :

1. Medan
2. Palembang
3. Jakarta
4. Surabaya
5. Ujung Pandang

Article 15

Five working days at the latest prior to arrival, the importing person or statutory body shall be obligated to report plant of arrival of the biological agents to a quarantine officer at a place of entry by showing to him his/its import licence.

Article 16

- (1) Upon arrival of the biological agents at a place of entry, the importing person or statutory body shall be obligated to hand over the biological agents and the accompanying certificates from abroad to the quarantine officer for checking purposes.
- (2) The checking as referred to in section (1) is aimed at finding out the completeness and the truth of the documents and the intactness of the packing as well as detecting pests and diseases or organisms disturbing the biological agents.

Article 17

If it turns out from the outcome of the checking as referred to in Article 16 that :

- a. the varieties of the biological agents specified in the accompanying certificate from abroad or on the label on the container or packing agree with those specified in the import licence, while all the requirements set forth in the said import licence have been fulfilled, the said biological agents shall be taken to a quarantine institution or to another place assigned by the Centre of Agricultural Quarantine for isolation and observation;
- b. the varieties of the biological agents specified in the accompanying certificate from abroad or on the label on the container of packing do not agree with those specified in the import licence and/or that the requirements set forth in the said import licence have not been fulfilled, the entry of the said biological agents shall be rejected;
- c. the packing of the biological agents is damaged so much that it is feared that it may lead to the letting loose of the biological agents or that it may cause contamination bringing harm to animals, fish, plants, human safety and health and the environment, the said biological agents shall be destroyed.

Article 18

- (1) An observation of biological agents shall be conducted by a quarantine officer.
- (2) If it is deemed necessary, the observation as referred to in paragraph (1) shall be conducted by a quarantine officer together with an expert appointed by the Head of the Centre of Agricultural Quarantine.

Article 19

If it turns out after the observation has been completed that :

- a. the said biological agents shall not bring harm to animals, fish, plants, human safety and health and the environment and the varieties agree with those specified in the import licence, in the accompanying certificate from abroad and on the label on the container and packing, the said biological agents shall be released with a letter of release being issued by the quarantine officer.
- b. the said biological agents shall bring harm to animals, fish, plants, human safety and health and the environment and/or that the varieties do not agree with those specified in the import licence, in the accompanying certificates from abroad and/or on the label on the container or packing, the biological agents shall be destroyed.

Article 20

- (1) Biological agents shall be detained if at the time of their arrival at the place of entry the importing person or statutory body cannot produce the import licence and/or the accompanying certificates from abroad to the quarantine officer.
- (2) While the biological agents are in detention, the importing person or statutory body shall be given a chance to produce the import licence and/or the certificates as referred to in paragraph (1) within seven working days.
- (3) If after the period of time as referred to in section (2), the importing person or statutory body cannot produce the import licence and/or the accompanying certificates from abroad, the entry of the said biological agents shall be rejected.

Article 21

- (1) Biological agents whose entry is rejected must be taken out of the territory of the Republic of Indonesia by the importing person or statutory body at the latest seven working days after the letter of rejection is conveyed.
- (2) If after the period of time as referred to in section (1) the biological agents have still not been taken out of the territory of the Republic of Indonesia, they shall be destroyed.

Article 22

- (1) Prior to being taken out of the territory of the Republic of Indonesia, the biological agents which are detained or whose entry is rejected must remain under the control of a quarantine officer.
- (2) If, while the biological agents are under control, their container or packing leaks or is damaged so much that it is feared that the biological agents shall be let loose or that contamination shall occur which may bring harm to animals, fish, plants, human safety and health and/or the environment, the said biological agents shall be destroyed.

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Article 23

Biological agents shall also be destroyed if after seven working days as from their arrival no person or statutory body claims to own them.

Article 24

With due observance to the stipulations as referred to in Articles 21 and 22, biological agents imported not through the places as referred to in Article 14 shall be rejected.

Article 25

- (1) The destruction of biological agents shall be conducted by a quarantine officer at a quarantine institution or at another site fulfilling the requirements to this end, in the presence of :
 - a. the person or the statutory body importing the biological agents;
 - b. a customs and excise official; and
 - c. a representative of the local police.
- (2) An official report is drawn up in fourfold on the destruction as referred to in paragraph (1), the first sheet being intended for the owner, the second sheet for the quarantine institution, the third sheet for the customs and excise office and the fourth sheet for the police.

Article 26

The realization of import and the implementation of a quarantine measure against biological agents must be reported by the Head of the Centre of Agricultural Quarantine to the Minister of Agriculture.

CHAPTER IV

THE OBLIGATIONS OF A PERSON OR A STATUTORY BODY

IMPORTING BIOLOGICAL AGENTS

Article 27

A person or a statutory body importing biological agents must :

- a. provide training to people participating in the distribution and handling of the imported biological agents so that they shall have adequate knowledge and capability.
- b. make available correct information for the community on the benefits of biological agents and on method to use them safety and efficiently.
- c. lend management assistance in the case of an epidemic which breaks out as a result of the use of the imported biological agents.

- d. submit, upon request, report on the realization of import, distribution, handling and use of the imported biological agents to the authorized official.

Article 28

- (1) The costs arising in the framework of examination and testing as well as in the enforcement of a quarantine measure against biological agents shall be charged to the person or the statutory body importing the said biological agents.
- (2) The obligation to provide facilities, equipment and materials which cannot be made available by the Government in the framework of examination and testing as well as in the enforcement of a quarantine measure against biological agents shall rest with the importing person or statutory body.

CHAPTER V

THE CONFIDENTIALITY OF INFORMATION COMMERCIAL IN NATURE

Article 29

All officials who are involved or have a stake in the import of biological agents, including members of the Commission of Biological Agents and experts appointed by the Head of the Centre of Agricultural Quarantine shall keep as confidential the information which is commercial in nature and is obtained from producers, exporters and importers.

CHAPTER VI

EXCEPTIONS

Article 30

The stipulations in this Decree shall not apply to the import of :

- a. vaccines;
- b. serums and antiserums;
- c. antibiotics, biological pesticides and other materials originating in microorganisms as far as the said materials no longer have the ability of self-multiplication;
- d. biological agents used for purposes other than those in agriculture as far as it has been definitely known that the said biological agents shall not bring harm to animals, fish, plants, human safety and health and the environment and/or that the laws regulating them are in existence.

CHAPTER VII
CLOSING PROVISION

Article 31

With the stipulation of this Decree, the Decree of the Minister of Agriculture No. 800/Kpts/TP.830/10/1984 shall be declared null and void.

Article 32

This Decree shall take effect as from the date of stipulation.

Stipulated at : JAKARTA
On : June 1, 1995

MINISTER OF AGRICULTURE

signed
DR. IR. SJARIFUDIN BAHARSJAH