

GUIDANCE FOR AGRICULTURE RESEARCH AND DEVELOPMENT COOPERATION

(Regulation of the Agriculture Minister No. 06/Permentan/ OT.140/2/2012 dated February 6, 2012)

BY THE GRACE OF GOD ALMIGHTY

THE AGRICULTURE MINISTER OF

THE REPUBLIC OF INDONESIA,

Considering :

- a. under Regulation of the Agriculture Minister No. 53/Permentan/OT.140/10/2006, Guidance for Agricultural Research and Development Cooperation has been stipulated;
- b. to increase the capacity of research resources and accelerate the dissemination of science and technology and the utility principles of agricultural research and development results, cooperation may be established with domestic and foreign parties;
- c. in connection with the above matters, it is necessary to set Guidance for Agricultural Research and Development Cooperation;

In view of :

1. Law No. 29/2000 on the Protection of Plant Varieties (Statute Book of 2000 No. 241, Supplement to Statute Book No. 4043);
2. Law No. 14/2001 on Patent (Statute Book of 2001 No. 109, Supplement to Statute Book No. 4130);
3. Law No. 18/2002 on the National System of Research, Development and Application of Sciences and Technology (Statute Book of 2002 No. 84, Supplement to Statute Book No. 4219);
4. Law No. 17/2003 on State Finance (Statute Book of 2003 No. 47, Supplement to Statute Book No. 4286);
5. Law No. 1/2004 on State Treasury (Statute Book of 2004 No. 5, Supplement to Statute Book No. 4355);
6. Law No. 15/2004 on the Audit of the Management and Accountability of State Finance (Statute Book of 2004 No. 66, Supplement to Statute Book No. 4400);
7. Law No. 25/2004 on National Development Planning System (Statute Book of 2004 No. 104, Supplement to Statute Book No. 4421);
8. Government Regulation No. 20/2004 on the Government's Work Plan (Statute Book of 2004 No. 74, Supplement to Statute Book No. 4405);
9. Government Regulation No. 20/2005 on the Transfer of Technology of Intellectual Property and Research and Development Results by Higher Learning Institutes and Research and Develop-

- ment Institutes (Statute Book of 2005 No. 43, Supplement to Statute Book No. 4497);
10. Government Regulation No. 39/2006 on the Procedures of Controlling and Evaluating the Implementation of Development Plans (Statute Book of 2006 No. 96, Supplement to Statute Book No. 4663);
11. Government Regulation No. 41/2006 on the Issuance of Permits to Foreign Institutes of Higher Learning, Foreign Research and Development Institutes, Foreign Corporate Bodies, and Foreign Nationals to Conduct Research and Development Activities (Statute Book of 2006 No. 104, Supplement to Statute Book No. 4666);
12. Government Regulation No. 60/2008 on Government Internal Control System (Statute Book of 2008 No. 127, Supplement to Statute Book No. 4890);
13. Presidential Regulation No. 47/2009 on the Formation and Organization of State Ministries jjs Presidential Regulation No. 91/ 2011 (Statute Book of 2011 No. 141);
14. Presidential Decree No. 84/P/2009 on the Formation of United Indonesia Cabinet II;
15. Presidential Regulation No. 24/2010 on the Position, Tasks and Functions of State Ministries and the Organizational Structure, Tasks and Functions of First Echelon Officials of State Ministries jjs Presidential Regulation No. 92/2011 (Statute Book of 2011 No. 142);
16. Presidential Regulation No. 29/2010 on the Gov-

ernment's Work Plan of 2011;

17. Regulation of the Agriculture Minister No. 61/Permentan/OT.140/10/2011 on the Organization and Work Mechanism of the Agriculture Ministry;

DECIDES :

To stipulate :

REGULATION OF THE AGRICULTURE MINISTER ON GUIDANCE FOR AGRICULTURAL RESEARCH AND DEVELOPMENT COOPERATION.

CHAPTER I

GENERAL PROVISIONS

Article 1

Referred to in this Regulation as :

1. Research is an activity carried out according to a systematic scientific principle and method to get information, data and explanation related to the understanding and authentication of truthfulness or untruthfulness of an assumption and/or hypothesis in the field of science and technology as well as to draw a scientific conclusion in the interests of scientific and technological advancement.
2. Development is a scientific and technological activity aimed at taking advantage of scientific and technological principles whose truthfulness has proven to increase the utility and application of the existing science and technology or to create new technology.

3. Cooperation is an agreement between a working unit (UK)/technical executive unit (UPT) with a domestic or foreign cooperation partner in the field of research and development.
4. Agricultural Research and Development Body is a first echelon unit dealing with agricultural research and development and overseeing working unit (UK) and technical executive unit (UPT).
5. Working unit (UK) is a second echelon working unit at the Agricultural Research and Development Body formed under a decree of the Agriculture Minister and approved by the State Administrative Reforms Minister.
6. Technical executive unit (UPT) is a third echelon working unit carrying out research and/or study at the Agricultural Research and Development Body assigned to carry out technical tasks and/or supporting technical tasks and formed by the Agriculture Minister.
7. Cooperation partner is a private/government research institute and/or non-research institute in the form of corporate body, either legal entity or non-legal entity, domestic or foreign.
8. Facility is either movables or immovables from UK/UPT or cooperation partner used to carry out cooperation activities.
9. Personnel are personnel of UK/UPT.
10. Researcher is an employee of the Agricultural Research and Development Body fulfilling the given qualifications, appointed by the authorized official having scientific responsibility in cooperation activity.
11. Engineer is an employee of the Agricultural Research and Development Body given tasks, responsibilities, authority and full rights by the authorized official to carry out design and engineering activities.
12. Counselor is an employee of the Agricultural Research and Development Body given tasks, responsibilities, authority and full rights by the authorized official to provide counseling.
13. Intellectual Property Right (HKI) is the right to receive legal protection of intellectual property according to the legislation.
14. Patent is an exclusive right given by the state to an inventor over the result of his/her technological invention to realize the invention on his/her own for a certain period of time or to give approval to other party to do it.
15. Inventor is an individual or a group of several individuals realizing an idea by translating it into an activity producing an invention.
16. Patent holder is an inventor as a patent owner or party receiving the right from the patent owner or other party receiving the right, registered in the General List of Patents.
17. Royalties are a recompense given by a license recipient/holder to a patent holder over the realization of the invention and the recompense can come in the form of money or other form agreed upon by both sides.
18. Transfer of technology is the transfer of capacity

to benefit from and control sciences and technology among institutes, bodies or people, either at home or overseas to the country or the other way around.

Article 2

This Regulation is intended as a reference to realize research and development cooperation between the Agricultural Research and Development Body and other parties aimed at :

- a. optimizing the realization of its tasks and functions through cooperation; and
- b. increasing and improving the realization of domestic and foreign cooperation, either technical or administrative.

Article 3

The scope of this Regulation covers the area of cooperation, principles of cooperation, terms and procedure of cooperation and management of cooperation.

CHAPTER II

AREA OF COOPERATION

Article 4

The research and development cooperation as referred to in Article 2 consists of domestic cooperation and foreign cooperation.

Article 5

The domestic cooperation as referred to in Ar-

ticle 4 is realized to :

- a. speed up invention or assembly of new technology based on the mastery of sciences and technology (IPTEK);
- b. increase promotion and accelerate dissemination/spread of agricultural technology innovations;
- c. increase participation of cooperation partners in agricultural research, study and development;
- d. optimize the use of UK/UPT researchers and improve services to parties requiring the services; and/or
- e. increase the use of facilities and other resources owned by cooperation partners.

Article 6

The foreign cooperation as referred to in Article 4 is realized to increase :

- a. transfer of new technology and method/technique produced by international research institutes;
- b. competence of researchers of the Agricultural Research and Development Body;
- c. promotion of the results of researches made by the Agricultural Research and Development Body;
- d. access to the use of resources and research facilities owned by international institutes; and/or
- e. participation of researchers of the Agricultural Research and Development Body in the international scientific society.

CHAPTER III

PRINCIPLES OF COOPERATION

Article 7

- (1) The domestic cooperation as referred to in Article 4 is realized through cooperation between UK/UPT at the Agricultural Research and Development Body and cooperation partners.
- (2) The cooperation as referred to in paragraph (1) shall be mutually beneficial and able to increase the efficiency and productivity of the agricultural sector and improve the performance of UK/UPT employees.

Article 8

- (1) The foreign cooperation as referred to in Article 4 shall be realized on the basis of mutually beneficial equality and shall not contradict the legislation.
- (2) The cooperation as referred to in paragraph (1) shall be realized by controlling permits issued by the authorized government agency particularly with regard to aspects related to :
 - a. data/information outside the context of research cooperation agreement;
 - b. genetic resources and/or map detrimental and hazardous to national interests/security.

CHAPTER IV

TERMS AND PROCEDURE OF REALIZING COOPERATION

Article 9

The cooperation as referred to in Article 4 may be done by :

- a. researcher, engineer or counselor;
- b. UK/UPT; and
- c. cooperation partner.

Article 10

The researcher, engineer or counselor as referred to in Article 9 letter a, can realize cooperation by fulfilling the following conditions:

- a. having expertise according to the area of cooperation; and
- b. being assigned by the UK/UPT head.

Article 11

- (1) The UK/UPT as referred to in Article 9 letter b can realize cooperation by fulfilling the following conditions:
 - a. the task and function of UK/UPT match the topic of cooperation;
 - b. work plan, along with the breakdown of planned cost and the technical control of cooperation;
 - c. not leading to the transfer of HKI and state asset ownership to cooperation partners.
- (2) In case of cross-tasks and functions of UPT, cooperation shall be realized by UK.

Article 12

If UK/UPT as HKI owner is to transfer HKI for commercial purpose, protection and transfer process shall be done by Agricultural Technology Transfer Management Body.

Article 13

The cooperation partner as referred to in Article 9 letter c, may realize cooperation by complying with the cooperation agreement and the legislation.

Article 14

- (1) If cooperation produces HKI, UK/UPT and cooperation partner shall keep the secrecy of work process, outcome and product of cooperation;
- (2) Before an agreement has been reached, UK/UPT and cooperation partner as referred to in paragraph (1) are banned from transferring research materials in order to realize cooperation for commercial purposes.

Article 15

- (1) The procedure of realizing domestic research and development cooperation as referred to in Article 4 is contained in Attachment I which is an integral part of this Regulation.
- (2) The procedure of realizing foreign research and development cooperation as referred to in Article 4 is contained in Attachment II which is an integral part of this Regulation.
- (3) The procedure of realizing cooperation in the transfer of technology as referred to in Article 4 is contained in Attachment III which is an integral part of this Regulation.

CHAPTER V

MANAGEMENT OF COOPERATION

Article 16

- (1) UK/UPT wishing to establish cooperation shall first discuss a cooperation plan with the cooperation partner and the work plan is later put in the term of reference and cooperation agreement.
- (2) The cooperation agreement at the level of the Agricultural Research and Development Body shall be signed by the Head of the Agricultural Research and Development Body and that at the level of UK/UPT shall be signed by the Head of UK or the Head of UPT known/validated by the official of one level next to the Head of UK or the Head of UPT and/or the Head of the Agricultural Research and Development Body, as well as by the leader of the cooperation partner according to the nature and scope of cooperation.

Article 17

- (1) The target of cooperation shall accord with the term of reference.
- (2) In achieving the target as referred to in paragraph (1) the Head of UK/UPT shall supervise, control and report the realization of cooperation.
- (3) In supervising, controlling and reporting the realization of cooperation as referred to in paragraph (2) the Head of UK/UPT can form a team of monitoring and evaluating research and development cooperation.

Article 18

- (1) The Head of UK/UPT shall make a cooperation

report and/or recapitulation as referred to in Article 17 paragraph (2) periodically according to the technical guidance issued by the Agricultural Research and Development Body.

- (2) The report and recapitulation as referred to in paragraph (1) shall be submitted to the Head of the Agricultural Research and Development Body.

CHAPTER VI

TRANSITIONAL PROVISIONS

Article 19

- (1) Research and development cooperation agreements that have been signed and are being made before this Regulation takes effect, shall remain valid as long as they do not contradict this Regulation.
- (2) Research and development cooperation agreements as referred to in paragraph (1) that contradict this Regulation shall be adjusted to this Regulation no later than 1 (one) year after this Regulation is promulgated.

CHAPTER VII

CONCLUSION

Article 20

When this Regulation begins to take effect, Regulation of the Agriculture Minister No. 53/Permen-tan/OT.140/10/2006 on Guidance for Agricultural Research and Development Cooperation shall be re-voked and declared null and void.

Article 21

This Ministerial Regulation shall begin to take effect as from the date of promulgation.

For public cognizance, this Ministerial Regulation shall be promulgated by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On February 6, 2012

THE AGRICULTURE MINISTER OF
THE REPUBLIC OF INDONESIA,

sgd.

SUSWONO

Promulgated in Jakarta

On February 8, 2012

THE LAW AND HUMAN RIGHTS MINISTER OF
THE REPUBLIC OF INDONESIA,

sgd.

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA
OF 2012 NO. 180

Editor's Notes :

Attachments are not carried for technical reasons.

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