

PROCEDURES FOR IMPORTING FISH OF NEW KINDS OR VARIETIES INTO THE TERRITORY OF THE REPUBLIC OF INDONESIA

(Decree of the Minister of Marine and Fishery No. KEP.08/MEN/2004 dated February 4, 2004)

THE MINISTER OF MARINE AND FISHERY,

Considering:

- a. that since supply of fish of new kinds and varieties from other countries is potential to carry vectors for the entry and dissemination of dangerous fish pests and diseases to and in the country as well as can result in negative impacts on biological diversity and aquatic ecosystem, preventive and/or repressive measures need to be taken;
- b. that in order to eliminate or minimize risks or the negative impacts as meant in point a, and at the same time to implement Article 4 of Law No. 9/1985 on fishery, it is necessary to stipulate procedures for importing fish of new kinds or varieties into the territory of the Republic of Indonesia by a decree of the Minister;

In view of:

1. Law No. 9/1985 on fishery (Statute Book of 1985 No. 46, Supplement to Statute Book No. 3299);
2. Law No. 16/1992 (BN No. 5300 pages 17A - 19A and so on) on animal, fish and plant quarantine (Statute Book of 1992 No. 56, Supplement to Statute Book No. 3482);
3. Government Regulation No. 15/2002 (BN No. 6784 pages 21A - 32A and so on) on fish quarantine (Statute Book of 2002 No. 36, Supplement to Statute Book No. 4197);
4. Government Regulation No. 54/2002 on fishery business (Statute Book of 2002 No. 100, Supplement to Statute Book No. 4230);
5. Presidential Decree No. 102/2001 on the status, tasks, functions, authority, organizational structures and working arrangements of ministries, as already amended by Presidential Decree No. 45/2002;
6. Presidential Decree No. 109/2001 on first echelon organizational units and tasks of ministries, as already amended by Presidential Decree No. 47/2002;
7. Decree of the Minister of Marine and Fishery No. KEP.24/MEN/2002 on techniques and procedures for formulation of legislation within the Ministry of Marine and Fishery;
8. Decree of the Minister of Marine and Fishery No. KEP.05/MEN/2003 on the organization and working arrangement of the Ministry of Marine and Fishery;
9. Decree of the Minister of Marine and Fishery No. KEP.15/MEN/2003 on fish quarantine installation;
10. Decree of the Minister of Marine and Fishery No. KEP.16/MEN/2003 on stipulation of places of supply and release of vectors of quarantine fish pests and diseases;
11. Decree of the Minister of Marine and Fishery No. KEP.17/MEN/2003 on stipulation of kinds of fish quarantine pests and diseases; categories and vectors and their distribution;
12. Decree of the Minister of Marine and Fishery No. KEP.18/MEN/2003 on quarantine action for supply of vectors of quarantine fish pests and diseases from other countries and from one area to another area in the territory of the Republic of Indonesia;
13. Decree of the Minister of Marine and Fishery No. KEP.42/MEN/2003 on requirements for supplying vectors in the form of live fish;
14. Decree of the Minister of Marine and Fishery No. KEP.07/MEN/2004 on procurement and distribution of fish seeds;

DECIDES :

To stipulate:

THE DECREE OF THE MINISTER OF MARINE AND FISHERY ON PROCEDURES FOR IMPORTING FISH OF NEW KINDS OR VARIETIES INTO THE TERRITORY OF THE REPUBLIC OF INDONESIA

CHAPTER I
GENERAL PROVISION

Article 1

1. Fish is all kinds of fish and/or all fishery biota as meant in Law No. 9/1985 on fishery jo Law No. 16/1992 on animal, fish and plant quarantine.
2. Fish of new kinds or varieties is all live fish whose geographical distribution is not found in the territory of the Republic of Indonesia.
3. Import of fish of new kinds or varieties, hereinafter called, import of fish, is to carry or import fish into the territory of the Republic of Indonesia.
4. Importing place of fish is seaport, river harbor, ferry harbor, airport, post office, post of border with other countries and other places deemed necessary, which is stipulated as place to supply vectors of fish pests and diseases as meant in Law No. 16/1992 on animal, fish and plant quarantine.
5. Fish quarantine is an action as effort to prevent fish pests and diseases coming from other countries and an area from coming or spreading in another area in the territory of the Republic of Indonesia or coming out of the territory of the Republic of Indonesia.
6. Fish quarantine installation, hereinafter called quarantine installation is place and all instruments and facilities available in the place, which are used for undertaking quarantine action partly and/or wholly.
7. Fish pests and diseases are all organisms that can destroy, disturb the life or cause fish to die.
8. Quarantine fish pests and diseases are all fish pests and diseases not yet found and/or already found in only certain areas in the territory of the Republic of Indonesia, which in a relatively fast period, can outbreak and affect socio economy or endanger public health.
9. Fish quarantine action, hereinafter called quarantine action, is an activity executed to prevent quarantine fish pests and diseases coming from other countries and an area from coming and spreading in another area in the country or coming out of the territory of the Republic of Indonesia.
10. Fish Supply Recommendation Team, hereinafter called Recommendation Team is a team established by the Director General of Fish Cultivation, assigned to formulate recommendations about import of fish.
11. Testing Team is a team established by the Director General of Fish Cultivation with members consisting of engineers and/or researchers and/or functional officials concerned in charge of cultivation, biology and fish disease, which is assigned to test fish of new kinds or varieties supplied into the territory of the Republic of Indonesia.
12. Evaluation Team is a team established by the Director General of Fish Cultivation with members consisting of structural officials in the Directorate General of Fish Cultivation, fish quarantine centers, researchers, experts and functional officials in charge of fishery affairs, which is assigned to evaluate results of the test carried out by the testing team and make recommendation to determine whether fish to be imported has met requirements for distribution.
13. Recommendation about supply of fish is a certificate issued by the Director General of Fish Cultivation or the appointed official, approving the import of fish of the kinds or varieties mentioned inside.
14. Bill of Health is an official document signed by quarantine officers or the authorized officials in countries or areas of origin or senders or transit certifying that vectors mentioned inside are not contaminated by the required quarantine fish pests and/or diseases and fish diseases.
15. Certificate of origin of fish is a document issued by the authorized officials in countries of origin certifying,

among others, names of kinds/varieties (scientific and trade names) of fish, size, quantity and origin of fish (name and address of producers, location of cultivation, genealogy of fish, especially for fish resulting from cultivation, or location and/or place where fish is caught for wild fish or fish resulting from fishing).

16. Certificate of release of fish is an official document signed by fish quarantine officers certifying that the vectors mentioned inside are not contaminated or free from quarantine fish pests and diseases.
17. Certificate of feasibility to distribute is a certificate issued by the Director General of Fish Cultivation or the appointed official, certifying that fish meets requirements for distribution.
18. Applicant or owner is individual or statutory body responsible for importing fish.
19. Functional official is functional official controlling fish pest and disease, or supervisor of seed quality or fishery supervisor in the cultivation field, having status of civil servant investigators or not.
20. Service is provincial and/or regental/municipal service in charge of fishery affairs.
21. Minister is the Minister of Marine and Fishery.
22. Director General is the Director General of Fish Cultivation.

Article 2

The goal and objective of regulation are:

- a. to provide reference and legal basis for the import of fish of new kinds or varieties into the territory of the Republic of Indonesia;
- b. to protect fish cultivation business, conservation of fish resources, biological diversity and aquatic ecosystem;
- c. to enhance the management of fish and environmental health.

Article 3

The scope of regulation includes:

- a. requirements for importing fish of new kinds or varieties and procedures for issuing recommendation;
- b. preparation for the import of fish of new kinds or varieties;
- c. realization of the import and distribution of fish of new kinds and varieties;
- d. monitoring of developments of fish of new kinds or varieties.

CHAPTER II

REQUIREMENTS FOR THE IMPORT OF FISH OF NEW KINDS OR VARIETIES AND PROCEDURES FOR ISSUING RECOMMENDATION

Part One

Requirements for the import of fish

Article 4

- (1) The import of fish of new kinds or varieties into the territory of the Republic of Indonesia must be realized through:
 - a. importing places stipulated by the Minister;
 - b. import risk analysis;
 - c. fish quarantine action; and
 - d. post-quarantine distribution feasibility test, including ecological, biological and socio economic test.
- (2) The import of fish of new kinds or varieties as meant in paragraph (1) must:
 - a. be accompanied by fish import recommendation;
 - b. fulfill quarantine requirements;
 - c. be completed by certificate of origin from the authorized institution in country of origin;
 - d. be accompanied by technical information and diagnostic method or pest identification and fish disease and treatment adopted to free fish from quarantine fish pest and diseases, and dangerous fish pest and diseases mentioned in bill of health of fish from country of origin.

Article 5

The fish import recommendation as meant in Article 4 paragraph (2) letter a is issued by the Director General or the appointed official.

Article 6

- (1) For the purpose of issuance of the fish import

recommendation as meant in Article 5, the Director General established a recommendation team.

(2) The fish import recommendation is based on import risk analysis, covering social and economic analysis.

Part Two

Procedures for Issuing Recommendation

Article 7

In order to obtain the fish import recommendation as meant in Article 7 paragraph (2) letter a, applicants or owners must submit applications for the fish import recommendation to the Director General by enclosing:

- a. fishery business license (IUP) in the fish cultivation field;
- b. certificate from service, certifying readiness to accept the import of fish of new kinds or varieties;
- c. description of kinds or varieties, biological, genetic and ecological characteristics as well as genealogy (region of origin, producer and strain/generation/F1 or F2 or F3 and so on) of the fish to be imported from the authorized institution in country of origin;
- d. epidemiological information and medical status of fish as well as data on kinds of fish pest and disease (HPI) in the last two years from the authorized institution in country of origin;
- e. working plan for the import/arrival and utilization of fish of new kinds or varieties.

Article 8

After the applications are received completely, the Recommendation Team as meant in Article 6 paragraph (1) undertakes analysis to prepare substances of the fish import recommendation which are subsequently conveyed to the Director General.

Article 9

(1) If the result of the analysis concludes that the application can be approved, the Recommendation Team prepares fish import recommendation for signing by the Director General.

(2) The fish import recommendation as meant in paragraph (1) is conveyed to applicants or owners with a copy minimally made available to:

- a. fish quarantine center;
- b. service issuing certificate, as meant in Article 7 letter b;
- c. government or private institution appointed to undertake the test.
- d. technical service unit (UPT) of fish quarantine in the importing place of fish;
- e. the Director General of Marine and Fishery Resources Supervision;
- f. Customs and Excise Institution in the importing place of fish.

(3) If the result of the analysis concludes that the applications are not approved, the Recommendation Team prepares a letter of rejection to the import for signing by the Director General.

Article 10

The fish import recommendation as meant in Article 9 paragraph (1) or letter of rejection of the import as meant in Article 9 paragraph (3) is conveyed to applicants not later than 20 (twenty) working days as from the date of receipt of complete applications by the Director General.

Article 11

The fish import recommendation as meant in Article 9 paragraph (2) must contain:

- a. names of kinds or varieties (scientific names and trade names), size and quantity of fish;
- b. addresses of exporters (producers or institutions, regions and countries of origin);
- c. seaport or airport or other importing places in accordance with the laws in force;
- d. full address of applicants or owners;
- e. quantity of fish for test;
- f. government or private-owned testing place; and
- g. other certificates stipulated by the Director General.

Article 12

The fish import recommendation as meant in Article 9 paragraph (1) applies for one year as from the date of issuance.

CHAPTER III

PREPARATION FOR

IMPORTING FISH OF NEW KINDS OR VARIETIES

Part One

Quarantine Preparation

Article 13

After receiving a copy of the recommendation about the import of fish or new kinds or varieties as meant in Article 9 paragraph (2) letter a, Fish Quarantine Center promptly prepares quarantine installation as place of implementation of quarantine action.

Part Two

Test Preparation

Article 14

In order to execute the test of fish as meant in Article 4 paragraph (10) letter d, the Director General establishes a testing team and evaluating team of the test result.

Article 15

Besides establishing the teams as meant in Article 14, the Director General or the appointed official stipulates places fulfilling requirements as the places of implementation of fish test within the Ministry of Marine and Fishery or other private places fulfilling requirements in accordance with the laws in force.

Article 16

(1) After receiving the fish import recommendation, institutions managing the places of implementation of fish test as meant in Article 15, together with the testing team, promptly prepare places and tools so as to meet the following requirements:

- a. closed and free from public interest;
- b. the used water and tools will not come out and contact with surrounding environment before treatment is given; and
- c. test devices and materials are available.

(2) Besides preparing the places and tools as meant in paragraph (1), the testing team must make a testing plan by considering the working plan for the import and utilization submitted by applicants or owners as meant in Article 7 letter e and the testing plan must meet the statistical norms in force.

Article 17

In order to ensure the efficient and effective implementation of the quarantine action and test to be implemented as meant in Article 4 paragraph (1) letters c and d, the quarantine action and test can be done in a place fulfilling the requirements, after securing approval from the Di-

rector General or the appointed official and Head of Fish Quarantine Center.

CHAPTER IV

REALIZATION OF THE IMPORT AND DISTRIBUTION OF FISH OF NEW KINDS OR VARIETIES

Article 18

(1) In accordance with the fish import recommendation as meant in Article 9 paragraph (1), the fish is only imported for the testing purpose in the first phase.

(2) The quantity of fish which can be imported in the first phase as meant in paragraph (1) is determined as follows:

- a. in the case of seed size, 3% - 6% of the total approved or recommended fish;
- b. in the case of parent size, 6% - 8% of the total approved or recommended fish;
- c. in the case of other than seed and parent size, 4% - 6% of the total approved or recommended fish.

Part One

The Implementation of Quarantine Action

Article 19

The application of quarantine action to fish of new kinds or varieties imported into the territory of the Republic of Indonesia is done in accordance with the laws in force in the fish quarantine field.

Article 20

In the case of the quarantine action as meant in Article 19 certifying that fish has been free from quarantine fish pests and diseases, applicants/owners are obliged to give up fish and certificate of release of fish to the testing team as meant in Article 14 and/or leader of institution managing the place of implementation of fish test appointed, as meant in Article 15 under supervision of fish quarantine officer in the importing place.

Part Two

Test and Distribution

Article 21

(1) After receiving fish from the applicants or owners as meant in Article 20, the Testing Team promptly undertakes the test.

(2) The test as meant in paragraph (1) includes:

- a. further detection of fish pests or diseases which may be carried over, clinically or visually or in a laboratory

manner;

- b. test of vulnerability against local pest and diseases;
- c. fish biological and ecological test; and
- d. socio economic test.

Article 22

- (1) The fish biological test as meant in Article 21 paragraph (2) letter c includes laboratory and field test of characteristics of:
 - a. predator;
 - b. competitor;
 - c. growth;
 - d. reproduction (especially for parent); and
 - e. genetic (phenotype and genitive).
- (2) The ecological test as meant in Article 21 paragraph (2) letter c includes:
 - a. adaptation test; and
 - b. observation test.
- (3) The field, adaptation and observation tests as meant in paragraphs (1) and (2) only can be done after the fish is really free from fish pest and diseases and declared passing laboratory test.
- (4) The socio economic test as meant in Article 21 paragraph (2) letter d includes:
 - a. public preference to commodities; and
 - b. increase in income of fish breeders and the government.

Article 23

Technique, method, procedure and duration of the test as meant in Article 22 as well as requirements for distribution feasibility of fish of new kinds or varieties are determined and stipulated by the testing team and evaluating team.

Article 24

In executing the task, the testing team entitles to discontinue the test if the tested fish turns out to:

- a. become vector (carrier or infected) of dangerous fish pest and diseases;
- b. be extremely prone (vulnerable) to local pest or diseases; or
- c. become predator and/or competitor of local fish or the growth is more slow than local fish.

Article 25

The fish as meant in Article 24 must be destroyed wholly by making account of destruction and the place and tools used in the test must be sterilized.

Article 26

- (1) After discontinuing the test as meant in Article 24, the testing team reports directly to the Director General.
- (2) The Director General must convey account of destruction to applicants or owners and revokes the fish import recommendation already issued, not later than 7 (seven) working days after receiving the report as meant in paragraph (1).

Article 27

After undertaking the test, the Testing Team conveys results of the test to the evaluating team as meant in Article 14 not later than 7 (seven) working days after the test is completed.

Article 28

- (1) The results of the test as meant in Article 27 are evaluated by the evaluating team in accordance with the norms in force.
- (2) The evaluating team reports results of the evaluation of the implementation of the test accompanied by recommendation to the Director General not later than 14 (fourteen) working days as from the date of receipt of report on the results of the test as meant in Article 27.

Article 29

In the case of the results of the evaluation as meant in Article 28 paragraph (2):

- 1. fulfilling the requirements for distribution, the Director General or the appointed official gives up the fish to applicants or owners, accompanied by certificate of distribution feasibility and the copy is made available to:
 - a. fish quarantine center;
 - b. provincial or regental/municipal service in charge of fishery affairs in the testing place and/or planned location of distribution of the fish;
 - c. government or private institution appointed to execute the test;
 - d. technical executing unit of fish quarantine in the importing place of fish.
- 2. failing to meet the requirements for distribution, the

Director General or the appointed official issues certification of rejection to applicants or owners and the fish must be destroyed promptly.

Article 30

- (1) The Director General or the appointed official gives up fish accompanied by certificate of distribution feasibility or certificate of rejection to the applicants or owners as meant in Article 29 not later than 7 (seven) working days as from the date of receipt of report on results of evaluation.
- (2) At least 5% (five percent) of the total tested fish already declared fulfilling requirements for distribution must be given up to institution managing the testing place.

Article 31

- (1) After the fish is declared fulfilling the requirements for distribution feasibility by the Director General as meant in Article 29 paragraph (1), applicants or owners can import fish as the next realization in accordance with the quantity mentioned in the fish import recommendation or up to the expiration of validity period of the fish import recommendation.
- (2) Not later than one month as from the date when the fish is declared feasible to distribute and/or after the realization of the next import, applicants or owners are obliged to report the quantity and location of distribution of fish to:
 - a. the Director General;
 - b. provincial or regental/municipal service in charge of fishery affairs; and
 - c. institution where the test is executed.
- (3) In the case of applicants or owners failing to meet the reporting obligation as meant in paragraph (2) up to the deadline, the Director General takes the following actions:
 - a. suspending the import of fish even though the fish import recommendation remains effective, until the applicants or owners fulfil the obligation; or
 - b. denying the extension of fish import recommendation.

CHAPTER V MONITORING OF DEVELOPMENTS OF FISH OF NEW KINDS OR VARIETIES

Article 31

- (1) Based on the report on distribution of fish as meant in Article 31 paragraph (2), heads of provincial and/or regental/municipal service assign official within the said service and/or functional official to monitor developments of fish of new kinds or varieties in the location of distribution.
- (2) The monitoring of developments of fish as meant in paragraph (1) includes observation of developments of fish pest and diseases attacking the fish, as well as biological and ecological characteristics in accordance with the laws in force.
- (3) The Director General issues technical guidelines, methods and period as well as duration of monitoring.

Article 33

- (1) If during the monitoring as meant in Article 32, the fish turns out to be attacked by fish pest and diseases from countries of origin or local pest or diseases and/or their characteristic changes into predator and/or competitor of local fish so as to endanger the continuation of cultivation or environmental conservation:
 - a. all locations of distribution of fish must be isolated and prohibition on release of fish from the said locations is issued;
 - b. all fish, including fish not yet distributed, must be taken off from distribution and destroyed;
 - c. locations, water as well as water which is used must be sterilized promptly.
- (2) In connection with the incident as meant in paragraph (1), provincial and/or municipal service and institution where the test is done, and applicants or owners are responsible for withdrawing, destroying fish and sterilizing locations, water and tools used for maintenance.
- (3) The withdrawal and destruction of fish as well as sterilization of locations, water and tools as meant in paragraph (2) must be supervised by official within the service and/or the appointed functional official.
- (4) Isolation and closure of locations of distribution as meant in paragraph (1) letter a is executed by the Director General or the appointed official on the basis of consideration from heads of local provincial and/or regental/municipal service and leader of institution where the test is executed.

CHAPTER VI
SANCTION

Article 34

Any violation of the provisions in this decree is subjected to the provisions in Article 24 of Law No. 9/1985 on fishery.

CHAPTER VII
MISCELLANEOUS PROVISION

Article 35

- (1) Recommendation about the import of fish of the same kind or variety only can be issued for extension of recommendations having their validity period already expiring and fish originating from the same producers and countries of origin.
- (2) The provision as meant in paragraph (1) is effective up to two generations (F2) in the case of the import of parent and 4 (four) times of harvesting period in the case of fish being seed size or other than parent.

Article 36

- (1) Procedures for importing fish of new kinds or varieties resulting from genetic engineering are regulated by the laws in force in the biological resource field.
- (2) The import of fish of new kinds or varieties for the purpose of direct consumption and/or non-cultivation is not subjected to the test as meant in Article 4 paragraph (1) letter d.
- (3) The import of fish of new kinds or varieties for the purpose of research, is not subjected to the test as meant in Article 4 paragraph (1) letter d and exempted from the provision to complete IUP in the fish cultivation field as meant in Article 7 letter a.
- (4) The quantity of fish imported for the purpose of direct consumption as meant in paragraph (2) is stipulated by the Recommendation Team.

Article 37

The issuance of recommendations about the import of fish of the same kinds or varieties to new applicants only can be considered after owners of the first fish import recommendation cultivate up to two generation (F2) in the case of the import of parent and 4 (four) times of harvest period in the case of the import of seed-size fish.

Article 38

In the case of results of the test and evaluation certifying that kinds or varieties of fish are feasible to distribute as meant in Article 29 point 1 and the fish will be subsequently released as superior kinds or varieties, the release of the fish must be in accordance with the laws in force in the testing, evaluation and release of kinds or varieties of fish.

Article 39

- (1) In executing the quarantine action and/or the test as meant in Article 4 paragraph (1) letters c and d, as well as validation and verification in the case of doubt to the originality and/or truth of the required documents as meant in Article 7 letters c and d, fish quarantine officer and/or testing team can execute the task in countries of origin.
- (2) The task as meant in paragraph (1) must be implemented in countries of origin if:
 - a. fish pest and disease outbreak is hitting countries of origin;
 - b. countries of origin constitute endemic areas of dangerous fish pest and disease.

Article 40

The cost of implementation of the task as meant in Article 39 is borne by applicants or owners.

Article 41

Technical provisions as the implementation of this decree are further stipulated by the Director General.

CHAPTER VIII
CONCLUSION

Article 42

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

Stipulated in Jakarta

On February 4, 2004

THE MINISTER OF MARINE AND FISHERY

Sgd

ROKHMIN DAHURI

====(AL)====