

**PLANT QUARANTINE REQUIREMENTS AND ACTIONS ON THE ENTRY OF PRODUCTS OF LIVING PLANTS IN THE FORM OF FRESH LAYER ROOTS INTO THE TERRITORY OF THE REPUBLIC OF INDONESIA**

(Agriculture Minister Regulation No. 18/Permentan/ OT.140/2/2008 Dated February 26, 2008)

WITH THE BLESSING OF THE ONE AND ONLY GOD,  
THE MINISTER OF AGRICULTURE

Considering:

- a. That the volume of products of living plants in the form of fresh layer roots brought into the Territory of the Republic of Indonesia is very large and at a very high frequency;
- b. That based on results of risk analysis on plant disturber organisms, products of living plants in the form of fresh layer roots is a very potential carrier media for the spread of Quarantine Plant Disturber Organism (OPTK);
- c. That OPTK can inflict large losses because it degrades production quality and yield and even death to various types of plants;
- d. That based on the above issue, it is deemed necessary to regulate Requirements and Actions Plant Quarantine on the Entry of products of living plants in the form of fresh layer roots into the Territory of the Republic of Indonesia

In view of:

- (1) Law No. 16 Year 1992 (*BN No. 5300 pages 17A - 19A*) concerning Quarantine of Animals, Fish and Plants (State Gazette Year 1992 No. 56, Supplement to State Gazette No. 3482).
- (2) Law No. 7 Year 1994 concerning Ratification of Establishing the World Trade Organization Agreement (State Gazette Year 1994 No. 57, Supplement to State Gazette No. 35);
- (3) Law No. 7 Year 1996 concerning Food (State Gazette Year 1996 No. 99, Supplement to State Gazette No.3817);
- (4) Government Regulation No. 14 Year 2002 (*BN No. 6781 pages 15A - 32A*) concerning Plant Quarantine (State Gazette Year 2002 No. 35, Supplement to State Gazette No. 4196);
- (5) Government Regulation No. 28 Year 2004 (*BN No. 7206 pages 17A - 20A*) concerning Safety, Quality and Nutrient of Food (State Gazette Year 2004 No. 107, Supplement to State Gazette No. 4424);
- (6) Presidential Decree No. 2 Year 1997 in conjunction with Presidential Decree No. 45 Year 1990 concerning Ratification of 1951 International Plant Protection Convention;
- (7) Presidential Decree No. 58 Year 1997 concerning Ratification of 1951 Asian Plant Protection Convention;
- (8) Presidential Decree No. 187/M Year 2004 (*BN No. 7128 pages 30A - 31A*) concerning the Formation of Indonesia Bersatu Cabinet;
- (9) Presidential Regulation No. 9 Year 2005 (*BN No. 7182 pages 2A - 23A*) in conjunction with Presidential Regulation No. 62 Year 2005 concerning Position, Duty, Functions, Composition, Organization and Procedure of State Ministries of the Republic of Indonesia;
- (10) Presidential Regulation No. 10 Year 2005 concerning Organization Units and Mission of First Echelon State Ministries of the Republic of Indonesia;

- (11) Decision Letter of Agriculture Minister No. 796/Kpts/TP.830/10/1984 concerning the Entry of Plants used as Wrapping into the Territory of the Republic of Indonesia;
- (12) Decision Letter of Agriculture Minister No. 797/Kpts/TP.830/10/1984 concerning the Entry of Media of Plant Growth into the Territory of the Republic of Indonesia;
- (13) Decision of Agriculture Minister No. 38/Kpts/Hk.060/1/2006 concerning Types of Quarantine Plant Disturber Organism Group I Category A1 and A2, Group II Category A1 and A2, Parent Plant, Carrier Media and its Spreading Area.
- (14) Decision of Agriculture Minister No. 469/Kpts/Hk.310/8/2002 concerning Entry and Exit Places of Carrier Media of Quarantine Plant Disturber Organism;
- (15) Regulation of Agriculture Minister No. 229/Kpts/OT.140/7/2005 concerning Organization and Procedure of the Department of Agriculture in conjunction with Regulation of Agriculture Minister No. 11/Permentan/OT.140/2/2007;
- (16) Regulation of Agriculture Minister No. 341/Kpts/OT.140/9/2005 concerning Equipment of the Organization and Procedure of the Department of Agriculture;

With due observance on:

WTO Notification No G/SPS/N/IDN/37 dated October 26, 2007;

#### DECIDES:

To stipulate:

AGRICULTURE MINISTER REGULATION CONCERNING PLANT QUARANTINE REQUIREMENTS AND ACTIONS ON THE ENTRY OF PRODUCTS OF LIVING PLANTS IN THE FORM OF FRESH LAYER ROOTS INTO THE TERRITORY OF THE REPUBLIC OF INDONESIA

## CHAPTER I

### GENERAL PROVISIONS

#### Article 1

In this Regulation, what is meant by:

1. Products of living plants in the form of fresh layer roots is a part of a plant in the form of bulb included in the Allium family, either intact or a part thereof, not yet processed to be processed substances.
2. Quarantine Plant Disturber Organisms are all plant disturber organisms stipulated by the Minister of Agriculture to be prevented as of its entry into and its spreading into the Territory of the Republic of Indonesia.
3. Carrier Media of Plant Disturber Organism, hereinafter referred to as Carrier Media, are plants and its parts or other things that can carry Quarantine Plant Disturber Organisms.
4. Risk Analysis on Plant Disturber Organism is a process to stipulate whether a plant disturber organism is a quarantine plant disturber organism or an important plant disturber organism, and to determine plant quarantine requirements and actions suitable to prevent the entry and spread of such plant disturber organisms.
5. Transportation means of carrier media are all ground, water and air transportation means used for the traffic of the carrier media.
6. Plant Health Certificate (Phytosanitary Certificate) is a statement letter made by the authorities in the country or area of origin/transit stating that the plant or a part of the plant, or that is stated there-in, is free from plant disturber organisms, Quarantine Plant Disturber Organism, Quarantine Plant Disturber Organism Group I, Quarantine Plant Disturber Organism Group II and/or important Plant Disturber Organism. and had met requirements of stipulated Plant Quarantine and/or declaring other required information.

7. Places of entry are sea-ports, river-ports, ferry-ports, airports, post offices, border posts with other countries, stipulated as places for the entrance of carrier media of plant disturber organisms.
8. Plant Quarantine Officials are certain Government employees assigned the duty to carry out Plant Quarantine activities based on prevailing legislations.
9. Owner is a person or legal entity possessing and/or responsible on the entry of products of living plants in the form of fresh layer roots.
10. De-vitalization is a procedure carried out with the purpose so that a plant or plant by-product is not able to sprout, grow or reproduce.

#### Article 2

- (1) This regulation is meant to be used as guidance for Plant Quarantine Officials in the implementation of Plant Quarantine requirements, technical requirements and performing Plant Quarantine activities, on the entry of products of living plants in the form of fresh layer roots into the Territory of the Republic of Indonesia.
- (2) The purpose of this regulation is to prevent the entry and spread of OPTK and to maintain the quality products of living plants in the form of fresh layer roots into the Territory of the Republic of Indonesia.

#### Article 3

The scope of this regulation covers Plant Quarantine requirements, technical requirements, Plant Quarantine activities, and places of entry of products of living plants in the form of fresh layer roots into the Territory of the Republic of Indonesia

## CHAPTER II REQUIREMENTS FOR THE ENTRY OF PRODUCTS OF LIVING PLANTS IN THE FORM OF FRESH LAYER ROOTS

#### Article 4

Products of living plants in the form of fresh layer roots entered into the Territory of the Republic of Indonesia must:

- a. Be equipped with Plant Health Certificate from the country of origin and country of transit;
- b. Enter thru stipulated places of entry;
- c. Be reported and delivered to Plant Quarantine Officials at the places of entry for Plant Quarantine activity requirements.

#### Article 5

- (1) The entry of products of living plants in the form of fresh layer roots into the Territory of the Republic of Indonesia may originate from production areas that are free or not free from infection of Quarantine Plant Disturber Organisms in the country of origin.
- (2) The types of OPTK and the production areas in the country of origin that are not free as meant in paragraph (1) shall be contained in the attachment constituting an inseparable part of this regulation.

#### Article 6

The entry of products of living plants in the form of fresh layer roots into the Territory of the Republic of Indonesia originating from production areas in the country of origin that are free as meant in Article 5 paragraph (1) must be set forth in the Additional Declaration column of the Plant Health Certificate accompanying the package, and had been de-vitalized and free from soil particles and/or compost.

#### Article 7

- (1) The entry of products of living plants in the form of fresh layer roots into the Territory of the Republic of Indonesia originating from production areas in the country of origin that is not free from infection of Quarantine Plant Disturber Organisms as meant in Article 5 paragraph (2) shall be subject to treatments, de-vitalized and free from soil particles and/or compost.
- (2) The treatment referred to in paragraph (1) shall be conformed with the products of living plants in the form of fresh layer roots and the type of plant disturber organism that is prevented as of its entry, and must be declared in the treatment column in the Plant Health Certificate

#### Article 8

The entry of products of living plants in the form of fresh layer roots into the Territory of the Republic of Indonesia referred to in Articles 6 and 7 must not be in damaged and/or spoiled condition.

#### Article 9

- (1) In order to know whether a producing area is free or not from infection of Quarantine Plant Disturber Organism in the country of origin, it is entitled to make a survey in the producing area in the country of origin by Plant Quarantine Officials and/or other officials appointed by the Head of Agriculture Quarantine Body.
- (2) The survey referred to in paragraph (1) is performed based on risk analysis consideration of plant disturber organism, particularly Quarantine Plant Disturber Organism and executed in accordance with standards

stipulated by IPPC Secretariat - Food and Agriculture Organization, and other standards that had been published.

- (3) Expenses required for the survey referred to in paragraph (1) shall be borne on the budget of the Agriculture Quarantine Body and/or owner.

### CHAPTER III

#### PLANT QUARANTINE ACTIONS

##### Article 10

- (1) Products of living plants in the form of fresh layer roots as meant in Article 5 entered into the Territory of the Republic of Indonesia not meeting the provisions referred to in Article 4 letter a, are subject to detainment action.
- (2) If the requirements referred to in paragraph (1) are not fulfilled in a period of 14 (fourteen) work days, a rejection sanction shall be imposed.
- (3) The rejection referred to in paragraph (2) can be in the form of returning it to the country of origin or other countries.
- (4) If after 14 (fourteen) work days from the date the rejection letter was received by the owner, the products of living plants in the form of fresh layer roots entered into the Territory of the Republic of Indonesia was not exported out of Indonesia, it shall be destroyed.

##### Article 11

- (1) Products of living plants in the form of fresh layer roots as meant in Article 5 entered into the Territory of the Republic of Indonesia not meeting the provisions referred to in Article 4 letter b, Article 4 letter c, Article 6, Article 7 and/or Article 8 are subject to rejection sanctions.

- (2) The rejection referred to in paragraph (1) can be in the form of returning it to the country of origin or other countries.
- (3) If after 14 (fourteen) work days from the date the rejection letter referred to in paragraph (1) was received by the owner, the products of living plants in the form of fresh layer roots entered into the Territory of the Republic of Indonesia was not exported out of Indonesia, it shall be destroyed.

#### Article 12

- (1) Health examination of products of living plants in the form of fresh layer roots entered into the Territory of the Republic of Indonesia shall be executed by Plant Quarantine Officials after the Plant Quarantine and technical requirements referred to in Articles 4 thru 8 were fulfilled.
- (2) Plant Quarantine Officials are authorized to open or order other parties to open container boxes or other boxes jointly with officials of Customs and Excise, and witnessed by the owner of products of living plants in the form of fresh layer roots both inside and outside of the Plant Quarantine compound.

#### Article 13

- (1) If after the performance of the health examination referred to in Article 12 paragraph (1) it is found out that the products of living plants in the form of fresh layer roots is not free from Group II OPTK as meant in Article 5 paragraph (2), treatment actions shall be undertaken.
- (2) If after the performance of the treatment referred to in paragraph (1) it is found out that it cannot be

disposed of the Group II OPTK referred to in Article 5 paragraph (2), the products of living plants in the form of fresh layer roots must be destroyed witnessed by the authorities, and a report on the destruction shall be made.

- (3) If after the performance of the treatment referred to in paragraph (1) it is found out that it is free from the Group II OPTK referred to in Article 5 paragraph (2), then the products of living plants in the form of fresh layer roots shall be released by issuing a release certificate.

- (4) If after the performance of the treatment referred to in paragraph (1) it is found out that the products of living plants in the form of fresh layer roots is not or not yet de-vitalized and/or not free from soil and/or compost particles, and/or spoiled and/or damaged, then the products of living plants in the form of fresh layer roots shall be destroyed witnessed by the authorities, and a report on the destruction shall be made.

#### Article 14

If after the health examination referred to in Article 12 paragraph (1) had been performed, it is found out that the products of living plants in the form of fresh layer roots are not free from Group I OPTK as meant in Article 5 paragraph (2), the products of living plants in the form of fresh layer roots must be destroyed witnessed by the authorities, and a report on the destruction shall be made.

#### Article 15

All expenses required for treatment activities, rejection or destruction referred to in Articles 10, 11, 13 and 14 shall be the responsibility of and borne by the owner.

**CHAPTER IV  
PLACES OF ENTRY**

**Article 16**

(1) Places of entry of products of living plants in the form of fresh layer roots entered into the Territory of the Republic of Indonesia are entitled only thru:

1. Belawan Seaport, Medan
2. Tanjung Balai Seaport, Asahan
3. Dumai Seaport, Riau
4. Batam Seaport
5. Boom Baru River-port, Palembang
6. Tanjung Priok Seaport, Jakarta
7. Tanjung Emas Seaport, Semarang
8. Tanjung Perak Seaport, Surabaya
9. Pontianak Seaport
10. Tarakan Seaport,
11. Makassar Seaport
12. Entikong Border Crossing Post
13. Soekarno Hatta Airport, Jakarta.
14. Ngurah Rai Airport, Denpasar.

(2) Based on technical and strategic considerations, the entry of products of living plants in the form of fresh layer roots on the approval of the Minister of Agriculture may be performed outside of the places of entry referred to in paragraph (1).

(3) Places of entry stipulated in Agriculture Minister Decision No. 469/Kpts/ Hk.310/8/2002 are still valid for the entry of Carrier Media of Quarantine Plant Disturber Organisms other than products of living plants in the form of fresh layer roots.

**Article 17**

Provisions in this regulation are also applicable for products of living plants in the form of fresh layer roots in the form of hand-carried by passengers and postal services.

**CHAPTER V  
CLOSING PROVISIONS**

**Article 18**

This regulation shall be exercised effectively in two (2) months at the latest from the date of stipulation.

**Article 19**

This regulation commences to be effective from the date of stipulation.

Stipulated in Jakarta

On February 26, 2008

MINISTER OF AGRICULTURE

Sgd

ANTON APRIYANTONO

Editor's Note:

- Due to technical reasons, Attachments are not included.

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