

ENFORCEMENT OF OBLIGATORY INDONESIA NATIONAL STANDARD (SNI) ON WHEAT FLOUR FOOD SUBSTANCE

(Regulation of the Minister of Industries of the Republic of Indonesia No. : 49/M-IND/PER/7/2008,
dated July 14, 2008)

WITH THE BLESSING OF THE ONE AND ONLY GOD
THE MINISTER OF INDUSTRIES OF
THE REPUBLIC OF INDONESIA,

Considering:

- a. that Wheat Flour as Food Substance is consumed in a large volume by the public and constitutes a good fortifying carrier for the fulfillment of nutrient for the public;
- b. that in the context of supporting the public nutrient improvement program, providing facilities in the provision of supply, creating a healthy business competition, and providing protection to consumers, it is necessary to enforce obligatory Indonesia National Standard (SNI = Standar Nasional Indonesia) of wheat flour food substance;
- c. that based on the considerations referred to in letter a and letter b, it is necessary to issue a Regulation of the Minister of Industries;

In view of:

1. Law No. 5 Year 1984 concerning Industries (R.I. State Gazette Year 1984 No. 22, Supplement to R.I. State Gazette No. 3274);
2. Law No. 7 Year 1994 concerning the Legalization of Agreement Establishing the World Trade Organization (R.I. State Gazette Year 1994 No. 57, Supplement to R.I. State Gazette No. 3564);
3. Law No. 10 Year 1995 (*BN No. 5812 pages 19A-*

20A and so on) concerning Customs (R.I. State Gazette Year 1995 No. 75, Supplement to R.I. State Gazette No. 3612) which had been amended by Law No. 17 Year 2006 (*BN No. 7476 pages 23A-27A*) (R.I. State Gazette Year 2006 No. 93, Supplement to R.I. State Gazette No. 4661);

4. Law No. 7 Year 1996 concerning Food (R.I. State Gazette Year 1996 No. 99, Supplement to R.I. State Gazette No. 3656);
5. Law No. 8 Year 1999 (*BN No. 6321 pages 1A-7A and so on*) concerning Customer Protection (R.I. State Gazette Year 1999 No. 42, Supplement to R.I. State Gazette No. 3821);
6. Government Regulation No. 17 Year 1986 concerning Authority on the Regulating, Management and Development of Industry (R.I. State Gazette Year 1986 No. 23, Supplement to R.I. State Gazette No. 3330);
7. Government Regulation No. 69 Year 1999 (*BN No. 6370 pages 14A-15A and so on*) concerning Food Labels and Advertisements (R.I. State Gazette Year 1999 No. 131, Supplement to R.I. State Gazette No. 3867);
8. Government Regulation No. 102 Year 2000 (*BN No. 6554 pages 1A-7A and so on*) concerning National Standardization (R.I. State Gazette Year 2000 No. 199, Supplement to R.I. State Gazette No. 4020);
9. Government Regulation No. 28 Year 2004 (*BN No. 7206 pages 17A-19A and so on*) concerning Food Safety, Quality and Nutrient (R.I. State Gazette Year 2004 No. 107, Supplement to R.I. State Gazette No. 4424);
10. Government

10. Government Regulation No. 38 Year 2007 concerning Division of Government Affairs between the Government, Provincial Area Government and Regency/City Area Government (R.I. State Gazette Year 2007 No. 82, Supplement to R.I. State Gazette No. 4737);
11. Presidential Decree of the Republic of Indonesia No. 187/M Year 2004 (*BN No. 7128 pages 30A-31A*) concerning Formation of Indonesia Bersatu Cabinet which had been amended several times, lastly by Presidential Decree of the Republic of Indonesia No. 77/P Year 2007;
12. Presidential Regulation of the Republic of Indonesia No. 9 Year 2005 (*BN No. 7182 pages 2A-23A*) concerning Position, Mission, Functions, Organization Composition and Procedure of State Ministries of the Republic of Indonesia which had been amended several times, lastly by Presidential Regulation of the Republic of Indonesia No. 94 Year 2006;
13. Presidential Regulation of the Republic of Indonesia No. 10 Year 2005 concerning Organization Units and Mission of First Echelon of State Ministries of the Republic of Indonesia which had been amended several times, lastly by Presidential Regulation of the Republic of Indonesia No. 17 Year 2007;
14. Decision of the Minister of Industries and Trade No. 634/MPP/Kep/9/2002 (*BN No. 6846 pages 1A-9A*) concerning Provisions and Procedure on the Supervision of Goods and/or Services Available in the Market;
15. Decision of the Minister of Health No 1452/MENKES/SK/X/2003 concerning the Fortifying of Wheat Flour;
16. Regulation of the Minister of Industries No. 01/M-IND/PER/3/2005 concerning Organization and Procedure of the Department of Industries;
17. Regulation of the Minister of Industries No. 19/M-IND/PER/5/2006 (*BN No. 7372 pages 12A-27A*) concerning Standardization, Management and Supervision of Indonesia National Standard in the field of Industries.

DECIDES :

To stipulate :

REGULATION OF THE MINISTER OF INDUSTRIES CONCERNING ENFORCEMENT OF OBLIGATORY INDONESIA NATIONAL STANDARD (SNI) OF WHEAT FLOUR FOOD SUBSTANCE.

Article 1

In this Minister Regulation, what is meant by:

1. Wheat Flour as Food Substance hereinafter referred to as wheat flour is flour made from endo sperm *Triticum aestivum* L (club wheat) and/or *Triticum compactum* Host wheat seeds or a mixture of both, added with Fe, Zn, Vitamin B1, Vitamin B2 and asam folat as fortifier.
2. Certificate for Products using SNI label hereinafter SPPT-SNI is a Certificate for Products using SNI Label given to Producers able to produce Goods and/or Services in accordance with SNI terms.
3. National Accreditation Committee hereinafter referred to as KAN (Komite Akreditasi Nasional) is a non-structural agency having the authority to accredit agencies / laboratories performing certification activities.
4. Product Certification Agency hereinafter referred to as LSPro (LSPro = Lembaga Sertifikasi Produk) is an agency performing activities on the certification of products on the use of SNI label having received accreditation from KAN.

5. The Director General in charge of the management of industries is the Director General of Agro and Chemical Industries.
6. Head of BPPI is the Head of Industry Research and Development Body of the Department of Industries.
7. Head of Provincial Service is the Head of a Provincial Service performing duties in charge of government affairs in the form of industries.
8. Head of Regency/Municipality Service is the Head of Regency/Municipality Service performing duties in charge of government affairs in the form of industries.

Article 2

- (1) To enforce obligatory Indonesia National Standard (SNI) 01-3751-2006 or its revisions on Wheat Flour as food substance with post tariff number HS 1101.00.10.00.
- (2) Enforcement of obligatory SNI as meant in Paragraph (1) is applicable for Wheat Flour in containers and/or in bulk.

Article 3

Companies producing or importing Wheat flour referred to in Article 2 are obliged to:

- a. Implement SNI and shall possess Wheat Flour SPPT-SNI in accordance with Wheat Flour SNI terms; and
- b. Place Wheat Flour SNI label on every container in accordance with prevailing provisions.
- c. Wheat Flour in the form of bulk, the placing of the SNI label is replaced by attaching the SPPT-SNI documents.

Article 4

Wheat Flour referred to in Article 2 traded domestically originating from domestic or import produce are obliged to fulfill the SNI terms referred to in Article 3.

Article 5

- (1) The issuance of SPPT-SNI referred to in Article 3 letter a, is made by LSPro having been accredited by KAN and/or appointed by the Minister of Industries.
- (2) The issuance of the SPPT-SNI referred to in Paragraph (1) is made thru:
 - a. National Standardization Guidelines PSN 302-2006: Assessment on the Basic Conformance of Product Certification, System 5, i.e.:
 1. Testing of the conformance of product quality in accordance with SNI or its revisions; and
 2. Audit on the implementation of Quality Management System SNI 19-9001-2001/ ISO 9001:2000 or its revisions or other acknowledged quality management systems; or
 - b. Guidelines for National Standardization PSN 302-2006: Assessment on Basic Conformance of Product Certification, System 1b, i.e.:
 1. For domestic products, testing of the conformance of product quality in accordance with SNI or its revisions for each production lot per three (3) months.
 2. Ex-import wheat flour must be attached with CoA (Certificate of Analysis) documents stating at least the name and address of company, name of testing laboratory, testing date, and result of tests meeting SNI parameter by the testing laboratory entering into MoU with LSPro in Indonesia and attached with Sampling Report.
 3. For ex-import wheat flour not attached with CoA (Certificate of Analysis) documents as meant in item 2, sampling and testing in accordance with SNI parameter SNI must be performed by a testing laboratory appointed by LSPro.

- (3) Audit on the implementation of Quality Management System referred to in Paragraph (2) letter a number 2 that is based on a warranty issued by Quality Certification System Agency having been accredited by KAN or an Accreditation Body of other countries that had signed a Mutual Recognition Arrangement (MRA) with KAN.
- (4) The Testing referred to in Paragraph (2) letter a number 1 and Paragraph (2) letter b number 1 may be sub-contracted to a testing laboratory by LSPro on condition:
- a. The testing laboratory had received KAN accreditation or by a test laboratory appointed by the Minister of Industries.
 - b. Foreign laboratories having received accreditation from KAN or from an Accreditation Body of other countries that had signed a Mutual Recognition Arrangement (MRA) with KAN and verified by LSPro.

Article 6

The LSPro referred to in Article 5 Paragraph (1) shall report the result of its certifications to the Director General in charge of Industries Management with copies to the Head of BPPI, Head of Provincial Service and Head of Regency/City Service of the location of the factory.

Article 7

- (1) Ex-import wheat flour not meeting the requirements referred to in Article 3 and Article 4 is prohibited to enter Indonesia customs areas and must be re-exported or destroyed.
- (2) Ex-domestic wheat flour not meeting the requirements referred to in Article 3 and Article 4 is prohibited to enter the market to be circulated / marketed.

- (3) Wheat flour available in the market originating from import and domestic products not meeting the requirements referred to in Article 3 and Article 4 must be withdrawn from circulation.
- (4) Procedure on destroying, re-export to country of origin and withdrawal from circulation shall be performed in accordance with prevailing legislations.

Article 8

- (1) Nurturance and supervision on the execution of the implementation of Wheat Flour SNI Obligation as meant in Article 2 and Article 3 at the factory shall be performed by the Directorate General of Industries Management.
- (2) In the performance of the supervision referred to in Paragraph (1), the Director General in charge of Industries Management shall assign a Factory Standard Control Officer (PPSP = Petugas Pengawas Standar di Pabrik).
- (3) In the performance of duty, the PPSP referred to in Paragraph (2) shall coordinate with the Head of Provincial Service and/or Head of Regency/City Service.

Article 9

- (1) The LSPro issuing the Wheat Flour SPPT-SNI shall be responsible on the performance of control on the use of SNI label for said Wheat Flour.
- (2) BPPI Head performs nurturing on Conformance Assessment Agencies in the context of obligatory implementation of Wheat Flour SNI as meant in Article 2.

Article 10

The Director General in charge of Industries Management shall stipulate technical guidance on the implementation of this Minister Regulation.

Article 11

Business performers violating provisions of this Minister Regulation shall be imposed of sanctions in accordance with provisions of statutory regulations.

Article 12

SPPT-SNI based on SNI 01-3751-2000 having been obtained by companies shall remain valid until the expiration of the SPPT SNI term.

Article 13

This Minister Regulation commences to come to effect from the date of stipulation.

For public cognizance, this Minister Regulation shall be announced in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

on July 14, 2008

MINISTER OF INDUSTRIES RI

sgd

FAHMI IDRIS

Enacted in Jakarta

on July 18, 2008

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

sgd

ANDI MATTALATTA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

YEAR 2008 NO. 26

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