

TEMPORARY BAN ON THE IMPORT OF SWINE AND BY-PRODUCTS

(Decree of the Trade Minister No. 16/M-DAG/PER/5/2009 dated May 1, 2009)

BY THE GRACE OF GOD ALMIGHTY

THE TRADE MINISTER OF THE REPUBLIC OF INDONESIA,

Considering :

- a. that in connection with swine flu outbreaks in a number of countries which according to a World Health Organization (WHO) report can fearfully spread to other countries, to protect the public health and national bio-resources and to prevent the entry and widespread of swine influenza, it is deemed necessary to impose a temporary ban on the import of swine and by-products to Indonesia;
- b. that in consideration of the matter in letter a, it is necessary to stipulate a Regulation of the Trade Minister;

In view of :

1. Trade Ordinance of 1934 (Statute Book of 1983 No. 86);
2. Law No. 6/1967 on Main Provisions on Husbandry and Animal Health (Statute Book of 1967 No. 10, Supplement to Statute Book No. 2824);
3. Law No. 4/1984 on the Outbreak of Communicable Diseases (Statute Book of 1984 No. 20, Supplement to Statute Book No. 3273);
4. 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);
5. Law No. 23/1992 (*BN No. 5320 page 16A and so on*) on Health (Statute Book of 1992 No. 100, Supplement to Statute Book No. 3495);
6. Law No. 7/1994 on the Ratification of Agreement Establishing The World Trade Organization (Statute Book of 1994 No. 57, Supplement to Statute Book No. 3564);
7. Law No. 10/1995 (*BN No. 5812 pages 19A-20A and so on*) on Customs Affairs (Statute Book of 1995 No. 75, Supplement to Statute Book No. 3612) as has been amended by Law No. 17/2006 (*BN No. 7476 pages 23A-27A*) (Statute Book of 2006 No. 93, Supplement to Statute Book No. 4661);
8. Law No. 7/1996 on Fond (Statute Book of 1996 No. 99, Supplement to Statute Book No. 3656);
9. Law No. 8/1999 (*BN No. 6321 pages 1A-7A and so on*) on Consumer Protection (Statute Book of 1999 No. 42, Supplement to Statute Book No. 3821);
10. Government Regulation No. 22/1983 on the Health of Veterinary Society (Statute Book of 1983 No. 28, Supplement to Statute Book No. 3253);
11. Government Regulation No. 58/2001 (*BN No. 6683 pages 6A-9A*) on the Development and Control of Efforts to Provide Consumer Protection (Statute Book of 2001 No. 103, Supplement to Statute Book No. 4126);
12. Presidential Decree No. 260/1967 on the Affirmation of Tasks and Responsibilities of the Trade Minister in the Foreign Trade Sector;
13. Presidential

13. Presidential Decree No. 187/M/2004 (*BN No. 7128 pages 30A-31A*) on the Formation of United Indonesia Cabinet as has been several times amended the latest by Presidential Decree No. 171/M/2005;
14. Presidential Regulation No. 9/2005 (*BN No. 7182 pages 2A-23A*) on the Position, Task, Function, Organizational Structure and Work Mechanism of State Ministries of the Republic of Indonesia as has been several times amended the latest by Presidential Regulation No. 20/2008;
15. Presidential Regulation No. 10/2005 on the Organizational Units and Tasks of First Echelon Officials of the State Ministries of the Republic of Indonesia as has been several times amended the latest by Presidential Regulation No. 21/2008;
16. Decree of the Industry and Trade Minister No. 229/MPP/Kep/7/1997 (*BN No. 6032 pages 5A-7A*) on General Provisions in the Import Sector;
17. Regulation of the Trade Minister No. 01/M-DAG/PER/3/2005 on the Organizational Structure and Work Mechanism of the Trade Ministry as has been several times amended the latest by Regulation of the Trade Minister No. 34/M-DAG/PER/8/2007;
18. Regulation of the Finance Minister No. 161/PMK.04/2007 (*BN No. 7807 pages 18A-36A and so on*) on the Control of the Import or Export of Prohibited and/or Restricted Goods;
19. Regulation of the Agriculture Minister No. 20/Permentan/OT.140/4/2009 on the Entry and Control of Imported Carcass, Meat and Innards.

Observing :

1. The results of a limited coordination meeting between the President and relevant Ministers on April 27, 2009 in anticipation of the spread of swine influenza virus;
2. Decree of the Agriculture Minister No. 1977/Kpts/PD.620/4/2009 dated April 29, 2009 (*BN No. 7808 pages 15A-16A*) on the Temporary Ban on the Entry of Swine and Related Products from Swine Flu-Affected Countries into the Territory of the Unitary State of the Republic of Indonesia;

DECIDES :

To stipulate :

REGULATION OF THE TRADE MINISTER ON TEMPORARY BAN ON THE IMPORT OF SWINE AND BY-PRODUCTS.

Article 1

- (1) Swine and by-products from Mexico, the United States, Canada, Israel, Spain, and New Zealand, as well as from other countries declared swine influenza-affected by the World Organization of Animal Health (WOAH/OIE) and/or the World Health Organization (WHO) are banned from being imported and entered into the territory of the Unitary State of the Republic of Indonesia.
- (2) Swine and by-products as referred to in paragraph (1) are contained in the attachment which is an integral part of this Ministerial Regulation.
- (3) The list of other swine influenza-affected countries as referred to in paragraph (1) shall be sent by the Trade Minister to the Finance Minister according to the law and regulation in the customs affairs after coordinating with the relevant technical ministers.

Article 2

- (1) Swine and by-products as referred to in Article 1 paragraph (2) that arrived at Indonesian ports before this Ministerial Regulation is stipulated can be imported on condition that the date of arrival is evidenced with BC 1.1 customs documents, accompanied by the result of audit by the Farm Quarantine Body and/or an import permit from other relevant agency according to the law and regulation.
- (2) Swine and by-products as referred to in Article 1 paragraph (2) that arrived at Indonesian ports when or after this Ministerial Regulation is stipulated shall be re-exported or destroyed.
- (3) The re-export or destruction of pigs and their by-products as referred to in paragraph (2) shall become the responsibility of and be borne by the relevant importers.

Article 3

Violators of this Ministerial Regulation shall be subject to sanction according to the law and regulation.

Article 4

This Ministerial Regulation shall be revoked if :

- a. The World Organization of Animal Health (WOAH/OIE) and/or the World Health Organization (WHO) officially declare the case of swine influenza disease ends; or
- b. The result of coordination with relevant technical agencies states that the temporary ban on the import of pigs and/or their by-products ends partly or wholly.

Article 5

This Ministerial Regulation shall come into force as from the date of stipulation.

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

Stipulated in Jakarta

on May 1, 2009

THE TRADE MINISTER,

sgd.

MARI ELKA PANGESTU

ATTACHMENT

**LIST OF SWINE AND BY PRODUCTSSUBJECT
TO TEMPORARY IMPORT BAN**

No.	Headings	Description of Goods
1	01.03 0103.10.00.00	Live swine. -Pure-bred breeding animals -Other :
2	0103.91.00.00	--Weighing less than 50 kg
3	0103.92.00.00 02.03	--Weighing 50 kg or more Meat of swine, fresh, chilled or frozen. -Fresh or chilled:
4	0203.11.00.00	--Carcasses and half-carcasses
5	0203.12.00.00	--Hams, shoulders and cuts thereof, with bone in

6	0203.19.00.00	--Other			
		-Frozen :			means of biotechnological processes :
7	0203.21.00.00	--Carcasses and half-carcasses	16	Ex 3002.10.10.00	--Protein plasm solution, of swine
8	0203.22.00.00	--Hams, shoulders and cuts thereof, with bone in	17	Ex 3002.10.20.00	--Antisera and modified immunological products, whether or not obtained by means of biotechnological processes, of swine.
9	0203.29.00.00	--Other			
	02.06	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen.		41.03	Other raw hides and skins (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split, other than those excluded by Note 1 (b) or Note 1(c) to this Chapter.
10	0206.30.00.00	-Of swine, fresh or chilled			
		-Of swine, frozen:			
11	0206.41.00.00	--Livers			
12	0206.49.00.00	--Other			
	05.02	Pigs', hogs' or boars' bristles and hair; badger hair and other brush making hair; waste of such bristles or hair.			
13	0502.10.00.00	-Pigs', hogs' or boars' bristles and hair and waste thereof.			
	0511.99	--Other:			
		--semen of pets:			
14	Ex 0511.99.11.00	---Of swine	18	Ex 4103.30.00.00	-Of swine, unprocessed
15	Ex 3001.20.00.00	-Extracts of glands or other organs or of their secretions			
	3002.10	-Antisera and other blood fractions and modified immunological products, whether or not obtained by			

THE TRADE MINISTER,

sgd.

MARI ELKA PANGESTU

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