

THE COMPULSORY ENFORCEMENT OF INDONESIAN NATIONAL STANDARDS (SNI) TO FERTILIZERS

(Regulation of the Industry Minister No. 19/M-IND/PER/2/2009 dated February 16, 2009)

BY THE GRACE OF GOD ALMIGHTY
THE INDUSTRY MINISTER OF
THE REPUBLIC OF INDONESIA,

Considering :

- a. that to increase the quality of fertilizers in support of food security, efforts have been made to improve the compulsorily-applied Indonesian National Standards of fertilizers by means of Decree of the Industry Minister No. 140/MPP/Kep/3/2002 and the compulsorily-applied technical specifications of fertilizers by means of Decree of the Industry Minister No. 48/M-IND/PER/7/2008;
- b. that to maintain the quality and stock of fertilizers, create sound business competition, and protect consumers by conserving the environment, it is deemed necessary to apply compulsorily the already improved Indonesian National Standards for fertilizers;
- c. that based on the considerations in letters a and b, it is necessary to issue Regulation of the Industry Minister;

In view of :

1. Law No. 5/1984 on Industrial Affairs (Statute Book of 1984 No. 22, Supplement to Statute Book No. 3274);
2. 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);
3. 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);
4. 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);
5. Government Regulation No. 8/2001 (*BN No. 6699 pages 2A-9A*) on Plant Cultivation Fertilizers (Statute Book of 2001 No. 14, Supplement to Statute Book No. 4079);
6. Government Regulation No. 17/1986 on the Authority to Control, Nurture and Develop Industries (Statute Book of 1986 No. 23, Supplement to Statute Book No. 3330);
7. Government Regulation No. 102/2000 (*BN No. 6554 pages 1A-7A and so on*) on National Standardization (Statute Book of 2000 No. 199, Supplement to Statute Book No. 4020);
8. Government Regulation No. 38/2007 on the Sharing of Administrative Affairs among the Central Government, Provincial Governments and Regency/Municipal Governments (Statute Book of 2007 No. 82, Supplement to Statute Book No. 4737);
9. Presidential Decree No. 78/2001 on the National Accreditation Committee;
10. Presidential

10. Presidential Decree No. 187/M/2004 (**BN No. 7128 pages 30A-31A**) on the Formation of the United Indonesia Cabinet as has been several times amended the latest by Presidential Decree No. 77/P/2007;
11. 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. 94/2006;
12. Presidential Regulation No. 10/2005 on the Organizational Unit and Tasks of First Echelon Officials of State Ministry as has been several times amended the latest by Presidential Regulation No. 17/2007;
13. Decree of the Industry and Trade Minister No. 634/MPP/Kep/9/2002 (**BN No. 6846 pages 1A-9A**) on Provisions and Procedures of Controlling Goods and/or Services Circulating in the Market;
14. Regulation of the Industry Minister No. 01/M-IND/PER/3/2005 on the Organizational Structure and Work Mechanism of the Industry Ministry;
15. Regulation of the Industry Minister No. 19/M-IND/PER/5/2006 (**BN No. 7372 pages 12A-22A**) on the Standardization, Development and Control of Indonesian National Standards in the Industrial Field;
16. Regulation of the Trade Minister No. 14/M-DAG/PER/3/2007 (**BN No. 7517 pages 21A-31A**) on the Standardization of Services in the Trade Sector and the Control of Indonesian National Standards (SNI) to Goods and Services Traded;

DECIDES :

To stipulate :

REGULATION OF THE INDUSTRY MINISTER ON THE COMPULSORY ENFORCEMENT OF INDONESIAN NATIONAL STANDARDS (SNI) TO FERTILIZERS

Article 1

Referred to in this Ministerial Regulation as :

1. Indonesian National Standards (SNI) are standards which are set by the National Standardization Board and valid nationwide.
2. Certificates of Products for the Use of Indonesian National Standards, hereinafter referred to as SPPT-SNI, are certificates issued by the Product Certification Institute to producers capable of producing goods and/or services according to the SNI qualifications.
3. Product Certification Institutes, hereinafter referred to as LSPro, are institutes accredited by the National Accreditation Committee and/or appointed by means of Regulation of the Industry Minister to conduct certification activities.
4. National Accreditation Committee, hereinafter referred to as KAN, is a non-structural institute under the preview of and responsible to the President which has the authority to accredit laboratory institutes to conduct certification activities.
5. Director General of Industrial Development is the Director General of Agro and Chemical Industries at the Industry Ministry.
6. BPPI chief is the chief of the Industrial Research and Development Board at the Industry Ministry.
7. Heads of provincial offices are heads of provincial offices carrying out administrative tasks in the industrial field.

8. Heads of regency/municipal offices are heads of regency/municipal offices carrying out administrative tasks in the industrial field.

Article 2

(1) Indonesian National Standards (SNI) shall compulsory be enforced to 7 (seven) types of fertilizers as follows

1. Urea fertilizer SNI 02-2801-1998 HS 3102.10.00.00
2. Ammonium fertilizer SNI 02-1760-2005 HS 3102.21.00.00
Sulphate (ZA)
3. NPK fertilizer SNI 02-2803-2000 HS 3105.20.00.00
Solid
4. Super fertilizer SNI 02-3769-2005 HS 3103.10.90.00
Phosphate (SP-36)
5. Triple fertilizer SNI 02-0086-2005 HS 3103.10.00.00
Superphosphate (TSP)
6. Phosphate fertilizer SNI 02-3776-2005 HS 3103.90.90.00
Nature for farm
7. Potassium fertilizer SNI 02-2805-2005 HS 3104.20.00.00
Chloride (KCl)

(2) If SNI for fertilizers as referred to in paragraph (1) are revised, the last SNI for fertilizers shall apply.

(3) The compulsory enforcement as referred to in paragraph (1) shall apply to fertilizers in packs and/or bulks.

Article 3

The enforcement of SNI to fertilizers as referred to in Article 2 shall apply to fertilizers used for farm and plantation.

Article 4

(1) Companies producing or importing fertilizers as referred to in Article 2 shall :

- a. apply SNI and hold SPPT-SNI for fertilizers according to provisions on SNI for fertilizers; and
- b. put a label SNI for fertilizers on each pack of product according to the existing provisions.

(2) For fertilizers in bulk, the label SNI as referred to in paragraph (1) letter b shall be replaced with SPPT-SNI.

Article 5

Fertilizers as referred to in Article 2 that are traded in the domestic market and originate from local products or imports shall meet provisions on SNI as referred to in Article 4.

Article 6

SPPT-SNI as referred to in Article 4 shall be issued by LSPro accredited by KAN according to a proper scope of accreditation or those appointed by the Industry Minister.

Article 7

(1) The issuance of SPPT-SNI as referred to in Article 6 shall be conducted according to :

- a. Guidance for National Standardization PSN 302-2006; Assessment of Appropriateness-Fundamentals of Product Certification, System 5, namely:
 1. the assessment of appropriate quality of products shall accord with SNI or its revision; and
 2. the audit of the applied quality management system SNI 19-9001-2001/ISO 9001:2000 or its revision or other recognized quality management system; or

b. Guidance

b. Guidance for National Standardization PSN 302-2006: Assessment of Appropriateness-Fundamentals of Product Certification, System 1b, namely:

1. for domestic products, assessment of appropriateness of the quality of products shall accord with SNI or its revision on each production lot per month;

2. for fertilizers of import origin:

a) CoA (Certificate of Analysis) shall be attached, containing at least the name and address of the company, the name of the test laboratory, the date of test, and the result of test meeting the parameters of SNI by the test laboratory signing MoU (Memorandum of Understanding) with LSPro in Indonesia, accompanied by an official report on sampling; or

b) sampling and test shall be conducted according to the parameter of SNI by the test laboratory appointed by LSPro for imported fertilizers bearing no CoA (Certificate of Analysis).

(2) The test as referred to in paragraph (1) letter a point 1 and letter b point 1 can be subcontracted to :

a. a test laboratory accredited by KAN or a test laboratory appointed by the Industry Minister; or

b. an overseas test laboratory accredited by KAN or an accreditation board in other country signing a mutual recognition agreement (MRA) with KAN and verified by LSPro.

(3) The audit of applied quality management system as referred to in paragraph (1) letter a point 2 shall be

based on guarantee issued by the Quality System Certification Institute accredited by KAN or an accreditation board in other country signing a mutual recognition agreement (MRA) with KAN and verified by LSPro.

Article 8

(1) Imported fertilizers that do not meet provisions in Article 4 and Article 5 are banned from entering the Indonesian customs territory and must be re-exported or destroyed.

(2) Locally-made fertilizers that do not meet provisions in Article 4 and Article 5 are banned from being circulated.

(3) Imported and locally-made fertilizers that circulate in the market but do not meet provisions in Article 4 and Article 5 shall be withdrawn from circulation.

(4) The procedures of destroying fertilizers, re-exporting fertilizers to the country of origin and withdrawing fertilizers from circulation as referred to in paragraph (1) and paragraph (2) shall follow the existing law and regulation.

Article 9

(1) The nurturing and control of the application of SNI-fertilizers as referred to in Article 2, Article 3 and Article 4 at factory shall be conducted by the Directorate General of Industrial Development in this case Goods and Services Standard Controllers at Factory (PPSP) at least once every year.

(2) In conducting the control as referred to in paragraph (1), the Director General of Industrial Development can coordinate with Heads of Provincial Offices and/or Heads of Regency/Municipal Offices.

Article 10

- (1) LSPro as referred to in Article 6 shall report the results of its certification to the Director General of Industrial Development, with copies addressed to the Head of BPP1, the Head of the Provincial Office and the Head of the Regency/Municipal Office overseeing the factory.
- (2) The Head of BPP1 shall nurture Institutes of Appropriateness Assessment as part of compulsory application of SNI-fertilizers as referred to in Article 2.

Article 11

LSPro issuing SPPT-SNI for fertilizers shall be responsible for controlling and monitoring the use of SNI labels from SPPT-SNI issued.

Article 12

The Director General of Industrial Development shall set technical guidance to implement this Ministerial Regulation.

Article 13

Businessmen violating provisions in this Ministerial Regulation shall be subject to sanction pursuant to the law and regulation.

Article 14

Companies already holding SPPT-SNI fertilizers shall replace SPPT-SNI fertilizers based on this Ministerial Regulation.

Article 15

With the enforcement of this Ministerial Regulation :

- 1. Decree of the Industry Minister No. 131/M/SK/3/1980 on the Use of SII Labels for Ten Types of Industrial Products, provided they are related to urea fertilizers; and
- 2. Decree of the Industry and Trade Minister No. 140/MPP/Kep/3/2002 on the Compulsory Application of SNI Fertilizers;

shall be declared null and void.

Article 16

This Ministerial Regulation shall come into force 6 (six) months after the date of stipulation.

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 16, 2009

THE INDUSTRY MINISTER

sgd.

FAHMI IDRIS

Promulgated in Jakarta

on February 16, 2009

THE MINISTER OF LAW AND HUMAN RIGHTS

sgd.

ANDI MATTALATTA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

OF 2009 NO. 20

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