

**REQUIREMENTS AND PROCEDURES OF
TAKING PLANT QUARANTINE ACTION AGAINST
IMPORTED WOOD PACKAGING INTO
THE REPUBLIC OF INDONESIA**

(Regulation of the Agriculture Minister No. 12/Permentan/OT.140/2/2009, dated February 9, 2009)

BY THE GRACE OF GOD ALMIGHTY

THE AGRICULTURE MINISTER,

Considering:

- a. that Indonesia is rich in natural resources which are among others in the form of forests as bio natural resources which are still free from several types of quarantine plant disturbing organism;
- b. that quarantine plant disturbing organism can be carried by wood packaging used in the international trade;
- c. that to prevent the entry of quarantine plant disturbing organism through wood packaging into the territory of the Republic of Indonesia, it is necessary to set requirements and procedures of taking plant quarantine action against imported wood packaging into the Republic of Indonesia;

In view of :

1. 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);
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. 35);
3. Government Regulation No. 14/2002 (**BN No. 6781 pages 15A-32A and so on**) on Plant Quarantine (Statute Book of 2002 No. 35, Supplement to Statute Book No. 4196);
4. Presidential Decree No. 2/1977 on the Ratification of International Plant Protection Convention of 1951 adj. Presidential Decree No. 45/1990;
5. Presidential Decree No. 58/1992 on the Ratification of Asian Plant Protection Convention;
6. Presidential Decree No. 187/M/2004 (**BN No. 7128 pages 30A-31A**) on the Formation of United Indonesia Cabinet;
7. Presidential Regulation No. 9/2005 (**BN No. 7182 pages 2A-23A**) on the Position, Task, Function, Organizational Structure and Work Mechanism of Ministries of the Republic of Indonesia adj. Presidential Regulation No. 62/2005;
8. Presidential Regulation No. 10/2005 on the Organizational Unit and Task of First Echelon Officials of Ministries of the Republic of Indonesia;
9. Decree of the Agriculture Minister No. 796/Kpts/TP.830/10/1984 on the Import of Plant Used for Packaging into the Republic of Indonesia;
10. Decree of the Agriculture Minister No. 469/Kpts/HK.310/8/2002 on the places of entry and release of media carrying quarantine plant disturbing organism;
11. Regulation of the Agriculture Minister No. 299/Kpts/OT.140/7/2005 on the Organizational Structure and Work Mechanism of the Agriculture Ministry adj. Regulation of the Agriculture Minister No. 11/Permentan/OT.140/2/2007;

12. Regulation of the Agriculture Minister No. 341/Kpts/OT.140/9/2005 on Complement to the Organizational Structure and Work Mechanism of the Agriculture Minister adj. Regulation of the Agriculture Minister No. 12/Permentan/OT.140/2/2007;
13. Regulation of the Agriculture Minister No. 22/Permentan/OT.140/4/2008 on the Organizational Structure and Work Mechanism of Technical Units of the Agricultural Quarantine Board;

Observing :

1. The International Plant Protection Convention of 1951 as has been amended the latest in 1997;
2. ISPM No. 15 (2002) on the revision of Annex I (2006): Guidelines for Regulating Wood Packaging Material in International Trade;
3. Notification to the WTO No. G/SPS/IDN/27 dated May 29, 2006 on Draft Decree of the Minister of Agriculture concerning Requirements of Wood Packaging and Plant Quarantine Action to Imported Wood Packaging into Republic of Indonesia;

D E C I D E S :

To stipulate:

REGULATION OF THE AGRICULTURE MINISTER ON REQUIREMENTS AND PROCEDURES OF TAKING PLANT QUARANTINE ACTION AGAINST IMPORTED WOOD PACKAGING INTO THE REPUBLIC OF INDONESIA.

CHAPTER I

GENERAL PROVISIONS

Article 1

Referred to in this Regulation as:

1. Wood packaging is unprocessed wood or wood product used to support, pack or wedge in the transportation and/or to accompany parcels with a thickness of more than 6 mm.
2. Quarantine plant disturbing organism, hereinafter referred to as OPTK, is all kinds of plant disturbing organism set by the Agriculture Minister to prevent it from entering into and spreading in the territory of the Republic of Indonesia.
3. Marking is an official and internationally-acknowledged mark set by the Interim Commission on Phytosanitary Measures in the International Standard of Plant Health (ISPM) No. 15.
4. Heat treatment is an act of treating wood packaging using hot air at certain temperature and time.
5. Fumigation is an act of treating wood packaging using fumigant inside a gas-proof room at certain concentration, time and temperature.
6. Plant quarantine officer is a functional official controlling plant disturbing organism working for the plant quarantine agency.
7. Wood packaging owner, hereinafter referred to as owner, is an individual or corporate body having wood packaging and/or responsible for imported wood packaging.
8. Release is an act of releasing or allowing the free entry of wood packaging into the territory of the Republic of Indonesia by issuing a certificate of plant quarantine.

Article 2

- (1) This Regulation is designed to serve as guidelines for :
- a. plant quarantine officers to apply requirements and take plant quarantine action to imported wood packaging into the Republic of Indonesia;
 - b. individuals.....

b. individuals or corporate bodies importing parcels using wood packaging into the Republic of Indonesia.

(2) This Regulation is designed to prevent the entry and spread of OPTIK carried by wood packaging into the Republic of Indonesia.

Article 3

The scope of this regulation shall cover requirements and procedures of taking quarantine action to imported wood packaging into the Republic of Indonesia.

CHAPTER II

REQUIREMENTS OF THE ENTRY OF WOOD PACKAGING INTO THE REPUBLIC OF INDONESIA

Article 4

(1) The entry of wood packaging into the Republic of Indonesia shall meet the requirements :

- a. passing through the specified places of entry;
- b. being reported and submitted to the plant quarantine officer in the point of entry for quarantine action;
- c. being free from bark; and
- d. bearing mark.

(2) The mark as referred to in paragraph (1) letter d shall be as contained in Attachment I which is an integral part of this Regulation.

Article 5

The entry of wood packaging into the Republic of Indonesia which does not pass through the points of entry as referred to in Article 4 paragraph (1) letter a or is not reported as referred to in Article 4 paragraph (1) letter b

or is not free from bark as referred to in Article 4 paragraph (1) letter c shall be denied entry.

Article 6

(1) The reporting and handover of wood packaging to plant quarantine officers at the points of entry for the purpose of quarantine action as referred to in Article 4 paragraph (1) letter b shall be done no later than the moment when wood packaging arrives before being released from the points of entry.

(2) The reporting as referred to in paragraph (1) shall be done in writing using a form as referred to in Attachment II which is an integral part of this Regulation.

Article 7

The putting of mark as referred to in Article 4 paragraph (1) letter d shall be done by a party already registered by the authorized agency in the country of origin.

CHAPTER III

PROCEDURE OF TAKING QUARANTINE ACTION TO IMPORTED WOOD PACKAGING INTO THE REPUBLIC OF INDONESIA

Article 8

(1) Any imported wood packaging into the territory of the Republic of Indonesia shall be subject to quarantine action by a plant quarantine officer.

(2) The quarantine action as referred to in paragraph (1) shall cover inspection, treatment, rejection, destruction and/or release.

(3) The quarantine action as referred to in paragraph (1) can be conducted on board or after being unloaded from the transport means, either at or outside the points of entry.

- (4) In taking the quarantine action as referred to in paragraph (3) plant quarantine officers can coordinate with relevant parties, including customs and excise offices and/or port administrators.

Article 9

- (1) The inspection as referred to in Article 8 paragraph (2) can be done at random.
- (2) The inspection as referred to in paragraph (1) shall be done based among others on the analysis of plant disturbing organism risks, the country of origin, the type of packed commodity, and/or the performance of the owner.

Article 10

The inspection as referred to in Article 9 is done to know the existence, truth and validity of mark, physical condition, conformity with technical provisions, as well as to detect the possibility of OPTK infestation such as those contained in Attachment III which is an integral part of this Regulation.

Article 11

- (1) If the results of inspection as referred to in Article 10 show that:
- no mark as referred to in Article 4 paragraph (1) letter d is found, treatment shall be conducted;
 - mark does not agree with provisions in Article 4 paragraph (2), treatment shall be conducted;
 - wood packaging is not free from OPTK as referred to in Article 10, treatment shall be conducted; or
 - mark and physical condition agree with technical provision and wood packaging is free from OPTK, release shall be conducted.
- (2) After the treatment as referred to in paragraph (1) letters a and b has been completed, release shall be conducted.
- (3) After the treatment as referred to in paragraph (1) letters c and d has been completed and freed from OPTK release shall be conducted.

Article 12

If treatment as referred to in Article 11 paragraph (1) cannot be conducted, rejection shall be imposed.

Article 13

- (1) If wood packaging subjected to rejection as referred to in Article 12 is not taken out of the territory of the Republic of Indonesia no later than 14 (fourteen) work days, it shall be subject to destruction.
- (2) The destruction as referred to in paragraph (1) shall be stated in an official report on destruction.

Article 14

- (1) The treatment as referred to in Article 11, the rejection as referred to in Article 12, and/or the destruction as referred to in Article 13, shall become the responsibility of the owner and be conducted under the supervision of plant quarantine officers.
- (2) The expenses arising from the treatment, rejection, and/or destruction as referred to in paragraph (1) shall be borne by the owner.

Article 15

The release as referred to in Article 11 shall be followed by the issuance of certificate of release as contained in attachment IV which is an integral part of this Regulation.

CHAPTER IV

CONCLUSION

Article 16

This Regulation shall come into force as from September 1, 2009.

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

Stipulated in Jakarta

on February 9, 2009

THE AGRICULTURE MINISTER,

sgd.

ANTON APRIYANTONO

Editor's Notes :

- Attachments are not available

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