

**DECREE OF THE MINISTER OF AGRICULTURE
NO. 809/KPTS/LB.710/12/1985
CONCERNING
DOMESTIC PLANT QUARANTINE**

THE MINISTER OF AGRICULTURE,

Considering:

- a. that for the purpose of preventing the dissemination of designated plant pests from designated islands to other islands within the territory of the Republic of Indonesia, domestic plant quarantine regulations which prohibit or less than restrict the inter-island movement of the host plants or potential carriers of these pests have been issued;
- b. that with the ever-increasing inter-island traffic of plants or potential carriers of plant pests, the risk of disseminating dangerous plant pests has increased;
- c. that in order that quarantine actions to prevent the inter-island spread of such pests can be carried out with legal basis, it is deemed necessary to lay down domestic plant quarantine measures.

Referring to : 1. Ordinance of 10 September 1921 (Government Gazette 1921 No. 522);
2. Ordinance of 25 September 1924 (Government Gazette 1924 No. 431);
3. Ordinance of 18 December 1924 (Government Gazette 1924 No. 571);
4. Ordinance of 18 March 1938 (Government Gazette 1938 No. 114);
5. Ordinance of 23 December 1938 (Government Gazette 1938 No. 699);
6. Decree of the Governor General of Dutch Indies of 23 December 1938 No. 26 (Government Gazette 1938 No. 700);
7. Decree of the President of the Republic of Indonesia No. 44 of 1974;
8. Decree of the President of the Republic of Indonesia No. 45/M of 1983;
9. Decree of the President of the Republic of Indonesia No. 15 of 1984;
10. Decree of the Minister of Agriculture No. 861/Kpts/Org/12/1980;
11. Decree of the Minister of Agriculture No. 1047/Kpts/Um/12/1980;
12. Decree of the Minister of Agriculture No. 129/Kpts/Um/3/1982;
13. Decree of the Minister of Agriculture No. OT.210/706/Kpts/9/1983;

HAS DECIDED

To lay down : **DECREE OF THE MINISTER OF AGRICULTURE CONCERNING
DOMESTIC PLANT QUARANTINE**

Article 1

For the purposes of this Decree the following terms shall mean as follows:

- a. "Domestic Plant Quarantine" means the government's endeavor to prevent the dissemination from designated island(s) to other islands within the territory of the Republic of Indonesia of dangerous plant pests by regulating the movement of plants or potential carriers of plant pests;
- b. "Plant Pest" means any organism that creates an adverse effect on or caused damage to plants;
- c. "Dangerous Plant Pest" means a plant pest which is highly destructive or has a high epidemic potential;
- d. "Plant" means any species of plant in any state or form, consisting of plant propagating

material and plant product;

e. “Potential Carrier of Plant Pest” hereinafter called “Potential Carrier” means any material or article which is likely to carry plant pests, such as soil or compost;

f. “Quarantine actions” means all actions aimed at preventing the spread of dangerous plant pests from designated island(s) to other islands, which actions are performed at designated places and included inspection, treatment, detention, refusal, destruction, and release of plants or potential carriers;

g. “Inspection” means the examination of plants or potential carriers for the purpose of detecting plant pests;

h. “Treatment” means the act of rendering plants or potential carriers free from plant pests;

i. “Detention” means the act of holding plants or potential carriers until they are shipped back to their place of origin or destroyed;

j. “Refusal” means the act of not permitting the movement of plants or potential carriers from/into an island;

k. “Release” means the act of permitting plants or potential carriers to be moved from/into an island;

l. “Plant Quarantine Inspector” means a civil servant appointed by the Minister of Agriculture to perform quarantine actions;

m. “Certificate of Domestic Plant Quarantine” means a certificate issued by the plant quarantine inspector at a designated place, stating that the plants or potential carriers mentioned therein have been inspected and found free from dangerous plant pests that should be prevented from spreading.

Article 2

Domestic Plant Quarantine operations shall be carried out at ports of exit or entry of plants and potential carriers.

Article 3

(1) In implementing Domestic Plant Quarantine, plants and potential carriers in the following categories shall be subjected to the plant quarantine actions:

a. plants and potential carriers which according to the relative regulations thereof are prohibited from being moved from or into a designated island;

b. plant and potential carriers which according to the relative regulations thereof are only allowed to be moved from or into a designated island on special conditions, e.g. with respect to the form of plants (as seeds, cuttings, etc.), the method of shipment, or freedom from plant pests;

c. host plants or potential carriers of plant pests which should be prevented from being disseminated from or into a designated island, as shall be determined hereafter by the Minister of Agriculture.

(2) Plants and potential carriers other than those mentioned in Paragraph (1) may be moved from or into any island without undergoing quarantine actions.

Article 4

(1) For the purpose of implementing Domestic Plant Quarantine, any person or body intending to move any plants or potential carriers as referred to in Article 3 Paragraph (1) from any island to any other island shall submit the plants or potential carriers to the plant quarantine inspector at the port of exit referred to in Article 2;

(2) If the plants or potential carriers referred to in Paragraph (1) are of the species/kinds which according to relative regulations are prohibited from being moved from the island of origin or are prohibited from being moved into the island of destination, the plants or potential carriers

shall not be permitted to be moved to the port of destination and shall be returned to their place of origin or shall be destroyed;

(3) Plants or potential carriers referred to in Paragraph (1) which are not of the species/kind referred to in Paragraph (2) shall only be permitted to be moved to the port of destination on the issuance of a Certificate of Domestic Plant Quarantine if :

a. the plants or potential carriers after having been inspected and/or treated are found to be free from dangerous plant pests which according to the Ministerial Decree referred to in Article 3 Paragraph (1) c should be prevented from spreading from the island of origin and/or into the island of destination; and

b. the plants or potential carriers have met the conditions laid down in the specific regulations governing the movement of said plants or potential carriers from the island of origin and/or into the island of destination.

Article 5

(1) For the purpose of implementing Domestic Plant Quarantine, any person or body bringing any plants or potential carriers referred to in Article 3 Paragraph (1) into any island shall be obliged to give notice of the arrival of the plants or potential carriers, and submit them with the accompanying Certificate of Domestic Plant Quarantine, to the plant quarantine inspector at the port of entry referred to in Article 2.

(2) If the plants or potential carriers referred to in Paragraph (1) are of the species/kinds which according to the relative regulations thereof are prohibited from being moved out of the island of origin, the plants on potential carriers shall be refused entry or destroyed.

(3) If the plants or potential carriers referred to in Paragraph (1) are not of the species/kinds referred to in Paragraph (2) and are accompanied by a Certificate of Domestic Plant Quarantine from the port of exit, the plants or potential carriers shall be permitted to be brought into the island of destination.

(4) Plants or potential carriers referred to in Paragraph (1) are not of the species/kinds referred to in Paragraph (2) and are not accompanied by a Certificate of Domestic Plant Quarantine shall only be permitted to enter to the island of destination on the issuance of a Certificate of Domestic Plant Quarantine if :

a. the plants or potential carriers after having been inspected and/or treated are found free from dangerous plant pests which according to the Ministerial Decree referred to in Article 3 Paragraph (1) c, should be prevented from entering the island of destination or should be prevented from spreading from the island or origin; and

b. the plants or potential carriers have met the conditions laid down in the specific regulations governing the movement of said plants or potential carriers from the island of origin.

Article 6

The owner of the plants or potential carriers shall have not right to claim for or receive compensation in case the plants or potential carriers are destroyed as a result of the implementation of Article 4 Paragraph (2) or Article 5 Paragraph (2), or as a result of non-compliance with the conditions mentioned in Article 4 Paragraph (3) or Article 5 Paragraph (4).

Article 7

(1) All expenses incurred in the inspection, treatment, detention, and destruction of plants or potential carriers shall be borne by the owner of the plants or potential carriers concerned.

(2) Cost of destruction of the plants or potential carriers shall be borne by the Government in case:

a. the owner of the plants or potential carriers is unknown;

- b. the owner of the plants or potential carriers is unable to bear the cost.
- (3) The schedule of fees for inspection and treatment of plants and potential carriers shall be laid down in a separate Decree.

Article 8

This Decree shall come into force on the date of issuance.

**Issued in Jakarta
on the 7th of December 1985
The Minister of Agriculture,
Sgd
Achmad Affandi**