

IMPORT AND EXPORT OF HORTICULTURAL SEEDS

(Regulation of the Minister of Agriculture Number 05/Permentan/OT.140/2/2012 dated February 6,2012)

BY GRACE OF GOD THE ALMIGHTY
THE MINISTER OF AGRICULTURE,

Considering:

- a. that following the promulgation of Law Number 13 Year 2010 on Horticulture, Article 63 paragraph (4) mandates the need for regulating the import and export of horticultural seeds to and from the territory of the Republic of Indonesia;
- b. that in line with developments of technology and the need of horticultural seedling society, Regulation of the Minister of Agriculture Number 38/Permentan/OT.140/8/2006 jis Regulation of the Minister of Agriculture Number 68/Permentan/OT.140/11/2007 and Regulation of the Minister of Agriculture Number 70/Permentan/OT.140/11/2007 are not suitable anymore for the import and export of horticultural seeds;
- c. that based on the above mentioned matters, and in order to facilitate the provision of service for the import and export of horticultural seeds, it is necessary to stipulate a ministerial regulation on the import and export of horticultural seeds;

In view of:

1. Law Number 16 Year 1992 on Animal, Fish and

Plant Quarantine (Statute Book of the Republic of Indonesia Year 1992 Number 56, Supplement to Statute Book of the Republic of Indonesia Number 3482);

2. Law Number 4 Year 2006 on Ratification of International Treaty on Plant Genetic Resources For Food and Agriculture (Statute Book of the Republic of Indonesia Year 2006 Number 23, Supplement to Statute Book of the Republic of Indonesia Number 4612);
3. Law Number 13 Year 2010 on Horticulture (Statute Book of the Republic of Indonesia Year 2010 Number 132, Supplement to Statute Book of the Republic of Indonesia Number 5170);
4. Government Regulation Number 14 Year 2002 on Plant Quarantine (Statute Book of the Republic of Indonesia Year 2002 Number 35, Supplement to Statute Book of the Republic of Indonesia Number 4196);
5. Government Regulation Number 21 Year 2005 on Biological Security of Genetically Engineered Products (Statute Book of the Republic of Indonesia Year 2005 Number 44, Supplement to Statute Book of the Republic of Indonesia Number 4498);
6. Presidential Decree Number 27 Year 1971 on National Seed Agency;

7. Presidential Decree Number 84/P Year 2009 on the Establishment of the Second United Indonesia Cabinet;
8. Presidential Regulation Number 47 Year 2009 on the Establishment and Organization of State Ministries jjs Presidential Regulation Number 91 Year 2011 (Statute Book of the Republic of Indonesia Year 2011 Number 142);
9. Presidential Regulation Number 24 Year 2010 on Status, Tasks and Functions of State Ministries as well as First-Echelon Organizational Structures, Tasks and Functions of State Ministries juncto Presidential Regulation Number 92 Year 2011 (Statute Book of the Republic of Indonesia Year 2011 Number 142);
10. Presidential Regulation Number 39 Year 2010 on the Biological Security Commission of Genetically Engineered Products;
11. Presidential Decree Number 19 Year 2011 on Stipulation of Indonesia Membership in International Seed Testing Association;
12. Decree of the Minister of Agriculture Number 734/Kpts/OT.140/12/2006 on the Establishment of the Genetic Resources National Commission;
13. Regulation of the Minister of Agriculture Number 09/Permentan/OT.140/2/2009 on Requirements and Procedures for Taking Quarantine Action against the Import of Media Carrying Organism Disturbing Quarantine Plants into the Territory of the Republic of Indonesia;
14. Decree of the Minister of Agriculture Number 511/Kpts/PD.310/9/2006 on Commodities Fostered by the Directorate General of Plantations, Directorate General of Food Crops and Directorate General of Horticulture juncto Decree of the Minister of Agriculture Number 3599/Kpts/PD.390/10/2009;
15. Regulation of the Minister of Agriculture Number 61/Permentan/OT.140/10/2010 on Organization and Working Arrangement of the Ministry of Agriculture;
16. Regulation of the Minister of Agriculture Number 37/Permentan/OT.140/7/2011 on Conservation and Utilization of Genetical Resources of Plants;
17. Regulation of the Minister of Agriculture Number 93/Permentan/OT.140/12/2011 on Kinds of Organisms Disturbing Quarantine Plants (State Gazette of the Republic of Indonesia Year 2012 Number 6);
18. Regulation of the Minister of Agriculture Number 94/Permentan/OT.140/12/2011 on Point of Import and Export of Media Carrying Disease of Quarantine Animals and Organism Disturbing Quarantine Plants (State Gazette of the Republic of Indonesia Year 2012 Number 7);

D E C I D E S :

To stipulate:

THE REGULATION OF THE MINISTER OF AGRICULTURE ON THE IMPORT AND EXPORT OF HORTICULTURAL SEEDS

CHAPTER I
GENERAL PROVISION

Article 1

Referred to in this regulation as:

1. Horticultural Seeds hereinafter called seeds shall be horticultural plants or parts thereof, which are use to multiply and/or reproduce horticultural plants.
2. Quality Seeds of horticultural leading varieties hereinafter called quality seeds shall be seeds of horticultural varieties already registered for the need of distribution and fulfilling the stipulated minimum quality standard/technical requirements as well as having distribution supervised.
3. Distribution shall be an activity or a series of activities in the framework of distributing quality seeds of horticultural leading varieties in the country, which is destined for trade or not.
4. Import of Seeds shall be a series of activities importing seeds of plants from other countries into the territory of the Unitary State of the Republic of Indonesia, as introduction for plant nourishment or provision of quality seeds of horticultural leading varieties.
5. Export of Seeds shall be a series of activities releasing seeds from the territory of the Unitary State of the Republic of Indonesia.
6. Import License shall be written information containing right, which is granted by the Minister or the authorized official to individual, business entity, legal entity, government institution or plant observer so as to be able to execute the import of seeds of plants.
7. Export License shall be written information containing right granted by the Minister or appointed official to individual, business entity, legal entity, government institution or plant observer so as to be able to execute the export of seeds of plants.
8. Individual shall be individual or group not having legal entity.
9. Plant Observer shall be individual or a group of persons or organization paying great attention to plants for the need of hobby, art and not tradable.
10. Director General shall be the first-echelon leader of the Directorate General responsible for horticultural affairs.
11. Head of the Plant Variety Protection and Agriculture Licensing Center hereinafter called the Head of Center shall be a leader of second-echelon working unit in the Ministry of Agriculture in charge of plant variety protection and agriculture licensing.
12. Quality Standard of Seed shall be standard technical specification of seed, covering physical, genetic, fisiological quality and/or seed health.
13. Genetically Engineered Products shall be live organisms, parts thereof and/or results of their processing which have new genetic structure constituting application of modern bio-technology.

Article 2

- (1) The regulation shall be stipulated as basis of service for the import and export of seeds.
- (2) The regulation shall aim at:
 - a. guaranteeing the availability of quality seed sufficiently and continually;
 - b. boosting the growth of domestic seed industry;
 - c. increasing genetic diversity and preserving biological security; and
 - d. driving up state earnings.

Article 3

The scope of this regulation shall cover the import and export of seed.

CHAPTER II

IMPORT OF SEED

Part One

General

Article 4

- (1) The import of seed may be executed by individuals, government institutions, business entities, legal entities and/or plant observers.
- (2) The import of seed as meant in paragraph (1) may be executed after securing license from the Minister.

Article 5

In granting the license to import as meant in Article 4 paragraph (2), the execution shall be done

by the Minister on behalf of the Minister.

Article 6

The import of seed as meant in Article 4 shall aim at:

- a. registering horticultural varieties for circulation;
- b. procuring quality seed;
- c. procuring parent stocks for the multiplication of seed from the registered varieties;
- d. developing seed for export purpose;
- e. executing proficiency test in the framework of accrediting analytical laboratories;
- f. executing new, unique, uniform and stable test (BUSS) for the protection of plant varieties;
- g. the need for plant observers;
- h. exhibition/promotion materials; and
- i. activity of contest.

Part Two

Requirement for Import of Seed

Article 7

- (1) In order to secure the license to import seed as meant in Article 5:
 - a. the business entities or legal entities as meant in Article 4 paragraph (1) shall submit written application, accompanied by administrative requirements:
 - 1) copy of the deed of establishment of company and amendment thereto;
 - 2) copy of taxpayer code number (NPWP);
 - 3) copy of corporate profile;

- 4) copy of citizenship identity card (KTP) of corporate executive;
 - 5) copy of certificate of domicile of company; and
 - 6) copy of registration certificate of seed producer.
- b. the individuals as meant in Article 4 paragraph (1) shall submit written application accompanied by administrative requirements:
- 1) copy of citizenship identity card (KTP);
 - 2) copy of taxpayer code number (NPWP); and
 - 3) copy of registration certificate of seed producer.
- c. the government institution as meant in Article 4 paragraph (1) shall submit written application accompanied by proposal of the use of the would-be imported seed.
- d. the plant observer as meant in Article 4 paragraph (1) shall submit written application along with administrative requirements:
- 1) copy of citizenship identity card (KTP); and
 - 2) copy of taxpayer code number (NPWP).
- (2) The import of seed shall meet the requirements as meant in paragraph (1) and the provision of quarantine legislation.

Article 8

The import of seed for the need of registration of varieties of horticultural plants as meant in Article

6 letter a shall meet the administrative requirements as meant in Article 7 and the following technical requirements:

- a. the said varieties have advantage and/or uniqueness as well as specific usage;
- b. the quantity of the requested seed is limited in accordance with the need for the preparation of registration of varieties of horticultural seeds;
- c. having summary of design for adaptation test or observation and/or the planned need of seed for the truth test of horticultural varieties;
- d. seeds of genetically engineered products are obliged to secure recommendation from the Biological Security Commission of Genetically Engineered Products.

Article 9

(1) The import of seed for the provision of quality seed as meant in Article 6 letter b shall meet the requirements as meant in Article 7 and the following technical requirements:

- a. variety is registered for circulation;
- b. fulfilling minimum quality standard or technical requirement;
- c. mentioning clear identity of seed in Indonesian language in package;
- d. domestic stock has not been sufficient;
- e. not yet produced or unable to produce in the territory of the Republic of Indonesia;

f. kind and quantity of the requested seed is limited in accordance with the need for the provision of quality seed; and

g. seed of genetically engineered product is obliged to secure recommendation from the Biological Security Commission of Genetically Engineered Product.

(2) The import of seed as meant in paragraph (1) shall be realized in no later than 2 (two) years from the registration of variety.

(3) The import of seed as meant in paragraph (2) shall be in exception for horticultural seed unable to produce in the territory of the Republic of Indonesia.

(4) The provisions as meant in paragraph (1) letter b up to f and paragraph (3) shall be regulated further by the Director General on behalf of the Minister.

Article 10

The import of parent-stock seed of the registered varieties as meant in Article 6 letter c for domestic production shall meet the administrative requirements as meant in Article 7 and the following technical requirements:

- a. the parent stock has not been available in Indonesia; and
- b. the quantity of the requested seed is in accordance with the need.

Article 11

Multiplication of seed for the need of the export of the seed or product as meant in Article 6 letter d, shall meet the administrative requirements as meant in Article 7 and the following technical requirements:

- a. having plan for the development/multiplication of seeds or planting;
- b. the quantity of the requested seed is in accordance with the availability of land for the multiplication of seed or planting; and
- c. securing technical consideration from local provincial service in charge of horticultural affairs.

Article 12

(1) The import of seed for the need of proficiency test as meant in Article 6 letter e shall meet the requirements as meant in Article 7 and the following technical requirements:

- a. kind and quantity of seed are in accordance with the said test;
- b. copy of letter of participation in proficiency test and/or letter of notification about the execution of proficiency test from the International Seed Testing Association (ISTA), which remains valid; and
- c. rest of seed, destroyed seed and sprout resulting from seed of proficiency test as well as growing media which is used in the test have to be destroyed after the test is completed.

(2) The execution of the proficiency test as meant in

paragraph (1) shall be supervised by plant quarantine officer.

Article 13

The import of seed for the need of BUS test as meant in Article 6 letter f shall meet the requirement as meant in Article 7, as well as kind and quantity of the seed shall be in accordance with the need of the test.

Article 14

(1) The import of seed for the need of plant observers as meant in Article 6 letter g shall meet the administrative requirements in Article 7 and the following technical requirements:

- a. the quantity of the requested seed is maximally 10 (ten) plants, consisting of several kinds and/or varieties and/or 5 (five) invitro packages containing maximally 25 (twenty five) planlet or slip of plant or young plant per package; and
- b. planned location of planting.

(2) The planlet as meant in paragraph (1) letter a shall be in the form of bud already having root, which results from either kernel or cell culture or membrane culture resulting from the multiplication through organogenesis or embryogenesis ready for acclimatization.

(3) The stud as meant in paragraph (1) letter a shall constitute part of plan used for vegetative reproduction.

(4) The young plant as meant in paragraph (1) letter

a shall constitute small plant having leaf and root.

Article 15

The import of seed for the need of exhibition/promotion and/or contest as meant in Article 6 letter h and letter i shall meet the requirement as meant in Article 7 and the following technical requirements:

- a. enclosing invitation of participation in exhibition/contest from the organizing committee; and
- b. kind and quantity of the imported seed is in accordance with the need.

Article 16

(1) If the quality standard of seed or minimum technical requirement as meant in Article 9 paragraph (1) letter b has not been stipulated, the Director General in granting license to import the seed as meant in Article 5 shall refer to the quality standard of seed or minimum technical requirement of the closest family.

(2) Following the importing of the seed as meant in paragraph (1) into the territory of the Republic of Indonesia, the Director General on behalf of the Minister shall stipulate promptly the quality standard of seed or minimum technical requirements.

Article 17

(1) In order to ascertain the fulfillment of the quality standard or minimum technical requirement as meant in Article 9 paragraph (1) letter b, quality test of seed shall be needed.

- (2) The quality test of seed as meant in paragraph (1) shall be executed by institution in charge of supervision and certification of seed or accredited laboratory in the field of quality test of seed in accordance with the commodity.
- (3) The quality test of seed as meant in paragraph (1) shall be in exceptional if the seed has been tested by laboratory already accredited by the International Seed Testing Association (ISTA) in country of origin.
- (4) The quality test as meant in paragraph (1) may be executed simultaneously with the veterinary test of seed by plant quarantine officer.

Part Three

Import Licensing Procedure

Article 18

- (1) In order to secure the license as meant in Article 5, the individuals, government institutions, business entities, legal entities and/or plant observers as meant in Article 4 paragraph (1) shall submit written application manually and/or electronically to the Minister through the Head of the Center by form IM – 01 as contained in the attachment as part inseparable from this regulation with a copy made available to the Head of the Agricultural Quarantine Board.
- (2) Besides the requirement as meant in Article 7, the application as meant in paragraph (1) shall also be accompanied by:
- a. Information Required for Seed Introduction/

Importation to Indonesia, with form IF – 01 as contained in the attachment as part inseparable from this regulation; and

- b. Technical Information for Commodity (s) Proposed Exported into Indonesia, in the case of the first time import of seed of plant and/or country of origin, with Form IF – 02 as contained in the attachment as part inseparable from this regulation.
- (3) After receiving the application as meant in paragraphs (1) and (2), the head of the center shall have completed the examination of completeness of application document and inform whether the application is accepted or rejected in no later than 3 (three) working days.

Article 19

- (1) The application shall be rejected as meant in Article 18 paragraph (3) if result of examination shows that the document is not complete or untrue.
- (2) The rejection as meant in paragraph (1) shall be notified to applicant in writing by the head of the center.

Article 20

- (1) The application shall be accepted as meant in Article 18 paragraph (3) if the document is complete and true.
- (2) The complete and true application as meant in paragraph (1) shall be submitted to the Director

General and the Head of the Agricultural Quarantine Board in writing.

- (3) The head of the Agricultural Quarantine Board as meant in paragraph (2) in no later than 5 (five) working days shall have issued recommendation and submitted to the Director General with a copy made available to the head of the center.
- (4) Unless the Head of the Quarantine Board issues recommendation in no later than 5 (five) working days, the Director General may process by using the previous recommendation.
- (5) The Director General after receiving the recommendation from the Head of the Agricultural Quarantine Board as meant in paragraph (3) shall have informed whether the application is accepted or rejected in no later than 10 (ten) working days.
- (6) The application shall be considered acceptable if the Director General has not issued a letter of rejection in the maximum period of 10 (ten) working days as meant in paragraph (5).
- (7) In the case of the import of seed for the first time from plant and/or country of origin, in no later than 60 (sixty) working days, the Head of the Agricultural Quarantine Board shall have submitted recommendation to the Director General if the application is accompanied by result of risk analysis of organism disturbing quarantine plant (OPTK).
- (8) Further provision on the risk analysis of OPTK as meant in paragraph (7) shall be regulated by the Agricultural Quarantine Board.

Article 21

- (1) The rejection as meant in Article 20 paragraph (5) shall be done unless the technical requirements as meant in Article 18 are fulfilled.
- (2) The rejection as meant in paragraph (1) shall be notified in writing by the Director General to applicant through the Head of the Center by using Form IM - 02 as contained in the attachment as part inseparable from this regulation.

Article 22

- (1) In the case of the application being acceptable or deemed acceptable as meant in Article 20 paragraph (6), the Director General shall issue a license to import seed.
- (2) The import license as meant in paragraph (1) shall be issued in the form of Decree of the Minister of Agriculture by using Form IM - 03 as contained in the attachment as part inseparable from this regulation.
- (3) The license to import seed as meant in paragraph (1) shall be granted for a maximum period of 6 (six) months.
- (4) The import license shall be submitted to applicant by the head of the center in no later than 2 (two) working days following the receipt from the Director General.

Article 23

Licensee shall have completed the import of the whole seeds through the points of entry already

stipulated in accordance with the period granted in the import license.

Part Four

Obligation of Licensee

Article 24

- (1) The individuals, government institutions, business entities, legal entities and/or plant observers importing seed shall be obliged to give up the import license as meant in Article 22 to plant quarantine officer and copy thereof to the institution in charge of supervision and certification of seed in the storage location of seed in no later than the moment when the seed arrives at point of entry.
- (2) Government institutions and plant observers importing seed, in no later than 7 (seven) working days as from the import of seed as meant in paragraph (1) shall be obliged to report the realization of the import of seed to the Director General with a copy made available to the Head of the Center.
- (3) Individuals, business entities or legal entities importing seed shall be obliged to report the realization of the import of seed in no later than 30 (thirty) days as from the import of seed as meant in paragraph (1) to the Director General with a copy made available to the head of the center.

Part Five

Revocation of License

Article 25

- (1) The license to import seed as meant in Article 22

shall be revoked if:

- a. the obligation as meant in Article 24 is not executed;
 - b. the provision contained in the import license is not executed;
 - c. the license is transferred to other party; or
 - d. the provision of quarantine legislation is not fulfilled.
- (2) The revocation of the license to import seed because of the reason as meant in paragraph (1) letter a and letter b shall be done after a warning is issued once and is not obeyed in a period of 7 (seven) working days as from the issuing date of the warning.
 - (3) The revocation of the license to import seed because of the reason as meant in paragraph (1) letter c shall be done promptly without prior warning.
 - (4) The revocation of the license to import seed as meant in paragraph (2) or paragraph (3) shall be done by the Director General on behalf of the Minister by using Form IM - 04 as contained in the attachment as part inseparable from this regulation.

Part Six

Supervision in Point of Entry

Article 26

- (1) Supervision over the execution of the license to import seed in point of entry shall be executed by plant quarantine officer.

- (2) The licensing supervision as meant in paragraph (1) shall be executed in coincidence with plant quarantine action.
- (3) The licensing examination as meant in paragraph (2) shall be done to ascertain the completeness, legitimacy and truth of document content.
- (4) The legitimacy of the import license as meant in paragraph (3) shall cover:
 - a. conformance to the stipulated form;
 - b. issued by the Director General in the form of decree of the Minister of Agriculture;
 - c. quota has not been fulfilled; and
 - d. validity period of import license has not expired.
- (5) The truth of the import license as meant in paragraph (3) shall, among others, cover:
 - a. point of entry of seed; and
 - b. kind and imported variety.
- (6) If the result of the document examination as meant in paragraph (3) proves that:
 - a. the import has not been accompanied by import license, the seed shall be detained and the owner or proxy shall be granted opportunity to give up import license in no later than 14 (fourteen) working days following the receipt of the detention letter;
 - b. the import license is not legitimate and/or untrue, the action of rejection shall be taken;
 - c. import license and other required documents are legitimate and true, veterinary examination and other plant quarantine actions shall

be taken in accordance with the quarantine legislation.

- (7) If the required import license has not been fulfilled or is not fulfilled in the maximum period of 14 (fourteen) working days as meant in paragraph (6) letter a, the action of rejection shall be taken.
- (8) If the quantity of the imported seed is bigger than the quota as meant in paragraph (4) letter c, action of rejection shall be applied the excess.
- (9) If the owner or proxy does not bring promptly seed to come of the territory of the Republic of Indonesia in the maximum period of 14 (fourteen) working days following the receipt of the letter of rejection as meant in paragraph (6) letter a, paragraph (7) and paragraph (8), the seed shall be destroyed.

CHAPTER III

EXPORT OF SEED

Part One

General

Article 27

- (1) The export of seed may be executed by individuals, government institutions, business entities, legal entities and/or plant observers.
- (2) The export of seed as meant in paragraph (1) may be done after securing license from the Minister.
- (3) The export of seed for protected plants shall secure license from the minister in charge of natural resources conservation.

Article 28

The granting of the export license as meant in Article 27 paragraph (2) shall be executed by the Director General on behalf of the Minister.

Article 29

The export of seed as meant in Article 27 shall be executed if:

- a. the domestic need for seed has been fulfilled;
- b. seed is produced specifically for the need of export;
- c. conservation of genetic resources is guaranteed; and
- d. seed is destined for the need of contest/exhibition/promotion.

Part Two

Requirement for Exporting Seed

Article 30

(1) In order to secure the license to export seed as meant in Article 27:

- a. business entity or legal entity shall submit written application accompanied by administrative requirements:
 - 1) copy of the deed of establishment of company and amendment thereto;
 - 2) copy of taxpayer code number (NPWP);
 - 3) copy of corporate profile;
 - 4) copy of citizenship identity card (KTP) of corporate executive;
 - 5) copy of certificate of domicile of the com-

pany; and

- 6) copy of registration identity of producer.
- b. the government institution as meant in Article 27 paragraph (1) shall submit written application along with proposal of the export of seed.
- c. the individuals/plant observers as meant in Article 27 paragraph (1) shall submit written application accompanied by administrative requirements:
 - 1) copy of citizenship identity card (KTP)/Passport; and
 - 2) statement that seed is to be planted directly and not put up for trade.

(2) Besides the requirements as meant in paragraph (1), the export of seed shall also meet the provision of quarantine legislation.

Part Three

Export Licensing Procedure

Article 31

(1) In order to secure the license as meant in Article 28, the individuals, government institutions, business entities, legal entities and/or plant observers as meant in Article 27 paragraph (1) shall submit written application manually and/or electronically to the Minister through the Head of the Center by using Form IK - 01 as contained in the attachment as part inseparable from this regulation with a copy made available to the Head of the Agricultural Quarantine Board.

(2) The application as meant in paragraph (1) shall

be accompanied by the required documents as meant in Article 30.

- (3) The Head of the Center after receiving the application as meant in paragraph (1) and paragraph (2), in no later than 3 (three) working days after completing the examination of application document shall inform whether the application is accepted or denied.

Article 32

- (1) The application as meant in Article 31 paragraph (3) shall be rejected if the result of application shows that the document is not complete or true.
- (2) The rejection as meant in paragraph (1) shall be informed in writing by the head of center to applicant.

Article 33

- (1) The application as meant in Article 31 paragraph (3) shall be accepted if the document has been complete and true.
- (2) The complete and true application as meant in paragraph (1) shall be submitted in writing to the Director General and the Head of the Agricultural Quarantine Board.
- (3) The Director General in no later than 10 (ten) working days shall have informed whether the application is accepted or rejected.
- (4) In the case of the Director General not yet issuing letter of rejection in no later than 10 (ten) working days, the application shall be deemed acceptable.

Article 34

- (1) The rejection as meant in Article 32 paragraph (1) shall be done if the technical requirements as meant in Article 29 are not fulfilled.
- (2) The rejection as meant in paragraph (1) shall be notified in writing by the Director General to applicant to the Head of the Center by using Form IK - 02 as contained the attachment as part inseparable from this regulation.

Article 35

- (1) In the case of the application being accepted or deemed acceptable as meant in Article 33, the Director General shall issue a license to export seed.
- (2) The export license as meant in paragraph (1) shall be issued in the form of Decree of the Minister of Agriculture by using Form IK - 03 as contained in the attachment as part inseparable from this regulation.
- (3) The license to export seed as meant in paragraph (1) shall be granted for a maximum period of 6 (six) months.
- (4) The export license shall be submitted to applicant through the head of the center in no later than 2 (two) working days following the receipt from the Director General.

Article 36

Licensee shall have completed the export of the whole seeds through the stipulated point of

export in accordance with the period stipulated in the export license.

Part Four

Obligation of Licensee

Article 37

(1) Individuals, government institutions, business entities, legal entities and/or plant observers exporting seeds shall be obliged to give the license to export seed as meant in Article 35 to plant quarantine officer in no later than the moment of the arrival of seed at the point of export.

(2) In no later than 7 (seven) working days as from the export of seed as meant in paragraph (1), the individuals, government institutions, business entities, legal entities and/or plant observers exporting seeds shall be obliged to report the realization and value (rupiah) of the export of seed to the Director General with a copy made available to the Head of the Center.

Part Five

Revocation of License

Article 38

(1) The license to export seed as meant in Article 35 paragraph (2) shall be revoked if the licensee:

- a. fails to execute the obligation as meant in Article 37;
- b. fails to implement the provision mentioned in the export license;
- c. transfers the license to other party; or

d. fails to abide by the provision of quarantine legislation.

(2) The revocation of the license to export seed because the reason as meant in paragraph (1) letter a and letter b shall be done after warning is issued once and is not obeyed in a period of 7 (seven) working days after the issuance of the warning.

(3) The revocation of the license to export seed as meant in paragraph (1) letter c shall be done promptly without prior warning.

(4) The revocation of the license to export seed as meant in paragraph (2) or paragraph (3) shall be done by the Director General on behalf of the Minister by using Form IK - 04 as contained in the attachment as part inseparable from this regulation.

Part Six

Export from Exhibition Place

Article 39

(1) Seeds may be exported from exhibition place if the export has secured export license from the exhibition committee of the exhibition by using Form IK - 05 as contained in the attachment as part inseparable from this regulation.

(2) The exhibition committee as meant in paragraph (1) shall be established by a decree of the Minister signed by the Director General on behalf of the Minister.

(3) The export of seed as meant in paragraph (1) shall meet the requirements as meant in Article 27 paragraph (3), Article 30 paragraph (1) letter b

and quarantine legislation.

Article 40

- (1) The quantity of seed requested for the export from the exhibition place as meant in Article 39 paragraph (1) shall be maximally 10 (ten) plants, consisting of several kinds and/or varieties, and/or 5 (five) invitro compartment with the content maximally 25 (twenty five) planlet or slips of plant or young plants per compartment.
- (2) The planlet as meant in paragraph (1) shall be in the form of stud already having root, resulting from both kernel and cell culture or membrane culture constitution result of multiplication through organogenesis or embryogenesis ready for acclimatization.
- (3) The slip of plant as meant in paragraph (1) shall constitute a part of plant used for vegetative reproduction.
- (4) The young plant as meant in paragraph (1) shall be in the form of small plant having leaf and root.

Part Seven

Supervision at Point of Export

Article 41

- (1) Supervision at the point of export for the use of license to export seed of plant shall be done by plant quarantine officer.
- (2) The licensing supervision as meant in paragraph (1) shall be done in coincidence with plant quarantine action.

- (3) The licensing examination as meant in paragraph (2) shall aim at ascertaining the completeness, legitimacy and truth of document content.
- (4) The legitimacy of the export license as meant in paragraph (3) shall cover:
 - a. conformance to the stipulated form;
 - b. issued by the Director General in the form of decree of the Minister of Agriculture;
 - c. quota has not been fulfilled; and
 - d. validity period of the license has not expired.
- (5) The truth of the export license as meant in paragraph (3) shall cover, among others:
 - a. point of export of seed; and
 - b. the exported kind and variety.
- (6) If the result of document examination as meant in paragraph (3) proves that:
 - a. the export of seed has not been accompanied by the export license, the seed shall be detained and the owner or proxy shall be granted opportunity to submit the export license in no later than 14 (fourteen) working days following the receipt of the detention letter;
 - b. the export license is not legitimate and/or untrue, the export shall be rejected;
 - c. the export license and other required documents are legitimate and true, veterinary examination and other plant quarantine measures shall be executed in accordance with the provision of quarantine legislation.
- (7) The export shall be rejected if the required export license has not been fulfilled or is not fulfilled

in the maximum period of 14 (fourteen) working days as meant in paragraph (6) letter a.

- (8) If the quantity of the exported seed is bigger than the quota as meant in paragraph (4) letter c, the excess shall be subject to rejection.
- (9) If the owner or proxy does not bring promptly seed to come out of the point of export in no later than 14 (fourtee) working days after receiving the letter of rejection as as meant in paragraph (6) letter b, paragraph (7) and paragraph (8), the seed shall be destroyed.

CHAPTER IV

TRANSITIONAL PROVISION

Article 42

The whole applications for license to import and export seed already submitted before the promulgation of this regulation shall continue to be processed in accordance with the provision in Regulation of the Minister of Agriculture Number 38/Permentan/OT.140/8/2006 jis Regulation of the Minister of Agriculture Number 68/Permentan/OT.140/11/2007 and Regulation of the Minister of Agriculture Number 70/Permentan/OT.140/11/2007 on the Import and Export of Seeds.

CHAPTER V

CONCLUSION

Article 43

Following the promulgation of this regulation, Regulation of the Minister of Agriculture Number 38/Permentan/OT.140/8/2006 jis Regulation of the Minister of Agriculture Number 68/Permentan/

OT.140/11/2007 and Regulation of the Minister of Agriculture Number 70/Permentan/OT.140/11/2007 in so far as the import and export of horticultural seed shall be revoked and declared null and void.

Article 44

The regulation shall come into force as from the date of promulgation.

For public cognizance, the regulation shall be promulgated by placing it in State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On February 6,2012

THE MINISTER OF AGRICULTURE

sgd

SUSWONO

Promulgated in Jakarta

On February 13,2012

THE MINISTER OF LAW AND HUMAN RIGHTS OF
THE REPUBLIC OF INDONESIA

sgd

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

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Editor's note:

Due to technical reasons, the attachment is not published.

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