

REGULATION OF THE MINISTER OF TRADE
No. 30/M-DAG/PER/5/2012

CONCERNING
PROVISIONS ON THE IMPORT OF HORTICULTURE
PRODUCTS

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

Considering:

- a. that horticulture is a commodity that has economic potential for the people of Indonesia, so the activities of production, supply, procurement and distribution of horticultural products are essential;
- b. that in the framework to meet the needs of food ingredients from horticultural products to support the achievement of food security, national economic stability, and protect consumer interests and to implement the provisions of Article 88 paragraph (2) of Law No. 13/2010 concerning Horticulture, it is necessary to regulate the import of horticultural products;
- c. based on the considerations as intended in paragraphs a and b, it is necessary to stipulate Regulation of the Minister of Trade;

In view of:

- 1. Trade Law 1934 (Statute Book No. 86/1938) as amended and supplemented;
- 2. Law No. 3/1982 concerning Compulsory Corporate Registration (Republic of Indonesia No. 7/1982, Supplement to Statute Book of the Republic of Indonesia No. 3214);
- 3. Law No. 16/1992 concerning Animal, Fish and Plant Quarantine (Statute Book of the Republic of Indonesia No. 56/1992, Supplement to Statute Book of the Republic of Indonesia No. 3482);
- 4. Law No. 7/1994 concerning Ratification of Agreement Establishing The World Trade Organization (Statute Book of the Republic of Indonesia No. 57/1994, Supplement to the Republic of Indonesia No. 3564);
- 5. Law No. 10/1995 concerning Customs (Statute Book of the Republic of Indonesia No. 75/1995, Supplement to Statute Book of the Republic of Indonesia No. 3612) as amended by Law No. 17/2006 (Statute Book of the

Republic of Indonesia No. 93/2006, Supplement to Statute Book of the Republic of Indonesia No. 4661);

6. Law No. 7/1996 concerning Food (Statute Book of the Republic of Indonesia No. 99/1996, Supplement to Statute Book of the Republic of Indonesia No. 3656);
7. Law No. 5/1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition (Statute Book of the Republic of Indonesia No. 33/1999, Supplement to Statute Book of the Republic of Indonesia No. 3806);
8. Law No. 8/1999 concerning Consumer Protection (Statute Book of the Republic of Indonesia No. 42/1999, Supplement to Statute Book of the Republic of Indonesia No. 3821);
9. Law No. 39/2008 concerning the State Ministries (Statute Book of the Republic of Indonesia No. 166/2008, Supplement to Statute Book of the Republic of Indonesia No. 4916);
10. Law No. 13/2010 concerning Horticulture (Statute Book of the Republic of Indonesia No. 132/2010, Supplement to Statute Book of the Republic of Indonesia No. 5170);
11. Government Regulation No. 22/1983 concerning Veterinary Public Health (Statute Book of the Republic of Indonesia No. 28/1983, Supplement to Statute Book of the Republic of Indonesia No. 3253);
12. Government Regulation No. 69/1999 concerning Food Labels and Advertisement (Statute Book of the Republic of Indonesia No. 131/1999, Supplement to Statute Book of the Republic of Indonesia No. 3867);
13. Government Regulation No. 14/2002 concerning Plant Quarantine (Statute Book of the Republic of Indonesia No. 35/2002, Supplement to Statute Book of the Republic of Indonesia No. 4196);
14. Government Regulation No. 68/2002 concerning Food (Statute Book of the Republic of Indonesia No. 142/2002, Supplement to Statute Book of the Republic of Indonesia No. 4254);
15. Government Regulation No. 28/2004 concerning Food Safety, Quality and Nutrition (Statute Book of the Republic of Indonesia No. 107/2004, Supplement to Statute Book of the Republic of Indonesia No. 4424);
16. Government Regulation No. 21/2005 concerning the Bio Safety of Genetically Engineered Products (Statute Book of the Republic of Indonesia No. 44/2005, Supplement to Statute Book of the Republic of Indonesia No. 4498);

17. Government Regulation No. 38/2007 concerning the Division of Government Affairs between the Government, Provincial Governments and Local Government of Regency/Municipality (Statute Book of the Republic of Indonesia No. 82/2007, Supplement to Statute Book of the Republic of Indonesia No. 4737);
18. Presidential Decree No. 260/1967 concerning Affirmation of Duties and Responsibilities of the Minister of Trade in Foreign Trade;
19. Presidential Decree No. 84/M/2009 concerning United Indonesia Cabinet II, as amended by Presidential Decree No. 59/P/2011;
20. Presidential Decree No. 47/2009 concerning the Establishment and Organization of the State Ministries, as amended several times, the latest by Presidential Regulation No. 91/2011;
21. Presidential Regulation No. 24/2010 concerning Position, Task, and Function of the State Ministries and Organizational Structure, Duties and Functions of First Echelon of State Ministries, as amended several times, the latest by Presidential Regulation No. 92/2011;
22. Regulation of the Minister of Agriculture No. 37/Kpts/HK.060/1/2006 concerning Technical Requirements and Plant Quarantine Measures for Importation of Fruits and/or Fresh Fruit Vegetables into the Territory of the Republic of Indonesia, as amended several times, the latest by Regulation of the Minister of Agriculture No. 15/Permentan/OT.140/3/2012;
23. Regulation of the Minister of Agriculture No. 18/Permentan/OT.140/2/2008 concerning Technical Requirements and Plant Quarantine Measures for the Entry of Products of Living Plant in the form of Fresh Layer Roots into the Territory of the Republic of Indonesia as amended several times, the latest by Regulation of the Minister of Agriculture No. 16/Permentan/OT.140/3/2012;
24. Regulation of the Minister of Agriculture No. 12/Permentan/OT.140/2/2009 concerning Requirements and Procedures for Plant Quarantine Measures on the Entry of Wood Packaging into the Territory of the Republic of Indonesia;
25. Regulation of the Minister of Trade No. 54/M-DAG/PER/9/2009 concerning General Provisions in Imports;
26. Regulation of the Minister of Industry No. 24/M-IND/PER/2/2010 concerning the Food Tara Logo and Recycling Code Imprinting on the Food Packaging and Plastic;
27. Regulation of the Minister of Trade No. 31/M-DAG/PER/7/2010 concerning Organization and Work Flow of the Ministry of Trade;

28. Regulation of the Head of Drug and Food Controller Agency No. HK.03.1.23.07.11.6664 of 2011 concerning the Control of Food Packaging;
29. Regulation of the Minister of Trade No. 31/M-DAG/PER/10/2011 concerning Packed Goods;
30. Regulation of the Minister of Agriculture No. 88/Permentan/PP.340/12/2011 concerning the Control of Food Safety on the Entry and Release of Fresh Food of Plant Origin;
31. Regulation of the Minister of Trade No. 27/M-DAG/PER/5/2012 concerning Importer's Identity Number (API);

DECIDES:

To stipulate:

REGULATION OF THE MINISTER OF TRADE CONCERNING PROVISIONS
ON THE IMPORT OF HORTICULTURE PRODUCTS.

CHAPTER I GENERAL PROVISIONS

Article 1

In this Ministerial Regulation:

1. Horticulture is all things related to fruits, vegetables, vegetable ingredients, and floriculture, including fungi, mosses, and aquatic plants that serve as a vegetable, vegetable ingredients, and/or aesthetic materials.
2. Horticulture products are all horticultural derived results and crops that are still fresh or has been processed.
3. Fresh Horticulture Products are food of plant origin in the form of the products produced in the process of post harvest for consumption or industrial raw materials, or products that have a minimal process.
4. Processed Horticulture Products are food or beverage of process results in a certain way or method with or without additives.
5. Import is the activities to enter goods into the Customs Area.
6. Producer Importer of Horticulture Products hereinafter called as IP- Horticulture Products is a company that uses Horticulture products as raw materials or auxiliary materials in the production process itself and does not trade in or transfer to another party.

7. Registered Importer of Horticulture Products hereinafter called as IT-Horticulture Products is a company that imports horticulture products for business activities by the trade and/or transfer to another party.
8. Distributor is a national trading company that acts for and on behalf itself; the scope includes the purchase, storage, sales, and marketing of goods, especially to distribute goods from importers to retailers.
9. Imprinting Label Statement in Indonesian for Horticulture Products, hereinafter called as SKPLBI-Horticulture Products is a document that state the concerned Horticulture Products meets the requirements for labeling.
10. Exemption Letter for Imprinting Label in Indonesian obligation for Horticulture Products, hereinafter called as SPKPLBI-Horticulture Products is a document stating that the Horticulture Products concerned excluded from labeling obligations.
11. Label is any description of Horticulture Products in the form of images, text, a combination of both, or other form which contains information of products and business entity statements and other information in accordance with the provisions of the effective legislation, which is included on the product, put in, affixed to, or is part of the package.
12. Tara Food logo is a marking that indicates food packaging is safe to be used for food.
13. Recycling code is a code that indicates food packaging can be recycled.
14. Packaging is the material used as place and/or wrap Horticulture Products, both direct and indirect contact.
15. Coordination meeting is inter-agency meeting organized by the Coordinating Ministry for Economic Affairs.
16. Import Approval is an import permit of Horticulture Products.
17. Recommendation to Import Horticulture Products (RIPH) is a letter issued by the official related technical agency/unit that has authority and the requirements of the issuance of Import Approval.
18. Verification or technical inquiry is the activities of the technical inspection on imported products at ports of loading by the surveyor.
19. Surveyor is a authorized survey company to conduct verification or technical inquiry of imported products.
20. Minister is the minister who held government affairs in the field of trade.

21. Director General is Director General of Foreign Trade, Ministry of Trade.

Article 2

(1) Every imported Horticulture Products must attention to aspects:

- a. Horticulture Products food safety;
- b. domestic availability of Horticulture product;
- c. targeting the production and consumption of Horticulture Products;
- d. packaging and labeling requirements;
- e. quality standards, and
- f. provision of security and protection of health of human, animals, plants, and the environment.

(2) Horticulture Products Import is only be conducted if the production and supply of Horticulture Products in insufficient for domestic consumption.

CHAPTER II SCOPE

Article 3

Regulated Horticulture products are listed in Attachment I that is an integral part and this Ministerial Regulation.

Article 4

(1) In case of Horticulture Products as intended in Article 3 are governed in the import allocation, the allocation of national imports each year is determined and agreed upon in a Coordination Meeting at the ministerial level by consider domestic production and consumption.

(2) Allocation of imported horticulture products as intended in paragraph (1) for each IP-Horticulture Products and IT-Horticulture Products are determined and agreed upon in a Coordination Meeting at the First Echelon level of relevant agencies with respect to the allocation of national import.

CHAPTER III PROCEDURES AND REQUIREMENTS FOR IMPORT

Article 5

Horticulture products import can only be done by a company that has gained recognition as an IP-Horticulture Products or determination as IT- Horticulture Products from the Minister.

Article 6

Minister delegate authority to issue recognition as IP-Horticulture Products or determination as IT-Horticulture Products as intended in Article 5 to the Director General.

Article 7

(1) In order to obtain recognition as an IP-Horticulture Products as intended in Article 5, Company should file application to the Minister in this case Director General, by enclosing:

- a. photocopy of Industrial Business License or other similar businesses permit that use raw materials of Horticulture Products, issued by the competent authority or technical agency;
- b. photocopy of Company Registration (TDP);
- c. photocopy of Taxpayer Identification Number (NPWP);
- d. photocopy Producer Importer Identity Number (API-P);
- e. proof of ownership of refrigerated storage (cold storage);
- f. proof of ownership of refrigerated transport equipment, and
- g. Recommendations to Import Horticulture Products (RIPH) from the Minister of Agriculture or appointed official.

(2) The Director General on behalf of the Minister issues recognition as the IP-Horticulture Products within 5 (five) working days after field examination was conducted by the Team to know the truth of the documents as intended in paragraph (1).

(3) The examination as intended in paragraph (2) shall not exceed 3 (three) working days since the complete application is received.

(4) Team as intended in paragraph (2) consists of officials are determined by the Director General.

(5) In case of the results of the examination as intended in paragraph (2) is found incorrect data, the Director General reject to issue the determination as IP-Horticulture Products.

(6) Recognition as IP-Horticulture Products as intended in paragraph (2) applies in accordance with RIPH as intended in paragraph (1) g since the date of issuance.

(7) Recognition as IP-Horticulture Products as intended in paragraph (2) forwarded online to the Indonesia National Single Window (INSW) portal.

- (8) In case of Horticulture Products import through the port that has not been connected with the Indonesia National Single Window (INSW), copies of recognition as IP-Horticulture Products is submitted manually to the relevant agencies.

Article 8

Company that has gained recognition as an IP-Horticulture Products can only import Horticulture Products as raw materials or auxiliary materials for the needs of its industrial production process and are prohibited for trading and/or transfers.

Article 9

- (1) To obtain the determination as IT-Horticulture Products as intended in Article 5, company should file a written application to the Minister in this case Director General, by enclosing:
- a. photocopy of Trading Business Permit (SIUP) that scope of business includes horticulture or other similar business license issued by the competent authority or technical service;
 - b. photocopy of Company Registration (TDP);
 - c. photocopy of Taxpayer Identification Number (NPWP);
 - d. photocopy General Importer Identification Number (API-U);
 - e. proof of ownership of refrigerated storage (cold storage);
 - f. proof of ownership of refrigerated transport equipment;
 - g. evidence of Horticulture Products sales contract with at least with 3 (three) distributor for at least 1 (one) year;
 - h. evidence of experience as a Horticulture Products distributor for 1 (one) year; and
 - i. sufficient sealed statement that stated the Horticulture Products will not sell directly to consumers or retailers.
- (2) The Director General on behalf of the Minister issued a determination as IT-Horticulture Products within 5 (five) working days after field examination is conducted by the Team to know the truth of the documents as intended in paragraph (1).
- (3) Team as intended in paragraph (2) consists of officials determined by the Director General.

- (4) In case of result of the examination as intended in paragraph (2) is found incorrect data, the Director General reject to issue determination as IT-Horticulture Products.
- (5) Determination as the IT-Horticulture Products as intended in paragraph (2) valid for 2 (two) years from the date of issuance.
- (6) Determination as the IT-Horticulture Products as intended in paragraph (2) will be forwarded online to the Indonesia National Single Window (INSW) portal.
- (7) In case of Horticulture Products imported through the port that has not been connected with the Indonesia National Single Window (INSW), a photocopy of the determination of the IT-Horticulture Products will be submitted manually to the relevant agencies.

Article 10

- (1) IT-Horticulture Products that will do the imports of Horticulture Products as intended in Article 3 shall get Import Approval from the Minister.
- (2) The Minister delegated authority to issue Import Approval as intended in paragraph (1) to the Director General for and on behalf of the Minister.

Article 11

- (1) To obtain Import Approval as intended in Article 10, IT-Horticulture Products should file writing application to the Minister in this case Director General by attaching:
 - a. Recommendation to Import Horticulture Products (RIPH) from the Minister of Agriculture or a appointed official, and
 - b. photocopy of the determination of the IT-Horticulture Products.
- (2) The Director General on behalf of Minister issues:
 - a. Import approval within 5 (five) working days since received of the complete and correct application; or
 - b. reject to issue import approval within 5 (five) working days since received application in case of application is incomplete and/or incorrect,
- (3) Import Approval as intended in paragraph (2) a submitted to IT-Horticulture Products and copies to the relevant agencies.
- (4) Import Approval as intended in paragraph (2) a valid in accordance with the recommendation from related agency, as of the date of issuance.

(5) Import Approval as intended in paragraph (4) will be forwarded online to the Indonesia National Single Window (INSW) portal.

(6) In case of Horticulture Products imported through the port that has not connected with Indonesia National Single Window (INSW), photocopy of import approval will be submitted manually to the relevant agencies,

Article 12

Companies that have received determination as IT- Horticulture Products:

- a. can only trade and/or transfer the imported horticulture products to the Distributor; and
- b. are prohibited to trade and/or transfer the imported horticulture products to direct consumers or retailer.

Article 13

RIPH as intended in Article 7 paragraph (1) g and Article 11 paragraph (1) a covers:

- a. Fresh Horticulture Products and Ornamental Plants Products:
 - product name, Post Tariff/HS, scientific name, the number of products, the maximum Weight, Origin Country, Distribution Areas, Import Destination, Port of Origin, Port of Destination, import Implementer, Storage Warehouse Location and Period of Validity.
- b. Processed Horticulture Products:
 - product name, Post Tariff/HS, the number of products, maximum Weight, Packaging Materials, Expiry, Origin Country, Distribution Areas, Import Destination, Port of Origin, Port of Destination, imports Implementer, Storage Warehouses Location, Period of Validity.
- c. Raw and Auxiliary Materials Industry:
 - product name, Post Tariff/HS, scientific name, the number of products, the maximum Weight, Origin Country, Distribution Areas, Import Destination, Port of Origin, Port of Destination, Imports Implementer, Storage Warehouse Location, and Period of Validity.

CHAPTER IV PACKAGING

Article 14

(1) Horticulture products imported must meet the packaging requirements:

- a. Direct contact with food packaging should use materials permitted for food in accordance with statutory regulations.
 - b. The use of plastic packaging must include Food Tara Logo and Recycling Code in accordance with statutory regulations.
 - c. The use of wood packaging must be dried, and marked in accordance with statutory regulations.
- (2) Compliance packaging requirements as intended in paragraph (1) should be proved by a test results certificate issued by a competent testing laboratory and the recognized by local government.
- (3) The packaging as intended in paragraph (1) excluded for Ornamental Products.

CHAPTER V

LABEL

Article 15

- (1) Horticulture products imported must include in Indonesian Language label on each product and/or packaging.
- (2) Horticulture products as intended in paragraph (1), at the time of entering the territory of the Republic of Indonesia has been labeled in Indonesian Language and at least include:
- a. product name and/or brand;
 - b. net weight or number of products;
 - c. name and address of producer and/or exporters, and
 - d. name and address of the importer.
- (3) Inclusion of the label as intended in paragraph (2), at least use the clear and easy to understand Indonesian language.
- (4) The use of other language, besides Indonesian Language, Arabic numbers, Latin letters are allowed if there is no counterpart.

Article 16

- (1) Inclusion of the label as intended in Article 15 carried out in such way that is not easily separated from the product or packaging, is not easily worn or damaged, and is easy to see and read.

- (2) Inclusion of the label as intended in paragraph (1) that is not possible to be listed on the small size product, should be affixed on the packaging, or included on the product.

Article 17

Labeling provisions as intended in Article 15 paragraph (1) excluded for Ornamental Products.

Article 18

- (1) Business entity that will import Horticulture Products as intended in Article 15 should file written application to obtain SKPLBI-Horticulture Products to the Director General of Standardization and Consumer Protection in this case Director of Consumer Empowerment, enclosing the following requirements:

- a. photocopy of Industrial Business License or other similar business permit that use Horticulture Products raw materials, issued by the competent authority or technical service, for producer importer;
- b. photocopy of the Trade Business Permit (SIUP) whose scope of business includes horticulture or other similar business permit, for general importers;
- c. photocopy of Taxpayer Identification Number (NPWP);
- d. photocopy of Producer Importer Identity Number (API-P) whose scope of business includes horticulture, for producer importer;
- e. photocopy of General Importer Identification Number (API-U) whose scope of business includes horticulture, for general importers;
- f. photocopy of IT-Horticulture Products, for general importers;
- g. sample of colored labels will be listed or included on the product and/or packaging in Indonesian Language, and
- h. enough sealed Power of Attorney if processing is authorized.

- (2) Submission of application as intended in paragraph (1) is done by showing the original document, if necessary.

- (3) Director of Consumer Empowerment issues:

- a. SKPLBI-Horticulture Products within 5 (five) working days since received of the complete and correct application; or
- b. rejection to issue SKPLBI-Horticulture Products within 5 (five) working days since received the of the application in case the application is incomplete and/or incorrect.

- (4) SKPLBI-Horticulture Products as intended in paragraph (3) a valid for 5 (five) years from the date of issuance, for each type of product.
- (5) SKPLBI-Horticulture Products as intended in paragraph (3) a which has issued will be submitted to the importer in 2 (two) copies, the original for the importer and carbon copy for Agricultural Quarantine Agency, Ministry of Agriculture.
- (6) SKPLBI-Horticulture Products as intended in paragraph (3) a, shall be forwarded online to the Indonesia National Single Window (INSW) portal.
- (7) In case of Horticulture Products imported through the port that is not connected with the Indonesia National Single Window (INSW), a photocopy of SKPLBI-Horticulture Products is submitted manually to the Directorate General of Customs and Excise, Ministry of Finance and Agriculture Quarantine Agency, Ministry of Agriculture.

Article 19

- (1) Exceptions to label Horticulture Products for Ornamental Products as intended in Article 17 should be equipped with SPKPLBI-Horticulture Products.
- (2) SPKPLBI-Horticulture Products is given to the IT-Horticulture Products for Ornamental Products.
- (3) To obtain SPKPLBI-Horticulture Products, IT-Horticulture Products for Ornamental Products as intended in paragraph (2), should file a written application to the Director General of Standardization and Consumer Protection in this case Director of Consumer Empowerment, enclosing the following requirements:
 - a. photocopy of SIUP of its business areas include horticulture, or other similar business permit;
 - b. photocopy of NPWP;
 - c. photocopy of API-U that the fields of business include horticulture;
 - d. photocopy of IT-Horticulture Products, and
 - e. enough sealed Power of Attorney if the processing is authorized.
- (4) Submission of application as intended in paragraph (3) is done by showing the original document, if necessary.
- (5) the Director of Consumer Empowerment issued:
 - a. SPKPLBI-Horticulture Products within 5 (five) working days since received the complete and correct application; or

- b. reject to issue SPKPLBI within 5 (five) working days since received application in case of the application is incomplete and/or incorrect.
- (6) SPKPLBI-Horticulture Products as intended in paragraph (5) a valid for 1 (one) year from the date of issuance for each product type.
- (7) SPKPLBI-Horticulture products as intended in paragraph (5) which has issued shall be submitted to the importer in 2 (two) copies, the original for the importer and carbon copy for Agricultural Quarantine Agency, Ministry of Agriculture.
- (8) SPKPLBI-Horticulture Products as intended in paragraph (5) a will be forwarded online to the Indonesia National Single Window (INSW) portal.
- (9) In case of Horticulture Products imported through the port that is not connected with the Indonesia National Single Window (INSW), a photocopy SPKPLBI-Horticulture Products shall be submitted manually to the Directorate General of Customs and Excise, Ministry of Finance and Agriculture Quarantine Agency, Ministry of Agriculture.

Article 20

- (1) SKPLBI-Horticulture Products as intended in Article 18 paragraph (3) a and SPKPLBI- Horticulture Products as intended in Article 19 paragraph (5) a is a customs complementary document.
- (2) Submission of application as intended in Article 18 paragraph (1) and Article 19 paragraph (3) can be done through:
- a. e-mail with the address label.pk@kemendag.go.id or <http://inatrade.kemendag.go.id>; or
 - b. sent directly or through the courier to the Directorate of Consumer Empowerment, Directorate General of Standardization and Consumer Protection, Ministry of Trade.
- (3) Application through e-mail as intended in paragraph (2) a, should use official company's e-mail.

CHAPTER VI VERIFICATION OR TECHNICAL INQUIRY OF IMPORT

Article 21

- (1) Any implementation of the import of Horticulture Products as intended in Article 3 by the IP- Horticulture Products or IT-Horticulture Products must first

be carried out import verification or technical inquiry at the port of loading of origin country.

(2) The verification as intended in paragraph (1) conducted by a surveyor determined by the Minister.

(3) To be determined as the implementing verification of Horticulture Products imported as intended in paragraph (2), Surveyor should meet the following requirements:

- a. have a Survey Service Business Permit (SIUJS);
- b. experience as a surveyor at least 5 (five) years;
- c. have branches or representative and/or affiliation abroad and has network to support of the verification or technical inquiry, and
- d. has a track record in the management of verification or technical inquiry of import.

Article 22

(1) Verification as intended in Article 21 paragraph (1) is conducted on the imported horticulture products, include the data or information of:

- a. Country of origin and port of loading;
- b. Tariff heading or HS number and description of the product;
- c. The type and volume;
- d. Time of shipment;
- e. Port of destination;
- f. Inclusion Food Tara Logo and Recycling Codes on the packaging;
- g. Health Certificate;
- h. Phytosanitary Certificate for fresh horticultural products;
- i. Certificate of Origin (CoO);
- j. Registration number of the Food and Drug Control Agency (BPOM)-ML for IT-Horticulture Products are processed or analysis certificate for IP-Horticulture Products are processed;
- k. Certificate of test results for food grade packaging of fresh horticultural products;
- l. Food Tara Logo inclusion certificate and Recycling Code for fresh horticultural products; and
- m. Suitability of labeling for SKPLBI-Horticulture Products, except for Ornamental Products.

- (2) The verification as intended in paragraph (1) is written the form of Surveyor Report (LS) to be used as a customs complementary document for customs settlement in the field of import.
- (3) On the implementation of the verification or technical inquiry as intended in paragraph (1), the surveyor will collect fee for services from IT-Horticulture Products or IP-Horticulture Products such rates in accordance with cost-benefit principle.

Article 23

The verification or technical inquiry activities for Horticulture Products imported by the Surveyor do not diminish the authority of the Directorate General of Customs and Excise, Ministry of Finance to perform customs checking.

CHAPTER VII REPORTING

Article 24

- (1) IP-Horticulture Products and IT-Horticulture Products shall be:
- a. submit a written report on the implementation of Horticulture Products import through <http://inatrade.kemendag.go.id>; and
 - b. attach a photocopy of Actual Import Control Card that has initialed and stamped by Customs and Excise official.
- (2) The report as intended in paragraph (1) a shall be submitted every month, no later than 15 of ensuing month to the Director General with a copy to the Director General of Processing and Marketing of Agricultural Products, Ministry of Agriculture.
- (3) Report form as intended in paragraph (1) a is stated in Attachment II which is an integral part and this Ministerial Regulation.
- (4) Actual Import Control Card as intended in paragraph (1) b is a control card of quantity of Horticulture Products import realization.

Article 25

Surveyor as intended in Article 21 paragraph (2) shall submit a written report on the verification or technical inquiry of Horticulture Products imported to the Director General each month at the latest on 15 of ensuing month.

CHAPTER VIII SANCTIONS

Article 26

Recognition as an IP-Horticulture Products and determination as IT-Horticulture Products will be revoked if company:

- a. does not carry out the obligation to submit the report as intended in Article 24 for 3 (three) times;
- b. proved to changes the information listed in import documents of Horticulture Products;
- c. proved to make violation on the packaging provision as intended in Article 14 and/or labeling provisions as intended in Article 15 and Article 20;
- d. proved to trade and/or transfer imported Horticulture Products as intended in Article 8, for IP-Horticulture Products;
- e. proved to trade and/or transfer the imported Horticulture Products to other than Distributor as intended in Article 12, for IT-Horticulture Products; and/or
- f. found guilty by a court decision which has had permanent legal force on a crime related to abuse of Horticulture Products import documents.

Article 27

Revocation of recognition as IP-Horticulture Products and determination as IT-Horticulture Products is determined by the Director General for and on behalf of the Minister.

Article 28

Determination of the Surveyor will be revoked if:

- a. violations in the implementation of verification or technical inquiry on the Horticulture Products Import; and/or
- b. not comply with the writing reporting obligations as intended in Article 25 twice.

Article 29

Revocation of determination as Surveyor, as the implementer of verification or technical inquiry of Horticulture Products import as intended in Article 21 is determined by the Minister.

Article 30

- (1) Company that does not import Horticulture Products in accordance with the packaging and labeling provisions in this Ministerial Regulation subject to sanctions in accordance with the provisions of the legislation,
- (2) Imported Fresh Horticulture Products, if:
- a. not in accordance with the recognition as an IP-Horticulture Products and/or Import Approval; and/or
 - b. packaging does not comply with the provisions as intended in Article 14, the provisions of the label as intended in Article 15, and the provisions of SKPLBI-Horticulture Products as intended in Article 20, will be carried out the destruction in accordance with statutory regulations.
- (3) Ornamental Plants imported products, if:
- a. not in accordance with the recognition as an IP-Horticulture Products and/or Import Approval and/or
 - b. not in accordance with the provisions of SPKPLBI-Horticulture Products as intended in Article 20,
 - conducted destruction pursuant to the statutory legislation.
- (4) Processed Horticulture Products imported if:
- a. not in accordance with the recognition as an IP-Horticulture Products and/or Import Approval and/or
 - b. packaging does not comply with the provisions as intended in Article 14 and the labeling provisions as stipulated in Article 15,
 - carried out re-export in accordance with the statutory regulations.
- (5) The cost of implementation of the destruction and re-export as intended in paragraph (2), paragraph (3), and paragraph (4) is the responsibility of the importer.

CHAPTER IX OTHERS

Article 31

Examination of the suitability of the packaging as intended in Article 14 and the label as intended in Article 15 shall be conducted by:

- a. Agricultural Quarantine Agency, Ministry of Agriculture, for fresh horticultural products; or
- b. Food and Drug Controller Agency, for processed horticultural products.

Article 32

Any import of Horticulture Products can only be done through the ports of destination in accordance with the provisions of the legislation.

Article 33

(1) Horticulture Products Import for:

- a. gifts/grants delivery goods for the purposes of public worship, charity, social, or for the benefit of natural disaster;
- b. goods of foreign countries representatives with their officials who serve in Indonesia based on the principle of reciprocity;
- c. goods for the purposes of international agencies and their officials who serve in Indonesia;
- d. goods for the purposes of research, testing, and development of science; and/or
- e. sample goods are not for sale
- should obtain Import Approval by attaching the recommendation as intended in Article 11 paragraph (1) a.

(2) Horticulture Products Import for:

- a. personal belongings of passengers, crews of transportation mean, and
- b. border crossers for self consumed;
- with a maximum of 10 (ten) kilograms per person, does not require Import Approval.

(3) Horticulture Products Import as intended in paragraphs (1) and (2) do not apply the provisions of IT-Horticulture Products or IP-Horticulture Products and provision of import verification or technical inquiry.

Article 34

(1) Monitoring of the importation and circulation of Horticulture Products shall be made in accordance with effective regulations.

(2) The Minister may establish an integrated team consist of representatives of relevant agencies and to perform:

- a. control of the circulation of Horticulture Products;
- b. evaluation of implementation Horticulture Products import policy.

Article 35

Technical guideline for the implementation of this Ministerial Regulation is determined by the Director General.

CHAPTER X TRANSITIONAL PROVISION

Article 36

- (1) LS as customs complementary documents for customs settlement in the field of import as intended in Article 22 paragraph (2) comes into force 60 (sixty) days since this Ministerial Regulation is enacted.
- (2) Evidence of LS as intended in paragraph (1) is customs document of the form of manifest (BC. 1.1).

Article 37

Horticulture products that have been circulating before the enactment of this Ministerial Regulation shall adjust the terms of packaging and labels within a period of 2 (two) years since this Ministerial Regulation is enacted.

CHAPTER XI CLOSING PROVISION

Article 38

This Ministerial Regulation shall come into force on June 15, 2012.

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 May 7, 2012

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA
signed,
GITA IRAWAN WIRJAWAN