



**THE COORDINATING COMMITTEE ON THE IMPLEMENTATION OF THE ATIGA**  
**SUBMISSION FORM FOR CASES OF THE 'MATRIX OF ACTUAL CASES'**  
**ON TRADE BARRIERS**

| CASE REFERENCE ID <i>(For Secretariat's use)</i>  | REPORTING COUNTRY  | INVOLVING COUNTRY |
|---|--|-------------------|
|   | Thailand   | Indonesia         |
| DATE OF REPORT SUBMISSION   | HS CODE AND PRODUCT DESCRIPTION <i>(where applicable)</i>  |                   |
|   | <ul style="list-style-type: none"> <li>• Horticultural products as specified in Appendix I of the Regulation of the Minister of Trade No. 16/2013</li> <li>• HS 0709.60.10 - fresh chili (fruit of genus Capsicum)</li> <li>• HS 0703.10.29 - fresh red onion / fresh shallot</li> </ul> |                   |
| DESCRIPTION OF TRADE BARRIER FACED  |  |                   |
| <p><i>Please provide a description of the situation</i></p> <p><b>Complicated and restrictive procedures for the importation of horticultural products</b> – Under the Regulations of the Minister of Trade No. 16/2013 and 47/2013, as well as the Regulation of the Minister of Agriculture No. 86/2013, Indonesia has imposed complicated and restrictive procedures for the importation of horticultural products. These regulations specify the requirements, as well as the time limits for the importation of horticultural products into Indonesia.</p> <p>According to these Regulations, importers need to, first, be recognized as either <i>Producer Importer</i> or <i>Register Importer</i> of horticultural products by the Minister of Trade; secondly, obtain <i>Horticulture Product Import Recommendation (RIPH)</i> from the Ministry of Agriculture, and; thirdly, applying for an <i>Import Approval</i> from the Ministry of Trade.</p> <p>In addition, Indonesia only allows a short time frame for importers to apply for <i>RIPH</i> (15 working days) and <i>Import Approval</i> (1 month). The application for <i>RIPH</i> is open in May and November only, and the application of <i>Import Approval</i> is open in June and December only. The time limits for the application of <i>RIPH</i> and <i>Import Approval</i> mean that the importation of horticultural products into Indonesia has been restricted, as importers who fail to submit the application within the specified timeframes would need to wait until the next semester to apply.</p> <p>Although the application for <i>Import Approval</i> can be submitted any time and <i>RIPH</i> is not required for the importation of <i>fresh chilli and fresh red onion/shallot</i>, the Regulation of the Minister of Trade No. 47/2013 established a 'Reference Price' system to restrict the importation of these two products into Indonesia. Under such a system, <i>the importation of fresh chilli and fresh red onion/shallot is not</i></p> |  |                   |

*permitted if the domestic prices are under the Reference Price.* The Regulation, however, does not specify how, or which criteria, the 'Reference Price' would be determined, apart from stating that the 'Reference Price' may be evaluated by Indonesia's Horticultural Product Price Monitoring Team.

**REFERENCE TO ATIGA PROVISION**

*Please provide a reference to the ATIGA provision to support your case, where applicable*

**Article 41**

**General Elimination of Quantitative Restrictions**

Each Member State undertakes **not to adopt or maintain any prohibition or quantitative restriction on the importation of any goods of the other Member States** or on the exportation of any goods destined for the territory of the other Member States, except in accordance with its WTO rights and obligations or other provisions in this Agreement. To this end, Article XI of GATT 1994, shall be incorporated into and form part of this Agreement, *mutatis mutandis*.

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**Article 44**

**Import Licensing Procedures**

4. Elements in non-automatic import licensing procedures that are found to be impeding trade shall be identified, with a view to remove such barriers, and to the extent possible work towards automatic import licensing procedures.

**Guidelines for the Implementation of Import Licensing Procedures in ASEAN**

E. PERMITTED IMPORT LICENSING

1. In general, Member States should not adopt or maintain non-tariff restrictions or prohibitions through import licensing or quotas on the importation of goods from other Member States, except in accordance with that Member State's WTO rights and obligations or the ATIGA.

K. PREDICTABLE PERIOD OF SUBMISSION, PROCESSING, VALIDITY

1. Member States should allow a reasonable period for the submission of the application, or at least sixty (60) days if there is a closing date, with extension if an insufficient number of applications were received within this period.

**LIST OF SUPPORTING DOCUMENTS PROVIDED** (*where applicable*)

- **Regulation of the Minister of Agriculture, No. 86/2013** (effective 2 Sep 2013)
  - **Articles 13(2)** - RIPH service ... for the period from January to June, the submission of application is open for 15 working days from the start of November of the previous year, and for the period from July to December, the submission of application is open for 15 working days from the start of May of the current year.
  
- **Regulation of the Minister of Trade, No. 47/2013** (effective 2 Sep 2013)
  - **Article 13A**
    - 1) The time of submitting an application for Import Approval of Horticultural Products ... shall be set as follows:
      - a. for the first semester, period of January to June, it can only be submitted in December;
      - b. for the second semester, period of July to December, it can only be submitted in June.
  
  - **Article 14B**
    - 1) Importation of chilli (HS 0709.60.10) and fresh red onion (HS 0703.10.29) shall be performed by considering the Reference Price ...
    - 2) In the event that the prices of chilli (HS 0709.60.10) and fresh red onion (HS 0703.10.29) in the market are under the Reference Price, then the importation of chilli (HS 0709.60.10) and fresh red onion (HS 0703.10.29) shall be delayed until the prices come back to the Reference Price.
    - 3) The Reference Price of chilli (HS 0709.60.10) and fresh red onion (HS 0703.10.29) ... may be evaluated by the Horticultural Product Price Monitoring Team.
  
- **Regulation of the Minister of Trade, No. 16/2013**