



THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA
THE REGULATION OF THE MINISTER OF TRADE OF
THE REPUBLIC OF INDONESIA
NUMBER: 47/M-DAG/PER/8/2013
REGARDING
AMENDMENT TO THE REGULATION OF MINISTER OF TRADE
NUMBER 16/M-DAG/PER/4/2013
REGARDING PROVISIONS ON IMPORT OF HORTICULTURAL PRODUCTS

IN THE MERCY OF THE GREAT UNITY, GOD
THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

Considering :

- a. that to enhance customer protection, to preserve biological natural resources, to provide certainty in business, transparency, to simplify the process of licensing, to make orderly administration of import, and as well to follow up the policy package of economic rescue drawn up and approved at the Limited Meeting of Ministerial Level on 23rd August 2013, it is required to amend some provisions in the Regulation of Minister of Trade Number 16/M-DAG/PER/4/2013 regarding Provisions on Import of Horticultural Products;
- b. that based on the consideration as meant in letter a, it is required to establish the Regulation of Minister of Trade regarding Amendment to the Regulation of Minister of Trade Number 16/M-DAG/PER/4/2013 regarding Provisions on Import of Horticultural Products ;

In view of :

1. The Laws of Corporate Distribution 1934 (Bedrijfsreglementerings Ordonnantie 1934, The State Gazette of 1938 Number 86);
2. The Laws Number 3 of 1982 on Compulsory Corporate Registration (The State Gazette of The Republic of Indonesia Number 7 of 1982, The Additional State Gazette of The Republic of Indonesia Number 3214);
3. The Laws Number 16 of 1992 on Quarantines of Animals, Fishes and Plants (The State Gazette of The Republic of Indonesia Number 56 of 1992, The Additional State Gazette of The Republic of Indonesia Number 3482);
4. The Laws Number 7 of 1994 on Approval for *Agreement of Establishing The World Trade Organization* (The State Gazette of The Republic of Indonesia Number 57 of 1994, The Additional State Gazette of The Republic of Indonesia Number 3564);
5. The Laws Number 10 of 1995 on Customs Office (The State Gazette of The Republic of Indonesia Number 75 of 1995, The Additional State Gazette of The Republic of Indonesia Number 3612) as has been amended by The Laws Number 17 of 2006 (State Gazette of The Republic of Indonesia Number 93 of 2006, The Additional State Gazette of The Republic of Indonesia Number 4661);
6. The Laws Number 5 of 1999 on Prohibition of Monopolistic Practice and Unfair Business Competition (The State Gazette of The Republic of Indonesia Number 33 of 1999, The Additional State Gazette of The Republic of Indonesia Number 3806);
7. The Laws Number 8 of 1999 on Customer Protection (The State Gazette of The Republic of Indonesia Number 42 of 1999, The Additional State Gazette of The Republic of Indonesia Number 3821);
8. The Laws Number 39 of 2008 on State Ministry (The State Gazette of The Republic of Indonesia Number 166 of 2008, The Additional State Gazette of The Republic of Indonesia Number 4916);
9. The Laws Number 13 of 2010 on Horticulture (The State Gazette of The Republic of Indonesia Number 132 of 2010, The Additional State Gazette of The Republic of Indonesia Number 5170);
10. The Laws Number 18 of 2012 on Food (The State Gazette of The Republic of Indonesia Number 227 of 2012, The Additional State Gazette of The Republic of Indonesia Number 5360);
11. The Government Regulation Number 22 of 1983 on Public Health of Veteriner (The State Gazette of The Republic of Indonesia Number 28 of 1983, The Additional State Gazette of The Republic of Indonesia Number 3253);
12. The Government Regulation Number 69 of 1999 on Food Advertisement and Label (The State Gazette of The Republic of Indonesia Number 131 of 1999, The Additional State Gazette of The Republic of Indonesia Number 3867);
13. The Government Regulation Number 14 of 2002 on Plant Quarantine (The State Gazette of The Republic of Indonesia Number 35 of 2002, The Additional State Gazette of The Republic of Indonesia Number 4196);
14. The Government Regulation Number 68 of 2002 on Food Endurance (The State Gazette of The Republic of Indonesia Number 142 of 2002, The Additional State Gazette of The Republic of Indonesia Number 4254);
15. The Government Regulation Number 28 of 2004 on Food Security, Quality and Nutrient (The State Gazette of The Republic of Indonesia Number 107 of 2004, The Additional State Gazette of The Republic of Indonesia Number 4424);
16. The Government Regulation Number 21 of 2005 on Biological Security for Genetic Engineering Products (The State Gazette of The Republic of Indonesia Number 44 of 2005, The Additional State Gazette of The Republic of Indonesia Number 4498);
17. The Government Regulation Number 38 of 2007 on Division of Governmental Affairs between The Central Government, Provincial Government and Municipal/ District Government (The State Gazette of The Republic of Indonesia Number 82 of 2007, The Additional State Gazette of The Republic of Indonesia Number 4737);
18. The Presidential Decree Number 260 of 1967 on Affirmation of The Duties and Responsibility of The Minister of Trade in the Field of Foreign Trade;
19. The Presidential Decree Number 84/P of 2009 on Formation of Indonesian United Cabinet II as has been amended by the Presidential Decree Number 59/P of 2011;
20. The Presidential Regulation Number 47 of 2009 on Formation and Organization of State Ministry as has been several times amended lastly by The Presidential Regulation Number 91 of 2011;
21. The Presidential Regulation Number 24 of 2010 on Position, Role and Function of State Ministry and Organizational Structure, Role and Function of Echelon I of The State Ministry as has been several times amended lastly by The Presidential Regulation Number 92 of 2011;
22. The Regulation of Minister of Trade Number 28/M-DAG/PER/6/2009 on Provisions of Export and Import Licensing Services With Electronic System Through INATRADE In The Frame of Indonesia National Single Window;
23. The Decree of Minister of Agriculture Number 12 / Permentan /OT. 140 / 2 / 2009 regarding Requirements and Procedures of Plant Quarantine Measures For Importation of Wooden Packaging into The Territory of the Republic of Indonesia;
24. The Regulation of Minister of Trade Number 54/M-DAG/PER/9/2009 regarding General Conditions of Import;

25. The Regulation of Minister of Industry Number 24/M-IND/PER/2/2010 regarding Inclusion of Food Counterpart Logo and Recycling Code on Food Package/Container Made of Plastic.
26. The Regulation of Minister of Trade Number 31/M-DAG/PER/7/2010 regarding Organization and Work System of The Ministry of Trade;
27. The Regulation of The Head of Medicine and Food Controlling Agency Number HK.03.1.23.907.11.6664 of 2011 regarding Food Packaging Control;
28. The Regulation of Minister of Trade Number 31/M-DAG/PER/10/2011 regarding Commodities in Wrapped/Packaged Conditions;
29. The Regulation of Minister of Agriculture Number 88/Permentan/PP.340/ 12/2011 regarding Food Security Control To The Exportation and Importation of The Fresh Food of Plant Origin;
30. The Regulation of Minister of Trade Number 18/M-DAG/PER/3/2012 on Delegation of Authorities to Issue License to The Coordinator and Executor of Commercial/Trading Service Unit;
31. The Regulation of Minister of Trade Number 27 / M-DAG / PER /5/2012 Regarding Provisions on Importer Identification Number (API);
32. The Regulation of Minister of Agriculture Number 42 / Permentan / OT.140 / 6 / 2012 regarding Plant Quarantine Measures For Importation of Fresh Fruit and Fresh Fruit Vegetable into The Territory of The Republic of Indonesia;
33. The Regulation of Minister of Agriculture Number 43 / Permentan / OT.140 / 6/2012 Regarding Plant Quarantine Measures for Importation of Fresh Bulbs into the Territory of The Republic of Indonesia;
34. The Regulation of Minister of Trade Number 16/M-DAG/PER/4/2013 Regarding Provisions on Import of Horticultural Products;

HAS DECIDED :

To Stipulate:

THE REGULATION OF MINISTER OF TRADE REGARDING AMENDMENT TO THE REGULATION OF MINISTER OF TRADE NUMBER 16/M-DAG/PER/4/2013 REGARDING PROVISIONS ON IMPORT OF HORTICULTURAL PRODUCTS

Article I

Several provisions in the Regulation of Minister of Trade Number 16/M-DAG/PER/4/2013 regarding Provisions on Import of Horticultural Products have been amended as follows:

1. The Provisions of Article 1 have been amended, so hereinafter they shall be written as follows:

Article 1

In this regulation, the meaning of:

1. Horticulture is all things related to fruits, vegetables, vegetable ingredients, and floriculture, therein including fungi, mosses, and aquatic plants that serve as vegetable, vegetable ingredients, and/or aesthetic materials.
2. Horticultural product is all the produces originating from horticultural crops that are still fresh or have been processed/ manufactured.
3. Fresh Horticultural Product is the food of plant origin in the form of products produced in the post-harvest processing for consumption or industrial raw materials and/or products undergoing their processes minimally.
4. Processed Horticultural Product is the food or beverage from the process results in a specific way or method with or without additives.
5. Import is the activity of bringing goods into the Customs Area.
6. The Manufacturing Importer for Horticultural Products, hereinafter referred to as the MI-Horticultural Products is an industrial company that makes use of Horticultural products as raw materials or auxiliary materials in the process of its own production and shall not sell or transfer to any other party.
7. The Registered Importer for Horticultural Products, hereinafter referred to as the RI-Horticultural Products is a company that imports horticultural products for business activities by selling and / or transferring such products to other parties.
8. Distributor is a national trading company that acts for and in its own name, whose scope is to purchase, storage, sell, and market goods/ commodities, particularly to distribute goods/commodities from importers to retailers.
9. Label is any description on Horticultural Products in the form of images, text, combination of both, or any other form containing information on the product and business doer as well as other information in accordance with the provisions of the applicable laws and regulations, which are enclosed to the product, put in, stuck to, or is the part of the package/container.
10. Food Counterpart Logo is a designation / symbolization which indicates that a food package/ container is safe for use.
11. Recycling Code is a designation which indicates that a food package/container may be recycled.
12. Package/Container is the material used to contain and / or wrap Horticultural Products, both contacting directly and indirectly.
13. Import Consent is an import permit for Horticultural Products.
14. Recommendation for Import of Horticultural Products (RIPH) is a letter issued by the authorized official of the related agency /unit and as the requirement for issuance of the import consent.
15. Reference Price is a reference price for retail sale stipulated by the Horticultural Product Price Monitoring Team.
16. Verification or Technical Assessment is the technical inspection on imported products conducted at the ports of loading by the surveyor.
17. Surveyor is a survey company authorized to verify or assess the imported products technically.
18. Commercial/Trading Service Unit (Unit Pelayanan Perdagangan), hereinafter abbreviated as UPP is an unit organizing a licensing service in the trading sector.
19. Minister is the minister organizing/undertaking the governmental affairs in trading.
20. Director General is the Director General of Foreign Trade, Ministry of Trade.
21. Coordinator and Executor of UPP is the official appointed by the Secretary General of The Ministry of Trade to coordinate and execute the licensing services to UPP.

2. Between Article 13 and Article 14, there is 1 (one) article inserted, namely Article 13A, consequently it shall be written as follows:

Article 13A

- 1) The time of submitting an application for Import Approval of Horticultural Products as attached in Annex I of this Ministerial Regulation shall be set as follows :
 - a. for the first semester, period of January to June, it can be only submitted on December; and
 - b. for the second semester, period of July to December, it can be only submitted on June.

- 2) Application for Import Approval of Horticultural Products, specially chili (fruit of *genus capsicum*) with Tariff Post/HS of 0709.60.10.00 and fresh red onion for consumption with Tariff Post/HS of 0703.10.29.00 as attached in Annex I of this Ministerial regulation, may be submitted at any time.
 - 3) The Import Approval as mentioned in paragraph (1) shall be issued every beginning of semester.
3. The Provision of Article 14 has been amended, so hereinafter it shall be written as follows:

Article 14

The Import Approval as mentioned in Article 13 paragraph (2) letter a shall be effective for 6 (six) months as of the issuance date of the Import Approval, except for Import Approval of Horticultural Products, specially chili (fruit of *genus Capsicum*) with Tariff Post/HS of 0709.60.10.00 and fresh red onion for consumption with Tariff Post/HS of 0703.10.29.00 shall be effective for 3 (three) months as of the issuance date of the Import Approval.

4. Between Article 14 and Article 15 there are 2 (two) articles inserted, namely Article 14A and Article 14B, consequently it shall be written as follows:

Article 14A

The RI-Horticultural Products that has obtained the Import Approval as meant in Article 13 paragraph (2) letter a shall be obliged to realize import of Horticultural Products at least 80% (eighty percent) of the Import Approval in each period as attached in the Import Approval.

Article 14B

- 1) Importation of chili (fruit of *genus Capsicum*) with Tariff Post / HS 0709.60.10.00 and fresh red onion for consumption with Tariff Post / HS 0703.10.29.00 shall be performed by considering the reference Price set by the Horticultural Product Price Monitoring Team established by the Minister, whose members consist of the related institution elements.
- 2) In the event that the prices of chili (fruit of *genus Capsicum*) with Tariff Post/HS 0709.60.10.00 and fresh red onion for consumption with Tariff Post / HS 0703.10.29.00 in the market are under the Reference Price, then importation of chili (fruit of *genus Capsicum*) with Tariff Post / HS 0709.60.10.00 and fresh red onion for consumption with Tariff Post / HS 0703.10.29.00 shall be delayed till the prices come back to the Reference Price.
- 3) The Reference Price (fruit of *genus Capsicum*) with Tariff Post / HS 0709.60.10.00 and fresh red onion for consumption with Tariff Post / HS 0703.10.29.00 as mentioned in Par (1) may be evaluated by the Horticultural Product Price Monitoring Team.
5. Between Article 25 and Article 26 there is 1 (one) article inserted, namely Article 25A, consequently it shall be written as follows:
Recognition as the MI-Horticultural Products and designation as the RI-Horticultural Products shall be suspended if the Company :
 - a. Could not carry out its obligation of realizing the Import Approval as meant in Article 14A, for RI-Horticultural Product; and/or
 - b. Did not carry out its obligation of submitting report as meant in Article 24.

6. The provision of Articles 26 has been amended, so hereinafter it shall be written as follows:

Article 26

Recognition as the MI-Horticultural Products and designation as the RI-Horticultural Products shall be revoked if the Company :

- a. Did not carry out its obligation of submitting report, as meant in Article 24, as many as three times;
- b. Was proven to have changed information attached in the Import Document of Horticultural Products;
- c. Was proven to have submitted untrue data and/or information as the requirement to get recognition as the MI-Horticultural Products, designation as RI-Horticultural Products, and as well Import Approval.
- d. Was proven to have violated the provisions of packaging as mentioned in Article 18 and/or the provisions of labeling as mentioned in Article 19;
- e. Was proven to have traded and/or handed over the imported horticultural products as mentioned in Article 7, for the MI-Horticultural Product;
- f. Was proven to have traded and/or handed over the imported horticultural products to the distributors other than mentioned in Article 15, for the RI-Horticultural Products; and/or
- g. Was declared guilty under a court order having a permanent legal force for the criminal act related to misusing an import document of Horticultural Products

7. Between Article 27 and Article 28, there is 1 (one) article inserted, namely Article 27A, consequently it shall be written as follows:

Article 27A

The company whose recognition as the MI-Horticultural Products or designation as the RI-Horticultural Products has been revoked may resubmit its recognition as the MI-Horticultural Products or its designation as the RI-Horticultural Products no longer than 2 (two) years as of the revocation date of the recognition as the MI-Horticultural Products or the designation as the RI-Horticultural Products

8. Annex II to the Regulation of Minister of Trade Number 16/M-DAG/PER/4/2013 regarding Provisions on Import of Horticultural Products has been amended so that it shall be as listed in the Annex which is an integral part of this regulation.

Article II

This Ministerial Regulation shall come into force on 2nd September 2013.

In order that everyone knows it, this Ministerial Regulation is promulgated by placing it in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta
On 30th August 2013
THE MINISTER OF TRADE – R.I.,

[signed]

GITA IRAWAN WIRJAWAN

The Copy is in accordance with its original
Secretariat General of
Ministry of Trade,
Head of Legal Bureau

(signed & stamped)
LASMINGSIH

ANNEX II
THE REGULATION OF MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA
NUMBER 47/M-DAG/PER/8/2013
REGARDING
AMENDMENT TO THE REGULATION OF MINISTER OF TRADE NUMBER 16/M-DAG/PER/4/2013
REGARDING PROVISIONS ON IMPORT OF HORTICULTURAL PRODUCTS

REPORT ON IMPORTATION OF HORTICULTURAL PRODUCTS
 PER(DATE)

Name of the Registered Importer :
 Registered Importer Number :
 Import Approval Number :

No	Realized Import						Distribution					The Last Stock of the Importer's Warehouse
	Commodity	Tariff Post/HS	Total Import	Schedule of Arrival	Port of Entry	Country of Origin	Name of Distributor	Address of Distributor	Volume of Sale	Selling Price of Distributor	Marketing Area	
1	2	3	4	5	6	7	8	9	10	11	12	13

.....
 The Person in charge of the Company
(signed and stamp)

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA
(signed)
 GITA IRAWAN WIRJAWAN