



THE MINISTER OF TRADE REPUBLIC OF INDONESIA
REGULATION OF THE MINISTER OF TRADE REPUBLIC OF INDONESIA
NUMBER 47/M-DAG/PER/8/2013
CONCERNING
AMENDMENT OF REGULATION OF THE MINISTER OF TRADE
NUMBER 16/M-DAG/PER/4/2013 CONCERNING IMPORT PROVISION OF
HORTICULTURE PRODUCT

BY THE GRACE OF GOD ALMIGHTY

THE MINISTER OF TRADE REPUBLIC OF INDONESIA,

Considering :

- a. that in an effort to improve consumer protection, preserve the natural resources, provide business certainty, transparency, and simplification of licensing process, orderly import administration, as well as following up on the economic rescue policy package created and approved in the Limited Ministerial Meeting on 23 August 2013, necessitate the rearrangement of Regulation of the Minister of Trade Number 16/M-DAG/PER/4/2013 concerning Import Provision of Horticulture Product;
- b. that based on consideration as intended in item a, necessitate the stipulation of Regulation of the Minister of Trade Number 16/M-DAG/PER/4/2013 concerning Import Provision of Horticulture Product;

In view of :

1. *Bedrijfsreglementerings Ordonnantie 1934* (*Staatsblad* Year 1938 Number 86);
2. Law Number 3 Year 1982 concerning Mandatory Company Registration (State Gazette of the Republic of Indonesia Year 1982 Number 7, Addendum Number 3214);
3. Law Number 16 Year 1992 concerning Animal, Fish and Plant Quarantine (State Gazette of the Republic of Indonesia Year 1992 Number 56, Addendum Number 3482);

4. Law Number 7 Year 1994 concerning Ratification of Agreement Establishing The World Trade Organization (State Gazette of the Republic of Indonesia Year 1994 Number 57, Addendum Number 3564);
5. Law Number 10 Year 1995 concerning Customs (State Gazette of the Republic of Indonesia Year 1995 Number 75, Addendum Number 3612) as amended by Law Number 17 Year 2006 (State Gazette of the Republic of Indonesia Year 2006 Number 93, Addendum Number 4661);
6. Law Number 5 Year 1999 concerning Prohibition of Monopoly Practice and Unfair Business Competition (State Gazette of the Republic of Indonesia Year 1999 Number 33, Addendum Number 3806);
7. Law Number 8 Year 1999 concerning Consumer Protection (State Gazette of the Republic of Indonesia Year 1999 Number 42, Addendum Number 3821);
8. Law Number 39 Year 2008 concerning State Ministry (State Gazette of the Republic of Indonesia Year 2008 Number 166, Addendum Number 4916);
9. Law Number 13 Year 2010 concerning Horticulture (State Gazette of the Republic of Indonesia Year 2010 Number 132, Addendum Number 5170);
10. Law Number 18 Year 2012 concerning Food (State Gazette of the Republic of Indonesia Year 2012 Number 227, Addendum Number 5360);
11. Government Regulation Number 22 Year 1983 concerning Veterinary Public Health (State Gazette of the Republic of Indonesia Year 1983 Number 28, Addendum Number 3253);
12. Government Regulation Number 69 Year 1999 concerning Food Label and Advertisement (State Gazette of the Republic of Indonesia Year 1999 Number 131, Addendum Number 3867);
13. Government Regulation Number 14 Year 2002 concerning Plant Quarantine (State Gazette of the Republic of Indonesia Year 2002 Number 35, Addendum Number 4196);
14. Government Regulation Number 68 Year 2002 concerning Food Security (State Gazette of the Republic of Indonesia Year 2002 Number 142, Addendum Number 4254);
15. Government Regulation Number 28 Year 2004 concerning Food Safety, Quality and Nutrition (State Gazette of the Republic of Indonesia Year 2004 Number 107, Addendum Number 4424);

16. Government Regulation Number 21 Year 2005 concerning Biological Safety of Genetically Modified Product (State Gazette of the Republic of Indonesia Year 2005 Number 44, Addendum Number 4498);
17. Government Regulation Number 38 Year 2007 concerning Division of Government Affairs between the Government, Provincial Regional Government and Regency/City Regional Government (State Gazette of the Republic of Indonesia Year 2007 Number 82, Addendum Number 4737);
18. Presidential Decree Number 260 Year 1967 concerning Affirmation of Duty and Responsibility of the Minister of Trade in Foreign Trade;
19. Presidential Decree Number 84/P Year 2009 concerning Establishment of United Indonesia Cabinet II as amended by Presidential Decree Number 59/P Year 2011;
20. Presidential Regulation Number 47 Year 2009 concerning Establishment and Organization of State Ministries as amended several times, lastly by Presidential Regulation Number 91 Year 2011;
21. Presidential Regulation Number 24 Year 2010 concerning the Position, Duty, and Function of State Ministries, as well as Organization Structure, Task, and Function of Echelon I as amended several times, lastly by Presidential Regulation Number 92 Year 2011;
22. Regulation of the Minister of Trade Number 28/M-DAG/PER/6/2009 concerning Provision on Export and Import Permit Arrangement Service by Electronic System through INATRADE in the Framework of Indonesia National Single Window;
23. Regulation of the Minister of Agriculture Number 12/Permentan/OT.140/2/2009 concerning Requirement and Procedure for Plant Quarantine Measure Against the Importation of Wood Packaging into the Territory of the Republic of Indonesia;
24. Regulation of the Minister of Trade Number 54/M-DAG/PER/9/2009 concerning General Provision on Import;
25. Regulation of the Minister of Industry Number 24/M-IND/PER/2/2010 concerning Inclusion of Food Grade Logo and Recycling Code on Plastic Food Packaging;
26. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2010 concerning Organization and Work Procedure of the Ministry of Trade as

- amended by Regulation of the Minister of Trade Number 57/M-DAG/PER/8/2012;
27. Regulation of the Head of the Agency of Drug and Food Control Number HK.03.1.23.07.11.6664 Year 2011 concerning Food Packaging Control;;
 28. Regulation of the Minister of Trade Number 31/M-DAG/PER/10/2011 concerning Encased Goods;
 29. Regulation of the Minister of Agriculture Number 88/Permentan/PP.340/12/2011 concerning Food Safety Control of the Import and Export of Fresh Food of Plant Origin;
 30. Regulation of the Minister of Trade Number 18/M-DAG/PER/3/2012 concerning Delegation of Licensing Issuance Authority to the Coordinator and Implementer of UPP;
 31. Regulation of the Minister of Trade Number 27/M-DAG/PER/5/2012 concerning Provision of Importer Identification Number (API) as amended several times, lastly by Regulation of the Minister of Trade Number 84/M-DAG/PER/12/2012;
 32. Regulation of the Minister of Agriculture Number 42/Permentan/OT.140/6/2012 concerning Plant Quarantine Measure for the Importation of Fresh Fruit and Vegetable into the Territory of the Republic of Indonesia;
 33. Regulation of the Minister of Agriculture Number 43/Permentan/OT.140/6/2012 concerning Plant Quarantine Measure for the Importation of Fresh Bulbs into the Territory of the Republic of Indonesia;
 34. Regulation of the Minister of Trade Number 16/M-DAG/PER/4/2013 concerning Import Provision of Horticulture Product;

DECIDES:

To stipulate : **REGULATION OF THE MINISTER OF TRADE CONCERNING AMENDMENT OF REGULATION OF THE MINISTER OF TRADE NUMBER 16/M-DAG/PER/4/2013 CONCERNING IMPORT PROVISION OF HORTICULTURE PRODUCT.**

Article I

Several provisions in the Regulation of the Minister of Trade Number 16/M-DAG/PER/4/2013 concerning Import Provision of Horticulture Product are amended as follows;

1. Provision of Article 1 is amended as follows:

Article 1

In this Ministerial Regulation what is referred to as:

1. Horticulture is all matters relating to fruits, vegetables, plant medicinal materials, and floriculture including fungi, mosses, plant medicinal materials and/or aesthetic materials.
2. Horticulture Product is all products originating from fresh or processed horticulture plant.
3. Fresh Horticulture Product is food of plant origin in the form of product generated in the post-harvest process for consumption or industrial raw material, and or product which undergo minimal processing.
4. Processed Horticulture Product is food or beverage resulting from a certain process or method with or without additive.
5. Import is the activity of entering goods into the Customs Area of the Republic of Indonesia.
6. Importer Producer of Horticulture Products, hereinafter referred to as IP-Horticulture Product is an industrial company which utilizes Horticulture Product as raw material or supporting material in the production process and not trading or transferring it to other party.
7. Registered Importer of Horticulture Product, hereinafter referred to as RI-Horticulture Product is a company which imports Horticulture Product for business activity by trading and/or transferring it to other party.
8. Distributor is a national trading company acting for and on its own behalf, whose scope includes purchasing, storing, selling, as well as marketing of goods, specifically distributing goods from importer to retailer.
9. Label is each information regarding Horticulture Product in the form of picture, writing, combination of both, or other form which include information regarding the product and business as well as other information according to the applicable provision of the regulating

legislation, which is included on the product, inserted into, attached to, or part of the packaging.

10. Food Grade Logo is a sign indicating that the food packaging is safe to use with food.
11. Recycling Code is a sign indicating that the food packaging can be recycled.
12. Packaging is material used to contain and or encase Horticulture Product, whether in direct contact or not.
13. Import Approval is the import permit of Horticulture Product.
14. Import Recommendation of Horticulture Product hereinafter referred to as RIPH is a written description given by the Minister of Agriculture or appointed official to the company which will import horticulture product into the territory of the Republic of Indonesia.
15. Reference price is the reference selling price at the retail level stipulated by the Price of Horticulture Product Monitoring Team.
16. Technical verification or investigation is a technical examination of imported product which is conducted by the surveyor.
17. Surveyor is a survey company which is authorized to conduct technical verification or investigation of imported product.
18. Trade Service Unit, hereinafter referred to as UPP is a unit that organized licensing service in the trading sector.
19. Minister in the minister who held government affairs in trading.
20. Director General is the Director General of Foreign Trade of the Ministry of Trade.
21. Coordinator and Implementer of UPP is Official appointed by the Secretary General of the Ministry of Trade to coordinate and implement the organization of licensing service for the UPP.
2. Between Article 13 and Article 14 is inserted 1 (one) article, namely Article 13A which reads as follows:

Article 13A

- (1) The time of submission of the application for the Import Approval of Horticulture Product as intended in Appendix I of this Ministerial Regulation, is specified as follows:
 - a. for the first Semester, the period starting from January to June, can only be submitted in the month of December; and

- b. for the second Semester, the period starting from July to December, can only be submitted in the month of June.
 - (2) The Import Approval of Horticulture Product Application, specifically chili (the fruit of *genus Capsicum*) with Tariff Post/HS 0709.60.10.00 and fresh shallot with Tariff Post/HS 0703.10.29.00 as listed in Appendix I of this Ministerial Regulation can be submitted at any time.
 - (3) Import Approval as intended in paragraph (1) is issued at the beginning of the semester.
3. Provision of Article 14 is amended as follows:

Article 14

Import Approval as intended in Article 13 paragraph (2) item a is valid for 6(six) months commencing from the date of issuance of the Import Approval, except for the Import Approval of Horticulture Product specific to chili (fruit of *genus Capsicum*) with Tariff Post/HS 0709.60.10.00 and fresh shallot for consumption with Tariff Post/HS 0703.10.29.00 is valid for 3 (three) months commencing from the date of issuance of the Import Approval.

4. Between Article 14 and Article 15 is inserted 2 (two) articles, namely Article 14A and Article 14B which reads as follows:

Article 14A

RI-Horticulture Product that has obtained Import Approval as intended in Article 13 paragraph (2) item a is required to make a realization of Horticulture Product import of at least 80% (eighty percent) of the Import Approval in every period as listed in the Import Approval.

Article 14B

- (1) Importation of chili (fruit of *genus Capsicum*) with Tariff Post/HS 0709.60.10.00 and fresh shallot for consumption with Tariff Post/HS 0703.10.29.00 is conducted with due observance of the Reference Price stipulated by the Team of Horticulture Product Price Monitoring which is established by the Minister whose member consists of representatives from related agencies.
- (2) In the case of the price of chili (fruit of *genus Capsicum*) with Tariff Post/HS 0709.60.10.00 and fresh shallot for consumption with Tariff Post/HS 0703.10.29.00 in the market is below the Reference Price then the importation of chili (fruit of *genus Capsicum*) with Tariff Post/HS

0709.60.10.00 and fresh shallot for consumption with Tariff Post/HS 0703.10.29.00 is postponed until the price reaches the Reference Price again.

(3) The Reference Price of chili (fruit of *genus Capsicum*) with Tariff Post/HS 0709.60.10.00 and fresh shallot for consumption with Tariff Post/HS 0703.10.29.00 as intended in article (1) can be evaluated at any time by the Team of Horticulture Product Price Monitoring.

5. Between Article 25 and Article 26 is inserted 1 (one) article, namely Article 25A which reads as follows:

Article 25A

Recognition as IP-Horticulture Product and determination as RI-Horticulture Product is frozen if the company:

- a. cannot perform the obligation of realization the Import Approval as intended in Article 14A for RI-Horticulture Product; and/or
- b. do not perform the obligation of submitting a report as intended in Article 24.

6. Provision of Article 26 is amended as follows:

Article 26

Recognition as IP-Horticulture Product and determination as RI-Horticulture Product is revoked if the company:

- a. do not perform the obligation of submitting a report as intended in Article 24 as many as 3 (three) times;
- b. is proven to change the information listed in the Horticulture Product import document;
- c. is proven to submit false data and/or information as a requirement to obtain recognition as IP-Horticulture Product, determination of RI-Horticulture Product, and Import Approval;
- d. is proven to violate the packaging provision as intended in Article 18 and/or labeling provision as intended in Article 19;
- e. is proven trading and/or transferring imported Horticulture Product as intended in Article 7, for IP-Horticulture Product;
- f. is proven trading and/or transferring imported Horticulture Product to other than Distributor as intended in Article 15, for RI-Horticulture Product; and/or

- g. is found guilty by the court which has permanent legal force on the criminal offense by abusing the Horticulture Product import document.
7. Between Article 27 and Article 28 is inserted 1 (one) article, namely Article 27A which reads as follows:

Article 27A

The company which has its recognition as IP-Horticulture Product or determination as RI-Horticulture Product revoked can resubmit for recognition as IP-Horticulture Product or determination as RI-Horticulture Product at the earliest in 2 (two) years commencing from the date of revocation of the recognition as IP-Horticulture Product or determination of RI-Horticulture Product.

8. Appendix II Regulation of the Minister of Trade Number 16/M-DAG/PER/4/2013 concerning Import Provision of Horticulture Product is amended as stated in the Appendix which is an integral part of this Ministerial Regulation.

Article II

This Ministerial Regulation shall come into effect on 2 September 2013.

For public cognizance, ordering the promulgation of this Ministerial Regulation by including it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta
on 30 August 2013

THE MINISTER OF TRADE REPUBLIC OF INDONESIA,

GITA IRAWAN WIRJAWAN

APPENDIX II
REGULATION OF THE MINISTER OF TRADE
NUMBER 47/M-DAG/PER/8/2013
CONCERNING
AMENDMENT OF REGULATION OF THE MINISTER OF TRADE NUMBER 16/M-DAG/PER/4/2013
CONCERNING IMPORT PROVISION OF HORTICULTURE PRODUCT

IMPLEMENTATION REPORT OF HORTICULTURE PRODUCT IMPORT
ON THE DATE OF.....

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

No	Import Realization						Distribution					Final Stock Importer Warehouse
	Commodity	Tariff Post HS	Import Amount	Scheduled Arrival	Port of Entry	Country of Origin	Distributor Name	Distributor Address	Sale Volume	Distributor Sale Price	Marketing Area	
1	2	3	4	5	6	7	8	9	10	11	12	13

.....
Person in Charge of the Company

Signature and Stamp

THE MINISTER OF TRADE REPUBLIC OF INDONESIA

GITA IRAWAN WIRJAWAN