

**CONDITIONS AND PROCEDURES FOR
PERFORMANCE OF CERTAIN PLANT QUARANTINE ACTIONS BY THIRD PARTY**
(Regulation of the Minister of Agriculture No. 271/Kpts/HK.310/4/2006 dated April 12, 2006)

WITH THE GRACE OF THE ALMIGHTY GOD

THE MINISTER OF AGRICULTURE,

Considering:

- a. that, in the framework of accelerating of performance of plant quarantine actions, Third Party may be decided to perform certain plant quarantine actions;
- b. that, considering the matters as meant in paragraph a and for enforcement of the provisions of Article 72 of Government Regulation No. 14/2002 on Plant Quarantine, it is deemed necessary to stipulate regulations on conditions and procedures for performance of certain plant quarantine actions by Third Party;

In view of:

1. Law No. 16/1992 on Animal, Fish, and Plant Quarantines (Statute Book of 1992 No. 56, Supplement to Statute Book No. 3482);
2. Government Regulation No. 14/2002 on Plant Quarantine (Statute Book of 2002 No. 35, Supplement to Statute Book No. 4196);

3. Presidential Decree No. 187/M/2004 on Establishment of United Indonesia Cabinet;
4. Presidential Regulation No. 9/2005 juncto Presidential Regulation No. 62/2005 on Positions, Duties, Functions, Organization Structures, and Work Procedures of State Ministries of the Republic of Indonesia;
5. Presidential Regulation No. 10/2005 on Organization Units and Duties of Echelons I of State Ministries of the Republic of Indonesia;
6. Decree of the Minister of Agriculture No. 38/Kpts/HK.310/1/1990 on Conditions and Actions of Plant Quarantine on Import of Plants to Indonesian Territory;
7. Decree of the Minister of Agriculture No. 469/Kpts/HK.310/8/2001 on Places of Import and Export of Carriers of Pests Attacking Quarantine Plants;
8. Decree of the Minister of Agriculture No. 500/Kpts/OT.210/8/2002 on Organization and Work Procedure of Institute for Standard Examination of Plant Quarantine;
9. Decree of the Minister of Agriculture No. 618/Kpts/OT.140/9/2004 on Organization and Work Procedure of Central Institute of Plant Quarantine;
10. Decree of the Minister of Agriculture No. 547/Kpts/OT.140/9/2004 on Organization and Work Procedure of Plant Quarantine Institute and Station;
11. Regulation of the Minister of Agriculture No. 299/Kpts/OT.140/7/2005 on Organization and Work Procedure of the Ministry of Agriculture;
12. Regulation of the Minister of Agriculture No. 341/Kpts/OT.140/9/2005 on Organization Units and Work Procedure of the Ministry of Agriculture;
13. Decree of the Minister of Agriculture No. 38/Kpts/

HK.060/1/2006 on Types of Pests Attacking Quarantine Plants of Class I Categories A1 and A2, Class II Categories A1 and A2, Host Crops, Carriers, and Dissemination Areas

14. Regulation of the Minister of Agriculture No. 05/Permentan/HK.060/3/2006 on Conditions and Procedures for Stipulation of Plant Quarantine Installations Owned by Individuals or Corporations;

DECIDES :

To stipulate:

REGULATION OF THE MINISTER OF AGRICULTURE ON CONDITIONS AND PROCEDURES FOR PERFORMANCE OF CERTAIN PLANT QUARANTINE ACTIONS BY THIRD PARTY.

CHAPTER I GENERAL PROVISIONS

Article 1

1. Plant Quarantine is an attempt to prevent import and dissemination of pests attacking plants from overseas and from one area to another domestically, or export of pests from Indonesian territory.
2. Certain Plant Quarantine Actions included physical examination, isolation, observation, treatment, and destruction of carriers of pests attacking plants and or quarantine plants and pests attacking important plants, tools, wrappers, transportation vehicles, and other carriers.
3. Physical Examination is examination of carriers of pests attacking plants performed with the purpose of detecting and identifying pests attacking quarantine plants and or important plants on carriers, tools, wrappers, transportation vehicles, and other carriers.
4. Isolation is the act of placing carriers in an isolated place.
5. Observation is an act of detecting potential pests on

carriers in an isolated place, which, due to their characteristics, requires a long time, special means and conditions.

6. Treatment is an act conducted physically, chemically, or mechanically with the purpose of releasing carriers, tools, wrappers, transportation vehicles, and other carriers from pests.
7. Destruction is an act of destroying carriers of pests, tools, wrappers, and other media by means of burying, burning, destroying, and by other means so that the carriers are no longer impossible to disseminate pests.
8. Carrier of Pests, which is hereinafter called "Carrier", is plant and its parts and or other materials potential in carrying pests.
9. Plant is all kinds of biological resources in live or dead condition, unprocessed or processed.
10. Other Carriers are wastes, amongst others, food waste containing plants and plant products.
11. Other Material included, amongst others, pathogenic materials, biological materials, materials for making of food for livestock, means of biological control, organism offspring, soil, compost, or other media for growth of plants, and vectors.
12. Transportation Vehicle is all transportation vehicle operated on land, in water or in air used to transport carriers.
13. Wrapper is plant available together with and or accompanying other materials used as wrappers, fillers, fasteners, coats, covers, and for maintaining humidity.
14. Third Party is a person or corporation having knowledge, expertise, competence, means and facilities, and tools for performing certain plant quarantine actions.
15. Plant Quarantine Officer is a civil servant given a duty to perform plant quarantine actions based on the applicable laws.
16. Local Technical Unit for Operation of Plant Quarantine, which is hereinafter called Local Plant Quarantine UPT, is UPT at places of import and export of carriers and or pests.
17. Assessment is an act performed to find out about the skill of a third party in meeting the stipulated conditions for performing certain plant quarantine actions.
18. Evaluation is an act performed regularly or any time to find out about Third Party's fulfilment of the stipulated conditions.
19. Improvement is an attempt to improve non-compliance with or deviation from the stipulated conditions.
20. Verification is an activity performed to find out about improvements performed by Third Party.

Article 2

- (1) This Regulation is intended as guidelines for performing certain plant quarantine actions by Third Party.
- (2) The purpose of this regulation is so that certain plant quarantine actions are to be performed by Third Party in accordance with the stipulated conditions and procedures.

Article 3

The scope of this Regulation included conditions and procedures of performance of certain plant quarantine actions by Third Party.

CHAPTER II

CONDITIONS FOR THIRD PARTY TO PERFORM CERTAIN PLANT QUARANTINE ACTIONS

Article 4

- (1) Certain plant quarantine actions by Third Party can be performed if:

- a. The local Plant Quarantine Officer has limited knowledge and expertise in identifying pests and in performing certain plant quarantine actions;
- b. The facilities and means for performing certain plant quarantine actions at Local Plant Quarantine UPT are limited; or
- c. The number of local plant quarantine officers is limited.

- (2) Certain plant quarantine actions may be performed by Third Party based on delivery from the Local Plant Quarantine UPT by means of certificate of delivery.
- (3) Certain plant quarantine actions shall be performed by Third Party under the supervision of Plant Quarantine Officer.
- (4) Plant quarantine actions shall be performed by Third Party at the places for performing quarantine actions.
- (5) Further provisions regarding places for performing certain plant quarantine actions, as meant in paragraph (4), will be stipulated by Head of Agriculture Quarantine Agency.

Article 5

- (1) Individual Person Third Party may perform certain plant quarantine actions in the form of physical examination.
- (2) Corporation Third Party may perform certain plant quarantine actions in the form of physical examination, isolation, observation, treatment, and destruction.
- (3) The Third Party, as meant in paragraphs (1) and (2), may perform certain plant quarantine actions after securing approval of Head of Agriculture Quarantine Agency.

Article 6

- (1) The approval, as meant in Article 5 paragraph (3), may be given to Individual Person Third Party if meeting the conditions, amongst others, as follows:

- a. Indonesian citizen;
- b. Having knowledge, expertise, and skill on plant quarantine actions; and
- c. Being equipped with means and facilities and tools for performing certain plant quarantine actions.

- (2) The approval, as meant in Article 5 paragraph (3), may be given to Corporation Third Party if meeting the conditions, amongst others, as follows:
 - a. Indonesian Corporation;
 - b. Completed with licenses in accordance with the businesses undertaken, issued by competent institutions;
 - c. Having places, means and facilities, and tools for performing certain plant quarantine actions; and
 - d. Having expert staffs with knowledge and expertise on performance of certain plant quarantine actions.

- (3) Further provisions regarding conditions in the form of knowledge, expertise, skill, means and facilities, and tools, as meant in paragraphs (1) and (2), will be stipulated by Head of Agriculture Quarantine Agency.

CHAPTER III

PROCEDURES OF PERFORMANCE OF CERTAIN PLANT QUARANTINE ACTIONS BY THIRD PARTY

Article 7

- (1) The Third Party may file an application, in writing, to Head of Agriculture Quarantine Agency via the Local Plant Quarantine UPT completed with the conditions, as meant in Article 6.
- (2) Head of the Local Plant Quarantine UPT, as meant in paragraph (1), shall perform assessment into fulfilment of the conditions, as meant in Article 6.
- (3) Assessment into fulfilment of the conditions, as meant in paragraph (2), shall be performed by Plant Quarantine Officer appointed by Head of the Local Plant Quarantine UPT.
- (4) Result of the assessment, as meant in paragraph

(3), by Plant Quarantine Officer shall be submitted to Head of the Local Plant Quarantine UPT to be recommended to Head of Agriculture Quarantine Agency.

(5)Based on the recommendation of Head of the Local Plant Quarantine UPT, as meant in paragraph (4), Head of Agriculture Quarantine Agency may approve or reject the application for performing certain plant quarantine actions by Third Party.

(6)Approved application, as meant in paragraph (5), will be stipulated in Decision of Head of Agriculture Quarantine Agency.

Article 8

(1)The stipulation of time of performance of certain plant quarantine actions by Third Party, as meant in Article 7 paragraph (6), is as follows:

- a. Physical examination, within not later than one (1) year;
- b. Isolation and observation, within not later than five (5) years;
- c. Treatment, within not later than two (2) years;
- d. Destruction, within not later than one (1) year.

(2)The stipulation of time, as meant in paragraph (1), may be extended if necessary, and if after an evaluation is conducted, there are remaining conditions, as meant in Article 6, to be fulfilled.

Article 9

Third Party that has been given the stipulations, as meant in Article 7 paragraph (6) and Article 8, must submit monthly report, in writing, to Head of Agriculture Quarantine Agency through Head of Local Plant Quarantine UPT.

Article 10

(1)Third Party which is already given the stipulations, as meant in Article 7 paragraph (6) and Article 8, shall be evaluated at least once in every six (6) months.

(2)The evaluation, as meant in paragraph (1), shall be performed by Plant Quarantine Officer and or Another Party appointed by Head of Agriculture Quarantine Agency at the proposal of Head of Local Plant Quarantine UPT.

Article 11

- a. If the result of the evaluation, as meant in Article 10, shows that Third Party did not act in compliance with the provisions of Articles 5 and 6, it will be given a reminder to make improvement.
- b. The reminder, as meant in paragraph (1), must be implemented within not later than thirty (30) days since date of receipt of the reminder.
- c. If, within the thirty (30)-day period, as meant in paragraph (2), the Third Party did not make improvement in accordance with the provisions of Articles 5 and 6, the stipulation on performance of certain plant quarantine actions will be proposed to Head of Agriculture Quarantine Agency to be invalidated.

Article 12

The stipulation on performance of certain plant quarantine actions by Third Party is invalidated if:

- a. The Third Party did not submit monthly report within three (3) months consecutively;
- b. The Third Party did not implement the provisions of Article 11 paragraph (2);
- c. The time, as meant in Article 8 paragraph (1), is not extended; or
- d. It is delivered by the Third Party to Head of Agriculture Quarantine Agency via Head of Local Plant Quarantine UPT.

CHAPTER IV CLOSING PROVISIONS

Article 13

This Regulation is valid since the date it is stipulated.

Stipulated in Jakarta
On April 12, 2006
THE MINISTER OF AGRICULTURE
Sgd
ANTON APRIYANTONO

Cc:

1. The Coordinating Minister of Economy;
2. The Minister of Foreign Affairs;
3. The Minister of Home Affairs;
4. The Minister of Finance;
5. The Minister of Communications;
6. The Minister of Justice and Human Rights;
7. The Minister of Marine and Fisheries;
8. The Minister of Forestry;
9. The Minister of Trade;
10. Chief of the Indonesian Police Forces;
11. The Attorney General;
12. Head of the State Financial Comptroller;
13. Head of the State Financial and Development Supervisory Agency;
14. Head of the State Intelligence Agency;
15. The Director General of Customs and Excise, the Ministry of Finance;
16. The Director General for Forest Protection and Natural Conservation, the Ministry of Forestry;
17. Echelons I within the Ministry of Agriculture;
18. The Governors across Indonesia.

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