

SUMMARY

REGULATION OF MINISTER OF AGRICULTURE NUMBER 04 OF 2015 REGARDING FOOD SAFETY CONTROL ON IMPORTATION AND EXPORTATION OF FRESH FOOD OF PLANT ORIGIN

This revised Regulation is a substitute of Regulation of Minister of Agriculture No. 88/Permentan/PP.340/12/2011 concerning Food Safety Control on Importation and Exportation of Fresh Food of Plant Origin.

This Regulation has been stipulated on 17 February 2015 and will be effectively implemented on 17 February 2016.

The objective of this Regulation is to strengthening the consumer protection from hazardous food and to provide a better approach on food safety control particularly in entry/exit points based on a risk-based inspection method.

The scope of regulation as follows:

1. Definition of FFPO

Fresh Food of Plant Origin, hereinafter abbreviated as **FFPO** means food of plant origin that has not been processed, readily consumed, minimally processed, and/or as a raw material for food processing.

2. Types of FFPO covered in this Regulation:

There are **103 types** of FFPO regulated on this Regulation as follows:

- a. **Fruits:** Grapes, Avocado, Apple, Apricot, Berries, Blackberry, Blueberry, Figs, Boysenberry, Cantaloupe, Cherries, Cranberry, Citrus Fruit, Currant, Dewberry, Durian, Gooseberry, Grapefruit, Oranges, Longan, Raisins, Kiwifruit, Dates, Lychee, Lemon, Lime, Mandarin, Mango, Melon, Cantaloupe, Pineapple, Nectarine, Papaya, Peach, Persimmon, Banana, Pear, Plum, Shaddock/pomelos, Prunes, Raspberries, Squash, Custard Apple, Strawberry (43 types);
- b. **Vegetables:** Artichokes, Asparagus, Onion, Garlic, Shallot, Spinach, Beetroot, Sugar beet, Broccoli, Cauliflower, Peppers Chili, Chicory, Leeks, Flowerhead brassicas, Gherkin, Sweet corn, Mushroom, Potatoes, Kale, Kohlrabi, Cabbage, Brussels sprout, Chinese cabbage, Lima bean, Radish, Turnips, Cucumber, Paprika, Parsley, Okra, Lettuce, Celery, Tomato, Eggplant, Sweet potatoes, Carrot (36 types);
- c. **Grains:** Barley, Rice, Wheat, Maize, Oats, Rye, Sorghum (7 types);
- d. **Nuts:** Almond, Hazelnuts, Macadamia nut, Pistachio Nuts, Peanut, Pecan (6 types);
- e. **Pulses:** Soybean, Mung bean, Broad bean, Cowpea, Peas (5 types);
- f. **Estate Crops:** Cacao beans, Coffee beans, Pepper, Sugar cane, Tea, Olives (6 types).

3. Types of Contaminants covered in this Regulation:

- a. **Chemical contaminants:** Pesticide residues, heavy metals and mycotoxins (Aflatoxin and Ochratoxin A)
- b. **Biological contaminants:** *Salmonella* sp. and *Escherichia coli*.

The complete list of FFPO and the standard for each contaminant covered by this regulation is specified in Annex I.

4. Requirement for Importation of FFPO to Indonesia:

- a. Importation of FFPO shall comply with Indonesia's food safety requirements.
- b. **FFPO must only be imported to Indonesia** from:
 - 1) countries with recognition for its food safety control system; or
 - 2) countries with registered food safety testing laboratory/ies.
- c. Importation of FFPO from countries with recognition for its food safety control system must be accompanied by **prior notice**.
- d. Importation of FFPO from countries with registered food safety testing laboratory/ies must be accompanied by:
 - ✓ **prior notice; and**
 - ✓ **certificate of analysis (CoA).**
- e. Prior Notice must be issued by exporter or its representative in origin country **at the latest** before FFPO is loaded to the means of conveyance.
- f. Prior notice must be submitted electronically through Indonesian Agricultural Quarantine Agency (IAQA)'s official website:
<http://www.karantina.deptan.go.id/> (then go to *Layanan Interaktif* (Interactive Service), find prior notice (PSAT)) or go directly to:
<https://notice.karantina.pertanian.go.id/>.
- g. In case of FFPO is transited and the volume and/or types of FFPO is reduced, a **prior notice for transit** shall be issued by exporter or its representative in the transit country.
- h. Certificate of analysis (CoA) must be issued by testing laboratory/ies that has/have been registered by IAQA.
- i. CoA must include the FFPO's identity; FFPO's owner identity; consignment identity; testing date; testing method; result of analysis; and a statement guarantee the FFPO comply with Indonesia's food safety requirements.

5. Requirement for Exportation from Indonesia to other countries:

- a. Exportation of FFPO shall be accompanied by certificate or document that describes conditions the FFPO safety comply with the requirements of the destination country and issued by the accredited testing laboratories, accredited certification bodies, or FFPO Safety Competent Authority.
- b. The Plant Quarantine Officer in the exit point shall conduct the document inspection for the completeness and the validity of document as required by destination country.
- c. Should the results of the document inspection meet the requirements, FFPO is allowed to be exported to the destination country.

6. Recognition for food safety control system in exporting country:

- a. A country's food safety control system may be recognized if the country has had and implemented the policy/regulation regarding Good Agricultural Practices (GAP), Good Handling Practices (GHP), and/or Good Manufacturing Practices (GMP).
- b. Procedure for recognition of food safety system control system in origin country:
 - 1) National Food Safety Competent Authority (NFSCA) in origin country shall submit a written application to Minister of Agriculture Republic of Indonesia with a copy for Directorate General of Agency for Agricultural Quarantine

- 2) The application shall be accompanied by information regarding FFPO safety control system of origin country (in English) as follows:
 - Regulations or policies regarding food safety (Full Text in English);
 - Description of proposed FFPO;
 - List of production site that implementing Good Agricultural Practices/GAP;
 - List of handling facilities that implementing Good Handling Practices/GHP;
 - List of processing facilities that implementing Good Manufacturing Practices/GMP;
 - Resume of food safety control system that has been established and implemented;
 - Monitoring data for food safety at least for the last 3 (three) years;
 - List of FFPO safety testing laboratory;
 - Authorized bodies/agencies for food safety including food safety competent authority, legislation body that stipulating regulation of food safety, food safety monitoring/survey body and certification body;
 - List of producers/exporters;
 - Inspection and certification system for exportation of FFPO;
 - Inspection and certification system for importation of FFPO;
 - List of exit points.
- 3) An expert team appointed by Minister of Agriculture will conduct the document assessment in order to ensure the compliance of submitted information with Indonesia's requirements.
- 4) Should all the requirements has been complied, a team will conduct the field verification to origin country. The aim of field verification is to ensure the conformity between information provided by the applicant with the food safety control system implemented in the origin country.
- 5) The result of field verification will be assessed and evaluated. When the result of field verification shows:
 - a. a minor non-compliance, NFSCA of origin country shall conduct a corrective action at the latest of 6 (six) months after the notification of non-compliance (NNC) is received.
 - b. a major non-compliance, the application will be refused;
 - c. compliance with all requirements, the application will be accepted.
- 6) The recognition for food safety control system in origin country will be stipulated by Minister of Agriculture for period of 3 (three) years and may be extended.
- 7) The application for the extension of recognition shall be submitted at the latest of 6 (six) months before the end of recognition's period.
- 8) The complete procedure for stipulation and extension of recognition for food safety control system is covered by Annex II as an integral part of this Regulation.

7. Registration of food safety testing laboratory/ies in exporting country:

- a. A country without recognition for its food safety control system may export their FFPO to Indonesia when its food safety laboratory/ies has been registered by IAQA.
- b. The proposed food safety testing laboratory to be registered by IAQA shall meet the following requirements:
 - 1) accredited by competent authority;
 - 2) has the competency to analyze the type of FFPO that will be exported to Indonesia with testing scope at least in accordance with the type of pesticide used in exporting country and other relevant testing parameters (heavy metals, mycotoxins, and/or microbiological contaminants) as required in this regulation.
- c. Procedure for registration of food safety testing laboratory/ies in exporting country:
 - 1) National Food Safety Competent Authority (NFSCA) in exporting country shall submit a written application to Minister of Agriculture Republic of Indonesia with a copy for Directorate General of Agency for Agricultural Quarantine
 - 2) The application shall be accompanied by information as follows:
 - The profile of NFSCA including the name of body/agency; address; contact person; the structure of agency, task/function, and authority of the organization;
 - The profile of competent authority authorized for accreditation the food safety testing laboratory including the name of body/agency; address; contact person; the structure, task/function, and authority of the organization;
 - The profile of testing laboratory including the name of laboratories; address; organization structure; contact person, scope of testing, testing methods, records of testing results for minimum latest 2 years; list of main analysis equipments (including the specification of equipment); layout of office and laboratory; laboratory personals (including training period for laboratory analysts); copy of documents of evaluation result of laboratory performance;
 - List of type of pesticide active ingredients used and licensed in origin country, and had not been used (or prohibited including Persistent Organic Pollutants/POPs).
 - List of regulations regarding pesticide or other agricultural chemical (if available).
 - Signature's specimen and the name of officer authorized to endorsed the Certificate of Analysis;
 - Mechanism to control the food safety testing laboratory by NFSCA.
 - 3) An expert team appointed by Minister of Agriculture will conduct the document assessment in order to ensure the completeness, validity and compliance of submitted information with Indonesia's requirements.
 - 4) Should all the requirements has been complied, **if necessary**, a team will conduct the field verification to origin country. The aim of field verification is to

Application for Registration of Food Safety Testing Laboratory as specified in Format 8.

assess the compliance of testing laboratory's competency with Indonesia's requirements.

- 5) The result of field verification will be assessed and evaluated. When the result of field verification shows:
 - a. non-compliance, the application will be refused;
 - b. compliance with all requirements, the application will be accepted.
- 6) The registration of food safety testing laboratory in exporting country will be stipulated by Director General of IAQA on behalf of Minister of Agriculture for period of 3 (three) years and may be extended.
- 7) The application for the extension of recognition shall be submitted at the latest of 6 (six) months before the end of recognition's period.
- 8) The complete procedure for stipulation and extension of registration of food safety testing laboratory in exporting country is covered in Annex III as an integral part of this Regulation.

8. Procedure of Food Safety Inspection in Entry and Exit Point

A. Procedure of Food Safety Inspection for Importation of FFPO from Country with Recognition for Food Safety Control System

1. Owner or its representative of FFPO shall report and submit **the FFPO** to the Plant Quarantine Officer at the entry point at least at the time upon arrival of FFPO.
2. If the FFPO is not accompanied by prior notice (refer to Point 4, e & f), the consignment will be **refused**.
3. If the FFPO is accompanied by prior notice, the Plant Quarantine officer will conduct the document inspection to determine the validity of prior notice using a barcode system. If the prior notice is not valid, the consignment will be refused.
4. If the prior notice is valid, the Plant Quarantine Officer shall conduct the identity inspection by comparing the information on prior notice to the identity on the packaging and/or the physical of FFPO.
5. When the result of the inspection shows:
 - a. non compliance, FFPO will be **refused**, or
 - b. compliance, FFPO may be followed up by further plant quarantine measures.

B. Procedure of Food Safety Inspection for Importation of FFPO from Country with Registered Food Safety Laboratory Testing

1. Owner or its representative of FFPO shall report and submit **the FFPO** to the Plant Quarantine Officer at the entry point at least at the time upon arrival of FFPO.
2. The importation of FFPO shall be accompanied by **the hardcopy of prior notice and Certificate of Analysis (CoA)**.
3. If the FFPO is not accompanied by prior notice (refer to Point 4, e & f), the consignment will be **refused**.
4. If the FFPO is not accompanied by CoA (issued by the registered laboratory), FFPO will be detained, and the owner or the representative may complete the CoA no longer than 14 (fourteen) working days.

5. The detention is carried out to secure FFPO by sealing and placing the FFPO under the authority and control of the Plant Quarantine Officer.
6. Within the detention period, if the owner or the representative is not able to complete the CoA, the FFPO importation shall be refused.
7. If the FFPO is accompanied by prior notice and CoA, the Plant Quarantine officer will conduct the document inspection to determine the validity of those documents.
8. The validity of Prior Notice is inspected in order to ensure:
 - a. The barcode matches with origin country code;
 - b. Number and date of CoA matches with the enclosed CoA;
9. The validity of CoA is inspected in order to ensure:
 - c. The CoA has been issued by registered food safety testing laboratory;
 - d. The type of pesticide residues and other contaminants that have been tested are in accordance with required testing parameters; and
 - e. The result of analysis is comply with Indonesia's food safety standard as specified in Annex I.
10. If the prior notice or CoA is not valid, the consignment will be refused.
11. If the prior notice and CoA are valid, the Plant Quarantine Officer shall inspect the identity by comparing the information on the document to the identity on the packaging and/or the physical of FFPO.
12. When the result of the inspection shows:
 - a. non compliance, FFPO will be **refused**, or
 - b. compliance, FFPO may be followed up by further plant quarantine measures.

C. Procedure of Food Safety Inspection for Importation of FFPO from Country of Transit.

1. The consignment of FFPO shall be accompanied by:
 - a. prior notice for transit (issued by exporter or its representative in transit country);
 - b. prior notice from origin country;
 - c. certificate of analysis/CoA from origin country (if origin country has not been recognized but has registered laboratory)
2. If the FFPO is not accompanied by prior notice for transit or prior notice from origin country, the FFPO will be refused.
3. If the FFPO is not accompanied by CoA (issued by the registered laboratory), FFPO will be detained, and the owner or the representative may complete the CoA no longer than 14 (fourteen) working days.
4. The detention is carried out to secure FFPO by sealing and placing the FFPO under the authority and control of the Plant Quarantine Officer.
5. Within the detention period, if the owner or the representative is not able to complete the CoA, the FFPO importation shall be refused.
6. If the FFPO is accompanied by prior notice for transit, prior notice from origin country and CoA, the Plant Quarantine officer will conduct the document inspection to determine the validity of those documents.

7. The validity of Prior Notice for Transit is inspected in order to ensure:
 - a. The barcode matches with transit country code;
 - b. The number of prior notice from origin country matches with the enclosed prior notice;
 - c. Number and date of CoA matches with the enclosed CoA;
10. The validity of Prior Notice from origin country is inspected in order to ensure:
 - a. The barcode matches with origin country code;
 - b. Number and date of CoA matches with the enclosed CoA;
11. The validity of CoA from origin country is inspected in order to ensure:
 - a. The CoA has been issued by registered food safety testing laboratory;
 - b. The type of pesticide residues and other contaminants that have been tested are in accordance with required testing parameters; and
 - c. The result of analysis is comply with Indonesia's food safety standard as specified in Annex I.
12. If the prior notice for transit, the prior notice from origin country, or CoA is not valid, the consignment will be refused.
13. If the prior notice and CoA are valid, the Plant Quarantine Officer shall inspect the identity by comparing the information on the document to the identity on the packaging and/or the physical of FFPO.
14. When the result of the inspection shows:
 - c. non compliance, FFPO will be **refused**, or
 - d. compliance, FFPO may be followed up by further plant quarantine measures.

9. Monitoring

- a. A monitoring program will be conducted both for importation of FFPO from country with recognition for its food safety control system and country with registered laboratory.
- b. The purpose of monitoring program is to determine the compliance of the exporting country with Indonesia's food safety requirements.
- c. Monitoring is conducted based on:
 - a) Volume and type of FFPO;
 - b) Origin country;
 - c) The compliance of importer/exporter;
 - d) Testing laboratory;
 - e) Food safety situation in origin country;
 - f) Importation period;
 - g) Frequency of importation; and/or
 - h) Compliance record (based on the monitoring program).

- d. When a consignment of FFPO is under monitoring program, the FFPO will be sampled and analyzed in laboratory for chemical and biological contaminant as specified in Annex I.
- e. During the laboratory testing, the FFPO is under the authority and control of the Plant Quarantine Officer.
- f. Based on the laboratory testing result:
 - a) The chemical contaminants and/or biological contaminants exceed the maximum level, FFPO will be refused and notified to the NFSCA of origin country.
 - b) The chemical contaminants and/or biological contaminants below or equal with the maximum level, FFPO may be followed up by further plant quarantine measures.

10. Suspension, Revoking, or Renewal of Recognition/Registration

A. Suspension, Revoking, or Renewal of Recognition for Food Safety Control System in Origin Country

- A recognition for food safety control system in origin country will be suspended if there are 3 (three) findings for non compliance of laboratory testing result in the monitoring program.
- The suspension will be notified to NFSCA of origin country and shall be followed up by corrective action.
- The country shall conduct the corrective action at the latest 6 (six) month since notification of suspension.
- If in the period of six month, the country has not been able to conduct and complete the corrective action, the recognition will be revoked and importation of FFPO from that country will not be allowed.
- The corrective action result shall be reported to Minister of Agriculture c.q. Director General of IAQA.
- Based on the corrective action report, IAQA will carry out re-verification to origin country to ensure that the corrective action has been conducted in origin country and comply with Indonesia's food safety requirements.
- Based on the re-verification result, if the corrective action:
 - a) Not comply with Indonesia's food safety requirements, **the recognition will be revoked.**
 - b) comply with Indonesia's food safety requirements, **the suspension of recognition will be revoked.**

B. Suspension, Revoking, or Renewal of Registration of Registered Food Safety Testing Laboratory in Exporting Country

A registration of food safety testing laboratory in a exporting country **will be revoked** if there are 3 (three) findings for:

- a. non compliance on required documents;
- b. non compliance on laboratory testing result in the monitoring program.

11. Food Safety Emergency Situation

- a) In case food safety emergency situation arises in origin country, to minimize the potential adverse public health effects, the importation of FFPO from that country is prohibited.
- b) The prohibition will be stipulated with specific Decree of Minister.

12. Cost and Fee

- a) Any cost or fee for assessment, verification and evaluation for recognition and registration laboratory process will be born by the Government of Indonesia.
- b) Laboratory testing cost for monitoring program:
 - 1) Country with recognition for food safety control system: Government of Indonesia
 - 2) Country with registered laboratory: FPPO's owner or importer.
- c) The cost of detention, refusal, and destruction will be born by FPPO's owner/its representative or importer.

13. Transitional Provision

- 1) The recognition for food safety control system in origin country that has been stipulated remains valid until the end of recognition period.
- 2) The application for recognition that has been submitted and on the progress will be processed based on the Regulation of Minister of Agriculture Number 88 of 2011.
- 3) The food safety control of FFPO importation at the entry points, until 16 February 2016, will be conducted based on the Regulation of Minister of Agriculture Number 88 of 2011.
- 4) The new application for registration may be processed based on this regulation.
- 5) This Regulation will be enforced on **17 February 2016 (1 (one) year after the stipulation's date)**.
- 6) Once this regulation has been enforced, the Regulation of Minister of Agriculture Number 88 of 2011 will be revoked.