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**MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA**

**REGULATION OF THE MINISTER OF TRADE OF**

**THE REPUBLIC OF INDONESIA**

**NUMBER 40/M-DAG/PER/6/2015**

**CONCERNING**

**SECOND AMENDMENT OF THE REGULATION OF THE MINISTER**

**OF TRADE NUMBER 16/M-DAG/PER/4/2013 CONCERNING**

**IMPORT OF HORTICULTURE PRODUCTS**

**UPON GRACE OF THE ONE ALMIGHTY GOD**

**THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,**

Considering : a. that to more improve the effectiveness of the implementation and control on the policy for import of horticulture products, it is necessary to amend the Regulation of the Minister of Trade Number 16/M-DAG/PER/4/2013 concerning Provisions for Import of Horticulture Products, as has been amended with the Regulation of the Minister of Trade Number 47/M-DAG/PER/8/2013;

- b. that based on the consideration as meant in letter a, it is necessary to determine the Regulation of the Minister of Trade concerning Second Amendment of the Regulation of the Minister of Trade Number 16/M-DAG/PER/4/2013 concerning Provisions for Import of Horticulture Products;

- In view of : 1. Law Number 16 of 1992 concerning Quarantine of Animals, Fishes and Plants (State Gazette of the Republic of Indonesia of 1992 Number 56, Supplement to the State Gazette of the Republic of Indonesia Number 3482);
2. Law Number 7 of 1994 concerning the Ratification of the *Agreement Establishing The World Trade Organization* (State Gazette of the Republic of Indonesia of 1994 Number 57, Supplement to the State Gazette of the Republic of Indonesia Number 3564);
3. Law Number 10 of 1995 concerning Customs (State Gazette of the Republic of Indonesia of 1995 Number 75, Supplement to the State Gazette of the Republic of Indonesia Number 3612), as has been amended with Law Number 17 of 2006 (State Gazette of the Republic of Indonesia of 2006 Number 93, Supplement to the State Gazette of the Republic of Indonesia Number 4661);
4. Law Number 5 of 1999 concerning Prohibition of Monopoly Practices and Unhealthy Business Competition (State Gazette of the Republic of Indonesia of 1999 Number 33, Supplement to

- the State Gazette of the Republic of Indonesia Number 3806);
5. Law Number 8 of 1999 concerning Consumer Protection (State Gazette of the Republic of Indonesia of 1999 Number 42, Supplement to the State Gazette of the Republic of Indonesia Number 3821);
  6. Law Number 39 of 2008 concerning State Ministry (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 4916);
  7. Law Number 13 of 2010 concerning Horticulture (State Gazette of the Republic of Indonesia of 2010 Number 132, Supplement to the State Gazette of the Republic of Indonesia Number 5170);
  8. Law Number 18 of 2012 concerning Food (State Gazette of the Republic of Indonesia of 2012 Number 227, Supplement to the State Gazette of the Republic of Indonesia Number 5360);
  9. Law Number 7 of 2014 concerning Trade (State Gazette of the Republic of Indonesia of 2014 Number 45, Supplement to the State Gazette of the Republic of Indonesia Number 5512);
  10. Law Number 23 of 2014 concerning Local Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587), as has been amended several times and latest with Law Number 9 of 2015 (State Gazette of the Republic of

Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);

11. Government Regulation Number 69 of 1999 concerning Label and Food Advertisement (State Gazette of the Republic of Indonesia of 1999 Number 131, Supplement to the State Gazette of the Republic of Indonesia Number 3867);
12. Government Regulation Number 14 of 2002 concerning Plant Quarantine (State Gazette of the Republic of Indonesia of 2002 Number 35, Supplement to the State Gazette of the Republic of Indonesia Number 4196);
13. Government Regulation Number 68 of 2002 concerning Food Security (State Gazette of the Republic of Indonesia of 2002 Number 142, Supplement to the State Gazette of the Republic of Indonesia Number 4254);
14. Government Regulation Number 28 of 2004 concerning Food Security, Quality and Nutrient (State Gazette of the Republic of Indonesia of 2004 Number 107, Supplement to the State Gazette of the Republic of Indonesia Number 4424);
15. Presidential Decree Number 121/P of 2014 concerning Formation of Ministries and Appointment of Ministers of the Working Cabinet for the Period of 2014-2019;
16. Presidential Regulation Number 7 of 2015 concerning State Ministry Organization;

17. Presidential Regulation Number 48 of 2015 concerning Ministry of Trade;
18. Regulation of the Minister of Agriculture Number 12/Permentan/OT.140/2/2009 concerning Requirements and System of Plant Quarantine Action on Import of Wood Packing into the Area of the Republic of Indonesia;
19. Regulation of the Minister of Trade Number 54/M-DAG/PER/9/2009 concerning General Provisions in the Import Sectors;
20. Regulation of the Minister of Trade Number 31/M-DAG/PER/7/2012 concerning Organization and Working Procedure of the Ministry of Trade, as has been amended with the Regulation of the Minister of Trade Number 57/M-DAG/PER/8/2012;
21. Regulation of the Minister of Agriculture Number 88/Permentan/PP.340/12/2011 concerning Control of Food Security on the Import and Export of Fresh Food Originating from Plants;
22. Regulation of the Minister of Trade Number 27/M-DAG/PER/5/2012 concerning Provisions for Importer Identity Number (API), as has been amended several times and latest with the Regulation of the Minister of Trade Number 84/M-DAG/PER/12/2012;

23. Regulation of the Minister of Agriculture Number 42/Permentan/OT.140/6/2012 concerning Plant Quarantine Action for Import of Fresh Fruit and Fresh Vegetables into the Area of the Republic of Indonesia;
24. Regulation of the Minister of Agriculture Number 43/Permentan/OT.140/6/2012 concerning Plant Quarantine Action for Import of Fresh Layer Tuber Vegetables into the Area of the Republic of Indonesia;
25. Regulation of the Minister of Trade Number 16/M-DAG/PER/4/2013 concerning Provisions for Import of Horticulture Products, as has been amended several times and latest with the Regulation of the Minister of Trade Number 47/M-DAG/PER/8/2013;
26. Regulation of the Minister of Trade Number 46/M-DAG/PER/8/2014 concerning General Provisions for Verification or Technical Tracing in the Trade Sector;
27. Regulation of the Minister of Trade Number 53/M-DAG/PER/9/2014 concerning Trade Integrated Service;

**HAS DECREED:**

To determine : **THE REGULATION OF THE MINISTER OF TRADE CONCERNING SECOND AMENDMENT OF THE REGULATION OF THE MINISTER OF TRADE NUMBER 16/M-DAG/PER/4/2013 CONCERNING PROVISIONS FOR IMPORT OF HORTICULTURE PRODUCTS.**

## **Article I**

Several provisions in the Regulation of the Minister of Trade Number 16/M-DAG/PER/4/2013 concerning Provisions for Import of Horticulture Products, as has been amended with the Regulation of the Minister of Trade Number 47/M-DAG/PER/8/2013, are amended as follows:

1. 1 (one) article is inserted between Article 12 and Article 13, namely Article 12A, which reads as follows:

### **Article 12A**

(1) The Import Approval, as meant in Article 12, may be distinguished as follows:

- a. Import Approval for Fresh Horticulture Products;
- b. Import Approval for Fresh Horticulture Products, especially Chili (fruit from genus *Capsicum*), with the Tariff Post/HS 0709.60.10.00, and Red Onion for consumption with Tariff Post/HS 0703.10.29.00; and
- c. Import Approval for Processed Horticulture Products.

(2) The IT-Horticulture Product may obtain more than 1 (one) Import Approval, as meant in paragraph (1).

2. The provision of Article 13 is amended and reads as follows:

### **Article 13**

- (1) In order to obtain the Import Approval, as meant in Article 11, the IT-Horticulture Product should electronically submit the request to the Minister, in this case the UPP Coordinator and Executive, by attaching the following:
  - a. RIPH; and
  - b. Determination as IT-Horticulture Product.
- (2) The UPP Coordinator and Executive, on behalf of the Minister, issues the:
  - a. Import Approval within not later than 2 (two) working days as of the request is received completely and correctly; or
  - b. Rejection to issue the Import Approval within not later than 2 (two) working days as of the date the request is received incompletely and/or incorrectly.
- (3) The Import Approval, as meant in paragraph (2) letter a, is submitted to the IT-Horticulture Product and copies are submitted to the related agencies.
- (4) The issuance of the Import Approval, as meant in paragraph (2), should take account of the ability and worthiness of the storage place and transportation equipment in accordance with the characteristics of the Horticulture Product possessed by the IT-Horticulture Product.



3. The provisions of Article 13A paragraph (1) and paragraph (2) are amended so that Article 13A reads as follows:

**Article 13 A**

- (1) The time to submit the request for the Import Approval for Fresh Horticulture Products, as contained in Appendix I of this Regulation of the Minister, is determined as follows:
- a. For the first Semester, namely the period of January to June, may only be submitted in December; and
  - b. For the second Semester, namely the period of July to December, may only be submitted in June.
- (2) The request for Import Approval for:
- a. Fresh Horticulture Products, especially Chili (fruit from *genus Capsicum*), with the Tariff Post/HS 0709.60.10.00 and fresh Red Onion for consumption, with the Tariff Post/HS 0703.10.29.00; and
  - b. Processed Horticulture Products, as contained in Appendix I of this Regulation of the Minister, may be submitted at any time.
- (3) The Import Approval, as meant in paragraph (1), is issued every beginning of the semester.
4. The provision of Article 14A is amended and reads as follows:

**Article 14A**

- (1) The IT-Horticulture Product that has obtained the Import

Approval, as meant in Article 13 paragraph (2) letter a, should realize the import of Horticulture Products of minimum 80% (eighty percent) of the Import Approval for each product as contained in the Import Approval.

- (2) The provision on the obligation of the IT-Horticulture Product to realize the import of Horticulture Products of minimum 80% (eighty percent) of the Import Approval, as meant in paragraph (1), does not apply for the Import Approval for Processed Horticulture Products.

5. The provision of Article 25A is amended and reads as follows:

**Article 25A**

- (1) The determination as IT-Horticulture Product is frozen in case the company is unable to implement the obligation of realizing the Import Approval as meant in Article 14A.
- (2) The freezing of the determination as IT-Horticulture Product, as meant in paragraph (1), is carried out during 2 (two) Semester periods.

6. The provision of Article 27 is amended and reads as follows:

**Article 27**

The freezing of determination as IT-Horticulture Product, as meant in Article 25A, and the withdrawal of recognition as IP-Horticulture Product and the determination of IT-Horticulture Product, as meant in Article 26, are determined by the UPP

Coordinator and Executive for and on behalf of the Minister.

7. Appendix I of the Regulation of the Minister of Trade Number 16/M-DAG/PER/4/2013 concerning Provisions for Import of Horticulture Products, as has been amended with the Regulation of the Minister of Trade Number 47/M-DAG/PER/8/2013, is amended and becomes as contained in the Appendix, which is an inseparable part of this Regulation of the Minister.

## **Article II**

This Regulation of the Minister commences applicable on the date of enactment, except the provision of Article 25A, which commences applicable on 1 July 2015.

So that it is known by everyone, the enactment of this Regulation of the Minister is instructed with its placement in the State Gazette of the Republic of Indonesia.

Determined in Jakarta

On 10 June 2015

**MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA**

*signed*

**RACHMAT GOBEL**

Copy conforms to the original  
Secretariat General  
Ministry of Trade  
Head of Legal Bureau,  
*signed and sealed*  
**LASMININGSIH**

**APPENDIX**

**REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA**

**NUMBER 40/M-DAG/PER/6/2015**

**CONCERNING**

**SECOND AMENDMENT OF THE REGULATION OF THE MINISTER OF TRADE NUMBER**

**16/M-DAG/PER/4/2013 CONCERNING PROVISIONS FOR IMPORT OF HORTICULTURE**

**PRODUCTS**

**TYPES OF HORTICULTURE PRODUCTS WHICH IMPORT IS REGULATED**

**I. FRESH HORTICULTURE PRODUCTS**

<b>NO</b>	<b>TARIFF POST/HS</b>	<b>DESCRIPTION OF GOODS</b>	<b>REMARKS</b>
	07.01	Potatoes, fresh or cold.	
1	07.01.90.00.00	- Others	Fresh and cold Potatoes for consumption.
	07.03	Bombay onion, red onion, white onion, bakung/perai onion and other similar vegetable species, fresh or cold.	
	0703.10	- Bombay onion and red onion:	
		- - Bombay onion:	
2	0703.10.19.00	- - - Others	Fresh Bombay onion for consumption
		- - Red onion:	
3	0703.10.29.00	- - - Others	Fresh red Onion for consumption
	07.06	Carrots, turnips, beet roots for salad, salsify, celeriac, radish and similar edible roots, fresh or cold.	
	0706.10	- Carrots and turnips:	

NO	TARIFF POST/HS	DESCRIPTION OF GOODS	REMARKS
4	07.06.10.10.00	- - Carrots	
	07.09	Other pod vegetables, fresh or cold.	
	0709.60	- Fruits from genus <i>Capsicum</i> or from genus <i>Pimenta</i> :	
5	0709.60.10.00	- - Chili (fruit from genus <i>Capsicum</i> )	
	07.10	Vegetables (not cooked or cooked by being steamed or boiled), frozen.	
6	0710.10.00.00	- Potatoes	
	08.03	Banana, including banana not suitable to be directly consumed as fresh fruit or dried.	
7	0803.10.00.00	- Banana not suitable to be directly consumed as fruit.	
8	0803.90.00.00	- Others	Banana for consumption
	08.04	Date, fig fruit, pineapple, avocado, cashew, mango and mangosteen, fresh or dried.	
9	0804.30.00.00	- Pineapple	
	0804.50	- Cashew, mango and mangosteen:	
10	0804.50.20.00	- - Mango	
	08.05	Orange, fresh or dried.	
	0805.10	- Orange:	
11	0805.10.10.00	- - Fresh	
12	0805.20.00.00	- Mandarin (including tangerines and Satsuma); clementines, wilking and similar hybrid orange.	

NO	TARIFF POST/HS	DESCRIPTION OF GOODS	REMARKS
13	0805.40.00.00	- Grapefruit, including pomelo	
14	0805.50.00.00	- Lemon (Citrus lemon, Citrus limonum) and citron (Citrus aurantifolia, Citrus latifolia)	
15	0805.90.00.00	- Others	
	08.06	Grape, fresh or dried.	
16	0806.10.00.00	- Fresh	
	08.07	Melon (including watermelon) and papaya (papayas), fresh.	
		- Melon (including watermelon):	
17	Ex 0807.19.00.00	- - Others	Melon
	0807.20	- Papaya:	
18	0807.20.10.00	- - Mardi bacross solo (betik solo)	
19	0807.20.90.0.	- - Others	
	08.08	Apple, pear and quince, fresh.	
20	0808.10.00.00	- Apple	
	08.10	Other fruits, fresh.	
21	0810.60.00.00	- Durian	
	0810.90	- Others:	
22	0810.90.10.00	- -Litchi (including cat eye)	

## II. PROCESSED HORTICULTURE PRODUCTS

NO	TARIFF POST/HS	DESCRIPTION OF GOODS	REMARKS
	20.01	Vegetables, beans and edible parts of other plants, processed or preserved with vinegar or acetic acid.	
	2001.90	- Others:	
1	2001.90.10.00	- - Onion	Red Onion, Bombay onion.
	20.04	Other processed or preserved vegetables other than with vinegar or acetic acid, frozen, other than product of post 20.06.	
2	2004.10.00.00	- Potatoes	Frozen sliced potatoes
	20.05	Other processed or preserved vegetables other than with vinegar or acetic acid, frozen, other than product of post 20.06.	
	2005.20	- Potatoes:	
		-- Slices or pieces:	
3	2005.20.11.10	- - - In air tight packing	
4	2005.20.19.00	- - - Others:	
	20.07	Jam, fruit jelly, marmalade, pure and pasta from fruit or beans, obtained from cooking, containing additional sugar or other sweeteners or not.	
		- Others:	
5	2007.91.00.00	- - Orange	
	20.08	Fruit, beans and edible parts of other plants, processed or preserved with other system, containing additional sugar or other sweeteners or not, not detailed including other posts.	

NO	TARIFF POST/HS	DESCRIPTION OF GOODS	REMARKS
6	2008.20.00.00	- <i>Pineapple</i>	
	2008.30	- Orange:	
7	2008.30.10.00	- - Containing additional sugar or other sweeteners or alcohol.	
	2008.99	- - Others:	
8	2009.99.20.00	- - - Litchi	
	20.09	Fruit juice (including grape must) and vegetable juice, not fermented and not containing additional alcohol, containing additional sugar or other sweeteners or not.	
		-Orange juice:	
9	2009.29.00.00	- - Others	
		-Other Orange juice:	
10	2009.39.00.00	- - Others	
		-Pineapple juice:	
11	2009.41.00.00	- With Brix value not exceeding 20	
12	2009.69.00.00	- - Others	
		-Apple juice:	
13	2009.71.00.00	- With Brix value not exceeding 20	
14	2009.79.00.00	- - Others	
		-Juice from one one species of fruit or other vegetables;	
	2009.89	- - Others:	
15	Ex.2009.89.99.00	- - - - Others	Mango Essence Drinks
	2009.90	- Juice mixture:	
16	Ex.2009.90.90.00	-- Others	Mixed Fruit Essence Drinks (grape, cashew, pineapple, papaya, mango, peach, passion, apple, pear)



NO	TARIFF POST/HS	DESCRIPTION OF GOODS	REMARKS
	21.03	Sauce and its processing: mixture of seasoning and mixture of flavoring; mustard powder and rough mustard powder and processed mustard.	
	2103.90	- Others:	
17	2103.90.10.00	- - Chili sauce	

**MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA**

*signed*

**RACHMAT GOBEL**

Copy conforms to the original

Secretariat General

Ministry of Trade

Head of Legal Bureau,

*signed and sealed*

**LASMININGSIH**

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Translated from Indonesian Language  
Jakarta, November 5, 2016  
Authorized and Sworn Translator,

**FIKRI SAID OBED**