



3 September 2014

(14-5013)

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Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

1.	<b>Notifying Member:</b> <u>INDONESIA</u> <b>If applicable, name of local government involved:</b>
2.	<b>Agency responsible:</b> Indonesian Agricultural Quarantine Agency, Ministry of Agriculture
3.	<b>Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):</b> Fresh food of plant origin
4.	<b>Regions or countries likely to be affected, to the extent relevant or practicable:</b> <input checked="" type="checkbox"/> <b>All trading partners</b> <input type="checkbox"/> <b>Specific regions or countries:</b>
5.	<b>Title of the notified document:</b> Draft of Revised Regulation of Minister of Agriculture concerning Food Safety Control on Importation and Exportation of Fresh Food of Plant Origin <b>Language(s):</b> Indonesian <b>Number of pages:</b> 20
6.	<b>Description of content:</b> The main changes on the revised regulation are as follow: <ol style="list-style-type: none"><li>1. Fresh Food of Plant Origin shall only be imported to Indonesia from:<ol style="list-style-type: none"><li>a. countries have a recognition for its food safety control system; or</li><li>b. countries with registered food safety testing laboratory/ies.</li></ol></li><li>2. Procedure for recognition of food safety system control in exporting country (article 1 point a) as in the previous regulation with minor changer.</li><li>3. The requirement for registration of food safety testing laboratory/ies in exporting country (article 1 point b) are:<ol style="list-style-type: none"><li>a. The laboratory/ies shall accredited by an authorized and competent body in exporting country; and</li><li>b. The laboratory/ies shall 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 required in this regulation.</li></ol></li><li>4. Procedure for registration of food safety testing laboratory/ies in exporting country are as follows:<ol style="list-style-type: none"><li>a. application for registration by Food Safety Competent Authority in exporting country accompanied by required documents/information;</li><li>b. document assessment;</li><li>c. field verification; and</li><li>d. registered food safety laboratory/ies stipulated by Minister of Agriculture.</li></ol></li><li>5. Related to document requirements, there are some changes as follows:<ol style="list-style-type: none"><li>a. Prior notice shall be issued by exporter of Fresh Food of Plant Origin (FFPO) in origin country electronically through IAQA's official web portal (<a href="http://eplaqsystem.karantina.pertanian.go.id/notice/">http://eplaqsystem.karantina.pertanian.go.id/notice/</a>);</li></ol></li></ol>



<p>b. Aside from prior notice, FFPO's importation from country with registered food safety testing laboratory/ies shall be completed with Certificate of Analysis (CoA) issued by registered laboratory.</p> <p>6. This regulation also stipulates special provision for transit country.</p> <p>7. The recognitions decree that have been stipulated for several countries will remain valid until the end of the stipulation period.</p>
<p><b>7. Objective and rationale:</b> <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests.</p>
<p><b>8. Is there a relevant international standard? If so, identify the standard:</b></p> <p><input checked="" type="checkbox"/> Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text)</p> <p><input type="checkbox"/> World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number)</p> <p><input type="checkbox"/> International Plant Protection Convention (e.g. ISPM number)</p> <p><input type="checkbox"/> None</p> <p><b>Does this proposed regulation conform to the relevant international standard?</b>  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>If no, describe, whenever possible, how and why it deviates from the international standard:</b></p>
<p><b>9. Other relevant documents and language(s) in which these are available:</b>  Regulation of Minister of Agriculture No. 88 of 2011 concerning Food Safety Control on Importation and Exportation of Fresh Food of Plant Origin (available in Indonesian)</p>
<p><b>10. Proposed date of adoption (dd/mm/yy):</b> To be determined.  <b>Proposed date of publication (dd/mm/yy):</b> To be determined.</p>
<p><b>11. Proposed date of entry into force:</b> <input type="checkbox"/> Six months from date of publication, and/or (dd/mm/yy): To be determined.  <input type="checkbox"/> Trade facilitating measure</p>
<p><b>12. Final date for comments:</b> <input checked="" type="checkbox"/> Sixty days from the date of circulation of the notification and/or (dd/mm/yy): 2 November 2014</p> <p><b>Agency or authority designated to handle comments:</b> <input checked="" type="checkbox"/> National Notification Authority, <input checked="" type="checkbox"/> National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</p> <p>Indonesian Agricultural Quarantine Agency (IAQA)  Ministry of Agriculture  Jl. Harsono RM No.3 E Building 1st, 3rd, 5th and 7th Floor  Ragunan, Jakarta Selatan 12550  Indonesia  Tel: +(62 21) 7821367/781 6480  Fax: +(62 21) 782136/780 4337/781 6481/781 6483  E-mail: caqsps@indo.net.id  Website: <a href="http://karantina.deptan.go.id">http://karantina.deptan.go.id</a></p>



**13. Texts available from: [X] National Notification Authority, [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:**

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## SUMMARY

### DRAFT OF REVISED REGULATION OF MINISTER OF AGRICULTURE 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.

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 and may be readily consumed, minimally processed, and/or become a raw material for food processing.

#### 2. Types of FFPO covered in this Regulation:

There are **102 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, Spinach, Beetroot, Sugar beet, Broccoli, Cauliflower, Peppers Chili, Chicory, Leeks, Flowerhead brassicas, Gherkin, Sweet corn, Mushroom, Potatoes, Kale, Kohlrabi, Cabbage, Brussels sprout, Chinnese cabbage, Lima bean, Radish, Turnips, Cucumber, Paprika, Parsley, Okra, Lettuce, Celery, Tomato, Eggplant, Sweet potatoes, Carrot (35 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. **Private 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* spp. and *Escherichia coli*.

The complete list of FFPO and the standard for each contaminant covered by this regulation shall be 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 shall 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 shall be accompanied by **prior notice**.
- d. Importation of FFPO from countries with registered food safety testing laboratory/ies shall be accompanied by **prior notice and certificate of analysis (CoA)**.
- e. Prior Notice must be issued by exporter in origin country at the latest before FFPO is loaded to the means of conveyance.
- f. In case of FFPO is transited and the volume and/or types of FFPO is reduced, as addition to prior notice from origin country, a prior notice for re-export shall be issued by exporter or its representative in the transit country.
- g. Prior notice must be issued electronically through IAQA's official web site (<http://eplaqsystem.karantina.pertanian.go.id/notice/>).
- h. Certificate of analysis (CoA) must be issued by testing laboratory/ies that has/have been registered by IAQA.
- i. CoA shall 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 that meet with the requirements the country of destination 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 documentary check for the completeness and the validity of document as required by country of destination.
- 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 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 GAP;
  - List of handling facilities that implementing GHP;
  - List of processing facilities that implementing 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 assess the conformity between information provided by the applicant with the food safety control system implemented in the origin country. Field verification activity in country of origin will be covered by exporting country.
  - 5) The result of field verification will be assessed and evaluated. When the result of field verification shows:
    - a. a minor non-compliance, NFCA 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 rejected;
    - 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 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 import their FFPO to Indonesia when its food safety laboratory/ies has been registered by IAQA.
- b. The proposed food safety testing laboratory 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 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, 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 laboratory; address; organization structure; contact person, scope of testing, testing methods, records of testing results for minimum 2 years; list of main analysis equipments; 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 had not been used (or prohibited);**
    - 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 assess the compliance of testing laboratory's competency with Indonesia's requirements. Field verification activity in country of origin will be covered by exporting country.
  - 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 rejected;
    - 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 Minister of Agriculture for 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 may be found 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 hardcopy of prior notice** 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, the consignment will be **rejected**.
3. If the FFPO is accompanied by prior notice, the Plant Quarantine officer will conduct the document check to determine the validity of prior notice using a barcode system. If the prior notice is not valid, the consignment will be rejected.
4. If the prior notice is valid, the Plant Quarantine Officer shall inspect the identity 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 rejected, 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 hardcopy of prior notice and Certificate of Analysis (CoA)** 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, the consignment will be **rejected**.
3. If the FFPO is not accompanied by CoA, **detention** of FFPO will be carried-out, and the owner or the representative is given a chance no longer than 14 (fourteen) working days to complete the CoA.
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. When within the detention period, the owner or the representative is not able to complete the CoA, the FFPO importation shall be rejected.
6. If the FFPO is accompanied by prior notice and CoA, the Plant Quarantine officer will conduct the document check to determine the validity of those documents.
7. If the prior notice or CoA is not valid, the consignment will be rejected.
8. The validity of CoA is checked in order to ensure that:
  - a. The CoA has been issued by registered food safety testing laboratory;
  - b. The type of pesticide residues and other contaminant that have been tested are in accordance with required testing parameter; and/or
  - c. The result of analysis is comply with Indonesia's food safety standard as specified in Annex I.
9. 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.
10. When the result of the inspection shows:



- a. non compliance, FFPO will be rejected, or
- b. compliance, FFPO may be followed up by further plant quarantine measures.

## **9. Monitoring and Random Inspection**

- a. A monitoring program and random inspection will be conducted in order to determine the compliance of the exporting country with Indonesia's food safety requirements.
- b. When a consignment of FFPO is under monitoring program or random inspection, the FFPO will be sampled and analyzed in laboratory for chemical and microbiological contaminant as specified in Annex I.
- c. During the laboratory testing, the FFPO is under the authority and control of the Plant Quarantine.

## **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:
  - a. non compliance on document or identity inspection;
  - b. non compliance on laboratory testing result.
- The country shall apply a corrective action at the latest six month since notification of suspension.
- If in the period of six month, the country has not able to apply the corrective action, the recognition will be revoked and importation of FFPO from that country will not be allowed.

### **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 suspended if there are 3 (three) findings for:
  - a. non compliance on document or identity inspection;
  - b. non compliance on laboratory testing result.
- The country shall apply a corrective action at the latest six month since notification of suspension.
- If in the period of six month, the country has not able to apply the corrective action, the registration will be revoked and importation of FFPO from that country will not be allowed.

## **11. 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 new application for recognition or registration may be processed based on this regulation.
- 3) The new mechanisms for food safety control of FPPO importation regulated in this regulation will be into force on **6 (six) months after the stipulation.**