

REGULATION OF THE MINISTER OF AGRICULTURE
NUMBER: 12/Permentan/OT.140/2/2009

CONCERNING

REQUIREMENTS AND PROCEDURES FOR PLANT QUARANTINE ACTION TO IMPORTED
WOOD PACKAGING MATERIALS INTO THE TERRITORY OF THE STATE OF THE REPUBLIC
OF INDONESIA

BY THE GRACE OF THE ONE ALMIGHTY GOD

THE MINISTER OF AGRICULTURE,

- Considering :
- a. whereas Indonesia has natural resources, among other things in the form of forests constituting biological natural resources which are still free from several types of quarantine plant intruder organisms;
 - b. whereas the quarantine plant intruder organisms can be carried by wood packaging used in international trade;
 - c. whereas for the purpose of preventing the quarantine plant intruder organisms from entering the territory of the State of the Republic of Indonesia through wood packaging, it is deemed necessary to stipulate Requirements and Procedures for Plant Quarantine Action to Imported Wood Packaging Materials into the Territory of the State of the Republic of Indonesia;
- In view of :
- 1. Law Number 16 Year 1992 concerning Animal, Fish and Plant Quarantine (State Gazette Year 1992 Number 56, Supplement to the State Gazette Number 3482);
 - 2. Law Number 7 Year 1994 concerning the Ratification of Agreement on Establishing The World Trade Organization (State Gazette Year 1994 Number 57, Supplement to the State Gazette Number 35);

3. Government Regulation Number 14 Year 2002 concerning Plant Quarantine (State Gazette Year 2002 Number 35, Supplement to the State Gazette Number 4196);
4. Presidential Decree Number 2 Year 1977 concerning the Ratification of the International Plant Protection Convention 1951 *juncto* Presidential Decree Number 45 Year 1990;
5. Presidential Decree Number 58 Year 1992 concerning the Ratification of the Asian Plant Protection Convention;
6. Presidential Decree Number 187/M Year 2004 concerning the Establishment of the United Indonesia Cabinet (*Kabinet Indonesia Bersatu*);
7. Presidential Regulation Number 9 Year 2005 concerning the Positions, Duties, Functions, Organizational Structure and Operational Procedures of the State Ministries of the Republic of Indonesia *juncto* Presidential Regulation Number 62 Year 2005;
8. Presidential Regulation Number 10 Year 2005 concerning Organizational Unit and Duties of Echelon I of the State Ministries of the Republic of Indonesia;
9. Decree of the Minister of Agriculture Number 796/Kpts/TP.830/10/1984 concerning Imported Wrapping Plants into the Territory of the State of the Republic of Indonesia;
10. Decree of the Minister of Agriculture Number 469/Kpts/HK.310/8/2002 concerning Entry and Exit Locations of Quarantine Plant Intruder Organisms Carrying Media;

11. Regulation of the Minister of Agriculture Number 299/Kpts/OT.140/7/2005 concerning the Organization and Operational Procedures of the Department of Agriculture *juncto* Regulation of the Minister of Agriculture Number 11/Permentan/OT.140/2/2007;
12. Regulation of the Minister of Agriculture Number 341/Kpts/OT.140/9/2005 concerning the Organizational Structure and Operational Procedures of the Department of Agriculture *juncto* Regulation of the Minister of Agriculture Number 12/Permentan/OT.140/2/2007;
13. Regulation of the Minister of Agriculture Number 22/Permentan/OT.140/4/2008 concerning the Organization and Operational Procedures of Technical Implementing Unit of the Agricultural Quarantine Agency;

- With due observance of:
1. The International Plant Protection Convention Year 1951 as most recently amended in 1997;
 2. ISPM Number 15 (2002) with the revised Annex I (2006): Guidelines for Regulating Wood Packaging Material In International Trade;
 3. Notification to the WTO Number G/SPS/IDN/27 Dated May 29, 2006 concerning Draft Decree of the Minister of Agriculture concerning Requirements of Wood Packaging and Plant Quarantine Action on Imported Wood Packaging Material into Republic of Indonesia;

HAS DECIDED:

To Stipulate : REGULATION OF THE MINISTER OF AGRICULTURE CONCERNING REQUIREMENTS AND PROCEDURES FOR PLANT QUARANTINE ACTION TO IMPORTED WOOD

PACKAGING MATERIALS INTO THE TERRITORY OF THE
STATE OF THE REPUBLIC OF INDONESIA.

CHAPTER I
GENERAL PROVISIONS

Article 1

Referred to herein as:

1. Wood packaging shall be wood or unprocessed wood products used for supporting, packing or propping up during transportation and/or accompanying cargo with thickness of more than 6 mm.
2. Quarantine Plant Intruder Organisms hereinafter referred to as the OPTK shall be all plant intruder organisms stipulated by the Minister of Agriculture which must be prevented from entering into and spreading in the territory of the State of the Republic of Indonesia.
3. Marking (mark) hereinafter referred to as marking shall be an official and internationally acknowledged mark stipulated by the Interim Commission on Phytosanitary Measures in the International Standards of Phytosanitary (ISPM) Number 15.
4. Heat treatment shall be a method applied to wood packaging by using hot air at a specific temperature and time.
5. Fumigation shall be a method applied to wood packaging by using fumigants in an airtight room at a specific concentration, time and temperature.
6. Plant Quarantine Officers shall be Functional Officials as Plant Intruder Organisms Controllers working for the Plant Quarantine Agency.
7. Wood Packaging Owner hereinafter referred to as owner shall be a person or legal entity having wood packaging and/or who is responsible for the importation of the wood packaging.

8. Release shall be an action to allow or permit imported wood packaging to be transported freely within the territory of the State of the Republic of Indonesia by granting a Plant Quarantine Release Certificate.

Article 2

- (1) This Regulation is intended to serve as guidelines for:
 - a. Plant Quarantine Officers in implementing the requirements and conducting plant quarantine action to imported wood packaging materials into the territory of the State of the Republic of Indonesia;
 - b. Individuals or legal entities importing cargos using wood packaging into the territory of the State of the Republic of Indonesia.
- (2) The regulation is intended to prevent OPTK carried by wood packaging from entering into and spreading in the territory of the State of the Republic of Indonesia.

Article 3

The scope of regulation shall include the requirements and procedures for quarantine action to imported wood packaging into the territory of the State of the Republic of Indonesia.

CHAPTER II REQUIREMENTS OF IMPORTED WOOD PACKAGING INTO THE TERRITORY OF THE STATE OF THE REPUBLIC OF INDONESIA

Article 4

- (1) Import of wood packaging into the territory of the State of the Republic of Indonesia must meet the following requirements:
 - a. conducted through the stipulated entry locations;
 - b. reported and delivered to the Plant Quarantine Officers at the entry location for quarantine action purpose;
 - c. free from tree bark; and
 - d. affixed with marking.

- (2) Marking as referred to in Paragraph (1) Sub-Paragraph d shall be as set forth in Attachment I constituting an inseparable part of this Regulation.

Article 5

The importation of wood packaging into the territory of the State of the Republic of Indonesia conducted not through the entry locations as referred to in Article 4 Paragraph (1) Sub-Paragraph a, or which is not reported as referred to in Article 4 Paragraph (1) Sub-Paragraph b or which is not free from tree bark as referred to in Article 4 Paragraph (1) Sub-Paragraph c shall be subject to rejection.

Article 6

- (1) The reporting and submission of wood packaging to Plant Quarantine Officers at the entry location for quarantine action purpose as referred to in Article 4 Paragraph (1) Sub-Paragraph b shall be conducted by no later than the time of arrival of the wood packaging prior to the release from the entry location.
- (2) The reporting as referred to in Paragraph (1) shall be conducted in writing using the forms stated in Attachment II as an inseparable part of this Regulation.

Article 7

The affixation of marking as referred to in Article 4 Paragraph (1) Sub-Paragraph d shall be conducted by any party registered by the competent authorities in the country of origin.

CHAPTER III

PROCEDURES FOR QUARANTINE ACTION TO IMPORTED WOOD PACKAGING INTO THE TERRITORY OF THE STATE OF THE REPUBLIC OF INDONESIA

Article 8

- (1) Every importation of wood packaging into the territory of the State of the Republic of Indonesia shall be subject to quarantine by the Plant Quarantine Officers.

- (2) The quarantine action as referred to in Paragraph (1) shall include inspection, treatment, rejection, destruction and/or release.
- (3) The quarantine action as referred to in Paragraph (1) may be conducted on or upon unloading from the transportation means, either at the entry location or outside the entry location.
- (4) In performing the quarantine action as referred to in Paragraph (3), Plant Quarantine Officers may coordinate with the related parties, among others the Customs and Excise and/or Port Administrator.

Article 9

- (1) Inspection as referred to in Article 8 Paragraph (2) can be conducted at random.
- (2) Inspection as referred to in Paragraph (1) shall be conducted based on among other things the Plant Intruder Organisms Risk Analysis, country of origin, type of commodity packed and/or owner performance.

Article 10

Inspection as referred to in Article 9 shall be conducted for the purpose of identifying the existence, accuracy and validity of marking, physical condition, compliance with technical provisions and detecting potential infestation of OPTK as stated in Attachment III constituting an inseparable part of this Regulation.

Article 11

- (1) In the event that based on the inspection as referred to in Article 10 it is evident that:
 - a. the wood packaging is not affixed with marking as referred to in Article 4 Paragraph (1) Sub-Paragraph d, treatment shall be undertaken.
 - b. marking is not in accordance with the provisions set forth in Article 4 Paragraph (2), treatment shall be undertaken;

- c. the wood packaging is not free from OPTK as referred to in Article 10, treatment shall be undertaken; or
 - d. marking and physical condition are in accordance with the technical provisions as well free from OPTK, release shall be granted.
- (2) Following the treatments as referred to in Paragraph (1) Sub-Paragraphs a and b, release shall be granted.
 - (3) Following the treatments as referred to in Paragraph (1) Sub-Paragraphs c and d and if the wood packaging is free from OPTK, release shall be granted.

Article 12

In the event that the treatments as referred to in Article 11 Paragraph (1) cannot be conducted, rejection shall be made.

Article 13

- (1) If the wood packaging subject to rejection as referred to in Article 12 is not taken out of the territory of the State of the Republic of Indonesia by no later than 14 (fourteen) business days, it shall be subject to destruction.
- (2) Destruction as referred to in Paragraph (1) shall be stated in Minutes of Destruction.

Article 14

- (1) Treatments as referred to in Article 11, rejection as referred to in Article 12 and/or destruction as referred to in Article 13 shall under the responsibility of the owner and shall be conducted under the supervision of the Plant Quarantine Officers.
- (2) Costs incurred for such treatment, rejection and/or destruction as referred to in Paragraph (1) shall be borne by the owner.

Article 15

Release as referred to in Article 11 shall be accompanied by the issuance of release certificate as stated in Attachment IV constituting an inseparable part of this Regulation.

CHAPTER IV
CLOSING PROVISIONS

Article 16

This regulation shall come into effect as of September 1, 2009.

For public cognizance, hereby ordering the promulgation of this Regulation of the Minister of Agriculture by announcing it in the Official Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On February 9, 2009

MINISTER OF AGRICULTURE,

sgd.

ANTON APRIYANTONO

Attachment I Regulation of the Minister of Agriculture
Number: 12/Permentan/OT.140/2/2009
Date : February 9, 2009

TYPES OF TREATMENT AND MARKING FOR WOOD PACKAGING

I. Types of Treatment

1. Heating:

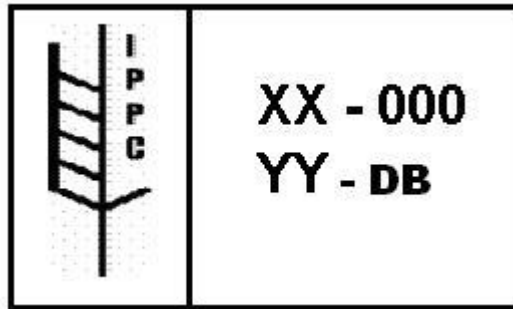
Heating must be conducted until the wood core temperature reaches at least 56⁰ C for at least 30 minutes

2. Fumigation:

The standard Fumigation treatment for wood packaging uses methyl bromide (CH₃Br) in accordance with the following table

Temperature	Dosage (gr/m ³)	Minimum concentration (gr/m ³) in a period of time (CT)			
		2 hours	4 hours	12 hours	24 hours
21 ⁰ C	48	36	31	28	24
16 ⁰ C	56	42	36	32	28
10 ⁰ C	64	48	42	36	32

II. Marking



XX – 000 : Country Identity Code
YY – : Type of treatment (HT for heating or MB for fumigation with methyl bromide)
DB : Debarking

MINISTER OF AGRICULTURE,
sgd.
ANTON APRIYANTONO

Attachment II Regulation of the Minister of Agriculture
Number: 12/Permentan/OT.140/2/2009
Date : February 9, 2009

WOOD PACKAGING IMPORTATION REPORT

Number :..... Date :.....

To:

Head of Center/Office/Station*) of Agricultural Quarantine
in

I, the undersigned:

Name :
Address :

As the owner/ agent authorized by and to act on behalf of the owner*), hereby report the importation of wood packaging mentioned below for the purposes of plant quarantine action:

1. Type of Wood Packaging:
2. Quantity of Wood Packaging:
3. Commodity Contained:
4. Quantity and the Number of the Container **):
5. Name and Address of the Sender:
.....
6. Name and Address of the Receiver:
.....
7. Country and Port of Origin / transit:
8. Country and Port of Destination:
9. Location of the Wood Packaging:
10. Type and Name of Transport:
11. Date of Arrival:
12. Accompanying Documents

The statements I made above are true

- a. I am willing to bear any consequences and costs incurred if the wood packaging is subject to quarantine.
- b. I will not claim for compensation in any form whatsoever from the Government of the Republic of Indonesia cq. The Agricultural Quarantine Agency for all consequences of the quarantine action imposed on the aforementioned wood packaging.

Owner/Agent*),

(Full Name)

*) *Delete as Applicable*

**) *Fill in as Applicable.*

MINISTER OF AGRICULTURE,

sgd.

ANTON APRIYANTONO

Attachment III

Regulation of the Minister of Agriculture

Number: 12/Permentan/OT.140/2/2009

Date : February 9, 2009

LIST OF QUARANTINE PLANT INTRUDER ORGANISM (OPT) IN WOOD PACKAGING

List of OPT in packaging material subject to HT and MB treatments:

I. Insects; Family;

Anobiidae
Bostrichidae
Buprestidae
Cerambycidae
Curculionidae
Isoptera
Lyctidae (except for HT treatment)
Platypodidae
Oedemeridae
Scolytidae
Siricidae

II. Nematodes: *Bursaphelenchus xylophilus*

MINISTER OF AGRICULTURE,

sgd.

ANTON APRIYANTONO

Attachment IV

Regulation of the Minister of Agriculture

Number: 12/Permantan/OT.140/2/2009

Date : February 9, 2009

DEPARTEMENT OF AGRICULTURE
AGRICULTURAL QUARANTINE AGENCY

CERTIFICATE OF RELEASE FOR FOREIGN WOOD PACKAGING

Number : Date :

Based on Law no 16 Year 1992 and the result of plant quarantine action, it is evident that the following wood packaging:

1. Type of Wood Packaging:
2. Quantity of Wood Packaging:
3. Commodity Contained:
4. Quantity and the number of the Containers **):
5. Name and Address of the Sender:
.....
6. Name and Address of the Receiver:
.....
7. Country and Port of Origin / transit:
8. Country and Port of Destination:
9. Location of the Wood Packaging:
10. Type and Name of Transport:
11. Date of Arrival:
12. Accompanying Documents

has met all applicable requirements for its importation to the territory of the State Republic of Indonesia and are free/can be made free**) from quarantine plant intruder organisms and/or significant plant intruder organisms**) so that it can be TRANSPORTED FREELY IN THE TERRITORY OF THE STATE OF THE REPUBLIC OF INDONESIA

Issued in:

On:

Plant Quarantine Officer.

OPT Controller (POTP).....

(.....)

Civil Service Reg. No (NIP)

*) *Fill in as applicable.*

**) *Delete as Applicable.*

MINISTER OF AGRICULTURE,

sgd.

ANTON APRIYANTONO