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Indonesia's Agriculture Policy Act 2017 No. 15 Regulations on the Mechanism of Importation of Horticulture Seeds

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INTRODUCTION

Following Indonesia's Agriculture Policy Act 2010 No. 13 regarding the horticulture statutory framework, there is international trading which includes the import and export regulations detailed in the Agriculture Policy Act 2017 No. 15. The regulations shall be stipulated as basis of service for the importation of seeds. The regulations shall be aimed at: a) guaranteeing the availability of seeds and their quality, sufficiency and continuity; b) boosting the growth of domestic seed industry; c) increasing genetic diversity and preserving biological security; d) driving up state earnings. By 2017, Indonesia's Ministry of Agriculture shall update the regulations of horticulture import rules. The specific objective of this law is to organize this sub-sector comprehensively to achieve the development of horticulture trading in Indonesia. The statutory framework and requirement of conduct of the import has been detailed in this paper review.

General provision

Horticultural seeds hereinafter called seeds shall refer to horticultural plants or parts thereof, which are used to multiply and/or reproduce horticultural plants. Quality seeds of horticultural leading varieties hereinafter termed as quality seeds shall be seeds of horticultural varieties already registered for the need of distribution, and fulfilling the stipulated minimum quality standard/technical requirements as well as having distribution supervised. Import of seeds shall

be a series of activities importing seeds of plants from other countries into the territory of the Unitary State of the Republic of Indonesia. Export of seeds shall be a series of activities releasing seeds from the territory of the Unitary State of the Republic of Indonesia. Quality standards of seeds shall be standard technical specification of seeds, covering physical, genetic, physiological quality and/or seed health. Distribution shall be an activity or a series of activities in the framework of distributing quality seeds of horticultural leading varieties in the country, which is destined for trade. Import license and export license shall be written information containing the right granted by the Minister or appointed official to an individual, business entity, legal entity, government institution or plant observer so as to be able to execute the export of plant seeds. Individual or group(s) shall not have any legal entity. Plant Observer shall be an individual or a group of persons or organization paying great attention to plants for the need of hobby, art and non-tradable activities. Director General is responsible for horticultural affairs. Head of business entity is responsible for agricultural quarantine affairs. Head of the plant variety protection and agriculture licensing center hereinafter called the Head of Center shall be a leader of second-echelon working unit in the Ministry of Agriculture in charge of plant variety protection and agriculture licensing.

Import provision

The importation of seeds may be executed by business entities, government institutions, plant observers, and/or individuals, after securing license from the Minister. It shall aim at: a) registering horticultural varieties for circulation; b) procuring quality seeds for commercial purposes; c) procuring parent stocks for the multiplication of seeds from the registered varieties; d) developing seeds for export purpose; e) producing fresh products and/or processed industrial raw materials to be marketed overseas and/or domestically; f) executing proficiency test in the framework of accrediting seed quality laboratories; g) executing new, unique, uniform and stable test (BUSS) for the protection of plant varieties; h) the need for plant observers; i) exhibition/promotion materials; j) activity of contest and the implementation of quality test in the framework of publishing orange certificate and blue certificate according to the Law of International Seed Testing Association (ISTA).

Requirements

In relation to the valid procedures, the documents which shall be submitted, following the administrative requirements of import and exports, includes: the deed of establishment of the company and amendment thereto, taxpayer code number (NPWP), corporate profile; citizenship identity card of corporate executive, certificate of domicile of company, import identification numbers, registration certificate of seed producer, the information required for seed introduction or importation into the territory of the Republic of Indonesia, technical Information for commodity proposed exporting to Indonesia, and official statement of document validity.

The business entity should ensure, following technical import requirements, that: a) the said varieties have advantage and/or uniqueness as well as specific usage; b) the quantity of the requested seeds is limited in accordance with the need for the preparation of registration of varieties of horticultural seeds; c) must have a summary of design for adaptation test or observation and/or the planned need of seeds for the truth test of horticultural varieties.

For the import of seeds needed for comparative test between test laboratories, proficiency test, or method validation, the following technical requirements are necessary: variety and quantity of seeds are in accordance with the need of the test, must have valid participation in proficiency test and letter of notification about the execution of proficiency test from the International Seed Testing Association (ISTA), and after test is completed, the remaining seeds, including seeds and sprouts resulting from seeds of proficiency test, as well as growing media which is used in the test have to be destroyed or demolished. In another provision, the import of seeds of genetically modified (GMO) products are obliged to secure recommendation from the biological security commission of genetically modified products.

Technically, the quantity of the requested seeds is a maximum of ten plants, consisting of several kinds and varieties, five *in-vitro* packages containing a maximum of 25 plantlets or young plants per package, and 100 items of a commodity for collection of reference seeds. The plantlets shall be in the form of bud already having roots, which results from either kernel or cell culture or membrane culture resulting from the multiplication through organogenesis or embryogenesis ready for acclimatization.

Licensing procedures

Business entities, government institutions, plant observers, or individuals who want to obtain the license shall apply to the ministry through the head of the center. The head of the center after receiving the application), in no later than 3 (three) working days after completing the examination of application document shall inform whether the application is accepted or denied. The application shall be accepted if the document has been completed and verified. The complete and true application shall be submitted in writing to the director general and the institutions officer. The director general, in no later than 5 (five) working days shall have published the recommendation and inform the Director General with a copy made available to the Head of the institution. In case the Director General after a maximum of 5 (five) working days has not yet issued a letter of recommendation, the Director General can process the last recommendation. The Director General, in no later than 5 (five) working days after receiving the recommendation, shall inform whether the application is accepted or rejected. In the case of the Director General not yet issuing a letter of rejection in no later than 5 (five) working days as stated in paragraph 5, the Director General has not yet issued the rejection letter then the application shall be deemed acceptable.

In the case of seed imports for the first time from plant and/or country of origin, in no later than 90 working days, the Head of the Institution shall have submitted recommendation to the Director General if the application is accompanied by result of risk analysis of organism disturbing quarantine plant (OPTK). Further provision on the risk analysis of OPTK shall be regulated by the legislation.

In the case of the application being acceptable or deemed acceptable, the Director General shall issue a license to import seeds. The import license shall be issued in the form of Decree of the Minister of Agriculture by submitting a form which should be attached in the official Agriculture Policy Act. 2017 No. 15. The license to import seeds as stipulated in paragraph (1) shall be granted for a maximum period of six months. The import license shall be submitted to the applicant by the head of the center in no later than 2 two working days following the receipt from the Director General. The import of seeds shall be done during specified period in seed import licensing and should be carried out through the place of the entry in accordance to the

legislation. Seed import licensing procedure shall be done online. In the case of system problems that make online services different, then seed import request can be done manually.

CONCLUSIONS

Regulations on the import of seeds in Indonesia are well regulated to maintain economic and environmental stability in Indonesia. In addition, the importance of legitimate regulations is to provide information to the international community. This rule is made to provide import procedures in accordance with the law in Indonesia. In addition to being used for guidance, the investor or trader may also use the law as an analytical material to conduct a sales strategy. Starting May 2017, the Agriculture Policy Act 2017 No. 15 about import and export of horticulture seeds in Indonesia is valid until a new policy can replace it in the future.

REFERENCES

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