**REGULATION**

**MINISTER OF MARINE AFFAIRS AND FISHERIES**

**NUMBER 49 / PERMEN-KP / 2019**

**REGARDING**

**FISHERIES PRODUCTS AND PRODUCTION FACILITY OF**

**AQUACULTURE FISHERIES**

**TOWARDS RADIOACTIVE SUBSTANCE CONTAMINATION THAT IMPORTED INTO THE TERRITORY OF REPUBLIC OF INDONESIA**

Considering:

1. that to anticipate the entry of fisheries product and production facility of aquaculture fisheries that radioactive contaminated into the territory of Republic of Indonesia, needs to increase the surveillance of fisheries products and production facility of aquaculture fisheries that contaminated with radioactive substances into the territory of Republic of Indonesia;
2. that in Regulation of Minister of Marine Affairs and Fisheries Number PER.12 / MEN / 2011 regarding Fisheries Product and Production Facility of Aquaculture Fisheries from Japan that enter the territory of Republic of Indonesia still not fulfill and unable to accommodate the surveillance to fisheries products and production facility of aquaculture fisheries that contaminated with radioactive substances so it is necessary be replaced;
3. that based on consideration as referred to in letters a and b, it is necessary to stipulate Regulation of the Minister of Marine Affairs and Fisheries regarding Fisheries Products and Production Facility of Aquaculture Fisheries Towards Radioactive Substance Contamination that Imported into the Territory of Republic of Indonesia

In view of:

* 1. Law Number 31 of 2004 regarding Fisheries (State Gazette of the Republic of Indonesia 2004 Number 118, Supplement to the State Gazette Republic of Indonesia Number 4433) as already amended by Law Number 45 Year 2009 regarding Amendments to Law Number 31 of 2004 regarding Fisheries (State Gazette Republic of Indonesia Year 2009 Number 154, Additional State Gazette of the Republic of Indonesia Number 5073);
	2. Government Regulation Number 57, 2015 regarding Quality Assurance System and Fisheries Product Safety and Added Value of Fisheries Product (State Gazette of the Republic of Indonesia 2015 Number 181, Supplement to the State Gazette Republic of Indonesia Number 5726);
	3. President Regulation Number 63, 2015 regarding Ministry of Marine Affairs and Fisheries (State Gazette Republic of Indonesia Number 111 2015) as amended by President Regulation Number 2 of 2017 regarding Amendments to the above President Regulation Number 63, 2015 regarding Ministry of Marine Affairs and Fisheries (State Gazette of Republic of Indonesia Number 5, 2017);
	4. President Regulation Number 68, 2019 regarding State Ministry Organization (State Gazette Republic of Indonesia Number 203, 2019);
	5. Regulation of Minister of Marine Affairs and Fisheries Number 6 / PERMEN-KP / 2017 regarding Organization and Administration Ministry of Marine Affairs and Fisheries Work (State Gazette Republic of Indonesia Number 220, 2017) as amended by Regulation of Minister of Marine Affairs and Fisheries Number 7 / PERMEN-KP / 2018 regarding Amendments to the Minister of Marine Affairs' Regulation and Fisheries Number 6 / PERMEN-KP / 2017 regarding Organization and Administration of the Ministry of Marine Affairs and Fisheries (State Gazette of the Republic of Indonesia Number 317, 2018);

TO DECIDE:

To stipulate: REGULATION OF MINISTER OF MARINE AFFAIRS AND FISHERIES REGARDING FISHERIES PRODUCTS AND PRODUCTION FACILITY OF AQUACULTURE FISHERIES TOWARDS RADIOACTIVE SUBSTANCE CONTAMINATION THAT IMPORTED INTO THE TERRITORY OF REPUBLIC OF INDONESIA

Article 1

In this Ministerial Regulation what is referred to as:

* 1. Fish are all kinds of organisms that are whole or part of its life cycle is inside aquatic environment.
	2. Fisheries Products are Fish that are handled, processed, and / or become the final product in the form of fresh fish, frozen fish, and other processed.
	3. Production Facilities of Aquaculture Fisheries is Fish medicines and Fish feed to support aquaculture fisheries activities.
	4. Radioactive substances is any substances that emit ionizing radiation with type activity bigger than 70 kBq / kg (2nCi / g).
	5. Owner is a person or legal entity that owns Fisheries Products and Production Facilities of Aquaculture Fisheries who in charge of the entry, export or transit of Fisheries Products and Production Facility of Aquaculture Fisheries.
	6. Minister is minister who administer government affairs in the field of marine affairs and fisheries.
	7. Competent Authority is an organizational unit in the Ministry of Marine Affairs and Fisheries that mandated by the Minister to do quarantine measures, control of the safety and quality assurance system of fisheries products.

Article 2

* + 1. Every Fisheries Product and Production Facility of Aquaculture Fisheries originating from the country that publish the emergence of radioactive contamination or country that experiencing radioactive contamination emergency as informed by *International Atomic Energy Agency* , which will be imported and circulated into the territory of the Republic of Indonesia:
1. must accompanied with a radioactive certificate of Fisheries Products and Production Facility of Aquaculture Fisheries; and
2. must be accompanied by the results of monitoring of radioactive contamination substance of Fisheries Products and Production Facility Aquaculture Fisheries.
	* 1. Radioactive certificate of fisheries products and production facility of aquaculture fisheries as referred to in sub-article (1) letter a and the results of monitoring of radioactive contamination substances Fisheries Products and Production Facilities Aquaculture fisheries as referred to in sub-article (1) letter b, issued by the authorized agency / institution of the country of origin.

(3) Radioactive certificate of fisheries products and facilities Fish Culture Production as referred to in sub-article (2) states the Fisheries Products and Facilities Fish Culture Production does not contain contamination radioactive exceeds the maximum limit.

(4) The maximum limit as referred to in dub-article (3) is maximum 500 Bq / kg for the Cs- Radioactive Substance 137.

Article 3

* 1. Fisheries Products and Production Facilities of Aquaculture Fisheries as referred to in Article 2 sub-article (3) monitoring and inspection can be carried out at any time by a Competent Authority.
	2. Monitoring and inspection at any time as referred to in sub-article (1) is carried out by sampling of Fisheries Products and Production Facility of Aquaculture Fisheries entering into the territory of Republic of Indonesia.
	3. The sample as referred to in sub-article (2) submitted to the National Nuclear Energy Agency for the inspection.
	4. In the case the results of monitoring and inspection as referred to in sub-article (2) Radioactive Substances Cs- 137 which exceeds the standards found, Fisheries Products and Product Facility of Aquaculture Fisheries must be withdrawn from circulation and removed from the territory of Republic of Indonesia.
	5. In the case of owner of Fisheries Products and Production Facility of Aquaculture Fisheries is not be able to withdraw from circulation and remove it from the territory of Republic of Indonesia as referred to in sub-article (4) within a maximum period of 3 (three) days, to the Fisheries Products and Production Facility of Aquaculture Fisheries annihilation will be carried out.
	6. The period of time as referred to in sub-article (5) may be extended with condition that owner of Fisheries Product and Production Facility of Aquaculture Fisheries attach a statement from transportation company stating that Fisheries Products and Production Facility of Aquaculture Fisheries will be transported accordingly with earliest transportation schedule.

Article 4

When this Minister Regulation comes into force, the Regulation Minister of Marine Affairs and Fisheries Number PER.12 / MEN / 2011 regarding Fisheries Products and Production Facility of Aquaculture Fisheries from Japan that Enter into the territory of Republic of Indonesia (State Gazette ofRepublic of Indonesia Number 281 2011), is revoked and declared not applicable.

Article 5

This Ministerial Regulation shall come into force on the date promulgated.

For public cognizance, this Ministerial Regulation shall be promulgated its placement in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

on December 31, 2019

THE MINISTER OF MARINE AND FISHERIES

REPUBLIC OF INDONESIA,

signed

EDHY PRABOWO

Promulgated in Jakarta

on January 21, 2020

DIRECTOR GENERAL

LAWS AND REGULATIONS

MINISTRY OF LAW AND HUMAN RIGHTS

REPUBLIC OF INDONESIA,

signed

WIDODO EKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2020 NUMBER 33