

REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA  
NUMBER 86 OF 2019  
ON  
FOOD SAFETY

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : that to implement the provisions of Article 37 section (2), Article 65 section (3), Article 71 section (3), Article 72 section (3), Article 75 section (2), Article 76 section (3), Article 77 section (4), Article 78 section (2), Article 79 section (3), Article 81 section (3), Article 83 section (3), Article 85 section (3), Article 86 section (6), Article 87 section (3), Article 88 section (4), Article 94 section (3), Article 112, and Article 131 section (2) of Law Number 18 of 2012 on Food, it is necessary to establish a Government Regulation on Food Safety;

Observing : 1. Article 5 section (2) of the 1945 Constitution of the Republic of Indonesia;  
2. Law Number 18 of 2012 on Food (State Gazette of the Republic of Indonesia of 2012 Number 227, Supplement to the State Gazette of the Republic of Indonesia Number 5360);

HAS DECIDED:

To enact : GOVERNMENT REGULATION ON FOOD SAFETY.

CHAPTER I  
GENERAL PROVISIONS

Article 1

In this Government Regulation:

1. Food means any substance originating from biological sources product of agriculture, plantation, forestry, fishery, livestock, waterworks and water sources, both processed and unprocessed, designated as food or beverage for human consumption, including food additives, food raw materials and other materials used in the process of preparing, processing and/or producing food or beverage.
2. Food Safety means a condition and effort that is required to prevent Food from biological, chemical and physical contaminant that can interfere, harm, and endanger the human health as well as not conflicting with religion, belief and culture of the society therefore safe for consumption.
3. Food Chain means a sequence of stages and operations in the production, processing, distribution, storage, and handling of Food and Food-related materials until the Food is ready for consumption.
4. Food Production means the activity or process to produce, prepare, process, make, preserve, package, repackage and/or change the form of the food.
5. Food Storage means the process, method and/or activity to store food either at the production or distribution facilities.
6. Food Transportation means any activity or a series of activities in the framework of transporting food from one place to another by means of or using any transportation means in the framework of food production, distribution and/or trade.

7. Food Distribution means any activity or a series of activities in the framework of distributing Food to people either for trade or non-trade purposes.
8. Food Trade means any activity or a series of activities in the framework of sales and/or purchases of food, including any offer to sell Food, and other activities in connection with Food transfer for any repayment.
9. Fresh Food means unprocessed food that may be directly consumed and/or become a raw material for food processing.
10. Processed Food means food or beverage that is processed in a certain way or method with or without food additives.
11. Ready-to-Eat Processed Food means food and/or beverage that has been processed and is ready to be served directly outside the place of business or place of business such as Food served in catering, hotels, restaurants, cafeterias, canteens, street vendors, food truck, and itinerant food vendors or similar business.
12. Food Additives mean any substances added into Food to affect the characteristic and/or shape of Food.
13. Certification means series of conformity assessment activities related to the provision of a written guarantee that the Food meets the Food Safety and Food Quality standards.
14. Food Import means entering Food from a foreign or external source to customs territory of the Republic of Indonesia that includes territory of land, waters and air space above it, specific places in the Exclusive Economic Zone and continental shelf.
15. Food Sanitation means an effort to create and maintain healthy and hygienic Food condition that is free of physical, biological, and chemical contamination.
16. Sanitation Requirements means the standard hygiene and health that should be met to guarantee Food Sanitation.
17. Food Irradiation means the processing of food products by using radioactive substances or an accelerator to

prevent spoilage and decomposition, to eliminate foodborne pathogens, and to inhibit the germination of root crops.

18. Genetically Engineered Food means a process that involves the transfer of genes amongst either different or same biological entities to obtain a new type that is able to produce superior Food products.
19. Genetically Engineered Food Product means Food that is produced or uses raw materials, additives, and/or other materials that are produced from a genetic engineering process.
20. Food Contaminant means material that incidentally and/or undesirable in Food that comes from the environment or as a result of the process along Food chain, either biological contaminant, chemical heavy metals contaminant, mycotoxins, radioactive substances, and other chemical contaminants, residues of pesticides and veterinary medicines and other substances that can disrupt, harm, and endanger to human health.
21. Food Packaging means any materials used to package and/or wrap Food, either directly or indirectly contact with Food.
22. Food Contact Substance means substance which is in use of Food Packaging in direct contact with Food.
23. Food Quality means the value determined based on the criteria of Food safety, and nutritional content.
24. Nutrition means any substances or chemical compounds found in food, consisting of carbohydrate, protein, fat, vitamin, mineral, dietary fiber, water, and other components that are useful for human growth and health.
25. Any Person means any individual or a business entity, either in the form of a legal entity or otherwise.
26. Chairperson of the Authority means the head of non-ministerial government institution whose duties in the field of food and drug control.

27. Commission means Biosafety Commission of Genetically Engineered Products as referred to in the legislation in the field of biological safety of genetically engineered products.
28. Extraordinary Food Poisoning hereinafter referred to as Foodborne Disease Outbreak means condition that there are two or more people who suffer from pain with symptoms that are equal or nearly equal after eating Food, and based on the epidemiological analysis, Food is proved as a source poisoning.
29. Food Safety Risk Assessment means part of the risk analysis in the form of scientific research activities that include food safety aspects of hazard identification, hazard characterization, exposure assessment, and risk characterization.
30. Food Business Operator means Any Person that is engaged in one or more Food agribusiness subsystems, including supplier of production input, production process, processing, marketing, trading and supporting.
31. Indonesian National Standard (*Standar Nasional Indonesia*) hereinafter abbreviated as SNI means standard set by the National Standardization Agency and applicable in the territory of the Republic of Indonesia.
32. Health Care Facility means a place used to organize health care efforts, either promotive, preventive, curative or rehabilitative undertaken by the central government, local government, and/or public.
33. Food Safety Emergency means serious situation caused by food safety risks that impact public health that requires urgent action, whether accidental or intentional.

## Article 2

- (1) Implementation of Food Safety is conducted through:
  - a. Food Sanitation;
  - b. control of Food Additives;
  - c. control of Genetically Engineered Food Products;
  - d. control of Food Irradiation;

- e. establishment of Food Packaging standard;
  - f. issuance of Food Quality and Food Safety assurance;
  - g. Halal product assurance for those required.
- (2) In addition to the implementation of Food Safety as referred to in section (1), Food Safety is carried out through control, handling of outbreaks and rapid response of Food Safety Emergency, and community participation.

## CHAPTER II IMPLEMENTATION OF FOOD SAFETY

### Part One Food Sanitation

#### Article 3

- (1) Food Sanitation as referred to in Article 2 section (1) point a is implemented so that Food is safe for consumption.
- (2) Food Sanitation as referred to in section (1) is implemented in activity or process of Food Production, Storage, Transport and/or Distribution

#### Article 4

- (1) Any Person conducting activity or process of Food production, storage, transport and/or distribution as referred to in Article 3 section (2) is obligated:
- a. to meet the Sanitation Requirements; and
  - b. to ensure the Food Safety and/or human safety.
- (2) Sanitation Requirements as referred to in section (1) point a at least consist of:
- a. avoidance of the use of materials that can threaten Food Safety along the Food Chain;
  - b. Food Contaminant compliance;
  - c. The process control along the Food Chain;
  - d. material traceability system implementation; and
  - e. prevention of decrease or loss of nutritional content.

- (3) Sanitation requirements as referred to in section (2) are regulated in good practices guidelines.
- (4) Further provisions regarding the guidelines for good practice as referred to in section (3) are regulated in a regulation of the minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in the health sector, the minister administering government affairs in the industrial sector, or the Chairperson of the Authority in accordance with their respective authority.

#### Article 5

- (1) Food Contaminant requirements as referred to in Article 4 section (2) point b, for Fresh Food, are determined by the minister or government affairs in the agricultural sector or the minister administering government affairs in the marine and fisheries sector in accordance with their respective authority
- (2) Food Contaminant requirements as referred to in Article 4 section (2) point b, for Processed Food are determined by the Chairperson of the Authority
- (3) In the event of Processed Food as referred to in Section (2) for ready-to-eat Processed Food, Food Contaminant requirements are determined by minister administering government affairs in health sector.
- (4) Food Contaminant requirements as referred to in section (1), section (2), and section (3) are determined by taking into consideration Food Safety Risk Assessment.

#### Article 6

- (1) Any Person who produces and/or distributes the equipment used to produce Food is obligated to meet the requirements of safety and quality equipment.
- (2) Safety and quality requirements of equipment as referred to in section (1) at least include:

- a. using material that not harmful to health; and
  - b. Food which produced meets Food Safety and Food Quality requirements.
- (3) The provisions regarding the safety and quality requirements of equipment used to produce Food as referred to in section (1) are regulated in a ministerial regulation administering government affairs in the health sector.
- (4) the safety and quality requirements of equipment used to produce Food as referred to in section (1) are regulated in a regulation of minister administering government affairs in the health sector.
- (5) The control for the implementation of the safety and quality requirements of equipment used to produce Food as referred to in section (1) are regulated in a regulation of minister administering government affairs in the health sector.

## Part Two

### Control of Food Additives

#### Article 7

Any Person carrying out Food Production to be distributed is prohibited from using:

- a. Food additives that excess maximum limit; and/or
- b. prohibited materials as Food additives.

#### Article 8

- (1) Maximum limit of Food Additives as referred to in Article 7 point a includes Food Additives functional class, types of Food Additives, Food categories, specifications, and maximum limits.
- (2) Maximum limit as referred to in section (1) is determined by taking into account technological function and Food Safety risk in each class of Food Additives and Food category.

Article 9

- (1) Functional class of Food Additives as referred to in Article 8 section (1) include:
  - a. antifoaming agent;
  - b. anticaking agent;
  - c. antioxidant;
  - d. carbonating agent
  - e. emulsifying salt;
  - f. Packaging gas;
  - g. humectant;
  - h. glazing agent;
  - i. sweetener;
  - j. carrier;
  - k. gelling agent;
  - l. foaming agent;
  - m. acidity regulator;
  - n. preservative;
  - o. raising agent;
  - p. emulsifier;
  - q. thickener;
  - r. firming agent;
  - s. flavour enhancer;
  - t. bulking agent;
  - u. stabilizer;
  - v. colour retention agent;
  - w. flavouring;
  - x. flour treatment agent;
  - y. colour;
  - z. propellant, and
  - aa. sequestrant.
- (3) Functional class of Food Additives as referred to in section (1) that contain different types of Food Additives.
- (4) In the event of there is a scientific study in accordance with the development of science and technology in the field of Food Safety, the functional class of Food Additives as referred to in section (1) may be changed.

- (5) Changes in the functional class of Food Additives as referred to in section (1) are determined by the Regulation of the Head Agency after coordinating with ministries/non ministerial government institutions.

#### Article 10

- (1) Group Functional class and types of Food Additives as referred to in Article 9 section (2) are listed in Annex I as an integral part of this Government Regulation.
- (2) Changes in the group functional types of Food Additives as referred to in section (1) are determined by the Regulation of the Head of Agency.

#### Article 11

- (1) Use of Food Additives as referred to in Article 9 and Article 10 is prohibited from exceeding the maximum limit of use in the Food category.
- (2) The provisions regarding the maximum limit of use in the Food category as referred to in section (1) are regulated by Regulation of the Head of Agency.

#### Article 12

Changes in types of Food Additives as referred to in Article 10 section (2) and changes in the maximum limit of use in the Food category as referred to in Article 11 section (2) must take into consideration:

- a. Health requirements based on valid scientific evidence; and
- b. exposure assessment of Food Additives.

#### Article 13

- (1) Food Additives to be produced, imported into the territory of the Republic of Indonesia, and distributed are required to have a marketing authorization of Chairperson of the Authority.
- (2) The requirements for obtaining a marketing authorization from the Chairperson of the Authority as referred to in section (1) at least include:

- a. complying with the standards and requirements of the Indonesian Food Codex regulated by the minister administering government affairs in the health sector; and
  - b. having industrial business licenses under the provisions of legislation.
- (3) In the absence of standards and requirements in the Indonesian Food Codex as referred to in section (2) point a, can refer to the international standard.
  - (4) Provisions regarding the requirements and procedures for application and issuance of marketing authorization are determined in Regulation of Chairperson of the Authority.

#### Article 14

- (1) Prohibited materials as Food Additives as referred to in Article 7 point b are determined by taking into consideration Food Safety risk analysis.
- (2) Food Safety risk analysis as referred to in section (1) is carried out by considering the level of hazard to human health or life.
- (3) Prohibited materials as Food Additives as referred to in section (1) for Fresh Food are regulated by the minister administering government affairs in the agricultural sector or the minister administering government affairs in the marine and fisheries sector according to their respective authority.
- (4) Prohibited materials as Food Additives as referred to in section (1) for Processed Food are regulated by the Chairperson of the Authority.

#### Part Three

#### Control of Genetically Engineered Food Products

#### Article 15

- (1) Any Person is prohibited from producing Genetically Engineered Food that has not obtained food safety approval before being distributed.

- (2) Any person is prohibited from distributing Genetically Engineered Food Products before obtaining Food Safety approval.
- (3) Food Safety approval of Genetically Engineered Products as referred to in section (1) and section (2) is issued by the Chairperson of the Authority after obtaining a recommendation from the Commission.
- (4) Recommendation from the Commission as referred to in section (3) is given after conducting a safety assessment of Genetically Engineered Food Products.

#### Article 16

- (1) Safety assessment of Genetically Engineered Food Products as referred to in Article 15 section (4) includes:
  - a. Genetic Engineering Food methods used follow standard procedures which are scientifically accountable for their validity;
  - b. Nutritional value of Genetically Engineered Food Products must be substantially equivalent to the Nutritional value of non Genetically Engineered Food Products;
  - c. toxic compounds, anti-nutrient, and allergens content in Genetically Engineered Food Products must be substantially equivalent to non Genetically Engineered Food Products;
  - d. proteins encoded by transferred genes are not the allergen; and
  - e. destruction procedure in case of nonconformity.
- (2) Provisions regarding guidelines for safety assessment of Genetically Engineered Food Products as referred to in section (1) are regulated by Regulation of Chairperson of the Authority.

#### Article 17

- (1) Safety assessment of Genetically Engineered Food Products as referred to in Article 15 section (4) is conducted based on a written application by an applicant to the Chairperson of the Authority.

- (2) Written application as referred to in section (1) must be accompanied by a safety assessment document of Genetically Engineered Food Products as intended to in Article 6 section (1).
- (3) Chairperson of the Authority submits an application to the Commission to carry out an assessment and provide recommendations for the safety of Genetically Engineered Food Products after receiving the application as referred to in section (1).
- (4) The Commission assigns the Technical Committee on Biosafety of Genetically Engineered Products Division of Food Safety for review, and further tests if necessary after receiving the application of Head as referred to in section (3).
- (5) In the framework of the assessment as referred to in section (4) Technical Committee on Biosafety of Genetically Engineered Products Division of Food Safety does an examination of:
  - a. administrative requirements;
  - b. document on the safety assessment of Genetically Engineered Food Products as referred to in Article 16 section (1); and
  - c. Food safety test results of Genetically Engineered Food Products conducted by the competent institution.
- (6) The assessment results as referred to in section (4) delivered by the Technical Committee on Biosafety of Genetically Engineered Products Division of Food Safety to Commission as the consideration to develop the recommendations on Food Safety of Genetically Engineered Food Products.

#### Article 18

- (1) The Commission assigns the Biosafety Clearing-House to announce a summary of the results of the assessment as referred to in Article 17 section (6) in a place that is accessible to the public.

- (2) During the announcement period as referred to in section (1) the public has an opportunity to provide feedback to the Commission.

#### Article 19

- (1) The Commission submits recommendations on the safety of Genetically Engineered Food Products to the Chairperson of the Authority based on the results of the assessment as referred to in Article 77 section (6) and feedback from the public as referred to in Article 18 section (2).
- (2) Chairperson of the Authority issues the Approval of safety of Genetically Engineered Food Products based on the recommendation for the safety of Genetically Engineered Food Products from the Commission as referred to in section (1).
- (3) Further provisions regarding the procedure for obtaining the Approval of safety of Genetically Engineered Food Products are regulated by the Chairperson of the Authority.

#### Article 20

- (1) Any person conducting the research, development and utilization methods of Genetically Engineered Food in the activity or process of food production is obligated to prevent and/or overcome the negative impact of its activities on human health and the environment.
- (2) Genetically Engineered Food Products Testing in the process of research, development, and utilization methods of Genetically Engineered Food must be done in the laboratory.
- (3) Requirements and principles of research, development, and utilization of Genetically Engineered Food method implemented in accordance with the provisions of the legislation in the field of research, development, and application of science and technology.

#### Article 21

Genetically Engineered Food Products produced from the activities of research, development and utilization of Genetically Engineered Food methods as referred to in Article 20 must meet the safety requirements for Genetically Engineered Food Products before being distributed.

#### Part Four

#### Food Irradiation

#### Article 22

- (1) Food Irradiation can be conducted using radioactive substances and accelerator.
- (2) The use of radioactive substances or accelerator for Food Irradiation as referred to in section (1) is required to be carried out in the irradiation facility which has utilization license of ionizing radiation sources from the head of non-ministerial government institutions that carry out tasks in the field of control of nuclear energy.
- (3) Utilization license of ionizing radiation sources as referred to in section (2) is granted after fulfilling the following requirements:
  - a. health;
  - b. techniques and equipment;
  - c. construction of buildings or facilities;
  - d. waste management and hazard mitigation of radioactive substances;
  - e. occupational safety; and
  - f. environmental sustainability.
- (4) Requirements and procedure for applying and issuing the utilization license of ionizing radiation sources as referred to in section (2) are implemented in accordance with the provisions of the legislation.

#### Article 23

- (1) Food Irradiation as referred to in Article 22 can be carried out by Food Business Operator.

- (2) Food Business Operator who carries out Food Irradiation as referred to in section (1) are obligated to meet the requirements which at least include:
  - a. radiation sources;
  - b. the maximum absorbed dose;
  - c. food and packaging types that can be irradiated;
  - d. the purpose of irradiation;
  - e. good practice in food irradiation; and
  - f. reporting and monitoring.
- (3) Further provisions regarding Food Irradiation requirements as referred to in section (2) are regulated by the Regulation of the Chairperson of the Authority.

#### Part Five

#### Food Packaging Standards

##### Article 24

- (1) Any person producing prepackaged foods is obligated to use Food Contact materials that do not harm human health.
- (2) Food Contact materials as referred to in section (1) in direct contact with the Food is required to use Food Contact Substances that are safe and meet the requirements of migration limits.
- (4) Further provisions regarding Food Contact Substance as referred to in section (2) are regulated by Regulation of the Chairperson of the Authority.

##### Article 25

- (1) Any person producing prepackaged foods to be distributed, is prohibited from using any Food Contact materials that can release hazardous substances that endanger human health as Food Packaging.
- (2) Provisions regarding the types of prohibited Food Contact Substance as referred to in section (1) are regulated by Regulation of the Head of Agency.

Article 26

- (1) Any person is prohibited from repacking final food product for trade.
- (2) The prohibition as referred to in section (1) are not applicable on Food that is commonly procured in a large quantity and commonly repacked in small quantities for further trading.

Article 27

- (1) Any person who packs Food must comply with the Food packaging procedure.
- (2) Food packaging procedure as referred to in section (1) at least must meet the following requirements of:
  - a. protecting and maintaining the Food Quality;
  - b. being resistant to treatment during processing, Food Transportation and Food Distribution;
  - c. protecting Food from contaminant, preventing damage, and allowing a suitable labelling; and
  - d. Food packaging materials must be stored and handled in a hygienic condition and apart from raw materials and final product.

Part Six

Issuance of Food Safety and Food Quality Assurance

Paragraph 1

General

Article 28

- (1) Any person producing and trading Food is obligated to comply with Food Safety and Food Quality standard.
- (2) Food as referred to in section (1) includes Food for the purpose of grants, assistance, government programs, and/or for research purposes.
- (3) Food Safety Standards as referred to in section (1) includes provisions regarding:

- a. Food Sanitation as referred to in Article 3 to Article 6;
  - b. Food Additives as referred to in Article 7 to Article 14
  - c. Genetically Engineered Food Product as referred to in Article 15 to Article 21;
  - d. Food Irradiation as referred to in Article 22 to Article 23;
  - e. Food Packaging as referred to in Article 24 to Article 27; and
  - f. the use of other materials.
- (4) Food Quality Standards as referred to in section (1) is a basic characteristic of Food Quality in accordance with the type of Food in a normal state based on the criteria of the organoleptic, physical, composition, and/or the nutritional content.

#### Article 29

- (1) Compliance with the of Food Safety and Food Quality standards as referred to in Article 28 is carried out through the implementation of a Food Safety and Food Quality assurance system.
- (2) Implementation of Food Safety and Food Quality assurance system as referred to in section (1) is done by considering the type of Food and/or scale of business gradually.
- (3) Further provisions regarding the implementation of Food Safety and Food Quality assurance system as referred to in section (1) and a gradual implementation as referred to in section (2) are governed by a minister administering government affairs in the agricultural sector, minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in the health sector, the minister administering government affairs in the field of industry, or the Chairperson of the Authority in accordance with their respective authority.

Article 30

- (1) Minister administering government affairs in agriculture, minister administering government affairs in the field of maritime affairs and fisheries, minister administering government affairs in the health sector, the minister administering government affairs in the field of industry, the Chairperson of the Authority, or regent/mayor in accordance with the authority and/or institutions Certification accredited by the Government may issue a Food Safety and Food Quality assurance certificate.
- (2) The issuance of certificate as referred to in section (1) is conducted gradually according to Food type and/or business scale.
- (3) Issuance of Food Safety assurance certificate and Food quality as referred to in section (2) is conducted through certification by minister administering government affairs in the agricultural sector, minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in the health sector, the minister administering government affairs in the field of industry, the Chairperson of the Authority, or regent/mayor in accordance with their respective authority or Certification bodies accredited by the Government.
- (4) In the event of Certification bodies accredited by the Government is not yet available, the minister administering government affairs in the agricultural sector, the minister administering government affairs in the field of maritime affairs and fisheries, minister administering government affairs in the health sector, the minister administering government affairs in the field of industry, the Chairperson of the Authority, or regent/mayor may appoint certification bodies in accordance with the legislation.

Article 31

- (1) Any person who produces Food by using other materials as referred to in Article 28 section (3) point f for distribution is obligated to use other permitted materials.
- (2) Other materials as referred to in section (1) can include a processing aid.
- (3) Type, functional class or function, and/or maximum limit of processing aids as referred to in section (2) for Food are determined by the Chairperson of the Authority.
- (4) Determination of the type and the maximum limit of processing aids as referred to in section (3) is taken into account on Food Safety Risk Assessment.

Article 32

- (1) Food Quality Standard as referred to in Article 28 section (4) can be determined through the preparation of SNI by minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in the field of forestry, the minister administering government affairs in the field of industry, the minister administering government affairs in the health sector, or the Chairperson of the Authority in accordance with their respective authority.
- (2) In the event that Food has a high risk level of food safety, in addition to Food Quality standard as referred to in section (1), the minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, or the Chairperson of the Authority may determine the provision of Food Quality beyond SNI in accordance with their respective authority.

Paragraph 2  
Registration of Production Facilities

Article 33

- (1) Any person who produces Food for distribution must register their production facilities.
- (2) Registration of production facilities as referred to in section (1) is excluded for farmers, breeders, fishermen, and certain Food Business Operators that are determined based on the Food Safety Risk Assessment.
- (3) The procedure for registration of the production facilities as referred to in section (1) and the exceptions as referred to in section (2) is determined by the minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in the field of industry, the Chairperson of the Authority, or regent/mayor in accordance with their respective authority.

Paragraph 3  
Issuance of Marketing Authorization of Processed Food

Article 34

- (1) Each Processed Food that is produced domestically or imported for trade in retail packages is required to have marketing authorization prior to distribution, except for certain Processed Food that is produced by the household industries.
- (2) A marketing authorization as referred to in section (1) is issued by the Chairperson of the Authority based on the assessment results of Food Safety, Food Quality and Nutrition Products.
- (3) Further provisions regarding the procedure for issuing a marketing authorization for Processed Food referred to in section (2) are regulated by the Chairperson of the Authority.

#### Article 35

- (1) Certain Processed Food produced by household industry as referred to in Article 34 section (1) is required to have an authorization of household industry Processed Food.
- (2) The authorization of household industries as referred to in section (1) is issued in the form of production certificate of household industry Processed Food that is issued by the regent/mayor.
- (3) Certificate as issuance as referred to in section (2) must comply with the requirements which include:
  - a. Food types;
  - b. evaluation methods; and
  - c. procedures for issuing production licenses.
- (4) Issuance of production certificate of household industry Processed Food is conducted by referring to the guidelines in accordance with the provisions of legislation.

#### Article 36

The obligation to have a distribution authorization referred to in Article 34 and the obligation to have a production license as referred to in Article 35 excludes Processed Food that:

- a. has a shelf life of less than seven (7) days;
- b. is further used as a raw material and Food not sold directly to the end consumer; and
- c. is imported to the territory of the Republic of Indonesia in the limited numbers for the purposes of:
  1. application for marketing authorization;
  2. research; or
  3. own consumption.

#### Article 37

- (1) Any person who produces Ready-to-Eat Processed Food for trade must use the production facilities are certified to ensure the Food Safety and Food Quality.
- (2) Certificates as referred to in section (1) are issued by the regent/mayor.

- (3) In the event that production facilities of Ready-to-Eat Processed Food in the area of sea ports, airports, or border controls, a certificate as referred to in section (1) is issued by the minister administering government affairs in the health sector.
- (4) Further provisions regarding the procedure for issuing certificates as referred to in section (1) are regulated in a regulation of the minister administering government affairs in the health sector.

#### Paragraph 4

Providing Registration Number to Fresh Food of Animal Product and Providing Registration Number to Fresh Food of Plant-Origin

#### Article 38

- (1) Each Fresh Food of Animal Product which is distributed in the territory of the Republic of Indonesia which are produced domestically or imported for trade in packaging labelled are required to have a registration number.
- (2) Each Fresh Food of Plant-Origin distributed in the Republic of Indonesia which is produced domestically or imported to be traded in packaging labelled is required to have a registration number.
- (3) Registration number as referred to in section (1) and the registration number as referred to in section (2) is issued by the minister administering affairs in the agricultural sector, governor or regent/mayor in accordance with their respective authority.
- (4) Requirements and procedures for the issuance of a registration number and registration number implemented in accordance with the provisions of the legislation.

Paragraph 5

Issuance of Certificates for Fresh Food of Fish-Origin

Article 39

- (1) Each of Fresh Food of Fish-Origin distributed in the territory of the Republic of Indonesia which are produced domestically or imported for trade in packaging labelled is required to have a certificate of eligibility processing, certificate of implementing an integrated quality management program, and a health certificate fish processing products.
- (2) Certificates as referred to in section (1) are issued by the minister administering government affairs in the marine and fisheries sector with the involvement of local government.
- (3) The requirements and procedures for issuing a certificate as referred to in section (2) are implemented in accordance with the provisions of legislation.

Paragraph 6

Laboratory Testing

Article 40

- (1) Laboratory testing is a requirement in:
  - a. the issuance of a Food Safety and Food Quality assurance certificate as referred to in Article 30;
  - b. registration of production facilities as referred to in Article 33;
  - c. Issuance of Marketing Authorization of Processed Food as referred to in Article 34;
  - d. Issuance of authorization of household industry Processed Food as referred to in Article 35;
  - e. issuance of a registration number and the registration number as referred to in Article 38; and
  - f. issuance of certificates for fresh food of Fish-origin as referred to in Article 39.

- (2) Laboratory testing as referred to in section (1) at least includes:
  - a. Food types;
  - b. test parameters; and
  - c. testing methods.
- (3) Minister administering government affairs in agriculture or the minister administering government affairs in the marine and fisheries sector is authorized to determine the requirements for the Fresh Food Safety and Food Quality that must be tested in a laboratory before being distributed.
- (4) Chairperson of the Authority sets the requirements for Processed Food Safety and Food Quality that must be tested in a laboratory before being distributed.
- (5) In the event of Processed Food in the form of Ready-to-Eat Processed Food, the minister administering government affairs in the health sector sets the requirements for Ready-to-Eat Processed Food Safety and Food Quality that should be tested in a laboratory.
- (6) Determination of laboratory testing requirements as referred to in section (3), section (4), and section (5) is conducted gradually based on the Food Safety Risk Assessment.
- (7) The laboratory testing as referred to in section (1) and section (2) is conducted in a laboratory designated by and/or that have obtained accreditation from minister administering government affairs in the agricultural sector, minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in the health sector, or the Head of Agency.

#### Paragraph 7

#### Contaminated Food

#### Article 41

- (1) Any person is prohibited from distributing contaminated Food.

- (2) The contaminated Food as referred to in section (1) is Food that:
- a. contains material that is poisonous, hazardous or can endanger human health or life;
  - b. contains contaminant that is exceeding established maximum limit;
  - c. contains material that is prohibited for use in activity or Food Production process;
  - d. contains dirt, spoiled, rancid, decomposed material or contains material for sick animal or plant or originating from carcass;
  - e. is produced in a prohibited manner; and/or
  - f. has expired.

#### Paragraph 8

#### Food Import

#### Article 42

- (1) Food Import implemented to fulfill domestic consumption necessity is required to comply with:
- a. Food Safety and Food Quality standard; and
  - b. not in conflict with the people's religion, belief and culture.
- (2) Compliance with Food Safety and Food Quality standard as referred to in section (1) point a is implemented in accordance with the provisions as referred to in Article 28 section (3) and section (4).
- (3) The provisions regarding the fulfillment of the requirements for not in conflict with the people's religion, belief, and culture as referred to in section (1) point b are implemented in accordance with the provisions of legislation.

#### Article 43

Any person who imports Food for trade is obligated to comply with the Food Safety and Food Quality standard as referred to in Article 28 section (3) and section (4).

Article 44

- (1) Food Import as referred to in Article 42 and Article 43 is required to obtain import approval.
- (2) Import approval as referred to in section (1) is issued after fulfilling with the following requirements:
  - a. Food has been tested, inspected, and/or otherwise met the requirements of the Food Safety and Food Quality by authorities in Indonesia and does not in conflict with the people's religion, belief, and culture; or
  - b. Food has been tested, inspected, and/or otherwise met the requirements of the Food Safety and Food Quality by authorities in the country of origin that have formed a mutual recognition agreement with the authorities in Indonesia in accordance with the provisions of legislation.
- (3) In the event that Food based on assessment is suspected to pose a health risk, food import approval as referred to in section (1) may only be issued after laboratory testing by the authorities in Indonesia.
- (4) In the event that imported Food does not get or does not have import approval, Food Business Operators are obligate to destroy or re-export Food from the territory of the Republic of Indonesia.
- (5) Further provisions regarding the procedure for obtaining approval for import as referred to in section (1) and the handling of Food that does not get or does not have import approval as referred to in section (4) are regulated by a regulation of minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in trade sector, or the Chairperson of the Authority in accordance with their respective authority.

Article 45

Import approval as referred to in Article 44 section (1) also applies to imports in the free trade zone and free port and bonded area.

Part Seven

Halal Product Guarantee for Those Required

Article 46

- (1) The Government and Local Governments control halal product guarantee system for those required for Food.
- (2) Application of halal product guarantee system for those required as referred to in section (1) is conducted in accordance with the provisions of legislation.

CHAPTER III

CONTROL

Part One

General

Article 47

- (1) Control of compliance with the requirements for Food Safety, Food Quality and Food Nutrition for Fresh Food is carried out by the minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, governors, and/or regents/mayors in accordance with their respective authority.
- (2) Control of compliance with the requirements of Food Safety, Food Quality and food Nutrition to Processed Food is conducted by the Chairperson of the Authority and the minister administering government affairs in the industry sector in accordance with their respective authority.
- (3) Control of compliance with the Food Safety Requirements, Quality of Food and Nutrition for household industry Processed Food is conducted by

Chairperson of the Authority and/or regent/mayor individually or together.

- (4) Control of compliance with the Food Safety requirements, Quality of Food and Food Nutrition for Ready-to-Eat Processed Food implemented by the minister administering government affairs in the Health sector, Head, or regent/mayor in accordance with their respective authority.

#### Article 48

In the implementation of SNI, technical specifications, and/or guidelines in mandatory procedure, the minister administering government affairs in the industrial sector, the minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, or the Chairperson of the Authority in accordance with their respective authority to control the implementation and enforcement in accordance with the provisions of the legislation.

#### Article 49

- (1) Control of the Food Packaging is conducted by the minister administering government affairs in the industrial sector, the minister administering government affairs in the trade sector, or the Chairperson of the Authority according to their respective authority.
- (2) In certain matters, control of Food Packaging is followed through coordination of the minister administering government affairs in the industrial sector, the minister administering government affairs in the trade sector, the Chairperson of the Authority, and the regent/mayor in accordance with their respective authority.

#### Article 50

In order to strengthen control of Food Safety, Food Quality, and Food Nutrition, the Chairperson of the Authority coordinates:

- a. Food Safety Risk Assessment;
- b. Food Safety risk management; and
- c. Food Safety risk communication.

## Part Two

### Implementation of Control

#### Article 51

- (1) Control as referred to in Article 47 is conducted regularly, intensively within a certain time, and in the case of the alleged violation.
- (2) Control as referred to in section (1) is conducted by an inspection of the activity or process of production, storage, transportation, and/or the Food Trade.
- (3) Inspection as referred to in section (2) is conducted by:
  - a. entering any suspected place for production process or activity, storage, transport and Food Trade to examine, inspect and take Food sample and everything else suspected for production activity, storage, transport and/or Food Trade;
  - b. stopping, inspecting and preventing each transportation vehicle suspected or ought to be suspected for Food transport as well as taking and examining Food sample;
  - c. opening and checking Food Packaging;
  - d. examining every book, document or other records suspected to contain information regarding production, storage, transport and/or Food Trade, including copying and citing that information; and
  - e. asking to show business license or other similar documents.
  - f. testing.

#### Article 52

- (1) In the event that there is alleged violation of the Food Safety, Food Quality and Nutrition requirements in each Food Chain, the minister administering government

affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in the health sector, the Chairperson of the Authority, or regent/mayor in accordance with their respective authority may:

- a. discontinue the activity or production Processes;
  - b. discontinue the distribution activities; and/or
  - c. provide security for Food.
- (2) Alleged violation as referred to in section (1) includes:
- a. not complying with sanitation requirements;
  - b. not assuring Food Safety and/or human safety;
  - c. the use of equipment that does not comply with quality and safety requirements;
  - d. the use of Food Additives exceeding the maximum threshold/or not in accordance with its allotment;
  - e. the use of prohibited material as Food Additives;
  - f. producing, using, and/or distributing Genetically Engineered Food Products that have not been approval Food Safety;
  - g. Food Irradiation activities in the irradiation facility that does not have the utilization licence of ionizing radiation sources;
  - h. not complying with the requirements of the Food Irradiation;
  - i. use of Food Packaging materials and Food Packaging materials containing Food Contact Substances that endanger human health;
  - j. Food Contact Substances Usage that has not been set and does not comply with the requirements of the migration limits for Food Packaging material in direct contact with Food;
  - k. repacking the final prepackaged Food for repacked and traded, except for the Food procured in bulk and commonly repacked in small quantities for trade;
  - l. the use of other substances that are not permitted;

- m. contaminated Food distribution ;
  - n. not complying with the Food Safety, Food Quality and Food Nutrition requirements, and in conflict with people's religion, belief, and culture for Food imports;
  - o. having no marketing authorization; and/or
  - p. not having the eligibility processing certificate, certificate of application of integrated quality management program, and a health certificate fish processing products for the fresh food of fish origin.
- (3) Alleged violations as referred to in section (2) must be supported by the results of the examination or testing results from a laboratory designated by the minister administering government affairs in agricultural sector, the minister administering government affairs in marine and fisheries sector, the minister administering government affairs in the health sector, the Chairperson of the Authority, or regent/mayor in accordance with the authority, and/or who have obtained accreditation from the Central Government.

#### Article 53

- (1) Implementation of control for Processed Food as referred to in Article 47 section (2) and Processed Food of household industry as referred to in Article 47 section (3) is conducted by Food inspectors.
- (2) Control for Processed Fast Food as referred to in Article 47 section (4) is conducted by food inspectors and/or sanitarians.
- (3) Food Inspectors as referred to in section (1) and section (2) must be competent in the Food Safety sector which includes the Food Sanitation, Food Contaminant, Food Additives, prohibited materials as Food Additives and Food Packaging.
- (4) Sanitarians as referred to in section (2) must be competent in accordance with the provisions of legislation in the health personnel sector.

- (5) Control as referred to in section (1) and section (2) is required to be accompanied by with an assignment letter for control and/or inspection as well as identification card.
- (6) In the event that control is not accompanied by with an assignment letter for control and/or inspection as well as identification card, Food Business Operator can refuse to do the examination as referred to in Article 51 section (3).
- (7) In the event that control of household industry Processed Food Safety and Ready-to-Eat Processed Food, regents/mayors develop Food Safety control system and resources in the region in accordance with the provisions of the legislation.

#### Article 54

- (1) Control as referred to in Article 47 section (1) for Fresh Food is conducted by Food inspectors appointed by the Minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine affairs and fisheries sector, governor or regent/mayor.
- (2) Food inspectors as referred to in section (1) must have Competency as Fresh Food Safety inspectors.
- (3) Control as referred to in section (1) is conducted by the Agricultural Product Quality Inspector, Quality Inspector, Quality Supervisor and Fresh Food Safety Inspector who have competence in the Food Safety sector.
- (4) Food inspectors in implementing the tasks as referred to in section (1) is obligated to be accompanied by an assignment letter for control and/or inspection as well as i identity card.
- (5) In the event that the Food inspectors are not equipped with an assignment letter for control and/or inspection as well as identity card, Food Business Operator can refuse to do the examination as referred to in Article 51 section (3).

- (6) Governor or regent/mayor in control as referred to in section (1) develops Food Safety control system and resources in the region in accordance with the provisions of legislation.

#### Article 55

- (1) Competency Requirements for Processed Food inspectors as referred to in Article 53 section (3) are determined by the Chairperson of the Authority.
- (2) Competency Requirements for Fresh Food Safety inspectors as referred to in Article 54 section (2) are determined by the minister administering government affairs in the agricultural sector or the minister administering government affairs in the marine and fisheries sector in accordance with their respective authority.
- (3) Minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in the health sector, the Chairperson of the Authority, or regent/mayor in accordance with their respective authority to provide guidance to inspectors of Food in an integrated and sustainable manner.

#### Article 56

In controlling as referred to in Article 53 section (7) and Article 54 section (6), regent/mayor is obligated to have a responsible unit for controlling by efficient use of resources in the region.

#### Article 57

- (1) The Minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in the health sector, the Chairperson of the Authority, the governor, and/or regent/mayor in accordance with their respective

authority may announce the results of the control of the Food product through mass media.

- (2) Before the announcement of the results of the control of the Food product through mass media as referred to in section (1), the minister administering government affairs in the agricultural sector, minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in the health sector, the Chairperson of the Authority, the governor, and/or regent/mayor in accordance with their respective authority to coordinate in advance with ministries/non-ministerial government institution.

#### Article 58

- (1) In control on Food Safety, Food Quality and Food Nutrition, Food Safety surveillance is conducted.
- (2) Food Safety surveillance as referred to in section (1) is based on the risk profile.
- (3) The results of the implementation of the Food Safety surveillance as referred to in section (2) are used as consideration of the preparation of food safety policy.
- (4) Minister administering government affairs in agricultural sector, the minister administering government affairs in the marine affairs and fisheries sector, the minister administering government affairs in the health sector, or the Chairperson of the Authority in accordance with their respective authority make the norms, standards, procedures, and criteria for Food Safety surveillance.

### CHAPTER IV

#### ADMINISTRATIVE SANCTIONS

#### Article 59

- (1) Any person who violates the provisions of Article 4 section (1), Article 6 section (1), Article 7, Article 13 section (1), Article 14 section (1), Article 15 section (1) and section (2) , Article 22 section (2), Article 23 section

(2), Article 24 section (1) and section (2), Article 25 section (1), Article 26 section (1), Article 28 section (1), Article 31 section (1), Article 38 section (1) and section (2), Article 39 section (1), Article 41 section (1), Article 42 section (1), Article 43 and/or Article 44 section (1) is subject to administrative sanctions.

- (2) The administrative sanctions as referred to in section (1) are in the form of:
  - a. fine;
  - b. temporary suspension of activity, food production, and/or Food Distribution;
  - c. recall Food from Food Distribution by producer;
  - d. compensation; and/or
  - e. revocation of license.
- (3) Provisions regarding compensation are implemented in accordance with the provisions of the legislation.

#### Article 60

- (1) The imposition of administrative sanctions as referred to in Article 59 is conducted:
  - a. gradually;
  - b. not gradually; and/or
  - c. cumulatively.
- (2) The imposition of sanctions as referred to in section (1) implemented by the minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in the industrial sector, Chairperson of the Authority, governor or regent/mayor in accordance with their respective authority.

#### Article 61

- (1) Any Person that violates the provisions of Article 4 section (1) and/or Article 6 section (1) for the first time is subject to a written warning.

- (2) In the event that a written warning as referred to in section (1) is ignored, administrative sanctions are imposed in the form of fine.
- (3) In the event that the fine as referred to in section (2) is ignored, administrative sanctions are in the form of temporary suspension of activities, Food Production, and/or Food Distribution.
- (4) In the event that temporary suspension of activities, Food Production, and/or Food Distribution as referred to in section (3) is ignored, administrative sanctions are in the form of recall of Food Distribution of Food by the producers.
- (5) In the event that recall of Food Distribution Food by producers as referred to in section (4) is ignored, administrative sanctions are imposed in the form of revocation of license.

#### Article 62

- (1) Any Person that violates the provisions of Article 4 section (1) and Article 6 section (1) for the second time, is subject to administrative sanctions gradually including:
  - a. temporary suspension of activities, Food Production, and/or Food Distribution;
  - b. in the event that temporary suspension as referred to point a is ignore, administrative sanction is imposed in the form of recall of distribution of Food by the producer; and
  - c. in the event that recall of Distribution Food by producer as referred to in point b is ignored, administrative sanction is in the form of revocation of license.
- (2) Any Person that violates the provisions of Article 4 section (1) and Article 6 section (1) for the third time, is subject to administrative sanctions in the form of:
  - a. fines and orders for recall of Food from Food Distribution; and
  - b. revocation of license.

- (3) Any Person that violates the provisions of Article 4 section (1) and Article 6 section (1) more than three times, is subject to administrative sanction in the form of revocation of license.

#### Article 63

- (1) Any Person that violates the provisions as referred to in Article 7 point a, Article 14 section (1), Article 24 section (1) and section (2), Article 25 section (1), Article 28 section (1), Article 31 section (1), Article 41 section (2) point b, Article 42 section (1), Article 43 and/or Article 44 section (1) for the first time is subject to a written warning.
- (2) In the event that a written warning as referred to in section (1) is ignored, administrative sanction is imposed in the form of the recall of Food from Food Distribution by the producer.
- (3) In the event that recall of Food from Food Distribution by producer as referred to in section (2) is ignored, administrative sanction is imposed in the form of fine.
- (4) In the event that fine as referred to in section (3) is ignored, administrative sanction is imposed in the form of revocation of license.

#### Article 64

- (1) Any person that violates the provisions as referred to in Article 7 point a, Article 14 section (1), Article 24 section (1) and section (2), Article 25 section (1), Article 28 section (1), Article 31 section (1), Article 41 section (2) point b, Article 42 section (1), Article 43 and/or Article 44 section (1) for the second time administrative sanction is imposed gradually in the form of a temporary suspension of activities, food production, from/or Food Distribution.
- (2) In the event that temporary suspension as referred to in section (1) is ignored, administrative sanction is in the form of revocation of license.

- (3) Any person that violates the provisions referred to in Article 7 point a, Article 14 section (1), Article 24 section (1) and section (2), Article 25 section (1), Article 28 section (1), Article 31 section (1), Article 41 section (2) point b, Article 42 section (1), Article 43 and/or Article 44 section (1) for the third time is subject to administrative sanction in form of revocation of license.

#### Article 65

- (1) Any person that violates the provisions as referred to in Article 7 point b, Article 13 section (1), Article 15 section (1) and section (2), Article 22 section (2), Article 23 section (2), Article 26 section (1) and/or Article 41 section (2) point a, point c, point d, and/or point e for the first time is subject to administrative sanctions in gradually in the form of fine, suspension of activities, Food Production, Food Distribution, and/or recall from Food Distribution by the producer.
- (2) In the event that administrative sanctions as referred to in section (1) are ignored, administrative sanction is imposed in the form of revocation of license.
- (3) Any person that violates the provisions as referred to in Article 7 point b, Article 13 section (1), Article 15 section (1) and section (2), Article 22 section (2), Article 23 section (2), Article 26 section (2), and/or Article 41 section (2) point a, point c, point d, and/or point e for the second time is subject to administrative sanction in form of revocation of license.

#### Article 66

- (1) Any person that violates the provisions as referred to in Article 41 section (2) point f for the first time is subject to a written warning.
- (2) In the event that the written warning as referred to in section (1) is ignored, administrative sanction is imposed in the form of recall of Food from Food Distribution by the producer.

- (3) In the event that food recall of Food from Food Distribution by the producer as referred to in section (2) is ignored, administrative sanction is imposed in the form of revocation of license.

#### Article 67

- (1) Any person that violates the provisions as referred to in Article 41 section (2) point f for the second time is subject to administrative sanctions cumulatively in the form fine, recall of Food from Food Distribution by the producer, and the temporary suspension of activities, Food Production, and/or Food Distribution,
- (2) In the event that administrative sanctions as referred to in section (1) are ignored, administrative sanction is imposed in the form of revocation of license.
- (3) Any person that violates the provisions as referred to in Article 41 (2) point f for the third time is subject to administrative sanction in form of revocation of license.

#### Article 68

- (1) The imposition of administrative sanction in the form of fine as referred to in Article 61, Article 62, Article 63, Article 65 and Article 67, the amount of fine is determined based on violation criteria and business scale.
- (2) violation criteria as referred to in section (1) includes:
  - a. minor violation ;
  - b. moderate violation; and
  - c. major violation.
- (3) Business scale as referred to in section (1) includes:
  - a. large-scale business;
  - b. medium-scale business;
  - c. small-scale business; and
  - d. micro-scale business.
- (4) Violation criteria as referred to in section (2) are determined by the minister administering government affairs in the agricultural sector, the minister

administering government affairs in the marine and fisheries sector, the ministers administering government affairs in the health sector, or the Chairperson of the Authority in accordance with their respective authority.

- (5) The amount of fine as referred to in section (1) is determined as follows:
- a. for the type of major violation and large-scale business, fine of Rp100,000,000.00 (one hundred million rupiah) is imposed;
  - b. for the type of major violation and medium-scale business, fine of 50% (fifty percent) of the fine as referred to in point a is imposed;
  - c. for the type of major violation and small-scale business, a fine of 20% (twenty percent) of the fine as referred to point a is imposed;
  - d. for the type of major violation and micro-scale business, a fine of 10% (ten percent) of the fine as referred to in point a is imposed;
  - e. for the type of moderate violation and large-scale business, a fine of 50% (fifty percent) of the fine as referred to in point a is imposed;
  - f. for the type of moderate violation and medium-scale business, a fine of 20% (twenty percent) of the fine as referred to in point a is imposed;
  - g. for the type of moderate violation and small-scale business, a fine of 10% (ten percent) of the fine as referred to in point a is imposed;
  - h. for the type of moderate violation and micro-scale business, a fine of 5% (five percent) of the fine as referred to in point a is imposed;
  - i. for the type of minor violation and large-scale business, a fine of 20% (twenty percent) of the fine as referred to in point a is imposed;
  - j. for the type of minor violation and medium-scale business, a fine of 10% (tenpercent) of the fine as referred to in point a is imposed;

- k. for the type of minor violation and small-scale business, a fine of 5% (five percent) of the fine as referred to in point a is imposed; and
- l. for the type of minor violation and micro-scale business, a fine of 2% (two percent) of the fine as referred to in point a is imposed.

#### Article 69

Fines as referred to in Article 61, Article 62, Article 63, Article 65, and Article 67 are non-tax revenue implemented in accordance with the provisions of legislation.

#### Article 70

The imposition of administrative sanctions in the form of a temporary suspension of activities, Food Production, and/or Food Distribution and recall of Food from Food Distribution as referred to in Article 61, Article 62, Article 63, Article 64, Article 65, Article 66, and Article 67, the implementation is based on:

- a. the results of sampling and/or testing;
- b. the findings of the audit or inspection outcomes on good practice guidelines; and/or
- c. the decision of the minister administering government affairs in the agricultural sector, minister administering government affairs in the maritime and fisheries sector, the minister administering government affairs in the industrial sector, Chairperson of the Authority, governor or regent/mayor.

#### Article 71

Further provisions regarding the period for the imposition of administrative sanctions, criteria for violations, guidelines for imposing fines, guidelines for recalling Food from Food Distribution, and guidelines for revocation of licenses are regulated by regulations of the minister administering government affairs in the agricultural sector, minister administering government affairs in the maritime and fisheries

sector, Chairperson of the Authority, governor or regent/mayor regulation in accordance with their respective authority.

CHAPTER V  
OUTBREAK AND FOOD SAFETY EMERGENCIES

Article 72

- (1) Any Person that knows the suspected Food poisoning experienced by more than 1 (one) person must report to the Health Care Facility.
- (2) In the event that the suspected Food poisoning is found in the seaport, airport, or cross-border checkpoint areas, Any Person that knows that there are an alleged Food poisoning experienced by more than 1 (one) person must report it to the seaport, airport, or cross border checkpoints local health office.
- (3) In the event that there are an indication of Foodborne Disease Outbreak, Health Service Facilities as referred to in section (1) and the seaport, airport, or cross border checkpoints health office as referred to in section (2) are required to immediately take Food samples that are suspected or alleged as the cause of Foodborne Disease Outbreak.
- (4) Health Service Facilities as referred to in section (1) are required to provide a report to the regent/mayor with a copy to the minister administering government affairs in the health sector and the Chairperson of the Authority within a maximum period of 1x24 (one times twenty-four) hours after the report as referred to in section (1) is accepted.
- (5) The head of the seaport, airport, or cross border checkpoints health office as referred to in section (2) is obligated to immediately report to the minister administering government affairs in the health sector with a copy to the Chairperson of the Authority, governor and regent/mayor within a maximum period of 1x24 (one

times twenty-four) hours after the report as referred to in section (2) is accepted.

- (6) The Head of Agency based on the copy of the report as referred to in section (4) and section (5) conducts investigation and/or laboratory testing of Food samples to support determination of the causes of Foodborne Disease Outbreak.

### Article 73

- (1) The head of the seaport, airport, or cross border checkpoints health office, or regent/mayor are obligated to review the report as referred to in Article 72 section (2) or the report as referred to in Article 72 section (4) within a maximum period of 1x24 (one times twenty-four) hours after the report is accepted.
- (2) In the event that the results of the review indicate a Foodborne Disease Outbreak, the head of the seaport, airport, or cross border checkpoints health office, or regent/mayor is obliged to determine the Foodborne Disease Outbreak within 1x24 (one times twenty-four) hours after the results of the assessment are obtained.
- (3) The head of the seaport, airport, or cross border checkpoints health office as referred to in section (2) is obligated to conduct prevention of Foodborne Disease Outbreak and report it to the minister administering government affairs in the health sector and with a copy to the Chairperson of the Authority.
- (4) The regent/mayor as referred to in section (2) is obligated to conduct prevention of Foodborne Disease Outbreak and report the prevention of Outbreak to the governor and with a copy to the Chairperson of the Authority.
- (5) The head of the seaport, airport, or cross border checkpoints health office, or regent/mayor must revoke the determination of an incident as Foodborne Disease Outbreak, if based on the report on the development of the situation of the Foodborne Disease Outbreak shows no new victims have been found.

Article 74

- (1) Efforts to prevent Foodborne Disease Outbreak as referred to in Article 73 section (3) and section (4) include assistance to victims, epidemiological investigations, and prevention.
- (2) Regent/mayor, head of the seaport, airport, or cross border checkpoints health office in conducting efforts to prevent the spread of Foodborne Disease Outbreak coordinate with the Chairperson of the Authority.
- (3) Further provisions regarding the reporting, review, determination, revocation and prevention of Foodborne Disease Outbreak are regulated by a regulation of the minister administering government affairs in the health sector.
- (4) Further provisions regarding the procedures for sampling of Food, laboratory testing, and reporting of causes of Food poisoning are regulated by the Regulation of the Chairperson of the Authority.

Part Two

Food Safety Emergencies

Article 75

- (1) Food Safety issues have the potential to become Food Safety Emergencies.
- (2) Food Safety Emergencies as referred to in section (1) is determined based on the following criteria:
  - a. the circulation of Food which is very dangerous to health;
  - b. the circulation of misleading Food Safety information in the community; and/or
  - c. the occurrence of Food Safety problems due to disaster.
- (3) The minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in the health sector, the Chairperson of the Authority, governors, or

regents/mayors in accordance with their respective authority take quick response to deal with Food Safety Emergencies as referred to in section (2).

- (4) Rapid response actions for Food Safety Emergencies as referred to in section (3) are taken through:
  - a. risk assessment of Food Safety Emergencies;
  - b. risk management for Food Safety Emergencies; and
  - c. risk communication of Food Safety Emergencies.
- (5) Further provisions regarding the procedures for Rapid response actions of Food Safety Emergencies as referred to in section (3) are regulated by regulation of the minister administering government affairs in the agricultural sector, regulation of the minister administering government affairs in marine and fisheries sector, regulation of the minister administering government affairs in the health sector, or regulation of the Chairperson of the Authority in accordance with their respective authority
- (6) In the event that Food Safety Emergencies that is cross-sectoral issues, the handling of the Food Safety Emergencies is coordinated by the ministry which coordinates government affairs in human and cultural development sector.

## CHAPTER VI

### PUBLIC PARTICIPATION

#### Part One

#### General

#### Article 76

The people can participate in campaigning for Food Safety through printed or electronic media and are responsible for the accuracy of the information addressed in accordance with the provisions of legislation.

Article 77

In order to increase awareness of Food Safety, the people can participate in addressing problems, input, and/or methods of solving Food Safety problems.

Part Two

Procedures for Addressing Problems, Inputs, and/or Methods  
of Solving Food Safety Problems

Article 78

- (1) The people may address problems and/or provide input orally or in writing regarding the alleged violation of Food Safety to the minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in health sector, the Chairperson of the Authority, or the regent/mayor in accordance with their respective authority.
- (2) Addressing problems and/or providing input as referred to in section (1) must be conducted accountably in accordance with the provisions of legislation, religion, moral norms and code of ethics.

Article 79

- (1) Problems and/or input from the people that are addressed orally or in writing as referred to in Article 78 must be accompanied by:
  - a. data regarding the identity of the reporter, leaders of the community organizations, or leaders of non-governmental organizations by attaching copies of citizenship identity card or other personal identities; and
  - b. information regarding the alleged violation of Food Safety is accompanied by preliminary evidence.
- (2) The minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, the

minister administering government affairs in the health sector, the Chairperson of the Authority, and/or the regent/mayor keep the identity of the reporter confidential as referred to in section (1) point a.

- (3) For the problems and/or input as referred to in section (1), further clarification is made by the minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in the health sector, the Chairperson of the Authority, governor, or regent/mayor in accordance with their respective authority.

#### Article 80

- (1) The people has the right to receive services and answers from the Chairperson of the Authority and/or regent/mayor regarding problems and/or input addressed to the Head of Agency and/or regent/mayor.
- (2) In certain case, the Chairperson of the Authority and/or regent/mayor may refuse to provide the contents of the information or provide answers to the input or opinion as referred to in section (1) in accordance with the provisions of legislation.

#### Article 81

Further provisions regarding procedures for solving problems and/or input from the people are determined by the minister administering government affairs in the agricultural sector, the minister administering government affairs in the marine and fisheries sector, the minister administering government affairs in the health sector, or the Chairperson of the Authority in accordance with their respective authority.

CHAPTER VII  
MISCELLANEOUS PROVISION

Article 82

In providing facilities for obtaining a license as regulated in this Government Regulation, it is conducted through online single submission in accordance with the provisions of legislation.

CHAPTER VIII  
CLOSING PROVISIONS

Article 83

At the time this Government Regulation comes into force:

- a. All implementing regulations of Government Regulation Number 28 of 2004 on Food Safety, Quality and Nutrition (State Gazette of the Republic of Indonesia of 2004 Number 107, Supplement to the State Gazette of the Republic of Indonesia Number 4424) are declared to remain effective to the extent not contrary to this Government Regulation; and
- b. Government Regulation Number 28 of 2004 on Food Safety, Quality, and Nutrition (State Gazette of the Republic of Indonesia of 2004 Number 107, Supplement to State Gazette of the Republic of Indonesia Number 4424) is repealed and declared ineffective.

Article 84

This Government Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Government Regulation by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta  
on 26 December 2019

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

JOKO WIDODO

Promulgated in Jakarta  
on 26 December 2019

MINISTER OF LAW AND HUMAN RIGHTS  
OF THE REPUBLIC OF INDONESIA,

signed

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2019 NUMBER 249

Jakarta,

Has been translated as an Official Translation  
on behalf of Minister of Law and Human Rights  
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,

BENNY RIYANTO