

Ministerial Decree No. 944/Kpts/TP.270/11/1984

The Ministry of Agriculture

The Decree of the Minister of Agriculture No. 944/Kpts/TP.270/11/1984 dated 26 November 1984.

Re: The Limitation of Pesticide Registration.

The Minister of Agriculture,

Considering:

- a. that to prevent the production, distribution, storage and use of pesticides which are in effect and to avoid negative impacts of pesticides on the safety and health of the people as well as the environmental continuity, it is necessary to keep a close watch on pesticides;
- b. that the distribution of pesticides has increased continuously in variety as well as volume, so that more negative effects will be caused in the production, distribution, storage and utilization of pesticides;
- c. that in order to be able to keep a close watch on pesticides, it is deemed necessary to limit the registration of pesticides.

In view of:

1. The Government regulation of the Republic of Indonesia Number 7 of 1973;
2. The Government Regulation of the Republic of Indonesia Number 36 of 1977;
3. The Decree of the President of the Republic of Indonesia Number 44 of 1974;
4. The Decree of the President of the Republic of Indonesia Number 45/M of 1983;
5. The Decree of the President of the Republic of Indonesia Number 15 of 1984;
6. The Decree of the Minister of Agriculture Number 280/Kpts/Um/6/1973;
7. The Decree of the Minister of Agriculture Number 429/KPTS/Um/9/1973;
8. The Decree of the Minister of Agriculture Number OT.210/706/Kpts/9/1983;
9. The Decree of the Minister of Trade Number 77/Kp/III/78;
10. The Decree of the Minister of Trade Number 78/Kp/III/78;

Has Decided:

To stipulate:

The Decree of the Minister of Agriculture on the Limitation of Pesticide Registration.

Chapter I. General Stipulations.

Article 1.

The meanings in this Decree are as follows:

1. The formulization owner is the person or corporation who/which owns the pesticide formulization formula and the pesticide which is produced according to his/its plans, based on said formula. In this case, what is meant by pesticide formulization formula are the information which state:
 - a. The kind and amount of pesticide active agents and other components which are included in a pesticide formula;
 - b. The kind and amount of pesticide active agents and other additives which are found in a technical agent which is produced in the production of pesticide active agents;
 - c. The method of formulization a pesticide by using technical or active agents and other additives.
2. The field of utilization is the utilization of pesticides against various objects within the framework of a certain undertaking, to be divided into:
 - a. cultivation of plants;
 - b. cattle breeding;
 - c. fishery;
 - d. storage of crops;
 - e. preservation of forestry products;
 - f. others.
3. The same formulizations for active agents are formulizations which include one or more kinds of the same active agents.
4. A national product pesticide formulization is a pesticide formulization which is a product of a formulization owner who is domiciled in the Region of the Republic of Indonesia and based on the prevailing regulations of the legislation, is allowed to produce and/or trade in said pesticide. (sic)
5. A foreign product pesticide formulization is a pesticide formulization which is a product of a formulization owner who is not domiciled in the Region of the Republic of Indonesia and based on the prevailing regulations of the legislation, is not allowed to produce and/or trade in said pesticide.

Chapter II. Registration Application.

Article 2.

- (1) The application for the registration of a pesticide which can be accepted for processing must be submitted by a person or corporation who/which meets the following conditions:

- a. domiciled in the Region of the Republic of Indonesia;
 - b. based on the prevailing regulations of the legislation, is allowed to carry out activities of trading in and producing pesticides;
 - c.1. Is the formulization owner of the pesticide which has been registered, whether it is formulated by himself or by someone else, appointed by him; or
 - c.2. Has been given the authority to register a pesticide by the formulization owner abroad.
- (2) The formulization owner who is domiciled in the Region of the Republic of Indonesia must himself submit the application to register his pesticide.
- (3) The formulization owner who is domiciled outside the Region of the Republic of Indonesia, can appoint only one person or one corporation for the registration of the same formulizations of active agents for the same field of utilization.

Article 3.

- (1) One registration applicant is not allowed to register formulations, if these formulations are registered for the same field of utilization.
- (2) One registration applicant can register the same formulizations of active agents in the following cases:
 - a. said formulizations are originated from one formulization owner; or
 - b. said formulizations are originated from more than one formulization owners and the formulizations of each formulization owner are registered for different fields of utilization.

Chapter III. Formulation of Registered Pesticide.

Article 4.

- (1) A national product pesticide formulization which can be registered is the pesticide formulization which is owned by a person or a corporation who/which meets the conditions which are mentioned in Article 2 paragraph (1) a, b and c.1 which are formulated by using active agents, produced by himself/itself or by other parties domestically or imported.
- (2) A foreign product pesticide formulization which is formulated abroad, can be registered if the active agents in said product is produced by the formulization owner himself or produced by another party who is bound to the formulization owner by an agreement for the production of active agents.
- (3) A foreign product pesticide formulization which is formulated domestically can be registered if the active agents in said product are produced by the formulization owner concerned himself or produced by

another party who is bound to the formulization owner by an agreement for the production of active agents or who produced said active agents domestically.

(4) The stipulations mentioned in paragraphs (2) and (3) do not apply to the wood preservation pesticide and the formulization for double active agents from herbicide and other kinds of pesticides which are each stipulated by the Minister of Agriculture.

Article 5.

(1) One pesticide formulization which is the product of one formulization owner, registered for one particular field of utilization, can be registered by one registration applicant only.

(2) The same formulizations for active agents which are the products of a formulization owner, registered for the same field of utilization, can only be registered by one registration applicant.

Article 6.

(1) The same formulization for active agents which can be registered for each similar field of utilization are the pesticide formulizations, originated from at the most three formulization owners.

(2) The stipulations in paragraph (1) are only applicable if said pesticide formulizations are registered for the utilization in the field of plant cultivation, cattle breeding, fishery and the storage of agricultural products.

(3) The Minister of Agriculture can give a special opportunity to register a pesticide to a formulization owner who himself formulates the pesticide domestically by using active agents which are party or wholly produced domestically.

Article 7.

(1) Formulizations for the same active agents which are the products of one formulization owner, having the same physical appearance, for the same purposes or to be used against the same objects and using the same methods too or the same tools of application, are not allowed to be registered, except for one of the formulizations.

(2) For certain needs of utilization, the Minister of Agriculture can stipulate that of the pesticide formulizations mentioned in paragraph (1), more than one can be registered.

Chapter IV. Nomenclature of the Formulization.

Article 8.

Each pesticide formulization with a certain composition from one registration applicant can only be registered under one formulization trade name, consisting of one word which is not or having connection with a common name or the chemical name of a pesticide active agent and must meet the stipulations, determined by the Pesticide Commission.

Article 9.

- (1) All formulizations for the same active agents, which are the products of a formulization owner, must be registered under one formulization trade name for each field of utilization.
- (2) Formulization for different active agents must be registered under different formulization trade names.
- (3) A pesticide formulization is not allowed to be registered by the applicant by using the same or nearly the same formulization trade name as that of another formulization which has been registered earlier in the name of another holder of the registration.

Chapter V. Report and Revocation of Registration.

Article 10.

- (1) Every registration holder is liable to submit an annual report to the Pesticide Commission on the production and/or importation of a pesticide which has been registered.
- (2) For a pesticide which at the moment of the stipulation of this Decree has been registered temporarily or is in the process of re-registration, the registration holder concerned is obliged to submit the report mentioned in paragraph (1) for the previous years.
- (3) If the registration holder has not submitted the reports, mentioned in paragraphs (1) and (2) for the last two years till two months after the end of the last calendar year, the registration of a pesticide in the name of the registration holder concerned, therefore, can be revoked.

Article 11.

- (1) The registration of a pesticide can be revoked or rejected, if the pesticide within the period of the last two years has not been produced or imported, or if within the period of six months after the experiment of the last registration no application has been submitted for re-registration.
- (2) If a registration of a pesticide has been revoked, the pesticide is not allowed to be produced or imported.

Chapter VI. Transitory Stipulations.

Article 12.

(1) A pesticide which at the time of the stipulation of this Decree has been registered in the name and for the responsibility of a person or a corporation who/which are not mentioned in Article 2 paragraph (1) remains registered in the name and for the responsibility of said person or corporation for the period of one year at the longest after the stipulation of this Decree.

(2) Within the period of one year at the longest after the stipulation of this Decree, the application for the re-registration of said formulizations can only be considered, if the applicant has already stated in writing to the Pesticide Commission that the registration of part of said pesticide formulization is annulled.

(3) If the adjustment, mentioned in paragraph (1) is not carried out by the first registration holder within one year after the stipulation of this Decree, the Minister of Agriculture can revoke the pesticide registration, and based on a new application, can name another registration holder to be responsible for the pesticide.

Article 14.

(1) Formulizations for the same active agents, mentioned in Article 5 paragraph (2), which are the product of one formulization owner, which at the time or the stipulation of this Decree have been registered to be used in the same sector of utilization in the name of more than one registration holder, remain registered in the name of each formulization owner till the expiration of the registration of said pesticide formulizations.

(2) The application for re-registration of formulizations for the same active agents which are the product of one formulization owner, which at the time of the stipulation of this Decree have been registered for the same sector of utilization in the name of more than one registration holder, is postponed till said formulization owner notifies to the Pesticide Commission about his decision to appoint only one registration applicant.

Article 15.

(1) The formulizations for the same active agents, mentioned in Article 6 paragraph (1), which at the time of the stipulation of this Decree have been registered temporarily or permanently as the product owned by more than three formulization owners for the same sector of utilization in the name of registration holders who are not mentioned in Article 2 paragraph (1), remain registered for said same sector utilization in the name of each registration holder for the period of one year at the longest after the stipulation of this Decree.

(2) In case the formulization registration holder, mentioned in paragraph (1) is a person or corporation which is mentioned in Article 2 paragraph (1), the period for the registration of the formulizations is

unaltered, namely following the stipulations which are fixed in this Decree of the Minister of Agriculture on the registration of each of these formulizations.

(3) A pesticide of one formulization owner which at the time of the stipulation of this Decree has been allowed to be used for experimenting in the framework of its registration, cannot be submitted for further registration at the time other pesticide formulizations for the same active agents as said pesticide have been registered temporarily or permanently as the product of other three formulization owners.

(4) The stipulations mentioned in paragraph (3) are not applicable if said pesticide which is registered for another sector of utilization than that of said pesticide formulizations, which have been earlier registered temporarily or permanently or if said pesticide within the period of one year after the stipulation of this Decree has met the conditions for a permanent registration.

Article 16.

(1) A registration holder for pesticide formulizations mentioned in Article 9 paragraph (1), is obliged to adjust to the stipulations, mentioned in Article 7 at the experiment of the registration for each pesticide formulization.

(2) If the adjustment, mentioned in paragraph (1) is not carried out by the registration holder, the Minister of Agriculture can reject the application for re-registration or revoke the registration already allowed for the pesticide formulization, mentioned in Article 7 paragraph (1).

Article 17.

(1) Each person or corporation who/which at the time of the stipulation of this Decree is already a registration holder for a pesticide formulation which formulization trade name is not in accordance with what is mentioned in Articles 8 and 9, is obliged to adjust said formulization trade name at the time of submitting a re-registration application.

(2) A pesticide which has been registered for at least five years before the stipulation of this Decree, can be re-registered with the same trade name as before or with another trade name, as mentioned in Articles 8 and 9.

Article 18.

(1) A pesticide which is already being distributed domestically or is being shipped from abroad at the time its registration is revoked, is still allowed to be distributed and used for the purposes and with the methods, stipulated at the last registration.

(2) The last registration holder for the pesticide, mentioned in paragraph (1) remains responsible for the labelling, bottling and packing as well as the quality of the pesticide as stipulated in the last registration as long as the pesticide is still owned by him or handled by the importer or distributor, appointed by him.

Chapter VII. Other and Final Stipulations.

Article 19.

Matters which have not been sufficiently regulated in this Decree, will be regulated separately.

Article 20.

This Decree comes into force on the date of stipulation.

Stipulated in: Jakarta on November 26, 1984.

The Minister of Agriculture,

[signed]

Achmad Affandi