

INDONESIA - NEW FOOD LAW ISSUED

Feb 11, 2013

Sixteen years since the enactment of Law No. 7 of 1996 regarding Food (“the 1996 Food Law”), the Government issued the new Food Law (ie Law No. 18 of 2012) (“Food Law”) on 18 October 2012, two days after World Food Day. The Food Law replaces The 1996 Food Law.

The Food Law covers three significant areas which were not governed by the 1996 Food Law, ie imports of food; the halal requirement; and the establishment of a new non-ministerial agency in-charge of food matters.

Food Imports

The Food Law stipulates that primary food sources must originate from domestic production. Food may be imported if domestic food production and reserves are not sufficient to meet domestic demand. The Government is required to establish policies and regulations governing food imports which must not have a negative impact on the sustainability of the agri-business, food production growth, or the welfare of farmers, fishermen, fish cultivators, or micro and small food entrepreneurs.

The Food Law requires imported food to comply with food safety, quality and nutrition level requirements and must not violate religious or cultural beliefs.

The Halal Requirement

Even though the Food Law does not include “halal” in the definition of food security, a “halal” label must be affixed to certain products. However, the Food law does not provide any details or guidance on these products.

Establishment of a Non-Ministerial Food Agency

To implement Food Sovereignty, Food Sufficiency and Food Security under the Food Law, the Government will form an agency responsible for handling the food sector. The agency can propose to the President special assignments which involve state-owned enterprises in the food business sector for the production, procurement, storage and/or distribution of Staple Food and other Foods, as determined by the Government.

The Head of the Food Security Agency, Ahmad Suryana has stated that the establishment of the agency will replace the Food Security Agency (BKP) at the Ministry of Agriculture, the Food and Drug Security Council (DKP) and the Food and Drug Supervisory Agency (BPOM).

In addition to the above, the Food Law also governs the following:

Food Sovereignty and Security

Under the Food Law, Food Sovereignty is defined as the State and Nation's right to independently determine its food policies. This is to ensure that the public have access to food and can choose their own food systems and products.

Food Security is defined as the fulfillment of the Food needs of the state and each and every individual which is to be reflected in the availability of food which is sufficient, both in quantity and quality, safety, diversity, nutritious, widely available and affordable, and must not conflict with religious or cultural beliefs, and will support a healthy, active, productive and sustainable life.

Genetically Modified Food

Under the Food Law, genetically modified food is defined as food which is produced or uses raw materials, additives and/or other materials that result in a genetically engineered process. No one may produce food using a genetically engineered process without obtaining Food Safety approval prior to distribution. Under this provision, genetically modified food may be distributed in Indonesia if it complies with certain requirements.