# Transcript: Australian Industry Webinar

**Recorded Friday 30 August 2024**

**Simon Clayton (Assistant Secretary, Agriculture and Non-Tariff Barriers Branch, DFAT)**: Thank you for taking the time to join us today for this webinar on Indonesia's upcoming mandatory requirements for halal certification. My name is Simon Clayton. I'm the Assistant Secretary of the Agriculture and Non-Tariff Barriers Branch here in the Department of Foreign Affairs and Trade. Before we kick off today, I would just like to start with an acknowledgement of country. For those of us in Canberra I wish to acknowledge the Ngunnawal people as the traditional custodians of the land on which we meet and recognise any other people with the connection to the land of the ACT region.

Now we have participants no doubt from other parts of Australia as well, so I also wish to acknowledge traditional custodians of country throughout Australia and their connections to land, sea, and community. We pay our respect to elders past and present and extend that respect to all Aboriginal and Torres Strait Island peoples today. I would also like to acknowledge and welcome any Aboriginal and Torres Strait Island Islander people who may be participating in today's webinar.

My area in the Department of Foreign Affairs and Trade is delivering this webinar along with colleagues from the Department of Agriculture, Fisheries and Forestry. And we're also pleased to have had support in preparations for this webinar from colleagues at Austrade and also the Department of Industry, Science and Resources. We have speakers for you today from the Australian embassy in Jakarta and our colleagues in Jakarta are working very closely with Indonesian authorities on implementation of Indonesia's new Halal Law.

Colleagues based in Canberra and also at our embassy in Jakarta are online to help respond to your questions when we get to that part of the webinar. Many of you may be aware that the webinar today is the third one we've done in this series in terms of providing exporters with further information or as much information as we can about Indonesia's requirements for halal certification.

If you have missed our previous webinars, recordings are available on our website on the DFAT webpage under complying with Indonesian halal requirements heading. We have quite a bit of information on that webpage for exporters and I encourage you to take a look at the information there if you haven't yet had the chance. I'll quickly provide a summary of the new halal certification requirements as set out by Indonesia's law number 33 of 2014.

Basically, these requirements will become mandatory for most food and beverage products exported to Indonesia with limited exceptions on 17 October of this year. In the coming years, these requirements will also become mandatory for a broader range of products, including cosmetics, medical products, clothing and home appliances. Important to note too is that these certification requirements apply not only to the final product. There are also requirements which must be adhered to along all parts of the supply chain. So again, the purpose of our webinar today is to provide Australian exporters with updated information on how to comply with these requirements.

And first off, we'd like to begin with the presentation from Dean Merrilees. He's the Minister-Counsellor of Agriculture at our embassy in Jakarta. Dean will provide an overview of Indonesia's Halal Law, it's associated requirements for Australian exporters, and what we know at this point about how Indonesia will apply these requirements in practice.

After that we'll have a question and answer session to get straight into the issues and concerns that you may have. I know many of you have already provided some questions for us, and we encourage you to give us any questions you have using Slido and the details below me on the screen.

We will try during the time we have here today to answer as many questions as we can. I would like to remind you that there may be questions we don't know the answer to or aren't able to answer fully given the information that we have at hand at the moment. If this is the case, we'll take these questions on notice and we'll do our best to address these questions on our website as we receive further information from Indonesian authorities.

We will also use Slido to record all the questions we receive so we can follow up after the session. So, with all that, I would now like to turn to Dean for an update on Indonesia's halal requirements.

Thanks Dean.

**Dean Merrilees (Minister-Counsellor – Agriculture, Australian Embassy Jakarta):** Thanks Simon. It's batik Friday here, so most of us are in batik here at the embassy, and of course we're still recovering from the massive visit of the Pope to Jakarta, which has had a tremendous impact on the traffic as you can imagine over the last day or two.

If I can, I'll get our colleagues to put up the slide presentation, and I think as Simon said, we're going to give you a quick overview on where we're up to with the knowledge that we have, and we do still have a range of information that we're still seeking, and I just want to emphasise this is really the collective work with DAFF, DFAT, Austrade, and those both at Post and Canberra.

Alright, thank you. I'll just continue, so the presentation's going to give, and some of you will have already heard some of this, but I have got a quick overview of the Halal Law, some of the halal certification options that Australian business and exporters have, registration arrangements for foreign halal certificates, how labelling requirements work, and an update on implementation. Next slide, please.

Thank you. So it is mandatory halal certification under Indonesia's halal law of 2014, it's moved from what was a process under religious bodies to under the Indonesian government. And one of the key steps of this has been the establishment of the Halal Product Assurance Organising Agency, BPJPH, and it's important to remember it covers all consumable products entering, circulating, and being traded in Indonesia must be halal certified. It applies to both domestic and imported goods.

It's had a long transition period that goes back to 2019, but we're starting to get to some pretty key critical dates. Next slide please.

So in the context of requirements for Australian business and exporters, you'll be required under the Halal Law to arrange halal certification for products prior to export, ensure you have a dedicated supply chain for halal products, make sure you're complying with the new halal labelling requirements and it's important to note that they apply for both Halal and non halal products. You'll need to ensure that your Indonesian importer or if you have an official office in Indonesia, your official representative, has registered the halal certificate that will be issued by your Australian halal certifying body on BPJPH’s online portal, SiHalal.

Next slide please. So the scope of products on the screen there, it's food and beverages, medicine and cosmetics, chemical, biological, and genetically engineered products, any other goods that are worn, used and utilised, and as you'll see there, the associated services for the above goods, including slaughter, processing, storage warehouse packaging, distribution sales, and service. Next slide please.

Indonesia is doing a phased approach and I think as most of you are aware, the first product category is food and beverages and it's due to start in just over six weeks, 17 October 2024.

Of course, businesses and exporter can start to voluntarily adhere to the new requirements in advance of the various mandatory implementation dates. Just one other point I did want to make clear on this slide and that is that you may have heard that for domestic micro, small and medium sized enterprises, the Indonesian government recently announced an extension for those food and beverage businesses to 17 October 2026.

At this stage the position is that there is no extension for foreign businesses whether you are a micro enterprise, an SME or a large business, and that's something we'll touch on a little bit further shortly. So next slide please.

So we've had recently some useful information on the food and beverage and sort of products that will require halal certification and there's been a list of HS codes for those products recently issued by Indonesia.

It covers 852 HS codes and a list of that regulation is available on the on the DFAT website. So I won't run through all 852 at the moment. There is also an extensive list of products and materials that are potentially exempt from having to have power certification, and these are generally products that are considered natural or haven't had any further processing, or else don't come into contact with prohibited materials.

So in very simple terms to give you an example, you're talking about fresh produce such as oranges, they are exempt from the requirement for halal certification. If you're talking about orange juice, that requires halal certification. If you're talking about oranges that have been naturally dried, so dried pieces of fruit, that would also be a potentially exempt.

And it's worth noting that you can have multiple products that can be certified under one halal certificate, so it's not a one for one arrangement. But each certificate needs to kind of cover a particular product type or category. An example of product type or category would be meat or milk and dairy products. So you don't need to have a separate halal certificate if you're producing say cheese and yogurt, you could put those all on the same halal certificate and halal certification process. Next slide please.

So there are two options for halal certification. The first one is to apply directly to BPJBH and there is an online system to allow that, SiHalal. But if you do that, you will be responsible, the individual business will be responsible, for covering the cost of the Indonesian halal auditors that will need to do an onsite audit as part of that process.

The advantage is that if you do that, you'll get a halal certificate directly from BPJPH and that certificate potentially remains valid indefinitely as long as there are no changes to product ingredients and process.

In theory, the standard time for processing the online application process is 21 working days. The reality of that is quite different for foreign business because it will take considerable time to schedule an onsite audit. The onsite audit is not the final step in the process, it still needs to be formally assessed. So, to our knowledge, a number of Australian businesses have inquired to BPJPH about this particular option, but I'm not aware personally of any that have actually pursued that and I think the couple that we've spoken to have been concerned about the lack of local representation to support the visit, and secondly the costs involved which are quite substantial given that you're talking about the party of at least four Indonesian auditors. Next slide, please.

So the second option is halal certification using a foreign halal certifying body, which is in Australia. So for example for meat in Australia, we’re talking about Australian Islamic Organisations. The Indonesian equivalent term here is a halal certifying body.

And you're using a foreign or in this case Australian halal certifying body to provide the certification for your products that you're looking to export to Indonesia. Once your halal certifying body is approved by Indonesia, by BPJBH, they can then issue a halal certificate for the various products and services that your business or exporter are interested in.

The validity of that halal certificate would be determined by the foreign halal certifying body, but it's worth noting that approval of a foreign halal certifying body by BPJPH is only up to a maximum of four years. So while there is some discretion for the foreign halal certifying body in the length of the certificate they might issue for your business, that would not go beyond four years.

I just wanted to update a little bit as you'll see down the bottom of the slide we've had 18 Australian halal certifying bodies apply to BPJPH for recognition. Eight have been approved. They’re able to commence certification. One has been approved and it's just waiting for the final step, which is a “mutual recognition agreement”, to be signed. One is still undergoing the assessment process and there's a remaining eight awaiting scheduling of the onsite audit.

We understand informally from BPJPH that they're trying to do the remainder of those onsite audits, most likely in September, but it could extend into October and of course that is very tight to the deadline because the onsite audit is not the final process. There's still a final assessment process that any foreign body needs to go through and to be frank, that process is taking anywhere from four to six weeks, so it's going to be extremely tight.

Talking to other countries that are in the same boat, they're having the same challenges in getting all their halal certifying bodies certified. For the countries who have a single halal certifying body, obviously, it's much more straightforward. For example, in Malaysia where JAKIM does that role.

For countries such as us, it's a slow process and it's cold comfort that Australia's probably got the most halal certifying bodies that are actually approved of any individual country at the moment, but we've still got quite a number to go. Next slide please.

I won't go through these, but this is just a list of those halal certifying bodies that have already been approved or are in the process of seeking approval. So next slide please. That list is also on the DFAT website and I think as Simon mentioned, this presentation will go up on the website afterwards. Next slide please.

So, once you have a halal certifying body that has been approved by BPJBH, they will come and do the certification and prepare a halal certificate. So the halal certificate is not the certificate that typically accompanies an individual consignment of goods. It's a certificate that basically indicates that these are the types of products that they are providing halal certification for, so it's a one-off certificate, if you will.

Either your Indonesian importer or if you have an office in Indonesia, your official representative, will need to arrange for registration of the foreign halal certificate on the BPJPH website, and once it's registered you will get a unique registration number for each foreign halal certificate. And as I mentioned before, one certificate may cover multiple products on the same foreign halal certificate.

The slide touches on the relevant documents that are required for registration. One is a letter of authorisation from the business or the exporter to the importer or official representative. The next one is around a legalised copy of your foreign halal certificate and we'll talk a little bit more about that in a moment.

And then of course the list of products with the relevant HS codes. I think that's clear, so I'll just move to the next slide.

So the validity of the BPJPH registration will be the same as your halal certifying body provides a certification for, so it'll be a maximum of four years. It's a cost of $80 approximately for each of your certificates to be registered on the BPJPH website, and when you come to the renewal period, which will be a little way down the track, you will need to register at least three months in advance of the expiry of your halal certificate.

Next slide please. So one of the requirements is that you have to get your halal certificate legalised. And what is meant by legalisation currently is that you have to have an Apostille from DFAT or an official from either the Indonesian embassy or consul-general if you have one close by. The challenge for my DFAT colleagues is that they can only issue Apostille on an official Australian public document.

Obviously, a halal certificate is not an official Australian public document like a marriage or death certificate. So there's an additional step required and that is that that halal certificate needs to be notarised by an Australian notary before it can then be passed to say a nearby passport office where the Apostille can be issued by DFAT.

I just want to emphasise that this process is one of the things we've gone back to BPJPH on and made the point that this is quite an onerous process to get your supporting documentation into their system. So we haven't had a response to that, but I just want to emphasise that we're aware that this is quite an onerous process. Next slide please.

Perhaps one of the most important issues that we're currently dealing with, of course, is the labelling requirements for our certifying products. Under the requirements now for food and beverages, which will come in on 17 October 2024, the Indonesian halal label must be included on the product and also the halal certificate number which is I said, is a unique number.

The halal logo and the halal certificate number need to be on the product packaging. They need to be readily visible and readable and not easily erased, removed or tampered and there are some exemptions if your products are too small sized to allow labelling or if they're sold and packaged directly in in front of consumers.

There’s also the option should you wish of also including your Australian halal certifying body’s logo on the package. We're well aware that the packaging has very limited space but it is an option if you, if you so wish.

I'll come back to the labelling again in a moment because we have got a range of questions in with the BPJPH which we're waiting a response. Just if we can move to the next slide and you'll see some examples of Indonesian halal logo, and those are able to be downloaded on BPJPH website. Slide, please.

So there are some transition arrangements for halal labelling and for those it's particularly relevant for meat products, for example, that may have been including the halal logo of, Majelis Ulama Indonesia on their product packaging. You will have up until 26 February 2026 to move to compliant packaging.

Similarly for products that are already in market by 17 October 2024, you don't need to relabel or have the products going to relabel up in the market. Those products will have up until 20 February, 2026 to be compliant. It's also important to note that if your products are non halal food or beverage products, you will going forward be required to fix a non halal label or information. There's a little bit more flexibility on this sort of thing. For example, you could indicate that it includes pork, or you can see we have a picture of a pig [on the slide], but you have a little bit more flexibility as to how. But you have to identify your product as non halal going forward, which again is a change and again the same thing the label needs to be easily applicable and not easily removed.

Next slide, please. I think Simon touched on it, but I, I think it's important to note that we, the Australian government, have been in regular contact with the Indonesian authorities trying to get as much clarity on the halal arrangements for Australian business and exporters, as has every other key trading partner with Indonesia.

In fairness to BPJPH, it's a very small organisation. It's got a massive domestic job on implementing halal certification as well as very eager trading partners keen to comply and understand the requirements.

So some of the key issues that we have written to and raised with BPJPH, which we're still waiting answers on, include labelling requirements, including particularly the application of the transition period. Obviously it will help Australian business if the transition arrangements can be applied as widely as possible.

Another key issue is the use of overlabelling or stickering on arrival. I think on the latter one, we've had informal advice that overlabelling will be allowed, but I think as you all know: in God we trust but everything else needs to be in black and white. So we're really waiting to see it formally in writing. We've sought guidance on the segregation requirements, and this is an important issue, as I touched on before, the requirement for segregation.

Another key issue that a number of you have raised recently is the halal supervisor. The current requirements are that a halal supervisor in a foreign businesses needs to be of the Muslim faith.

I think the small good news I can offer you is that they've listened very carefully to the concerns we've raised on that issue and appreciate the costs. There are some draft amendments to Indonesia’s Halal Law law that are currently being considered by the Indonesian government. One of these does provide for countries that minority Muslim, for the halal supervisor to be a non-Muslim provider, that has undertaken certain training.

So that maybe a way forward for a number of businesses that have raised that particular issue, but I want to emphasise that whilst we've had a good hearing, the draft legislation is just that - it's draft legislation and hasn't been passed yet.

We've also raised a number of specific issues, and I won't go through them all at the moment. There's been specific issues, for example on fish products and sheep casings. There's a whole range of things, so I just wanted to emphasise that the questions that you've been putting to us either on these webinars or through the DFAT or DAFF websites are getting fed back through to BPJPH.

We just haven't got answers for them. The other key issue we've been raising of course is the request, the Australian government has requested a delay in implementation.

Obviously we want to be treated the same as domestic businesses here, but more importantly as you can hear from the presentation, we've still got a range of halal certifying bodies to be approved and they've got to go through a process then of certifying your products and having to get halal certificates registered and we're very tight on the deadline and I can only say that many other trading partners are doing the same thing that we are: asking the same sorts of questions, asking for delays, and I know that they are being considered.

The draft piece of legislation that is currently under review does provide for some flexibility. It allows the Minister for Religious Affairs potentially to grant a delay or postponement in the implementation date. So we've already asked for one even though the legislation is not in place to formally commit that.

The other key issue of course I touched on before is making sure that onsite audits for Australia and certifying bodies that are outstanding are completed and again we're pushing as hard as we can to have those done as quickly as we can.

One point on that halal certifying bodies that have been raised before, unlike the previous arrangements, for example for meat, where the halal certifying bodies were limited to particular jurisdictions typically within a state, halal certified bodies, once they're approved by BPJPH will now have the flexibility to operate anywhere in in Australia.

The last thing I wanted to touch on is that also as part of strengthening our arrangements halal cooperation with Indonesia, we're looking to pursue a government to government agreement, and we think that's a very important step going forward because we want the capacity to have a direct line of communication with them on these issues, including down the track if all our certifying bodies are added or subtracted to the list, we want to make sure we've got a form of recourse to engage with Indonesia on that.

Next slide please. Thank you for your patience. I've tried to go through that pretty quickly, but it's a lot of information. I apologise. Some of you have heard it before, but some of you may not. On the screen now are a range of very useful further resources.

There's information both on the DFAT and the DAFF website that you can access and a couple of our contact points in DFAT and DAFF, should you have general or specific questions. I'm going to pass back to you Simon. Again, thanks everyone for your patience and attention.

**Simon Clayton:** Thanks very much Dean for your presentation and look, I think you've touched on a lot of the key issues that we in the government see and are grappling with. And of course, you online as exporters as well. You also provided a good overview of the actions the government is taking in support of our business in continuing the free flow of trade to Indonesia.

So I hope everyone on the line found this presentation useful. Again, it complements the information we have on the website as well. And if you haven't seen our website, please do take a look. As I said before, we'll now go to the next segment of this webinar and that's to open up to questions from you.

I see we've already received quite a number of questions through Slido, so we'll start to go through those, but if you do have questions, please continue to feed them into us and we will get through as many as possible. In going through the questions, I'll read out the questions we have, and either I will answer it or I will call on colleagues either in Jakarta or here in Canberra to assist with providing an answer for to these questions.

Again, there may be cases where we don't have the information at hand to provide an answer. And as Dean said in his in his presentation, there are a number of issues on which we're seeking clarification and updates from Indonesia, so, please bear with us as we continue through that process. So the first question that I have here in front of me relates to the HS codes, which was also in in Dean's presentation.

We've been asked if we can provide a link to the list of the 852 HS codes, for the food and beverage products for which these requirements will apply as of 17th October. We will be adding this list to our webpage very soon, so please keep an eye on a webpage and we'll get that up as soon as we can.

So next question after that, are there halal certifying bodies that are accredited by Indonesia to certify goods in more than one country? And again, the short answer is no. Indonesian accreditation of certification doesn’t provide for cross border operation. It applies to the country in which those certification bodies operate. So cross border accreditation is not something that Indonesia is looking at, at the moment at least.

**Dean Merrilees:** I'm sorry. You're exactly right when we're talking about foreign halal certifying bodies, but there are certifying bodies within Indonesia itself that of course can provide the halal certification to any country, but you're right that Australian halal certifying bodies cannot operate in another country.

**Simon Clayton:** Thanks Dean for making that very clear. Our next question relates to exporters who have multiple importers. So if exporters have multiple importers for a product, does that mean that they have to have labelling with the logo and registration number for each importer.

The quick answer, which I'll provide and then I might turn to Dean if he has anything to add, is that our understanding is that this is the case, that the registration number is unique by importer, even if it is from the same exporter. So even if you're a single exporter, sending to several different importers in Indonesia, the registration number needs to be unique based on that importer, and that's the point at which the labels are actually applied and that's why that's critical. But Dean, did you have anything to add on that?

**Dean Merrilees:** Yeah Simon is correct and it's an issue that we've taken up with BPJPH without much of an empathetic hearing. It's one of the reasons why the question of overlabelling becomes very important because if your product has multiple importers, you're going to have multiple unique numbers to apply to your packaging going forward.

**Simon Clayton:** Thanks Dean, and we are getting quite a number of questions about labelling and how that actually works. So we do understand that there are a number of questions and number of areas that are unclear for you about that, and we are doing our best to try and make that as clear as possible.

Here's another question which is along a similar vein, so does the halal logo have to be applied at the point of packing or can it be applied by the importer once the product is in Indonesia? How does this work and what documents need to be provided to Indonesian customs?

So Dean mentioned some of this in his presentation, and we're also seeking further answers on some of these questions, but is there anything Dean that you have to add to what you've already said on this question?

**Dean Merrilees:** Yeah, Simon, you're right, and this is one that we're still pushing for further clarity on. Just going back to the HS codes a little bit, which is also relevant to this, the list that is in the legislation is in Indonesian, but there's a very useful translation in English on the Indonesian customs website.

And one of the questions asking whether you can issue a label after the product clears customs is a fundamental question because obviously if you can't do that, that prevents the overlabelling post arrival.

**Simon Clayton:** Thanks Dean. So a slightly different question now, which moves away a little bit from labelling. In the last webinar, BPJPH, so the Indonesian halal authorities, said uncertified products could still be sent to Indonesia. They just didn't think they would sell. Is this still the case? If you recall at our last webinar we did have an exchange about this. I might call on Lauren Adams, she's our Trade and Investment Commissioner in Jakarta.

Lauren, do you have anything that you can add to this question? I know that might build a little bit on our previous conversation.

**Lauren Adams (Trade and Investment Commissioner, Australian Embassy Jakarta):** Thanks Simon, so I think the takeaway from the briefing with BPJPH last time was that the view from BPJPH is that unless a product is not haram, or pork or alcohol, the expectation is that it would be halal certified prior to coming or being sent to market.

And again, we are still seeking additional clarification on that, but that was the view provided by BPJPH. One thing in the last week or so we've been exploring from an Austrade point of view is how the supermarkets will be transitioning to merchandising of halal or non halal products, and their appetite for continuing to order non halal certified products. And whilst they're being cautious and wanting to be compliant with the regulation, there still is an overarching question on how strictly this would be enforced. But Dean, did you want to add anything?

**Dean Merrilees:** No, I think we share the same understanding. Not withstanding what was said at the last webinar I think the answer is they still need to be certified unless they really are not allowed products.

**Simon Clayton:** Okay, thanks Lauren, thanks Dean for your answers there. So the next question I have here in front of me for the halal certificate legalisation requirement, is that the halal certificate for each shipment or the halal certificate for the processing plant?

So, my understanding of this is that a certificate is issued for a product and a production process and then that lasts even if there are multiple shipments of that process. So it's not necessarily per shipment. But it also doesn't refer to a processing plant, particularly if that processing plant or that business is producing a range of goods which may have different production processes. But for the sake of completeness I'd also like again to pass to colleagues in Jakarta, to see if you have anything to add to this.

**Dean Merrilees:** So Simon is right, this is the halal certificate that applies to your business that's been issued by the halal certifying body to cover your overall relevant products and processes. It's a one-off requirement separate to, for example, the Australian Government Approved Halal Program where there'll be an individual halal certificate prepared for a given meat consignment and those individual halal certificates for meat consignments, for example, do not need to be legalised. It's only the one official certificate that needs to be legalised.

**Simon Clayton:** Thanks Dean. Going to the next question, for goods sold to business units, so not sold directly to consumers, will they still need to display the Indonesian Halal logo and import number on the packaging? I might have to pass to post for again for this one.

Do you have any further information on what happens when goods are sold to business units? Presumably as inputs rather than directly to consumers so that, you know, perhaps in a form that might end up on the supermarket shelf.

**Dean Merrilees:** Yeah, thank you. This is a good question. There are some exemptions for products that are just inputs to food processing in Indonesia. But other bulk products that may have an application both as ending up in at retail as well as for food processing, you will potentially need to label those products. I think we see meat is a very good example of this. Sometimes you'll have products that will go into a food service, but the same cut could be, if it is more of a bulk cut, could go directly to retail.

So to some extent, the theory of it is exactly the usage of the product, but that's not always known to you as the exporter exactly what your importer may choose to do with the product.

**Simon Clayton:** Thank you, Dean. And again, I note the list that Dean provided in his presentation, that's also on our website in terms of the types of products that may be exempt, and if they are inputs that haven't been processed, they may meet that that definition.

Our next question is also related to bulk products. So does the BPJPH halal logo need to be printed on bulk products? Is there a clear definition of bulk? Again, colleagues at post, I might pass that one to you. Do you have any information on that question?

**Dean Merrilees:** Thanks Simon. There's not a particular definition in the context of, you know, a particular weight. It's more the sense that it's not sold in retail-ready packaging.

Typically that's where the standing goes. It's a bulk product if, for example, you're selling 50 kilo packets or something that is not likely to go to retail – they're more likely to go to food service or to be broken up for smaller retailers, those products are not counted.

But there's no specific definition. That's one we'll ask for a little bit more clarity on, I think.

**Simon Clayton:** Thank you, Dean. Another question on the logo, can the halal logo and registration number be on the outer carton only or the saleable unit and not on inner bags?

Again I guess that depends on what ends up on supermarket shelves and what we mean by the outer carton as well. Is there any more detail though Dean you can provide on that question about what precisely the logos need to go on, and what happens to packaging on the outside?

**Dean Merrilees:** If it's going for retail-ready, it'll have to have a label on the individual package that's going for retail-ready. You won't be able to just put it on the on the external carton and this is, as we touched on before, is where some products are going to have a little bit of grey area because they may go into food service, where they're not going for retail-ready, or they may go direct to retail-ready.

So we'll try to get as much clarity as we can, but it really depends on the usage of the product.

**Simon Clayton:** Thank you Dean. A next question is another threshold question. What is the threshold for food processing? For example, is fish gutting classified as processing? My understanding is that food that hasn't been touched, that has had nothing done to it, doesn't meet that processing kind of definition and therefore may be exempt under Indonesia’s definition.

But as soon as processes start to add anything to it or start cutting, for example, and this applies also from what I understand to fruit and vegetables as well, then that definition of processing may kick in. But again Jakarta post, is there anything we may have to add to that?

**Dean Merrilees:** Yeah, Simon, I think I think that's a good definition. We have asked for a little bit more clarity on fish products in the context of how they're covered by slaughtering requirements. I think that is spot on in terms of our current knowledge.

**Simon Clayton:** Thanks Dean. Now I have a question about halal certificates and their legalisation. So Dean touched on this in his presentation, but can you please confirm that halal certificates that have been legalised, so first notarised, and then issued an Apostille, are acceptable under Indonesia's regulations. If this is not workable, it is unclear how to proceed because the Indonesian embassy in Canberra has advised that the embassy won't offer this service.

So this is a tricky question, and again, I know that Dean touched on this in his presentation in some detail. And this is an issue we've also raised with Indonesian authorities in terms of the impost on exporters to meet this requirement.

So as Dean went through in his presentation, on one of the ways forward in terms of legalising a certificate is through an Apostille from DFAT. DFAT cannot offer this for a private document that is issued from a private organisation or institution. We can only do that for bodies that are essentially governments, so the work around here is that this private halal certifying body issues a certificate, that you would first need to have that notarised by an Australian notary public, and then DFAT could provide an Apostille on the notarised version of that certificate.

So technically this is about guaranteeing the authenticity of the seal of the public notary, who notarised the document, and not the authenticity of the certificate itself. As Dean mentioned, we are seeking clarification from Indonesian authorities on this question, in terms of whether this method is acceptable, but this will be the process in terms of going through an Apostille.

I'm going to move to the next question. If certification is done by BPJPH directly and not through an Australian halal certifying body, does the importer still have to register the certificate under the Indonesian government portal, under the importer’s account? Dean, are you able to answer that.

**Dean Merrilees:** Good question. The short answer is no.

**Simon Clayton:** So the process is easier once they have that certification.

**Dean Merrilees:** Yeah, because it's a BPJPH issued halal certificate, it doesn't need to be registered. They have effectively already registered themselves.

**Simon Clayton:** Thank you for that. Ok, we have another question here about the halal supervisor issue. So Dean mentioned in his presentation that there is a possibility of flexibility around the requirement for a halal supervisor.

Can you provide any more details, including if the possible exemptions are likely to be introduced ahead of 17 October? If companies have multiple sites of operation, do they need a halal supervisor at each site or a single halal supervisor for their entire halal program?

Again Dean, you did mention this and you cover this in your presentation. Is there anything in relation to this question that you have to add at this point?

**Dean Merrilees:** Yeah, so just to emphasise that the change that is in the draft legislation, which is to remove the need in Muslim minority countries for the halal supervisor to be of the Muslim faith. This change is in prospective: we don't know how quickly the Indonesian government may or may not legislate on that issue.

On the second question of whether you need a halal supervisor at every site, I think what we heard from BPJPH during the last webinar was that there's a level of flexibility here. You could have a part time halal supervisor, you could potentially have a situation where it could almost be online. So I don't think it's an issue about physical presence, but you need to be able to demonstrate that the halal supervisor is part of your system.

So there was a lot of a lot of flexibility offered there by BPJBH with the one exception that the halal supervisor cannot be an employee of your halal certifying body. They made that very clear. They may have been a former employee of your halal certifying body, but they cannot be a current employee of your halal certifying body.

**Simon Clayton:** Thank you, thanks Dean for that. So we also have a number of questions about the documents required to clear customs. So I'll just step through a couple of these, but firstly.

Will you still need a halal certificate per shipment to clear goods through customs? Again, colleagues at post, can you please respond to this and our understanding of how this will work?

**Dean Merrilees:** Yeah, so this is a good question as well, for products that already require a halal certificate on a consignment basis such as meat products, we believe the answer to that will be yes, they'll continue to require the halal certificate. The products that previously haven't required a halal certificate, that's another question that we're going to have to clarify with BPJPH because there's no current formal requirement to our knowledge of that. But that's a good question and may be one for us to also take up with the with customs as well frankly. So related to the list I'm sorry, I can't give a definitive answer.

**Simon Clayton:** No, thank you Dean. And again, for everyone online just to emphasise we, both us in Canberra and of course those at post, we're doing our absolute best in terms of following up on your questions and trying to get answers from the Indonesian government to clarify these types of issues.

We do understand that it can add to the complexity of ensuring that your exports can get to Indonesia when we’re looking at the beginning of implementation of this new law from October.

So just following on the customs questions, if halal registration is not required, as an exporter, do you need to provide some form of halal declaration stating why your product is not registered. Dean, do you have anything to add on that one?

**Dean Merrilees:** To our knowledge if it's not allowed, as I said before, it's subject to mandatory labelling. But to our knowledge it doesn't need a further declaration to indicate why it's non-halal, it should be fairly self-evident.

**Simon Clayton:** The other point there too, of course, is that it depends also on the product and, again, as part of Dean's presentation also on our website, there is, the implementation of this law covers different products at different times. Obviously the first tranche is from this year. Future tranches are coming, covering a range of different products.

We might do a couple more questions. I see we're at time, but I do also know that we started a couple of minutes late. So we've been asked if we have any indication of when we might get some of the answers that we're still seeking from Indonesia, especially on time critical issues like labelling.

Again, we're doing the best we can. Our post in Jakarta is doing the best it can in terms of seeking information from Indonesia. We have similar questions to a number of other Indonesian trading partners who are also grappling with this. So all I can say from my perspective is that is that we're pushing as hard as we can, but I would also give colleagues a post a chance to respond to this one as well.

**Dean Merrilees:** Echo your comments Simon and the only other thing we can say is that the longer it takes to get definitive answers on key questions, that's something that supports our request for a postponement of the implementation period.

Whether Indonesia sees it like that is a separate question, but for us and I'm sure businesses online, it's very hard to comply if you don't know exactly what the client's requirements are.

**Simon Clayton:** Thanks Dean. I might add to that obviously we're doing a lot of work directly in Jakarta, in terms of approaching the Indonesian government and, and seeking these kinds of answers. We do this also here in Canberra, and also in the World Trade Organisation context we have been raising questions about the implementation of this law for a number of years, emphasising the need for transparency, for clarification of the scope of products exempt or included in certification requirements, and the importance that existing halal processes are recognised.

So we're approaching the Indonesian system in a number of ways on this to try and get the best possible information that we can for you. I might do a couple more questions. So the next one I might ask DAFF colleagues in Canberra to respond to.

If a manufacturer acquires halal certification from an Approved Islamic Organisation or AIO under AGAHP, is it still mandatory to have the AIO’s halal logo on the product for export or is this optional? So DAFF colleagues in Canberra, would you be able to respond to this one?

Yeah, they might have some technical issues here. Colleagues at post, do you have an answer for this or would this be one that we need to come back on?

**Dean Merrilees:** I can give you a part answer Simon. Just to be very clear, it is not mandatory to have, under Indonesia's labelling laws, the AIO or halal certifying body logo on the product.

I think the question though is really around whether it will be still mandatory under the Australian Government Authorised Halal Program, which is probably one for my DAFF colleagues to in Canberra to answer.

**Simon Clayton:** Thanks Dean. Okay, we might look to respond to that one at a later time. So perhaps for a final question knowing we are over time just a little bit, do we need an Apostille for each importer if we have multiple importers?

The short answer is that the Apostille is for the halal certificate, not each registration. So it is our understanding that it will be just the one. That's our best understanding on that one.

Look, we are a couple of minutes over the hour, so I might leave the questions there for today, but thank you very much everyone for your questions. I hope we were able to answer some of the queries and concerns you have. I know there is still a lot of information outstanding and again we are doing our best to seek answers and further information and clarification on that.

But please rest assured we've kept the record of the questions that you've sent in today, and we'll also use these to inform information that we provide to you in other materials as we go forward. This might include updates to our website as well. Look, we do recognise the imposition on Australian exporters that these new requirements may mean, and we're all trying to navigate those and trying to get as much clarity for you as we can as we go through this process.

And again, we are actively seeking further information from the Indonesian government about how these regulations will be implemented and what they'll mean for our exporters.

I'd like to thank my colleagues at post for your input on all these questions, Dean for your presentation, and the work of other officials here in Canberra as well as at post to put all the information together for this presentation and for this session.

If there are any questions that you do have that arise out of this session, or any feedback that you may have, please do feel free to send it to us. We have an email address for DFAT, which is [NTB@dfat.gov.au](mailto:NTB@dfat.gov.au). I’ll say that one more time: [NTB@dfat.gov.au](mailto:NTB@dfat.gov.au), and we welcome your questions and your comments.

We'll continue to update our website, including with the HS codes as I mentioned a little while ago, as soon as further information becomes available about Indonesia's new halal regime.

Again, we hope this session has been helpful for you. Thank you again for your time and for your attending and I wish you all a good afternoon. Thanks very much.