

**[ DA Administrative Circular No. 01, s. 2015,  
January 06, 2015 ]**

**RULES AND REGULATIONS GOVERNING THE IMPORTATION OF  
FRESH APPLES (*MALUS DOMESTICA*) AND PEARS (*PYRUS  
COMMUNIS*) FROM ARGENTINA INTO THE PHILIPPINES**

*Adopted: 06 January 2015  
Date Filed: 20 February 2015*

**WHEREAS**, the Plant Quarantine Service of the Bureau of Plant Industry by virtue of Presidential Decree No. 1433, otherwise known as the "Plant Quarantine Law of 1978", as revised by the Administrative Code of 1987, (EO 292), has the primary function of preventing the entry of foreign pests into the country and the further spread of these pests already introduced to places where they are not known to exist;

**WHEREAS**, the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) and the FAO International Plant Protection Convention (IPPC) reaffirms the sovereign right of the country to institute appropriate measures deemed necessary to protect human, plant, and animal life and health, provided that such measures do not unnecessarily restrict trade;

**WHEREAS**, the Pest Risk Analysis (PRA) for fresh apples (*Malus domestica*) and pears (*Pyrus communis*) from Argentina were conducted and completed in accordance with the IPPC International Standard for Phytosanitary Measures ISPM No. 11, which takes into account evaluation of the biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it;

**WHEREAS**, the completed PRA served as the basis for the issuance of this AC, wherein low pest prevalence areas shall be used as a quarantine measure and a combination of a systems approach shall applied;

**NOW, THEREFORE, I, PROCESO J. ALCALA**, Secretary of the Department of Agriculture, by the powers vested in me by law, do hereby issue this Circular providing guidelines governing the importation of fresh apples (*Malus domestica*) and pears (*Pyrus communis*) from Argentina into the Philippines.

**ARTICLE I  
SCOPE AND DEFINITION OF TERMS AND ACRONYMS**

**Section 1. SCOPE** - This Circular shall govern the importation of fresh apples (*Malus domestica*) and pears (*Pyrus communis*) from Argentina.

**Section 2. DEFINITION OF TERMS** - *For the purpose of this Circular*, the

following terms, words and phrases herein used shall be construed to mean as follows:

#### **A. DEFINITION:**

- a. Additional Declaration - a statement that is required by the BPI Plant Quarantine Service (PQS) to be entered on a Phytosanitary Certificate (PC) which provides specific additional information pertinent to the consignment.
- b. Consignment - a specific quantity of fresh apples (*Malus domestica*) and pears (*Pyrus communis*) being moved from Argentina to the Philippines covered by a single Phytosanitary Certificate
- c. Maximum Residue Limit - allowable limit of pesticide level on fresh apples (*Malus domestica*) and pears (*Pyrus communis*) set by the Codex Alimentarius Commission.
- d. Pest Risk Analysis - the process of evaluating biological or other scientific and economic evidence to determine whether an organism is a pest, whether it should be regulated, and the strength of any phytosanitary measures to be taken against it [FAO, 1995; revised IPPC, 1997; ISPM No. 2, 2007]
- e. Phytosanitary Certificate - Certificate patterned after the model certificates of the IPPC [FAO, 1990; ISPM No. 5, 2006]
- f. Phytosanitary Certification - use of phytosanitary procedure leading to the issuance of a Phytosanitary Certificate [FAO, 1990; ISPM No. 5, 2006]
- g. Phytosanitary Measure - any legislation, regulation or official procedure having the purpose to prevent the introduction and/or spread of quarantine pests, or to limit the economic impact of regulated non-quarantine pests. [FAO, 1990; ISPM No. 5, 2006]
- h. Plant Quarantine Clearance (Import Permit) - official document issued by the BPI authorizing importation of a commodity into the Philippines in accordance with specified phytosanitary import requirements.

#### **B. ACRONYMS:**

<b>BPI</b>	- Bureau of Plant Industry (the NPPO of the Philippines)
<b>MRL</b>	- Maximum Residue Limit
<b>NPPO</b>	- National Plant Protection Organization
<b>PC</b>	- Phytosanitary Certificate
<b>PQC</b>	- Plant Quarantine Clearance
<b>PQO</b>	- Plant Quarantine Officer of the BPI
<b>PQS</b>	- Plant Quarantine Service
<b>PRA</b>	- Pest Risk Analysis
<b>SENASA</b> (Argentina)	- Servicio nacional de Sanidad y Calidad Agroalimentaria

### **ARTICLE II**

#### **IMPORTER REGISTRATION GUIDELINES AND PROCEDURES**

The following guidelines and procedures shall be implemented in the accreditation of the Importers of Fresh Apples and Pears

**Registration** - Prior to the issuance of SPS IC for purposes of importation of plants, planting materials and plant products, all importers are required to register with the BPI.

**Requirements for Registration as Importer** - The following documentary requirements must be submitted to the BPI for purposes of registration as importer. For documents requiring Certified True Copy, the importer may bring the original copy and the scanned or photocopy shall be stamped *Verified from the Original* upon its presentation.

1. Letter of Intent addressed to the Chief of BPI- Plant Quarantine Service
2. Notarized Accomplished Application Form accomplished by the applicant, together with attached latest 2x2 colored picture (white background) of the owner and representative/s;
3. Company Profile
4. Board Resolution of the Corporation/Cooperative or Special Power of Attorney issued by the importer authorizing the legal representative/s of the importer. Current Mayor's Permit (Certified True Copy);
5. BOC Accreditation - Accounts Management Office (AMO) Certification (CTC);
6. For Single Proprietorship - DTI Registration (CTC);
7. For Corporation/Partnership/Cooperative/Joint Venture/Associations -
  - a. Proof of SEC Registration (CTC) / Cooperative Development Authority (CDA) Certificate of Registration (CTC);
  - b. General Information Sheet and certified list of incumbent executive officers
  - c. Current Certificate of good standing from the Securities and Exchange Commission (SEC) or CDA or other applicable registering agencies, whichever is applicable (CTC);
  - d. Additional Requirements for Farmers' Cooperative/ Confederation
    - 1) List of farmers cooperative and their addresses; If not a confederation, list of farmers, addresses and voters ID or barangay ID
    - 2) Board Resolution authorizing the importation
8. BIR Registration, Importers Clearance Certificate (ICC) and Brokers Clearance Certificate (BCC)
9. Tax Identification Number of the Corporation/Partnership/Sole Proprietorship;
10. Audited Financial Statement for the previous year (CTC) except for the following businesses:
  - a. Newly established business which is less than one year in its operation;  
or

- b. Other entities or bodies which are explicitly exempted under the law, agreement or other similar legal instruments.

11. Declaration of warehouse/storage facility (location, capacity);
12. Notarized contract of lease or proof of ownership of warehouse/cold storage/farm land (CTC);
13. DA-Certificate of Accreditation for Cold Storage Warehouse (if applicable)
14. Fees to be collected
  - a. PHP 1,000.00 Application Fee (AF).

The BPI-PQS shall then issue a Certificate of Accreditation duly signed by the BPI Director upon recommendation of the PQS Chief.

**Documentary Requirements for Renewal of Registration** - The applicant shall submit the following documents at least two (2) months prior to the expiry date of registration:

1. Letter of Intent addressed to the Chief of BPI- Plant Quarantine Service
2. Notarized Accomplished Application for Renewal Form with attached latest 2x2 colored picture (white background) of the applicant and duly authorized representative;
3. Current or updated documents of the following:
  - a. Mayor's Permit or Business Permit
  - b. BOC AMO Certificate (CTC);
  - c. BIR Registration; ICC and BCC
  - d. For Single Proprietorship: DTI Registration (CTC)
  - e. For Corporation/Partnership/Cooperative:
    - 1) Updated SEC Registration (CTC)/ CDA Certificate of Registration;
    - 2) Latest General Information Sheet and Certified List of incumbent executive officers
    - 3) Certificate of Good Standing from the Securities and Exchange Commission (SEC) or CDA or other applicable registering agencies, whichever is applicable (CTC);
  - f. Current Audited Financial Statement for the previous two (2) years (CTC)
  - g. Current or updated Annual Income Tax Return received by the Bureau of Internal Revenue (BIR)
  - h. Declaration of warehouse/storage facility (location, capacity);
  - i. Notarized contract of lease or proof of ownership of warehouse/cold storage/farm land (CTC);
  - j. DA-Certificate of Accreditation for Cold Storage Warehouse (if applicable)
  - k. Summary report of importation and utilization of SPSIC for the past two (2) years
- 4) Fees to be Collected
  - a. PHP2,500 Renewal Fee

**ARTICLE III**  
**APPLICATION FOR AND ISSUANCE OF PLANT QUARANTINE CLEARANCE**

- A. Any BPI-accredited fresh apples and pears importer who desires to import from Argentina must secure an SPS Import Clearance from the BPI.
- B. The application form can be secured from and submitted electronically to BPI-PQS with the following attached documents:
  - 1. Pro-forma invoice;
  - 2. Certification of GM content;
  - 3. Other commodity specific requirements, including permits/clearances from other agencies.
- C. The application shall undergo automated validation for compliance to the submission of mandatory data, and manual review for compliance to the requirements and attached documents. It shall be placed "under review" status. If it is sufficient in form and substance, the reviewer shall endorse to the PQ Chief. If the application is incomplete or not in the right format, the application shall be rejected and the applicant shall be informed accordingly of the additional requirement.
- D. If the PQ Chief found the application sufficient in form and substance it shall be forwarded to the BPI Director.
- E. The BPI Director approves the application and the applicant can view and print the approved SPS Import Clearance. The application shall only be approved and issued a SPS Import Clearance by BPI-PQS upon determination of the following:
  - 1. Latest advisory of the relevant international bodies and/or Argentina pertaining to the pest status of the source areas;
  - 2. The applicant importer is accredited by BPI-PQS;
  - 3. The applicable risk management protocols that are to be prescribed including certifications of exporting governments.

**Article IV**  
**VALIDITY AND NON-TRANSFERABILITY OF THE PQC**

**A. Validity of the PQC:**

- 1. The SPS Clearance shall be valid for a period of two (2) months. This validity shall be indicated in the PQC unless revoked for any of the grounds set forth in Article VIII. Consignment of fresh apples and pears has to be loaded at the port in Argentina after the issuance of the PQC.
- 2. The date of leading at the port in Argentina as specified in the Bill of Lading shall not be earlier than the date of issuance of the PQC, otherwise the consignment shall be subjected to a prescribed commodity treatment or returned to the country of origin or destroyed at the Port of Entry, and all fees,