

**[BPI DA Administrative Circular No. 10, s. 2015,
May 25, 2015]**

**RULES AND REGULATIONS GOVERNING THE IMPORTATION OF
FRESH TABLE GRAPES (*VITIS VINIFERA*) FROM ARGENTINA
INTO THE PHILIPPINES**

*Adopted: 25 May 2015
Date Filed: 13 July 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 table grapes (*Vitis vinifera*) from Argentina was 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 pest free area shall be used as a quarantine measure and a combination of a systems approach shall be 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 table grapes (*Vitis vinifera*) 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 table grapes (*Vitis vinifera*) 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 table grapes (*Vitis vinifera*) being moved from Argentina to the Philippines covered by a single Phytosanitary Certificate
- c. Maximum Residue Limit – allowable limit of pesticide level on fresh table grapes (*Vitis vinifera*) 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:

BPI – Bureau of Plant Industry (the NPPO of the Philippines)

MRL – Maximum Residue Limit

NPPO – National Plant Protection Organization

PC – Phytosanitary Certificate

PQC – Plant Quarantine Clearance

PQO – Plant Quarantine Officer of the BPI

PQS – Plant Quarantine Service

PRA – Pest Risk Analysis

SENASA (Argentina) – Servicio nacional de Sanidad y Calidad Agroalimentaria

ARTICLE II

IMPORTER ACCREDITATION GUIDELINES AND PROCEDURES

The following guidelines and procedures shall be implemented in the accreditation of the Importers of Fresh Table Grapes (see Annex I).

a. Application for Accreditation – The accomplished Application for Accreditation and Accreditation Validation Form, together with pertinent documents enumerated hereunder shall be submitted to the BPI-PQS Central Office for the initial verification and evaluation of application. Pertinent documents should consist the following:

- i. Company Profile (for first-time applicants only);
- ii. Department of Trade and Industry (DTI) Registration/Security and Exchange Commission (SEC) Registration/Cooperative Development Authority (CDA) Certificate of Registration;
- iii. Current Mayor's Business Permit (as importer);
- iv. Bureau of Customs - Customs Accreditation Secretariat (BOC-CAS) – Certificate of Accreditation;
- v. Valid Contract/Certificate of Lease of Storage Facility (Cold Storage/Warehouse). Those who owned the facility, submit title of land ownership and notarized affidavit of facility ownership installed in the area;
- vi. Location map of the storage facility;
- vii. Notarized Special Power of Attorney (SPA) of the representative(s); and
- viii. Two (2) 2X2 ID pictures of the owner and representative(s).

b. Importer's Orientation – The company owner with his authorized representative(s) shall be oriented on the Plant Quarantine laws (PQ laws) and regulations, allowable plants/plant products that can be imported in the Philippines, procedures (process flow) of issuance of Plant Quarantine Clearance (PQC), possible sanctions of violations, and other concerns with regards to the importation of fresh table grapes (*Vitis vinifera*)

Orientation will be carried-out by the Chief of PQS or his assigned technical staff.

c. Facility Inspection – The Plant Quarantine (PQ) Officer/Inspector will conduct ocular inspection of the applicant's office and storage facility following the guidelines for facility inspection procedures set by BPI-PQS (see Annex II).

d. Approval and Issuance of Accreditation – After the applicant has complied with all the requirements for accreditation, the application will be recommended for approval.

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

ARTICLE III

APPLICATION FOR AND ISSUANCE OF PLANT QUARANTINE CLEARANCE

A. Any BPI-accredited fresh table grapes importer who desires to import from Argentina must secure an SPS Import Clearance from the BPI (Annex III).

- 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 table grapes has to be loaded at the port in Argentina after the issuance of the PQC.
2. The date of loading 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, charges and other expenses relative to such quarantine action shall be borne by the importer (pursuant to Section 14 of PD 1433).

B. Non-Transferability of the PQC

The PQC is non-transferable and shall only be used by the person/company whose name appears in the PQC.

Article V FEES AND CHARGES

An accreditation fee shall be collected upon release of Certificate of Accreditation in the amount of Php5,000.00. Yearly renewal shall also be subjected to processing fee of Php3,000.00

Other relevant fees shall be imposed as necessary pursuant to DA Administrative Order No. 01 Series of 2001, DA Administrative Order No. 12 and 26 Series of 2004.

Article VI REQUIREMENTS AND CONDITIONS ON PRE-EXPORT QUARANTINE INSPECTION

A. Source Areas

1. Table grapes (*Vitis vinifera*) to be exported to the Philippines should be sourced only from production areas, processing/packing facilities approved/ accredited by SENASA.
2. Exporters, production areas and processing facilities of fresh table grapes (*Vitis vinifera*) intended for export to the Philippines shall be registered with SENASA. An official list shall be provided to BPI-PQS. Only those indicated in the list shall be allowed to export to the Philippines and approved by BPI- PQS.

B. Sorting, Cleaning and Packing

1. Fresh table grapes (*Vitis vinifera*) intended for export to the Philippines shall be sorted, cleaned and packed in SENASA accredited facilities. These activities should be under the supervision of SENASA Officers and a BPI-PQ representatives who will conduct pre-clearance inspection for one month during the initial export. All expenses related to the dispatch of BPI-PQ representative shall be borne by the exporting country.
2. All fresh table grapes (*Vitis vinifera*) for export should be packed in new carton boxes. Packed table grapes in boxes should be pre-cooled for 8 hours and then stored at pulp temperature of 1-1.5°C.

C. Pre-export Quarantine Inspection

1. Prior to sealing of the carton boxes, 2% of the finished boxes shall be inspected by a SENASA Officer and the Philippine PQ Officer.