

**[DA ADMINISTRATIVE ORDER NO. 09, S. 2010,
April 12, 2010]**

**DEPARTMENT OF AGRICULTURE ADMINISTRATIVE ORDER NO.
08, SERIES OF 2009, AS AMENDED**

WHEREAS, it is the paramount objective of the government in view of trade liberalization to adopt and enforce rules and regulations necessary to protect human, animal or plant life or health, ensuring that the agricultural and fishery products are safe for consumers and to prevent the introduction, establishment and spread of pests or diseases among animals or plants.

WHEREAS, smuggled agricultural and fish and fishery/ aquatic products, fertilizers, pesticides and other agricultural chemicals, veterinary drugs and biological products pose serious threat to human, animal or plant life or health.

WHEREAS, the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary (SPS) Measures recognizes that member-countries have the right to make SPS measures necessary to protect human, animal or plant life or health.

WHEREAS, the Department's various bureaus and agencies have their own set of rules and regulations on the importation of various products under their coverage.

WHEREAS, there is a need to streamline, harmonize and strengthen these various rules and regulations to enhance transparency and in order to facilitate trade without compromising safety of human, animal or plant life or health or causing damage to the environment.

WHEREAS, the automation of the harmonized business processes of the regulatory agencies particularly in the application and issuance of the SPS Import Clearance will enhance the delivery of services which will lead to the adoption of best practices in the global trade;

WHEREAS, there is a need to establish and maintain an effective and comprehensive regulatory system to ensure that the required sanitary and phytosanitary measures are met.

NOW THEREFORE, I, BERNIE G. FONDEVILLA, Secretary of the Department of Agriculture, in accordance with the powers vested in me by law, do hereby issue this Administrative Order governing the rules and regulations on the importation of agricultural and fish and fishery/aquatic products, fertilizers, pesticides and other agricultural chemicals, veterinary drugs and biological products into the Philippines for the information, guidance and compliance of all concerned.

**SECTION I
DEFINITION OF TERMS**

A. Definitions. As used in this Order, the following words, terms and phrases shall be construed to mean as follows:

1. Accredited Importer – refers to an institutional buyer individual or entity directly engaged in agricultural and fishery products
2. Agricultural products – products enumerated in Annex 1 of the WTO Agreement on Agriculture.
3. Animal by-products – includes hides, horns, skin, bones, hooves, feathers and other parts or products animals
4. Animal products – fresh meat, meat products gelatin, eggs, egg products, milk, milk products and honey when intended for human consumption, meat-meal, liver-meal, bone meal, blood-meal, feather-meal, pork fat and milk products when intended for use in animal feeding, animal organs, tissues and organic fluids to be used in the preparation of pharmaceutical products or of surgical devices, products of animal origin for agricultural or industrial use, except those intended for food for human consumption, pharmaceutical or surgical purposes and animal feeding.
5. Animals as potential agricultural crop pests – certain species of animals that are liable to become crop pests in all life stages such as insects, monkeys, rodents, bats, birds, snails and other forms of animal life capable of causing injury to agricultural crops.
6. Bill of Lading – document evidencing receipt of goods for shipment issued by person engaged in business of transporting or forwarding goods and it includes airway bill. It is receipt for goods, contract for their carriage and is documentary evidence of title to goods.
7. Biomolecules – organic molecules and their synthetic forms occurring in living organisms.
8. Competent Authority - bureau or agency, mandated by law, with having responsibility and competence for ensuring and supervising the implementation of SPS measures or other standard codes.
9. Condemnation – declaration after due examination and judgment of the products according to the approved protocols by a competent authority as being non-compliant to the SPS measures including the determination of unsafe or unsuitable products for human consumption and requiring appropriate disposal thereof.
10. Confiscation – taking into custody of products by the competent authority for the proper disposal for having been the subject of violation of herein rules and regulations or any pertinent law or rule or regulation.
11. Consignment – quantity of agricultural or fish, fishery/aquatic products, fertilizers, pesticides or other agricultural chemicals, veterinary drugs or biological products bound for a customer into the country and conveyed by one means of transportation
12. DA Border Inspector – includes BFAR Fisheries Quarantine Officer, BAI

Animal Quarantine Officer, NMIS Meat Control Officer and Meat Inspector and BPI Plant Quarantine Officer stationed in every international seaport and airport and inspection area/ facility in the Philippines who perform quarantine and product safety/quality inspection, documentation and clearance.

13.Feed – a mixture of feed ingredients by specific formula as food for animals.

14.Feed ingredient – any single article, raw material or feeding stuff which enters into the composition of a feed or a ration, concentrate, supplement or additive.

15.Fertilizer – includes any substance, solid or liquid or any nutrient element or elements organic or inorganic singly or in combination with other materials, applied directly to the soil or to the plant for the purpose of promoting plant growth, increasing crop yield or improving their quality.

16.Final border inspection – last form of inspection and clearance of agricultural products, fish and fishery products including agricultural inputs being undertaken by the Department of Agriculture Border Inspectors (DABI) assigned at the final point of border control to ensure that such imported products/commodities have finally satisfied the DA safety, quality and environmental requirements before their distribution for domestic use.

17.Fish and fishery/aquatic products – products enumerated in the World Customs Organization (WCO) Harmonized Tariff System including finfish, mollusks, crustaceans, echinoderms, marine mammals and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.

18.Genetically Modified Organisms (GMO) – living organisms, the genetic material of which have been altered or modified by any of the varieties of modern molecular biology to make them capable of producing new substances or perform new functions.

19.Importation – act of bringing into the country by sea, land or air foreign products intended for planting, consumption, manufacturing, trading, distribution, domestication, formulation, repacking or by any other purposes.

20.Importer – owner or consignee or clientele of shippers of merchandise or for whose account or benefit the consignment is made.

21.Import Permit – written certificate issued by the concerned authority stating the volume of consignment. This includes the minimum access volume (MAV) import certificate.

22.International SPS Certificate – a written guarantee issued by a competent authority from the country of origin, certifying that the products have been handled, processed and packed in a hygienic manner and do not contain microorganisms, harmful substances that may pose food safety hazard and endanger human, animal or plant life or health

and includes international health certificate, international phytosanitary certificate and international veterinary health certificate.

23. Meat – fresh, chilled or frozen edible carcass including offal derived from food animals.

24. Meat product – any product capable of use as human food which is made wholly or in part in any meat or other portion of the carcass of any food animals, except products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat industry and which are exempted from definition as a meat product by the Secretary under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat products.

25. Microorganisms – include but not limited to viruses, bacteria, fungi, parasites and other similar organisms and their products in any form

26. Must ship out by date – the prescribed time [period] within which the actual product/ consignment must have left the country of origin, the reckoning of which is based on the date of issuance of the SPS Import Clearance.

27. Other agricultural chemicals – chemicals, chemical inputs and chemical compounds not covered under the definition of fertilizer and pesticide but utilized by the agricultural sector

28. Packaging – procedure of protecting the products by a wrapper, container or any other suitable device.

29. Packing materials – includes leaves, straw, wood, bark and other plant materials used as wrapping, packing or covering and are capable of harboring plant pests to pack any imported products.

30. Person – any natural or juridical person such as corporation, partnership, society, association, firm, company and other legal entity.

31. Pesticide – any substance or product or mixture thereof, including active ingredients, adjuvants and pesticide formulations intended to control, prevent, destroy, repel or mitigate directly or indirectly any pest. The term shall be understood to include insecticide, fungicide, bactericide, nematocide, herbicide, molluscicide, avicide, rodenticide, plant regulator, defoliant, desiccant and the like.

32. Plants – living plants and parts thereof including seeds, cuttings, rhizomes, bulbs and corms, grafts, leaves, roots, scions and other plant parts that are capable of propagation.

33. Plant pest – any form of plant or animal life or any pathogenic agent injurious or potentially injurious to plants or plant products

34. Plant products – products derived from plants either in their natural state or in manufactured or processed form and are capable of harboring

plant pests.

35. Preliminary border inspection – initial inspection and examination of agricultural products, fish and fishery products including agricultural inputs being undertaken by the DA Border Inspectors (DABI) assigned at the ports of entry to ensure that such imported products/commodities have satisfied the DA quarantine and inspection requirements prior to their release to the final point of border control.

36. Sanitary and Phytosanitary Measures – measures relating to food safety and quality, and animal and plant safety and quality standards, rules and regulations including documentary and certification requirements in the production, handling, transport, importation, exportation and marketing distribution of all agricultural and fishery products as well as the DA quarantine and product safety/quality inspection and clearance.

37. Secretary – means the Secretary of the Department of Agriculture.

38. Smuggling – importation of prohibited commodities (outright smuggling) as well as the misdeclaration/misclassification/undervaluation of imported goods/products in violation of the Tariff and Customs Code of the Philippines and related laws. It also refers to the illegal entry of imported agricultural or fish, fishery/aquatic products, fertilizers, pesticides or other agricultural chemicals, veterinary drugs or biological products into Philippine territories including special economic and free-port zones without the required SPS clearance/import permit and/or without undergoing the mandatory DA border control measures which include quarantine and product safety/quality inspection and clearance.

39. SPS Import Clearance – document issued prior to importation by the concerned bureau or agency to ensure that the products being imported meet standards to protect human, animal or plant life or health, ensuring that the agricultural and fishery products are safe for consumers and to prevent the spread of pests or diseases among animals or plants. Such document also prescribes the conditions to be complied with by the importer for the maintenance of quality and suitability of the product for the intended purpose.

40. Veterinary biological products – viruses, bacteria, live micro-organisms, killed microorganisms, component or products of micro-organisms, anti-sera sera, antigens, antibodies, toxins, test kits, or analogous products and other homologous substances whether of natural or synthetic origin, intended for use in the diagnosis, treatment and prophylaxis of diseases of animals or for the identification of the causative organisms of a disease of animals and for research purposes.

41. Veterinary drugs and products – any substance, including biological products, applied or administered to food producing, companion, aquatic laboratory and exotic animals, whether used for therapeutic, prophylactic or diagnostic purposes or for modification of physiological functions or behaviors.

B. Acronyms used in this Order shall refer to: