

**[BPI ADMINISTRATIVE ORDER NO. 10, S. 2010,
April 06, 2010]**

**RULES AND REGULATIONS GOVERNING THE IMPORTATION OF
FRESH UNSHU ORANGE FROM JEJU ISLAND, KOREA INTO THE
PHILIPPINES**

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, 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 unshu orange (*Citrus reticulata* var. *unshu Swingle*) was conducted and completed in accordance with the IPPC International Standard for Phytosanitary Measures ISPM #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 AO;

NOW, THEREFORE, I BERNIE G. FONDEVILLA, Secretary of the Department of Agriculture, by the powers vested in me by law, do hereby issue this Order providing guidelines governing the importation of fresh unshu orange from Jeju Island, Korea.

ARTICLE I

SCOPE AND DEFINITION OF TERMS AND ACRONYMS

SECTION 1. Scope - This Order shall govern the importation of fresh unshu orange from Jeju Island, Korea.

SECTION 2. Definition of Terms and Acronyms - For the purpose of this Order, 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 unshu orange being moved from Jeju Island, Korea to the Philippines covered by a single Phytosanitary Certificate.

c. Maximum Residue Limit - Allowable limit of pesticide level on fresh unshu orange 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

MRL - Maximum Residue Limit

NPPO- National Plant Protection Organization

NPQS- Korea National Plant Quarantine Service

PC - Phytosanitary Certificate

PQC - Plant Quarantine Clearance

PQO - Plant Quarantine Officer of the BPI

PQS - Plant Quarantine Service

PRA - Pest Risk Analysis

ARTICLE II

IMPORTER ACCREDITATION GUIDELINES AND PROCEDURES

The following guidelines and procedures shall be implemented in the accreditation of

the importers of fresh unshu orange (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 of the following:

- i. Company Profile (for the 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 (BOC) Certificate of Accreditation (Legal Service Department);
- v. Valid Contract/Certificate of Lease of Storage Facility (Cold Storage/Warehouse). Those who own 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) 2 x 2 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 unshu orange.

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 unshu orange importer who desires to import from Jeju Island, Korea must secure BPI Q Form No. 1 (Annex III)*.

B. Duly accomplished form together with the payment of non-refundable fee must be submitted to BPI-PQS with the following documents:

1. Valid Pro-forma invoice
2. Other commodity specific requirements

C. The BPI-PQS shall determine its sufficiency in form and substance and inform the applicant accordingly. Only properly accomplished application form with complete documentary requirements shall be processed within five (5) working days.

D. Approval/disapproval may take into consideration the following:

1. Latest advisory of the relevant international bodies and/or Korea pertaining to the pest status of the source areas
2. Violation of the applicant importer during the processing period
3. Other information pertinent to SPS concerns

ARTICLE IV DISTRIBUTION OF APPROVED PQC

Upon approval of the application, a PQC in quadruplicate shall be issued as follows:

The original shall be given to the applicant for presentation to the Plant Quarantine Officer upon arrival of the consignment. The duplicate shall be sent in advance to the shipper in the country of origin by the applicant for their guidance relative to the terms and conditions imposed in the PQC. The triplicate shall be furnished to the Collector of Customs at the Port of Entry and the fourth copy shall be filed with the application.

ARTICLE V VALIDITY AND NON-TRANSFERABILITY OF THE PQC

A. Validity of the PQC:

1. The validity of the PQC is three (3) months and shall be indicated in the PQC unless revoked for any of the grounds set forth in Article IX. Consignment of fresh unshu orange has to be loaded at the port in Korea after the issuance of the PQC specifically covering such consignment.
2. The date of loading at the port in Korea 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, if applicable or appropriate, 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.

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 VI FEES AND CHARGES

An accreditation fee shall be collected upon release of Certificate of Accreditation in the amount of Php 5,000.00. Yearly renewal shall also be subjected to processing fee of Php 3,000.00.

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 VII REQUIREMENTS AND CONDITIONS ON PRE-EXPORT QUARANTINE INSPECTION

A. Source Areas

Exporters, production areas and processing facilities of fresh unshu orange intended for export to the Philippines shall be registered with Korea NPQS. 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 unshu orange intended for export to the Philippines shall be sorted, cleaned and stored in accredited facilities under the supervision and inspection of a Korean PQ Officer and a BPI-PQ representative to conduct pre-clearance inspection during the entire export period. All expenses related to the dispatch of BPI-PQ representative shall be borne by the exporting country.

2. Fresh unshu orange shall be packed only in new and clean plastic bags. These bags shall then be placed inside carton boxes.

C. Pre-export Quarantine Inspection

1. Prior to sealing of the carton boxes, the Korea PQ Officer and the Philippine PQ Officer shall conduct random inspection of fresh unshu orange at 600 unit sampling rate at the accredited facilities.

2. The NPQS Officer shall ensure that the consignment is free from quarantine pests before a PC can be issued for the shipment.

D. Sealing and Labeling of Carton Boxes