

**[DOA ADMINISTRATIVE ORDER NO. 52, S. 2000,
December 07, 2000]**

**ADMINISTRATIVE ORDER PROVIDING FOR FURTHER
AMENDMENTS TO THE RULES AND REGULATIONS FOR THE
IMPLEMENTATION OF THE AGRICULTURAL MINIMUM ACCESS
VOLUMES (MAVS) CONTAINED IN ADMINISTRATIVE ORDER NO.
2, SERIES OF 1998**

WHEREAS, Department of Agriculture (DA) Administrative Order No. 1 (AO1) series of 1998 provides for the Amended Rules and Regulations for the Implementation of the Agricultural Minimum Access Volumes (MAVs);

WHEREAS, a review of said AO1 identified certain provisions that may be amended to enhance and refine the implementation of the MAV mechanism;

WHEREAS, the DA conducted consultation with MAV Advisory Councils (MACs) which represent the affected sectors to take into account their concerns while respecting the Philippine commitments under the GATT Uruguay Round Final Act;

NOW, THEREFORE, the following provisions contained in AO1 are hereby amended as follows:

1. Section I.C.2.a providing for the composition of the MAV Advisory Council is hereby amended by deleting the cattle, goat, beef and goat producing sector and the representative from Agricultural Fisheries Council are reduced to one. Thus, the same shall read as follows:

The MAV Advisory Council (MAC) shall be composed of ten (10) members from the private sector who shall be appointed by the MMC for a term of one (1) year. The MAC shall be chaired by a DA official with the rank of at least an Assistant Secretary or equivalent and shall be composed of the following:

- i. one (1) representative from the hog and pork producing sector;
- ii. one (1) representative from the poultry and poultry meat producing sector;
- iii. one representative from the grains producing sector;
- iv. one representative from the sugar producing sector;
- v. one representative from the sector producing other MAV products;
- vi. one representative from the non-meat processing sector;

- vii. one representative from the meat processing sector;
 - viii. one representative from the trading and commercial food service sectors;
 - ix. one representative from the consumer's sectors;
 - x. one representative of the National Agriculture and Fishery Councils
2. Section I.D.3.a providing for a requirement to the application of companies with the same ownership. Thus, the same shall read as follows:

All licensees shall make separate applications for their respective regular allocations, access to the BYP, and access to the MYP. Companies directly or indirectly owned by the same person or entity shall be limited to one application per MAV product category. Indication of common ownership include but are not limited to similarity in incorporators, interlocking directors and similar office address, as may be determined by the Secretary or his/her duly designated representative. All applications in violation of this rule shall ipso facto be disqualified from being awarded any allocation under any MAV product category for a period of one calendar year. Provided, that this rule shall not apply to companies with overlapping ownership engaged in legitimate business operations, where corporations are not used to defeat public interest or the purpose of these rules; Provided, further, that there is full disclosure on the part of the applicant at the time of application. All other entities desirous of access to either the BYP or the MYP under the procedures described in Section I.F shall also make separate applicants.

3. Section I.E.5 providing a condition that will give priority to end-users on grain and sugar sectors. Thus, the same shall read as follows:

The MAV Secretariat shall put together a BYP which is the sum of the incremental MAV, the allocations recalled under pertinent provisions of this Order, as well as any MAVs not availed of in the prior MAV year. The BYP shall be allocated, first through the conduct of the SDP and then, if necessary, through the first-come-first-served distribution procedure. In the grain and sugar sectors, the Secretary of Agriculture may decide to give priority to end-users in allocating BYP, MYP and MAV plus in cases which may prove beneficial to the sector. Provided, that in case of existing allocations, the licenses shall be provided an opportunity to justify its initial allocation.

4. Section I.F.6.b 2nd paragraph providing for the determination of licensee or MAV entrant in case volume request is beyond the capacity of the licensee or MAV entrant is hereby amended by inserting a provision. Thus, the same shall read as follows:

The volumes allocated to such licensees or MAV entrants shall either be the total volumes indicated in the lots which are drawn in their respective volume requests, whichever is lower. Provided, that in