



Republic of the Philippines
DEPARTMENT OF AGRICULTURE
Office of the Secretary
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DA ADMINISTRATIVE CIRCULAR
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SUBJECT: RULES AND REGULATIONS GOVERNING THE IMPORTATION OF FRESH APPLES (*Malus domestica* Borkh) FROM FRANCE 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 (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* Borkh) from France 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 Specific Commodity of Understanding (SCU) for Apples Exportation from France to the Philippines and DA Department Circular No. 4 Series of 2016: Guidelines on the Importation of Plants, Planting Materials and Plant Products for Commercial Purposes served as the basis for the issuance of this AC, wherein apple fruits must be sourced from production orchards which are regularly monitored under the supervision of DGAL for the presence of insect pests and diseases and a combination of a systems approach shall be applied;

NOW, THEREFORE, I, WILLIAM D. DAR, 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* Borkh) from France into the Philippines.

"A food-secure Philippines with prosperous farmers and fisherfolk"



ARTICLE I
SCOPE AND DEFINITION OF TERMS AND ACRONYMS

Section 1. SCOPE - This Circular shall govern the importation of fresh apples (*Malus domestica* Borkh) from France.

Section 2. OBJECTIVES - This Circular shall provide rules and regulations governing the importation of fresh apples (*Malus domestica* Borkh) from France into the Philippines.

Section 3. 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. BPI SPS Import Clearance (SPSIC) – document issued prior to importation by the Bureau of Plant Industry (BPI) to ensure that the products being imported meet the standards to protect human, animal, or plant life or health, ensuring that the 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 sustainability of the product for the intended purposes.
- b. Commodity – A type of plant, planting material, plant product or other article being moved for trade or other purpose.
- c. Food Safety – refers to the assurance that food will not cause harm to the consumer when it is prepared or eaten according to its intended use.
- d. Genetically-modified organism (GMO) – also refers to “living modified organism” under the Cartagena Protocol on Biosafety and refers to any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology.
- e. 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;
- f. Importer – shall refer to any person, individual or juridical entity, as well as any farmers’ cooperatives/organization/association, or proprietor or authorized representatives or broker, partner, in case of partnership, who transacts with the BPI purposes of licensing and issuance of SPSIC in connection with importation of plants, planting materials and plant products;

- g. Inspection - Official visual examination of plants, planting materials, plant products or other regulated articles to determine if pests are present or to determine compliance with phytosanitary regulations.
- h. Interception (of a consignment) - The refusal or controlled entry of an imported consignment due to failure to comply with phytosanitary regulations.
- i. Interception (of a pest) - The detection of a pest during inspection and testing of an imported consignment.
- j. International SPS Certificate - a written guarantee issued by a competent authority from the country of origin, certifying that the products have 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;
- k. Licensed Importer - refers to a person licensed by the DA and/or its bureaus and attached agencies as eligible to import agriculture and fisheries commodities and products for its own use, propagation, processing, wholesale and/or retail distribution
- l. 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 SPSIC. The must ship out by date for fresh fresh apples is twenty (20) days.
- m. Official - Established, authorized or performed by national plant protection organization
- n. Pest - Any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products.
- o. 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

B. ACRONYMS:

AMO	-	Account Management Office
BOC	-	Bureau of Customs
BPI	-	Bureau of Plant Industry (the NPPO of the Philippines)
COR	-	Certificate of Registration
DA	-	Department of Agriculture
DGAL	-	Direction Générale de l'Alimentation(France)
LTO	-	License to Operate
LTOR	-	License to Operate – Renewal
MRL	-	Maximum Residue Limit
NPPO	-	National Plant Protection Organization
NPQSD	-	National Plant Quarantine Services Division
PC	-	Phytosanitary Certificate
PQO	-	Plant Quarantine Officer of the BPI
PRA	-	Pest Risk Analysis
SPSIC	-	Sanitary and Phytosanitary Import Clearance



ARTICLE II
LICENSE TO OPERATE AS IMPORTER
GUIDELINES AND PROCEDURES

The following guidelines and procedures shall conform to the mandate of Republic Act (RA) No. 11032, or otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 and shall be implemented in the licensing of the Importers of Fresh Apples.

- A. Licensing** - Prior to issuance of SPSIC for importation of Fresh French Apples, importers are required to register with BPI - National Plant Quarantine Services Division (NPQSD).
- B. Requirements for License to Operate as Importer** - The following documentary requirements must be submitted to the BPI for purposes of licensing for issuance of SPSIC. For documents requiring Certified True Copy, the importer shall bring the original copy for comparison with the scanned copy or photocopy. If the scanned or photocopy is found to be a faithful reproduction, the same shall be stamped Verified from the Original.
1. Notarized Application Form for Licensing
 2. Security and Exchange Commission (SEC)/ Cooperative Development Authority (CDA)/ Department of Trade and Industry (DTI)/ Philippine Economic Zone Authority (PEZA) Certificate of Registration (Certified True Copy)
 3. Current Mayor's Permit
 4. Contract of Lease/ Proof of Ownership of Storage Facilities/ Warehouse (CTC)
 5. DA Certificate of Accreditation of Cold Storage Warehouse (CTC)
 6. Sketch map of storage facilities
 7. Special Power of Attorney for Representatives (Maximum of 3 representatives)
 8. Current BOC Certificate of Accreditation and Registration COR and AMO (CTC)
 9. Applicant's information sheet/ CPRS submitted to BOC
 10. Company broker's BOC Certificate of Accreditation and Registration COR and AMO (CTC)
 11. Two (2) 2x2 ID picture of the owner and Representative/s

For renewal of license, applicants shall submit the above listed documents and pay the renewal fee of Php2,500 at least six (6) months prior to the expiry date of license.

- C. Licensing Procedure** - The following steps or procedure shall be observed in the licensing of importers:
- A. Application for Licensing of Importer**
- a. The Applicant shall submit to the BPI a Letter of Intent (LOI) and the documentary requirements specified in this Circular.
 - b. Upon submission, the designated staff at the NPQSD shall immediately check the submitted application as to the completeness of the required

- documents. Application with incomplete requirements shall be returned to the applicant stating the reason for non-acceptance.
- c. NPQSD designated staff shall evaluate the submitted accomplished application form together with the required documents for licensing.
 - d. Only applicant who has submitted the complete documents needed for LTO shall pay the application fee.
- B. Schedule for Orientation. After evaluation of complete documentary requirements, importer shall be advised for the schedule of orientation. The topics to be discussed during the orientation are as follows:
- a. NPQSD Mandate, Functions, and Activities.
 - b. Categorization of Commodities
 - c. Pest Risk Analysis
 - d. Food Safety Law (to be conducted by PPSSD)
 - e. Import Process Flow
 - f. Licensing Process
 - g. SPSIC Issuance Process Flow
 - h. Port Inspection Procedure
 - i. Laboratory Procedure
 - j. Grounds for Suspension/ Blacklisting of Importers
 - k. Other relevant topics as maybe deemed necessary
- C. Preliminary Interview with a Senior Staff of NPQSD
- a. The preliminary interview shall take into account the criteria for evaluation of application:
 1. Legitimacy of the business operations of the applicant;
 2. Completeness of the documents required to be submitted;
 3. Absence of a variance or misrepresentation of material facts on the following:
 - On the part of applicant vis-à-vis the documents submitted and,
 - Among and across the documents submitted upon comparison,
 4. Financial Capability.
 - b. After the interview with the applicant, the senior staff shall recommend the inspection of the business enterprise to validate the veracity, validity and accuracy of submitted documents.
- D. The members of the NPQSD Licensing Team and/or staff of the nearest NPQSD office shall conduct inspection of the business enterprise (head offices and branches, facilities, etc.).
- E. The NPQSD Chief shall endorse the approval of the LTO to the BPI Director.
- F. Upon approval, the Importer shall be informed by any appropriate form of communication that the LTO is ready for release. If disapproved, the reason for the same shall be indicated in a written notice.
- G. The Importer shall be given one day after notification to claim and settle necessary regulatory fees. Failure to pay shall result in automatic rejection / revocation of their approved LTO.
- H. Payment of License to Operate Fee (PHP 4,000.00)/ Renewal of License to Operate (PHP 1,500.00). The registered importer shall pay the LTO/ LTOR

remaining fee of P4,000.00, P1,500, respectively. Once paid, the LTO shall now be released to the registered importer.

- I. Release of LTO/ LTOR to the Applicant.
 - a. Only the registered importer or his authorized representative/s shall be allowed to receive the LTO/ LTOR
 - b. Scanned copy of the LTO/ LTOR may be sent by e-mail to the concerned regional office of the NPQSD upon request.

D. DA Trade System (DTS) Registration Procedure - All NPQSD licensed importers are required to be part of the DTS for purposes of application and issuance of SPSIC online. The following steps or requirements shall be complied with the licensing of the importers with DTS:

1. The importer shall submit an accomplished application form to DTS. Application form can be e-mailed or sent to DTS.
2. Upon approval of DTS on the importers license, the importer shall be asked to create a username and password which shall be used every time the importer applies for an SPSIC.
3. Payments of fees to DTS and BPI.
4. The importer shall submit the List of Importable which is a primary requirement in the application of SPSIC to DTS. The BPI-Commodity Administrator shall approve the submitted List of Importable based on the importers registered commodities with BPI and other SPS concerns, as maybe deemed necessary.
5. Upon registration, the importer shall apply for SPSIC through the DTS website.

E. License to Operate / Renewal of License to Operate - The LTO/ LTOR shall contain, among others, the following information:

1. Unique License Code Number issued by the BPI;
2. Name of Importer;
3. The authorized representative as well as the name of the company, cooperative, partnership, as the case maybe, that they represent;
4. Address of the head office, branches and other establishment, as well as the address of the authorized representative;
5. Name of commodity (if applicable);
6. Date of issuance and expiration of LTO/ LTOR;
7. The undertakings or conditions for licensing.

F. Procedure for Renewal of License to Operate - The procedure outlined in Item C of Article II hereof shall be observed in processing application for License to Operate - Renewal. Moreover, the following measures shall be complied with:

1. The Office of the Director shall issue a License to Operate - Renewal (LTOR);
2. For importers who failed to renew the license six (6) months before the expiry date, the following procedures shall apply:



- a. After the expiry date, the name of the importer and establishment shall be delisted from the List of License Importers uploaded in the BPI website and the DA website.
 - b. In case the importer applies for re-licensing after the expiry date or after being delisted from the roll, the importer shall be considered as a new applicant.
 - c. The previously assigned Code/ License Number of the importer shall be used in the Certificate of New License.
3. The members of the NPQSD Licensing Team and/or staff of the nearest NPQSD office shall conduct inspection of the business enterprise (head office and branches, facilities, production/ growing areas, etc.).

G. Validity of the License to Operate - The License to Operate shall be valid for a period of three (3) years reckoned from the date of issuance of BOC accreditation. Succeeding Certificate of Renewal shall be valid for the same term.

H. Criteria for Evaluation of Application - The application for licensing shall be evaluated based on the following criteria:

1. Legitimacy of the business operations of the applicant;
2. Completeness of the documents required to be submitted;
3. Absence of a variance or misrepresentation of material facts on the following
 - a. On the part of the applicant vis-à-vis the documents submitted; and
 - b. Among and across the documents submitted upon comparison.
4. Financial Capability.

ARTICLE III ISSUANCE OF SPS IMPORT CLEARANCE (SPSIC)

Issuance of SPSIC - The application and issuance of an SPSIC shall be in accordance with DA Memorandum Order No. 1, s. 2010, Republic Act (RA) No. 11032, or otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 and shall comply with existing orders and circulars of the DA.

Registration for SPSIC Application - Prior to the application of SPSIC, all BPI licensed importers are required to register with DTS in accordance with Item D of Article II.

Documentary Requirements for Issuance of SPSIC - The following requirements must be complied by the importer for the issuance of SPSIC through the DTS:

- a. Application form shall be accompanied with the following documentary requirements:
 - a. Pro-forma Invoice coming from the supplier;

- b. Non-GMO Certification or GMO Transformation Event Certification coming from the supplier (whenever applicable);
 - c. Other documents as maybe deemed necessary.
- b. Payment of SPSIC processing fees to DTS and BPI.

Procedure for Issuance of SPSIC – Issuance of SPSIC shall undergo the following steps;

1. The importer shall apply online in the DTS website. Upon receipt of such, the NPQSD technical staff shall evaluate the online application, considering the following:
 - a. Latest advisory of the relevant international bodies pertaining to the pest status of the source areas
 - b. Other information pertinent to SPS concerns.
 - c. Violation of the applicant importer during the processing period
2. Upon receipt of such, the NPQSD technical staff shall evaluate the online application.
3. The NPQSD-Chief shall endorse the evaluated application to the BPI Director.
4. Upon endorsement of the application and in accordance with the criteria set by this issuance, the BPI Director shall approve/disapprove the application.
5. If approved, the importer can now print the approved SPSIC and can now proceed with their importation.

Article IV

SCHEDULE OF FEES AND CHARGES

Schedule of Fees and Charges – Relevant fees shall be imposed as necessary pursuant to DA AC No. 9, Series of 2015 as amended.

Article V

GENERAL REQUIREMENTS AND SPECIFIC CONDITIONS FOR IMPORTATION OF APPLES FROM FRANCE TO THE PHILIPPINES

Section 1. General Requirements for Importation:

1. Any BPI licensed importer who intends to import Fresh French Apples into the country shall secure an SPSIC from the BPI.
2. Only BPI licensed importers and accredited by BOC shall be allowed to apply for SPSIC.
3. The importer shall not apply for an SPSIC without a valid importer's LTO/ LTOR from BPI or when the license has expired;
4. SPSIC shall not be issued for the first time importation of the specific commodity except when a PRA has been undertaken relative to said commodity in accordance with BPI procedure on conducting PRA.
5. BPI shall not entertain or transact business with companies / importers / brokers that have standing alert orders / smuggling case with the BOC and/ or from any NPQSD office/ stations.

6. SPSIC is required prior to the shipment of imported commodities.
7. Pre-shipment requirements and post-shipments requirements as stipulated in the SPSIC shall be complied with by the exporting country and the importer.
8. All issued SPSIC are non-transferable;
9. The actual product/ consignment must be shipped out from the country of origin within twenty (20) days for fresh products, from the date of issuance of the SPSIC and must arrive not later than sixty (60) days from the must ship-out date.
10. Only the authorized broker as indicated in the SPSIC shall be allowed to transact business with the BPI except under special circumstances approved by the BPI and only upon presentation of a valid SPA. Provided, further, that unless authorized by the BPI, no broker can represent more than one applicant;
11. The failure to comply with any of the above-mentioned conditions shall mean revocation of their BPI License to Operate as importer.

Section 2. Specific Conditions for Importation:

A. Quarantine pests of Concern:

Insects:

1. *Archips podana* (Scopoli 1763) - Fruit tree tortrix moth
2. *Argyrotaenia ljugiana* (Thunberg 1797) - Grape tortrix
3. *Ceratitis capitata* (Wiedemann 1824) - Mediterranean fruit fly
4. *Cydia pomonella* (Linnaeus 1758) - Codling moth
5. *Diaspidiotus perniciosus* (Comstock, 1881) - San José scale
6. *Dysaphis plantaginea* Passerini (1860) - Rosy apple aphid
7. *Grapholita lobarzewskii* (syn. *Cydia lobarzewskii*) (Nowicki 1860)
- Smaller fruit tortrix
8. *Grapholita molesta* (Busck 1916) - Oriental fruit moth
9. *Hoplocampa testudinea* Klug - European apple sawfly
10. *Pandemis heparana* (Denis & Schiffermüller 1775) - apple brown tortrix

Diseases:

FUNGI

1. *Monilinia fructicola* (G. Winter) Honey - brown rot of apple
2. *Monilia fructigena* (Pers.) Pers., (1801) [anamorph - brown rot
3. *Monilia laxa* (Ehrenb.) Sacc. & Voglino, in Saccardo, Syll. fung. (Abellini) 4: 35 (1886) [anamorph] - blossom blight
4. *Neonectria ditissima* (Tul. & C. Tul.) Samuels & Rossman [teleomorph] (Tul. & C. Tul.) Samuels & Rossman (syn. *Neonectria galligena*) - Nectria canker (apple, pear), apple canker
5. *Podosphaera leucotricha* (Ell. & Ev.) Salmon - Powdery mildew of apple
6. *Schizothyrium pomi* (Mont. & Fr.) (1959) - flyspeck

7. *Venturia inaequalis* (Cooke) G.Winter – apple scab

BACTERIA

1. *Erwinia amylovora* – fireblight
2. *Pseudomonas syringae* pv. *syringae* van Hall 1902 – bacterial canker or blast of stone & pome fruits

B. Registration:

Packinghouses for the export of fresh apple fruit to the Philippines shall be registered with the Directorate General for Food (DGAL). The List of registered packing house will be provided to BPI.

Regular pest monitoring and treatment of the concerned production areas, storage, packing and treatment houses shall be done under the supervision of DGAL.

C. On-farm/Orchard pest management:

Apple fruits must be sourced from production orchards which are regularly monitored under the supervision of DGAL for the presence of insect pests and diseases. Records of monitoring shall be made available every production period or upon the request of BPI.

Growers of orchards working with the registered packinghouses must implement Good Agricultural Practices (GAP) which includes orchard sanitation, integrated pest management or other pest management schemes to ensure that quarantine pests of concern to the Philippines are properly managed.

D. Cold treatment schedules:

Fresh apple fruits shall be cold treated, prior to shipments, or in transit, by any of the following schedules:

- . 1.11°C or below for 14 days;
- . 1.67°C or below for 16 days;
- . 2.22°C or below for 18 days.

Note: Treatment following the above schedule should be done continuously.

E. Cold treatment might be done optionally either in country (=pre-shipment) or in transit.

The facilities requirements are:

In-Country Treatment (=Pre-shipment/on-shore) Cold Treatment

- a. Only cold treatment facilities approved by DGAL /FPPS shall be used for treatment. Apples should be stored at a temperature which complies with the requirements of Item C of Article V.
- b. Temperature in the cold chamber
If the temperature register of the cold chamber conformed to the treatment protocol as stated in Item C of Article V, the treatment is acceptable and shall be allowed shipment of the fresh apple fruits.

Calibration and testing of the sensors of the cold chamber should be done regularly and approved by DGAL.

In-Transit Cold Treatment: (Reefer container)

- c. In transit cold treatment takes place in refrigerated containers and the ship company submits to the BPI-NPQSD the original copy of the data print and the treatment schedule of the corresponding containers for evaluation and/or verification upon arrival in the Philippines. Removal of the print out shall be done in the presence of the BPI-PQS Officer/Inspector at the port of entry.
- d. That the reefer container used for this purpose shall be sealed in France under the supervision of the DGAL.
- e. In-transit cold treatment protocol may be accepted by the BPI Officer/Inspector in the port of entry depending upon the result of data print evaluation and/or verification. If the data print conformed to the treatment protocol as stated in section 6 of this Circular, the treatment is acceptable and shall be allowed discharge of the fresh apple fruits.
- f. In case the required temperature is not maintained during the required number of days as stated, the treatment may be extended in the ship hold until such time that the treatment conforms to the protocol. In case the required temperature is not attained in spite of the extended cold treatment exposure, the shipment in question will not be allowed discharge, will be rejected and returned to the country of origin or shipped to other countries that will accept it. In any case, all expenses incurred there will be borne by the exporter.
- g. Reefer containers' calibration results must be attached as part of the documentary requirements and must be presented at the port of entry.

F. Operational Procedures:

Cold treatment is to be carried out either pre-shipment/in country cold treatment or in-transit cold treatment in accordance with the treatment schedules specified in Item C of this Section.

In-Country Cold Treatment: the treatment conducted prior to shipment shall be supervised by DGAL/FPPS Inspector in any of the previously approved cold treatment facilities at designated places in the French territory.

In-Transit Cold Treatment: the treatment is conducted in transit in refrigerated containers.

That inspection conducted by DGAL/FPPS Inspector in compliance with ISPM 31 shall determine either the presence and/or absence of any living specimen in any stages of development of med fly (*Ceratitis capitata*) and other species of dangerous fruit flies which are not known to be present in the Philippines.

The Sanitary and Phytosanitary Import Clearance (SPSIC) / phytosanitary import permit will be presented by the exporter to DGAL to request the phytosanitary certificate.

That all fruit shipments shall be covered by a Phytosanitary Certificate issued by DGAL/FPPS upon completion of Item C of this Section.

The Phytosanitary Certificate shall bear:

- the container van number,
- the SPSIC (phytosanitary import permit) number,
- the seal number(s)
- the additional declaration stating that :

"The consignment of fresh apple fruits was inspected and found free from San Jose Scale (*Diaspidiotus perniciosus*, syn. *Quadraspidiotus perniciosus*); Oriental moth (*Grapholita molesta*, syn. *Cydia molesta*), Smaller fruit tortrix (*Grapholita lobarzewskii*, syn. *Cydia lobarzewskii*) and Codling moth (*Cydia pomonella* L.)"

The cold treatment information:

- If the pre-shipment cold treatment is applied, the treatment parameters must be inserted at the treatment section of the phytosanitary certificate,
- In case of in-transit treatment, it will state the following mentions in appropriate boxes of the phytosanitary certificate:
 - Type of treatment: "Cold treatment"
 - Additional information: "In transit cold treatment"



That fresh apple fruit carried by passengers, crew members, and other travelers which are not covered by this Circular shall not be allowed entry to the Philippines until such time that both countries have devised a tamper-proof mechanism of trading and still maintains the phytosanitary conditions of the fruits (export), agreed on some specific arrangements.

That precautionary measure shall be followed in order to maintain the phytosanitary condition of the treated fruits.

G. Sorting/Packing/Labeling

Sorting of fruits shall be done before packing and at the packing line procedure under DGAL/FPPS supervision. Qualitative pre-sorting in the orchards should also be done to reduce the chance of introducing insect pests and diseases in fruit stations.

Apple fruits must be packed in new carton boxes, free from soil, sand and contaminating plant materials such as leaves, stem, plant debris or other potential carriers of quarantine pests.

Orchards and packing house registration codes (or names) and the mention "PRODUCT OF FRANCE" shall also appear in the conspicuous side of the box.

Consignments using solid wood packing material must comply with ISPM # 15

That all containers containing the fresh fruits and exported to the Philippines shall be individually sealed.

H. Non-Compliance and Resulting Actions

a.) Detection of live fruit fly (at any stage of its development) or other quarantine pest by DGAL/FPPS during the post-treatment inspection of fresh apple fruits intended for shipment to the Philippines under this Circular.

The orchard should be immediately suspended and an investigation by DGAL/FPPS shall be conducted. Results of the investigation and corrective measures shall be the basis for the lifting of suspension.

I. Sealing of shipping container

That sealing of cargo container vans containing the treated fruits, for treatment while in transit, shall be done under the supervision of the DGAL after completion of loading. Seals are to be broken only by the BPI-PQS Officer/Inspector at the port of entry.

That the treated fruits contained in vans with broken seal and/or the van and seal numbers not indicated in the accompanying Phytosanitary Certificate shall be

rejected, or refused entry in the Philippines, or shall be destroyed or returned to the country of origin at the expense of the exporter.

J. Maximum Residue Limit (MRL) Certificate

Each consignment must comply with the Philippines Food Safety Act of 2013. Each producer must be engaged in compliance with Global GAP requirements and compliance with marketing authorizations for the pesticides used, via specifications.

Each packinghouse will provide a certificate attesting that all producers of apple are under Global G.A.P. certification and thus respect the CODEX or EU MRLs standards. DGAL will provide a list of the registered pesticides and of the corresponding MRLs, updated as necessary.

Article VI INSPECTION AT THE PORT OF ENTRY

Section 1. Procedures for Inspection at the Port of Entry - The commodity shall be subject to the existing procedures for inspection at the port of entry.

1. The importer shall file an Electronic Request for Inspection (e-RFI) with the DTS at least twenty-four (24) hours prior to the arrival of the shipment.
2. The following documents shall be submitted at the port of entry:
 - a. Hard copy of the e-RFI
 - b. Valid Phytosanitary Certificate (original) or Equivalent Certificate issued by the Plant Quarantine of the country of origin with the compliance of conditions (if any) stated in the SPSIC;
 - c. Valid SPSIC issued by the NPQSD;
 - d. Bill of Lading / Airway Bill;
 - e. BOC Import Entry Internal Revenue Declaration;
 - f. Packing List / Commercial Invoice;
 - g. GMO Certification, whenever applicable;
 - h. In the absence of the importer, photocopy of the Brokers BCC/SPA;
 - i. Fumigation Certificate or any other required treatment, if applicable, and;
 - j. Other documents as may be required.

SECTION 2. Conditions for Inspection

1. The importer shall submit to the proper office the imported for inspection, evaluation and verification, testing and treatment, and destruction, when necessary, and shall allow unhampered access to the authorized personnel of the BPI where the products are stored during reasonable hours of the working day;
2. The importer shall at no time break the BPI seal and BOC seal (if present). The BPI seal and BOC seal (if present) shall only be broken by the duly assigned officer at the warehouse, in the presence of the importer, BOC Inspector (when present),

warehouse owner/operator/representative and Duty Free Authority representative (when applicable);

3. The importer shall provide utility workers to assist the concerned BPI PQO / PQI in the opening and closing of the boxes during the conduct of physical inspection in order to expedite the unloading and inspection processes, which must be completed the soonest possible time to prevent adulteration;

SECTION 3. General Inspection Procedure

1. In the initial inspection conducted at the BOC Designated Examination Area (DEA), the NPQSD shall be allowed to check on the quality and quantity of the shipment based on the submitted documents of the importation.
2. Upon arrival of the imported commodities, NPQSD shall conduct *thorough check and inspection*. If the shipment contains commodities/varieties other than that stated in the accompanying SPSIC, the excess shipment of other similar variety shall be segregated and recommended to BOC to be disposed;
3. The PQO / PQI at the port of entry shall undertake the following procedures;
 - a. Collect representative samples necessary for laboratory analysis, and;
 - b. Examine the submitted samples to determine the presence of insects, diseases, nematodes, weed seeds, and other pests and;
 - c. Authorize the delivery under guard by PQO and follow-up inspection / examination at the importer's cold storage / warehouse.
4. Based on the results of inspection and examination, any of the following may be applied:
 - a. Applicable plant quarantine treatment (if necessary);
 - b. Return to the country of origin;
 - c. Re-export to other accepting countries; or,
 - d. Destruction.
5. In all cases, all expenses shall be borne by the importer.

SECTION 4. Collection and Analysis of Samples for Food Safety Purposes

1. The NPQSD shall randomly collect samples for food safety purposes.
2. The PPSSD, BPI accredited plant food testing laboratories and other government laboratories shall conduct analysis for pesticide residue level, heavy metals and/ or toxins produced by microorganisms or any other tests required to determine safety for human consumption of imported plant food.



Article VII
SANCTIONS AND PENALTIES

Section 1. Suspension/Revocation of SPSIC and Importer's License to Operate:

- A. The SPSIC may be suspended or revoked at any time for any of the following grounds:
1. Providing false information in the application for SPSIC or in any of the accompanying documents to the application;
 2. Misdeclaration of consignment;
 3. Violation of relevant SPS, food safety and biosafety rules and regulations or any conditions imposed in the SPSIC;
 4. Legal authority to commercially distribute the product in the country of origin has been suspended or revoked;
 5. New technical information becomes available to the concerned bureau or agency indicating that the product, if allowed for its intended use will result to risks to human, animal or plant health or life and the environment; or
 6. Reports of violation of the importer with other agencies.
- B. The following acts are grounds for suspension of the license:
1. Any importer who has been reported by PQ officers at the port of entry or by any other government agency (or even in any circular/order) to be involved in any attempt to smuggle any plants, planting materials, plant products or by-products or any agricultural commodities.
 2. Refusal to allow the inspection of the physical containment facility or intermediate destination of the product.
 3. Legal authority to commercially distribute the product in the country of origin has been suspended or revoked.
 4. Any importer who employs or utilizes a suspended broker or broker firm.
 5. If the importer has been issued a Show Cause Order due to violation of any acts mentioned in item A of this Section.
 6. Other analogous circumstances.
- C. The importer's License to Operate shall be revoked/cancelled on the following grounds:
1. Misdeclaration, misrepresentation, false statements, dishonesty and fraud in the application for license or renewal of license;
 2. Tolerated use by other non-licensed importer or misuse/abuse of the importer's license including the use of the name of the DA or BPI for extortion, illegal activities and other unlawful activities;
 3. Tolerated conveyance, transfer, assignment of any issued documents by BPI relative to importation;
 4. Any act or importation contrary to applicable laws, this Circular or issuances of the DA;
 5. Diversion of shipment, alteration of the export/import documents, and other deviant acts or omissions leading to loss of trust and confidence;

6. Any violations provided in item A of this Section.
7. Other analogous circumstances.

Section 2. Effects of Revocation of License to Operate as Importer:

1. Any importer/Company whose license has been revoked shall be deemed blacklisted and included in the list of blacklisted or delinquent importers;
2. Importers/Company who are declared blacklisted shall not be qualified to apply for LTO;
3. Any service agreement with the broker previously connected with any blacklisted company shall not be recognized by the Bureau of Plant Industry.
4. The list of all blacklisted or delinquent importers/ brokers and those with expired LTO shall be published and uploaded at the DA and bureau/NPQSD website.

Section 3. Show Cause Order – The NPQSD send a Show Cause Order requiring the importer to explain in writing the reported allegations or illegal act within three working days upon receipt of the demand letter. Failure to comply with the Show Cause Order, or an unsatisfactory response submitted, the BPI shall order the suspension or revocation of the LTO/ LTOR.

Section 4. Suspension of Importation and Audit/ Evaluation of the Export Program

In cases of detection of live quarantine pest upon arrival and inspection at the port of entry, other SPS and food safety concerns at the source or upon arrival of the commodity, non-compliance with the requirements and conditions of this AC, other rules and regulations/ specific commodity of understanding, the consignment shall be rejected and returned/re-directed, destroyed. BPI will notify DGAL of the non-compliance and DGAL shall immediately undertake an investigation to identify the cause of such incidence and proposed corrective measures. Where appropriate, BPI reserves the right to suspend the program /importation of fresh apples. Suspension will be lifted only when the cause of non-compliance has been clarified and corrective actions have been implemented to the satisfaction of BPI.

In the event of a suspension, BPI may audit procedures in France, prior to decision being taken on resumption of exports. All BPI costs including per diem allowance will be provided by the exporter or Government of France through arrangement with DGAL/FPPS.

Section 5. Administrative Fines – In both instances as stated in Section 1, Item A, B and C, pursuant to Section 42, Chapter 5, Title IV, Book IV of the Revised Administrative Code of 1987, administrative fines ranging from PhP 1,000.00 to PhP 50,000.00, after proper legal proceedings, shall likewise be imposed to the importer of seized commodities by the BPI Director for the violation of and non-compliance of the provisions of this Circular.

The decision of the BPI Director shall be appealable to the Secretary of Agriculture.

**Article VIII
REPEALING CLAUSE**

All existing administrative orders, rules and regulations or parts thereof, which are inconsistent with the provisions of this Circular are hereby repealed or modified accordingly.

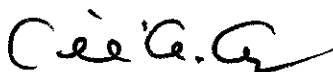
**Article IX
SEPARABILITY CLAUSE**

If any portion of this Circular is declared unconstitutional or invalid, the other portions thereof which are not affected thereby shall continue to be in full force and effect.


**Article X
EFFECTIVITY**

This Circular shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and shall be filed with the University of the Philippines Law Center.

Approved:



WILLIAM D. DAR, PhD
Acting Secretary, Department of Agriculture

DEPARTMENT OF AGRICULTURE

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