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Committee on Market Access

Original: English

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES (2019²)

PHILIPPINES

Corrigendum

Upon request of the delegation, please note the following changes to the document:

5 - Department of Environment and Natural Resources

5.1 Wood materials

- page 46, item no. 1 – revised to "Bureau of Plant Industry's National Plant Quarantine Services Division (BPI-NPQSD)"
- page 47, item no. 7.a) – revised to:

"Although not explicitly stated in the policy, the ideal time to apply for an import license/certification should be months prior to the scheduled arrival of goods. The Philippine Ports Authority requires the importers to cause the immediate release of imported wood products from the ports by transacting early and providing on-time sufficient hauling vehicles and equipment.

Import permits, however, cannot be issued for wood materials that have already arrived at the port. Thus, the required license/certificate should be secured prior to importation. The DENR is strict in implementing Section 10 of DAO 1999-46 which states that any person found to have in his possession imported wood materials that have entered the country in violation of its provisions shall be penalized by the immediate suspension of the permit, and confiscation of the unauthorized imported wood materials and forfeiture of the required bond."

- page 47, item no. 7.b) – revised to "The import permit cannot be granted immediately on request...."
- page 47, item no. 7.c) – revised to "The applicant for import permit may apply anytime."
- page 47, item no. 7.d) – revised to:

"The import permit and Certificate of Registration as Dealer/Importer of Wood Materials/Product are issued by the concerned DENR Field Office (CENRO/PENRO). However, some requirements can be obtained outside DENR, to wit:

- Mayor's Permit – Local Government Unit.
- Income Tax Return for the last two (2) years – Bureau of Internal Revenue.

¹ See document G/LIC/3, Annex, for the Questionnaire.

² According to the Philippines authority, this notification also covers years 2017 and 2018.

- Authenticated photostatic copy of registration as single proprietorship, partnership or corporation – Department of Trade and Industry/Security and Exchange Commission.
- Copy of sale/supply contract between the agent, contractor or dealer and the foreign exporter of wood material: at least one (1) year (duly authenticated by the Philippine attaché/embassy at the country of origin of the wood materials/products – Legitimate Supplier/Requesting Party.
- Philippine Wood Producers Association (PWPA) Certificate that the type or kind and volume of a particular wood material(s) the agent, contractor, or dealer intends to import within a current year are well within the importation rationalization program of total "allowable capacity measure".

- page 48, item no. 9 – revised to:

"Holders of a Timber License Agreement (TLA) which have been converted into an Industrial Forest Management Agreement (IFMA), Wood Processing Plant Permit (WPP) or Certificate of Registration (CR) as wood furniture manufacturer, agent, contractor or dealer of logs/poles and piles/lumber issued by the DENR, may import wood materials; provided, that, before availing of the privilege to import, the holder of the TLA, IFMA and/or WPP shall first have his current local Log, commercial Poles and Piles and/or Lumber Dealer's permit stamped by the Office of the Regional Executive Director (RED) concerned as a valid authority to import wood materials. An existing wood furniture manufacturer, agent, contractor or dealer who is not a holder of a TLA, IFMA or WPP should first register as an importer of said wood materials with the concerned DENR Regional Office."

5.2 Chainsaws

- page 49, item no. 7.a) – revised to:

"Application for permit to import chainsaws must be filed at the Office of the Regional Executive Director of the DENR who shall have it processed and approved/disapproved within 15 working days. However, chainsaws should be registered first prior to its use through an application for a Certificate of Chainsaw Registration.

Import permits, however, cannot be issued for chainsaws that have already arrived at the port. Thus, the required permit should be secured prior to importation. The DENR is strict in implementing Section 12.2 of DAO 2003-24 which states that any person who imports or manufactures a chainsaw without obtaining prior authorization from DENR shall be punished by imprisonment of not less than one (1) month nor more than six (6) months and a fine of not less than One Thousand Pesos (P 1,000.00) nor more than Four Thousand Pesos (P 4,000.00)."

- page 49, item no. 7.b) – revised to:

"The Certificate of Chainsaw Registration can be granted immediately on request which takes 4 hours and 30 minutes to process, provided that complete requirements are duly submitted and appropriate fees are paid to the concerned DENR Regional Office."

- page 49, item no. 7.c) – revised to "The applicant for import permit may apply anytime."
- page 50, item no. 7.d) – revised to "Yes, the concerned Regional Executive Director issues the Import Permit while the concerned CENRO issues the Certificate of Chainsaw Registration to the qualified applicants."
- page 50, item no. 9 – revised to "Only persons duly authorized by the DENR shall be allowed to purchase, import, distribute, sell, re-sell, manufacture or transfer ownership of chainsaws, pursuant to Chapter II on General Provisions, Section 5 of DENR Administrative Order No. 2003-24. Further, Section 9 of DAO 2003-24 provides the requirements for permits/authority to purchase, import, manufacture, transfer ownership, sell, dispose, lease, rent and lend chainsaws. DAO 2003-24 is the implementing rules and regulations of Republic Act No. 9175, the Chainsaw Act of 2002."

5.3. Recyclable materials containing hazardous substances

- page 51, item no. 2, 1st phrase/sentence - rephrased to "Importation Clearance is required for the importation of:
- page 52, item no. 10 – revised to:

"The application and registration forms are no longer required since the applications for Importer Registry and Importation Clearance are done through the Online Permitting and Monitoring System (OPMS). However, there is a requirement for the facility inspection prior to the approval of the Import Registry application. The checklist of requirements can be downloaded through:

 - <https://emb.gov.ph/wp-content/uploads/2018/11/importer-registry-sheet.pdf>;
 - <https://emb.gov.ph/wp-content/uploads/2018/11/importation-clearance-for-recyclable-materials.pdf>; and
 - https://emb.gov.ph/wp-content/uploads/2018/11/Checklist_IC.pdf"
- page 53, item no. 14 - rephrased to "An importation clearance shall have the validity of six (6) months, unless otherwise specified by the approval of the importing country."
- page 53, item no. 18 – rephrased to "The importation of used lead-acid batteries, used oil and electronic assemblies and scrap are covered by the notification procedure of the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal. The Importation Clearance shall be issued after the consent from the Basel Competent Authority (BCA) of the importing country has been given to the BCA of the exporting country."

5.4.1 Chemicals and chemical substances imported and classified under the Chemical Control Order (CCO)

- page 53, item no. 1 – revised the Online Permitting and Monitoring System (OPMS) link to <http://www.opms.emb.gov.ph/>.
- page 54, item no. 6.IV. – revised to "Upon approval of the CCO Registration with the Department's Environmental Management Bureau where the quota for the year was also specified, the importer may apply Importation Clearance and submit the required documents for evaluation and approval of the bureau prior to importation."
- page 54, item no. 6.VI. – revised to "The recommended time for submitting applications for the CCO Importation Clearance is two (2) months prior to the importation."
- page 54, item no. 7.a) – revised the first sentence to "The recommended time for submitting applications for a CCO Importation Clearance is two (2) months prior to the importation."
- page 55, item no. 8 – added the phrase "and has pending environmental violations" at the end of the paragraph.
- page 55, item no. 10.(j). – added the phrase "(IEIRD) or Single Administrative Documents (SAD)" at the end of this item.
- page 55, item no. 10.(o). – deleted "Copy of PCO accreditation Certificate;"

5.4.2 Chemicals listed under the Priority Chemical List (PCL)

- page 57, item no. 9 – revised the following:
 - a) ~~Importer-Distributor~~ Importer and/or Distributor
 - b) ~~Importer-End User-Manufacturer~~ User and/or Manufacturers
 - c) ~~End User Manufacturer~~