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**Committee on Import Licensing**

Original: English

## **IMPORT LICENSING SYSTEM OF THE PHILIPPINES**

### **REPLIES BY THE PHILIPPINES TO THE QUESTIONS FROM THE UNITED STATES REGARDING SANITARY AND PHYTOSANITARY IMPORT CLEARANCE (SPSIC) REGIME<sup>1</sup>**

The following communication, dated 8 July 2021, is being circulated at the request of the delegation of the Philippines.

#### **Question 1**

**Can the Philippines please confirm the purpose of the SPSIC system, and provide the underlying laws, regulations, and guidelines that form the basis for SPSIC issuance by the Bureau of Animal Industry (BAI), Bureau of Fisheries and Aquatic Resources (BFAR), and Bureau of Plant Industry (BPI)?**

Answer:

SPS import clearance is a system which ensures that importation of agricultural and fishery commodities complies with existing rules, regulations, and requirements, as cleared by the DA regulatory agencies, to ensure that import commodities are safe to humans and animals for food and feed, and will not cause the entry, establishment and spread of plant pests and animal diseases. The SPSIC document also prescribes the post-entry conditions to be complied with by the importer in order to maintain the safety, quality, fitness, and suitability of the imported products or commodities for their intended purposes.

The underlying laws, regulations, and guidelines that form the basis for SPSIC issuance by the BAI, BFAR and BPI are the following:

1. Presidential Decree No. 1433: Promulgating the Plant Quarantine Law of 1978, thereby Revising and Consolidating Existing Plant Quarantine Laws to Further Improve and Strengthen the Plant Quarantine Service of the Bureau of Plant Industry;
2. Act No. 3639: An Act Creating the Bureau of Animal Industry, Defining Its Powers and Functions, providing for Its Personnel; Making Appropriation for Its Organization and Operation; Changing the Name of the Bureau of Agriculture to Bureau of Plant Industry, and Other Purposes;
3. Republic Act No. 8550: An Act Providing for the Development, Management and Conservation of the Fisheries and Aquatic Resources, Integrating All Laws Pertinent Thereto, and for Other Purposes (amended by Republic Act No. 10654);
4. Republic Act No. 10611: An Act to Strengthen the Food Safety Regulatory System in the Country to Protect Consumer Health and Facilitate Market Access of Local Foods and Food Products, and for Other Purposes; and

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<sup>1</sup> Circulated on 8 April 2021 in document G/LIC/Q/PHL/4.

5. Department of Agriculture Administrative Order No. 8, series of 2009: Rules and Regulations Governing the Importation of Agricultural and Fish and Fishery/Aquatic Products, Fertilizers, Pesticides, and Other Agricultural Chemicals, Veterinary Drugs, and Biological Products into the Philippines (amended by Administrative Order No. 9, series of 2010).

### **Question 2**

**What is the role of the Secretary of Agriculture and the Bureaus in reviewing and approving the SPSICs?**

Answer:

The review and approval of the SPSICs are mandated by the Secretary of Agriculture to the bureaus, particularly the Bureau of Animal Industry, Bureau of Fisheries and Aquatic Resources, and Bureau of Plant Industry, and the Fertilizer and Pesticide Authority.

### **Question 3**

**In the annual notification, the Philippines states that SPSICs issued by BAI, BFAR, and BPI are required prior to importation.**

- (a) For each of these three Bureaus, please describe the procedure and timeline for submitting the SPSIC application and receiving an SPSIC approval, including in relation to the loading of the product in the country of origin for shipment.**

Answer:

The three bureaus have the same procedure in processing SPSIC application. Upon receipt of the application filed by the importer, bureau officers will review and technically assess the documents submitted to support the application for completeness, veracity, and compliance with import requirements. Once the documents are found to be in order and compliance is verified, the application will be recommended for approval. For applications involving fisheries and fishery/aquatic products, BFAR requires on-site verification and inspection of facilities prior to determining decision on the application. The procedures of BPI, BAI, and BFAR take 25 minutes, up to three working days, and a little more than five working days, respectively; provided that, compliance with requirements is objectively demonstrated. Otherwise, the procedures can take longer than usual.

- (b) Can applications for SPSIC be made when the product has left the country of origin for the export market, either directly end route to the Philippines or redirected to the Philippines from another destination?**

Answer:

The application for SPSIC must be made prior to shipment from the country of origin.

- (c) What is the reason for requiring product to be loaded only in the country of origin?**

Answer:

The SPS requirements for the importation of certain commodities are based on the outcome of risk assessment of such commodity as well as the control and certification system of the competent authority of the origin country. The requirements are specific to the SPS characteristics and risk profile of the country of origin. The Philippines allows importation of commodities and loading of such commodities only from origin countries which have undergone and passed the accreditation/recognition process. This rule is to ensure compliance with specific food safety and biosecurity requirements, avoid misdeclaration and co-mingling, and facilitate proper consignment traceability.

**Question 4**

**We understand that SPSICs are issued on a shipment-by-shipment basis. What is the purpose of limiting import clearances to a single shipment?**

Answer:

SPSICs are limited to a single shipment. This is administratively manageable to DA agencies in verifying compliance of shipments with SPS requirements as well as in emergency cases such as outbreaks of transboundary animal diseases in the country of origin.

**Question 5**

**How does the Philippines determine the validity period and must-ship-out dates for a particular commodity?**

Answer:

DA AO 9, s. 2010 prescribes the "must ship out by" date requirement, which also determines the validity of SPSICs. SPSICs are valid so long as the ship-out date of the product/consignment is on the last day or within the following specified period which is reckoned from the date of SPSIC issuance:

- 15 days for live milk fish;
- 30 days for other live, fresh, chilled or frozen fish and fishery/aquatic products [2];
- 20 days for fresh and chilled fruits and vegetables;
- 60 days for eggs, milk and dairy products; animal feeds and feed ingredients; other products of animal origin i.e. embryos and semen; frozen fruits and vegetables;
- 60 days for live animals, meat and meat products, veterinary drug and products, fertilizers, pesticides and other agricultural chemicals;
- 90 days for veterinary biological products; and
- 60 days for all other products not specified immediately above.

**Question 6**

**What is the status of Administrative Order (AO) 24 Series of 2020: Additional Guidelines on the Approval of SPSIC for Meat Commodities? Has the DA rescinded this AO? Is the regulation based on existing regulation(s) and if so, which one(s)?**

Answer:

The order is held in abeyance. This additional guideline is based on the mandates under the Meat Inspection Code of the Philippines (Republic Act No. 9296) and Food Safety Act (Republic Act No. 10611).

**Question 7**

**Will the Philippines notify the Committee on Import Licensing and other appropriate WTO Committees regarding the following DA regulations: Administrative Circular 12, Series of 2017; Department Circular No. 06, Series of 2020; Memorandum Order No. 28, Series of 2019; Memorandum Order No. 30, Series of 2020, Memorandum Circulars 38, 39, and 43, Series of 2020; Republic Act No. 10654; Fisheries Administrative Order 259, Series of 2018; Special Order No. 284, Series of 2020; Special Order 1077, Series of 2020; Special Order 705, Series of 2020, and others that have been issued but not notified?**

Answer:

The Philippines will submit the notifications of the aforementioned regulations to the Committee on Import Licensing and other appropriate WTO committees.

**Question 8**

**Will the Philippines update the questionnaire on import licensing with the aforementioned regulations?**

Answer:

The Philippines, in coordination with the relevant regulatory agencies of the Department of Agriculture will update the questionnaire on import licensing based on the issued regulations mentioned in Item No. 7.

**Question 9**

**In the event of the rejection of a SPSIC application, are all applicants informed of the reason for the disapproval? Do applicants have rights to appeal?**

Answer:

All applicants are informed of the reason in the event of disapproval of SPSIC application. Applicants have the right to appeal as provided for in Section IV of AO 9, s. 2010.

**Question 10**

**Can the Philippines please provide the number of SPSICs issued, by month, for the last three years for rice, corn, feed wheat, and whole chicken?**

Answer:

SPSICs issued for select commodities, 2018-2020, by month

<b>Year/Month</b>	<b>Rice</b>	<b>Corn</b>	<b>Feed Wheat</b>	<b>Whole Chicken</b>
<b>2018</b>	<b>-</b>	<b>1,119</b>	<b>2,954</b>	<b>19</b>
January	-	56	126	1
February	-	126	237	-
March	-	131	177	-
April	-	101	155	-
May	-	108	146	-
June	-	52	144	-
July	-	78	384	-
August	-	104	649	1
September	-	83	211	1
October	-	119	258	13
November	-	77	296	3
December	-	84	171	-
<b>2019</b>	<b>4,069</b>	<b>1,247</b>	<b>1,910</b>	<b>44</b>
January	-	97	112	2
February	-	57	149	1
March	497	84	141	-
April	386	131	84	-
May	359	171	109	-
June	306	125	124	-
July	775	213	163	1
August	687	75	286	-
September	-	62	120	6
October	-	68	246	10
November	702	58	165	19
December	357	106	165	5
<b>2020</b>	<b>5,535</b>	<b>1,040</b>	<b>1,864</b>	<b>9</b>
January	801	207	112	5
February	1,076	134	149	1
March	679	100	141	-
April	680	89	84	1
May	513	101	109	1

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<b>Year/Month</b>	<b>Rice</b>	<b>Corn</b>	<b>Feed Wheat</b>	<b>Whole Chicken</b>
June	177	80	124	1
July	299	68	163	-
August	365	91	286	-
September	14	75	120	-
October	-	41	246	-
November	-	20	165	-
December	931	34	165	-

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