

37. Secretary – means the Secretary of the Department of Agriculture

38. Smuggling – importation of prohibited commodities (outright smuggling) as well as the misdeclaration/misclassification/undervaluation of imported goods/products in violation of the Tariff and Customs Code of the Philippines and related laws. It also refers to the illegal entry of imported agricultural or fish, fishery/aquatic products, fertilizers, pesticides or other agricultural chemicals, veterinary drugs or biological products into Philippine territories including special economic and free-port zones without the required SPS clearance/import permit and/or without undergoing the mandatory DA border control measures which include quarantine and product safety/quality inspection and clearance

39. SPS Import Clearance – document issued prior to importation by the concerned bureau or agency to ensure that the products being imported meet standards to protect human, animal or plant life or health, ensuring that the agricultural and fishery 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 suitability of the product for the intended purpose.

40. Veterinary biological products – viruses, bacteria, live micro-organisms, killed micro-organisms, component or products of micro-organism, anti-sera sera, antigens, antibodies, toxins, test kits, or analogous products and other homologous substances whether of natural or synthetic origin, intended for use in the diagnosis, treatment and prophylaxis of diseases of animals or for the identification of the causative organisms of a disease of animals and for research purposes

41. Veterinary drugs and products – any substance, including biological products, applied or administered to food producing, companion, aquatic, laboratory and exotic animals, whether used for therapeutic, prophylactic or diagnostic purposes or for modification of physiological functions or behaviors

B. Acronyms used in this Order shall refer to :

1. BAI - Bureau of Animal Industry
2. BFAR - Bureau of Fisheries and Aquatic Resources
3. BOC - Bureau of Customs
4. BPI - Bureau of Plant Industry
5. DA - Department of Agriculture
6. DABI - DA Border Inspector
7. FIDA - Fiber Industry Development Authority
8. FPA - Fertilizer and Pesticide Authority
9. GMO - Genetically Modified Organisms
10. NFA - National Food Authority
11. NMIS - National Meat Inspection Service
12. NTA - National Tobacco Administration
13. PCA - Philippine Coconut Authority
14. RFU - Regional Field Unit
15. SPS - Sanitary and Phytosanitary Measures
16. SRA - Sugar Regulatory Administration

SECTION II. COVERAGE

Scope – This Order covers the importation of:

- A. Plant, plant products and other related materials capable of harboring plant pests to include:
 - 1. living plants
 - 2. nursery stocks, including vegetative parts thereof used as propagating materials
 - 3. seeds and nuts for planting
 - 4. fresh fruits, vegetables and other plant products which have been declared as prohibited/restricted import under special quarantine orders because of being known host of dangerous plant pest or originating from restricted areas.
 - 5. pure culture of fungi, bacteria, virus, nematodes and other phytopathogenic materials
 - 6. mushroom cultures including spawn
 - 7. algae cultures, rhizobial cultures as legume inoculants
 - 8. soil and plant materials for isolation or organism
 - 9. other plant cultures
 - 10. wood packaging materials and other packing materials capable of harboring plant pests
 - 11. frozen/chilled fruits and vegetables including diced vegetables and processed fruits
 - 12. grains and cereals
 - 13. other plant products
- B. Animals, animal products and by-products
- C. Live/fresh/chilled/frozen fish and fishery and aquatic products including microorganisms and biomolecules
- D. Fertilizers, pesticides and other agricultural chemicals
- E. Feeds, feed ingredients, and other feed products
- F. Meat and meat products
- H. Pet foods
- I. Processed agriculture and fishery products not elsewhere specified
- J. Veterinary biological products
- K. Veterinary drugs and products

**SECTION III.
APPLICATION AND ISSUANCE
FOR SPS IMPORT CLEARANCE**

A. Any accredited importer who desires to import any of the products enumerated in Section II except Sec. II. A. 10 hereof, must secure an SPS Import Clearance (Annex "A" hereof) from any of the following:

1. Issuing bureau or agency

- a. BAI - for animals (including small animals that are plant pests except insects), animal feeds and feed ingredients, animal products and by-products including meat and meat products, eggs, milk, dairy, veterinary drugs and biological products
- b. BFAR - for fish, fishery/aquatic products as enumerated in Section I.A.16, fish intended for feed and products used in fish propagation
- c. BPI - for plants and plant products as enumerated in Section II.A
- d. FPA - for fertilizers, pesticides and other agricultural chemicals

2. The application form can be secured from and submitted to the concerned agencies, or submitted electronically through any service provider authorized by the Department of Agriculture with the following attached documents:

1. Pro-forma invoice
2. Notarized affidavit of undertaking as required by the concerned bureau or agency, to be included in the accreditation process
3. Official Receipt, for manual application
4. Other commodity specific requirements, including permits/clearances from other concerned agencies

B. Application shall undergo automated validation for compliance to the submission of mandatory data, and manual review for compliance to the requirements and attached documents. It shall be placed "under review" status. If it is sufficient in form and substance, the reviewer shall endorse to the recommending officer. If the application is incomplete or not in the proper format, the application shall be rejected and the applicant shall be informed accordingly with the additional requirement.

C. If the recommending officer found the application sufficient in form and substance, it shall be forwarded to the approving authority.

D. The approving authority approves the application and the applicant can view and print the approved SPS Import Clearance. The application shall only be approved and issued a SPS Import Clearance by the concerned bureau or agency upon determination of the following:

1. The exporting company or country/zone is registered/accredited by the concerned DA bureau or agency and is in "good standing"

2. Latest advisory of the relevant international bodies (OIE, IPPC, Codex and other DA recognized bodies) and/or the exporting government on the "absence" of relevant disease/pest outbreaks, contaminations and other SPS-related risks
3. The applicant importer is licensed by the concerned DA bureau or agency and is in "good standing", except when the concerned bureau or agency determines that importer licensing is not required
4. The product is registered with and/or included in the list of allowable commodities of the concerned DA bureau or agency, if applicable
5. The applicable risk management protocols that are to be prescribed including certifications of exporting governments, if applicable; and
6. Other information pertinent to SPS concerns.

E. Close coordination/consultation shall be observed in processing the issuance of SPS clearances for products involving more than one DA bureau/agency, as follows:

1. BPI with BAI (unprocessed feeds and feed ingredients of plant origin such as grains), FIDA (for fibers including coir), PCA (for coconuts, coconut products and by-products, including processed coconut coir, and oil palm and its by-products), NTA (for tobacco), SRA (for sugar beet and sugar cane), NFA (for palay and rice), and BFAR (for seaweeds and aquatic plants)
2. BAI with NMIS (for meat and meat products), BPI (for small animals that are plant pests) and BFAR [for brine shrimp (artemia cyst)]
3. FPA with BFAR (for agro chemicals for fishery and aquatic use) and BPI and BAI (for other agricultural chemicals)

F. Must ship out by date – The SPS Import Clearance shall indicate the period for which the actual product/consignment should have left the country of origin which period is reckoned from the date of issuance of the SPS Clearance as follows:

1. 15 days for live milk fish
2. 30 days for other live, fresh, chilled or frozen fish and fishery/aquatic products
3. 20 days for fresh and chilled fruits and vegetables;
4. 60 days for eggs, milk and dairy products, animal feeds and feed ingredients and other products of animal origin i.e. embryos and semen, frozen fruits and vegetables
5. 60 days for live animals, , meat and meat products, veterinary drug and products, fertilizers, pesticides and other agricultural chemicals
6. 90 days for veterinary biological products
7. 60 days for all other products not specified immediately above

The SPS Import Clearance shall be valid for a period specified above unless sooner revoked for any of the reasons set forth in this Section I. An unused SPS Import Clearance shall be considered automatically expired/cancelled after its must ship out by date.

A particular consignment of a product shall be loaded at the port of the country of origin on or before the last day of the "Must Ship Out by Date" of the corresponding SPS Import Clearance. Only such a consignment that is shipped not later than this date shall remain having a valid SPS Import Clearance once it arrives at any date in any of the Philippine international ports otherwise it shall be subjected to confiscation procedures as provided for under Section VII hereof.

In no case shall the date of loading at the port of the country of origin as specified in the bill of lading be earlier than the date of issuance of the SPS Import Clearance otherwise it shall be subjected to confiscation procedures as provided for under Section VII hereof.

G. However, the fish, fishery/aquatic products must arrive within thirty (30) days from date of issuance of the SPS Import Clearance in case of consignment by air and within sixty (60) days in case of consignment by sea.

H. The SPS Import Clearance shall be good for one shipment and is not transferable to other persons.

I. The SPS Import Clearance may be suspended or revoked at any time for any of the following grounds:

1. Providing false information in the application form or in any of the accompanying documents to the application
2. Misdeclaration of consignment
3. Violation of relevant SPS and biosafety rules and regulations or any conditions imposed in the SPS Import Clearance
4. Refusal to allow the inspection of the physical containment facility or intermediate destination of the product
5. Legal authority to commercially distribute the product in the country of origin has been suspended or revoked; or
6. 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.

J. Modification, revocation or cancellation of the SPS Import Clearance shall be without prejudice to being further subjected to penalties.

SECTION IV. APPEAL

Decision of the concerned bureau or agency head may be appealed to the DA Secretary within ten (10) days from notice of the action.

SECTION V. FEES AND CHARGES

The current amount of fees and charges being imposed and collected by the concerned bureau or agency shall continue to be observed.

SECTION VI. INSPECTION AT THE PORT OF ENTRY

A. Forty-eight (48) hours before the arrival of a consignment at the preliminary border inspection site (port of entry), the importer or his authorized representative shall notify the concerned DA Border Inspector by completely filling out Section 1 – Application for Import Inspection as contained in the DA Border Inspector's Report Form (Annex "B" hereof) and submitting the same. After the products have been inspected and before removing them from the place of landing, the