



Republic of the Philippines
Department of Agriculture
BUREAU OF FISHERIES AND AQUATIC RESOURCES
Fisheries Building Complex, Bureau of Plant Industry Compound,
Visayas Ave., Diliman, Quezon City

26 November 2021

MEMORANDUM

TO : ALL BFAR REGIONAL DIRECTORS

FROM : Commodore EDUARDO B GONGONA, PCG (Ret.)
BFAR National Director

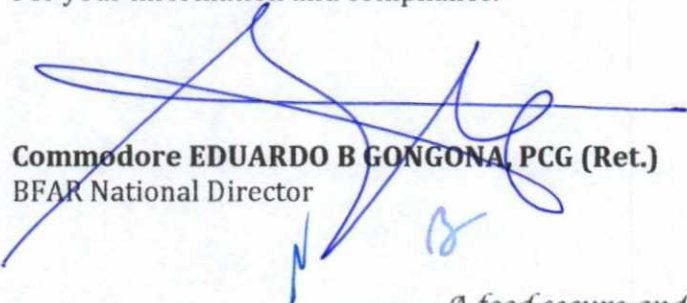
SUBJECT : PUBLIC CONSULTATION ON THE RULES AND REGULATIONS GOVERNING FOOD SAFETY AND TRACEABILITY OF IMPORTED FISH AND FISHERY/AQUATIC PRODUCTS FOR HUMAN CONSUMPTION

This is regarding the Public Consultation of the abovementioned regulation. In order to fully comply with the safeguards provided by Rule 65.2 of the IRR of Republic Act. No. 10654, you are hereby directed to:

1. Publish in a newspaper of general circulation in your region the Notice to the Public, herein attached, **on or before December 27, 2021**. In addition to the publication, please post the Notice in your BFAR Regional websites and Facebook pages, if available;
2. Post a copy of the regulation in your official websites and at a conspicuous place in your respective regional offices **on or before January 5, 2022**. The regulation shall be furnished to you by BFAR FIQD not later than January 4, 2022; and
3. Attend the public consultation on January 12-13, 2022.

You are hereby mandated to strictly follow the abovementioned schedules pursuant to Rule 65.2. Also, kindly send a copy of the publication to BFAR FIQD at fiqd.certification@gmail.com on December 28, 2021, for documentation purposes only. For inquiries regarding this matter, you may contact the BFAR FIQD.

For your information and compliance.


Commodore EDUARDO B GONGONA, PCG (Ret.)
BFAR National Director

*A food-secure and resilient Philippines
with empowered and prosperous farmers and fisherfolk*





Republic of the Philippines
Department of Agriculture
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NOTICE TO THE PUBLIC

SUBJECT: PUBLIC CONSULTATION ON THE RULES AND REGULATIONS GOVERNING FOOD SAFETY AND TRACEABILITY OF IMPORTED FISH AND FISHERY/AQUATIC PRODUCTS FOR HUMAN CONSUMPTION

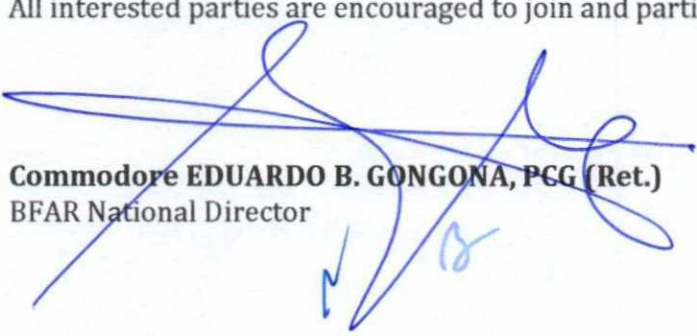
This is to inform the public of the upcoming public consultation regarding the Fisheries Administrative Order on the Rules and Regulations Governing Food Safety and Traceability of Imported Fish and Fishery/Aquatic Products for Human Consumption.

The virtual public consultation shall be held via Zoom at **9 a.m. to 5 p.m. on January 12, 2022** (Luzon Cluster) and **January 13, 2022** (Visayas and Mindanao Cluster). Kindly register on or before January 11, 2022 at <https://forms.gle/34pEiU6PzHKz9rL46> for your access to the zoom meeting links.

A copy of the regulation shall be made publicly available at the BFAR website and BFAR Regional Offices websites on or before January 5, 2022.

For inquiries, you may contact the BFAR Fisheries Inspection and Quarantine Division at fiqd.certification@gmail.com.

All interested parties are encouraged to join and participate in the consultation.


Commodore EDUARDO B. GONGONA, PCG (Ret.)
BFAR National Director

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**FISHERIES ADMINISTRATIVE
ORDER NO. _____
Series of 2021.**

SUBJECT: RULES AND REGULATIONS GOVERNING FOOD SAFETY AND TRACEABILITY OF IMPORTED FISH AND FISHERY/AQUATIC PRODUCTS FOR HUMAN CONSUMPTION

WHEREAS, Section 61 (c) of Republic Act 8550, as amended, provides that fishery products may be imported only when the importation has been certified as necessary by the Department of Agriculture, in consultation with the NFARMC, and all the requirements of the Fisheries Code, as amended, as well as all existing rules and regulations have been complied with: Provided, that fish imports for canning/processing purposes only may be allowed without the necessary certification, but within the provisions of Section 61 (d) of the Code;

WHEREAS, pursuant to Republic Act 10611, otherwise known as the "Food Safety Act of 2013", the imported fish and fishery products must be compliant with the Philippine Food Safety Standards;

WHEREAS, Section 67 of RA 10654 provides that the Fisheries Inspection and Quarantine Service shall conduct fisheries quarantine and quality inspection of all fish and fishery/aquatic products coming into and going out of the country by air or water transport, to detect the presence of fish pest and diseases and if found to harbor fish pests or diseases shall be confiscated and disposed of in accordance with environmental standards and practices;

WHEREAS, Section 12 of RA 10611 provides that "food to be imported into the country must come from countries with an equivalent food safety regulatory and traceability system and shall comply with international agreements to which the Philippines is a party";

WHEREAS, Section 27 of RA 10611 provides that traceability shall be established for foods at relevant stages of production, post-harvest handling, processing or distribution, when needed to ensure compliance with food safety requirements;

WHEREAS, there is a need for the use of a science-based risk analysis in food safety regulations pursuant to Section 7, Article VII of the Implementing Rules and Regulations of RA 10611;

WHEREFORE, taking into consideration public welfare and safety in accordance with the provisions of RA 10611 and RA 8550, as amended, the following rules and regulations governing the Philippine official control on food safety and traceability assurance of imported fish and fishery/aquatic products are hereby promulgated:

SECTION 1. Definition of terms and phrases - For purposes of this Order, the following phrases and terms shall mean:

- a) *Licensed importer (AI)* - refers to an individual or entity given the privilege by the BFAR to import fish and/or fishery/aquatic products.
- b) *Accredited Laboratory/ies (AL)* - ISO-17025 accredited BFAR laboratory and other BFAR-recognized private laboratories capable of conducting relevant laboratory test/s and analyzing adequate samples of imported fishery product collected randomly by the technical personnel of BFAR for chemical and/or microbiological examination and parasite identification.
- c) *Application Form to Import (AFI)* - a document required by BFAR to be filled up by the Licensed Importer, through the electronic platform, indicating the purpose of the importation, species or kind of fish, volume to be imported, and country of origin.
- d) *BFAR* - Bureau of Fisheries and Aquatic Resources.
- e) *Chilled fish* - refers to fish and fishery/aquatic products which have been subjected to a process where the product is cooled to a temperature of melting ice, 0°C (32°F).
- f) *Consignment* - refers to quantity of fish and fishery/aquatic products bound for a customer in the country of destination and conveyed by one means of transportation.
- g) *Department* - Department of Agriculture (DA).
- h) *Director* - refers to the Director of the Bureau of Fisheries & Aquatic Resources.
- i) *Fish and fishery/aquatic products* - include not only finfish but also mollusks, crustaceans, echinoderms, and all other species of aquatic flora and fauna, and all other products of aquatic living resources in any form.
- j) *Food Safety* - the assurance that the food is handled, prepared, and processed properly and when consumed will not harm the consumers.
- k) *Frozen fishery/aquatic products* - fish/fishery/aquatic product which have been subjected to a freezing process sufficient to reduce the temperature to -18°C (0°F) to preserve its quality and to maintain said product at this temperature.
- l) *International Health Certificate* - refers to a written guarantee issued by an authorized or competent regulatory agency from the country of origin, certifying that the fish and fishery/aquatic products have been handled, processed and packed in hygienic manner and does not contain microorganisms that may pose food safety hazard.

- m) License to Operate - refers to the document granting permission to a person with application to engage in importation of fish and fishery/aquatic products after proving technical capability to (1) comply with Sanitary and/or phytosanitary requirements set by the Bureau of Fisheries and Aquatic Resources, and (2) conform to specific quality standards and technical regulations.
- n) *Local Transport Permit* - permit for domestic movement or authorizing an individual to bring, carry or ship imported fish and fishery/aquatic products acquired from legal sources from the point of origin to the final destination within the country, which is different from the auxiliary invoice issued by the local governments and/or BFAR for the transport and domestic movement of fish and aquatic products derived from aquaculture or conventional fishing.
- o) *NFARMC* - refers to the National Fisheries and Aquatic Resources Management Council.
- p) *Packaging* - refers to the procedure of protecting fish and fishery/ aquatic products by a wrapper, a container, or any other suitable packing material.
- q) *Processing* -refers to any action that substantially alters the initial raw material or products or ingredients including, but not limited to heating, smoking, curing, maturing, drying, marinating, extraction, extrusion and combination of those process intended to produce food.
- r) *Risk* - refers to the likelihood of an adverse health effect and the severity of this effect following exposure to a hazard.
- s) *Risk Analysis* - refers to a process consisting of three (3) interrelated components: risk assessment, risk management and risk Communication.
- t) *Risk Assessment* - refers to the scientific evaluation of known or potential adverse health effects resulting from human exposure to biological, chemical, and physical hazards.
- u) *Risk Communication* - refers to the interactive change of information and opinions during the course of risk analysis on the hazards and risks among risk assessors, risk managers, consumers, food and feed business operators, academia and other stakeholders.
- v) *Risk Profile* - refers to the description of any set of risks, including a predetermined combination of risk indicators, based on the information which has been gathered, analyzed and categorized.
- w) *Risk Management* - refers to the process of weighing policy alternatives to accept, minimize, or reduce assessed risk and if necessary, to select and implement appropriate prevention and control measures.

- x) *Sanitary and Phytosanitary Import Clearance* (SPSIC)- document issued by the concerned DA bureau or agency prior to importation to ensure that the products being imported meet SPS measures 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 pre-entry conditions to be complied by the exporting country and the post-entry conditions for the maintenance of quality and suitability of the product for the intended purposes.
- y) *Secretary* - Secretary of the Department of Agriculture.
- z) *Traceability* - The ability to trace and follow a food, feed, food-producing animal or substance intended to be, or expected to be incorporated into a food or feed, through all stages of production, processing, and distribution.
- aa) *Traders* - For purposes of this Order, traders shall mean any person, corporation, partnership, associations or cooperatives engaged in the act of habitually buying and selling fish and fishery/aquatic product for human consumption.

CHAPTER I GENERAL PROVISIONS

SECTION 2. Scope - This Order shall establish food safety controls and inspection for the following importations of fish and fishery/aquatic products classified under Section 61 (c) of the Fisheries Code as follows:

- a. Importation for canning or processing only;
- b. Importation certified as necessary by the Secretary upon consultation with the NFARMC for direct consumption by the public for the purpose of direct selling or trading such as for wet markets, supermarkets, online market, hotels and restaurants.

Importations falling under (b) shall only be allowed when certified as necessary by the Secretary upon consultation with the NFARMC; provided that for all types of importations, they shall be allowed only upon compliance with all the requirements of the fishery laws, rules and regulations, including this Order.

SECTION 3. Licensing of Importers - All importers of fish and fishery/aquatic products must be licensed by the DA-BFAR before they can be allowed to import. The documentary requirements for licensing is attached as Annex I of this Order.

Upon submission by the importer of an Application for License, the DA-BFAR shall verify and validate the statements made in its application and, thereby, inspect its facilities, including

its cannery or processing plant, in so far as applicable, and the cold storage warehouse that will be used therefor.

A License to Operate shall be issued by the DA-BFAR to a licensed importer which shall be valid for a period of three (3) years subject to annual inspection and compliance audit and may be cancelled, terminated, or suspended for cause.

Importers that are licensed for canning and processing as provided for under Section 2 (a) of this Order shall not be qualified to import fish and fishery/aquatic products for other purposes provided under Section 2 (b) and vice-versa.

The licensing of importers shall be open and continuous. For importation under Section 2 (b), the DA-BFAR shall set a cut-off date for the purpose of determining the importers that are eligible to join in the upcoming importation covered by a specific Certificate of Necessity to Import.

SECTION 4. Risk Profiling of Licensed Importers – All licensed importers shall be subjected to risk-profiling as provided for in Annex II of this Order. In the conduct thereof, the DA-BFAR shall assess, based on reasonable parameters, the possible risks attributable to every importer in the conduct of importation and, thereby, establish the importers status.

Subsequently, the DA-BFAR shall maintain a list of risk profile of all licensed importers, which shall then be the basis of determining the applicable regulatory measures that may be adopted in the respective importations of licensed importers to deter or minimize said possible risks. The risk indicators as well as the risk profile of importers shall be reviewed by the DA-BFAR every year and may be revised as necessary.

Importers who are on high risk status shall be subjected to an in-depth verification procedure and audit which shall be the basis for a possible suspension or cancellation of License.

CHAPTER II SANITARY AND PHYTOSANITARY IMPORT CLEARANCE

SECTION 5. Issuance of SPSIC – No Fish and fishery/aquatic products may be imported without a SPSIC issued covering such importation which shall undergo a process of risk-based assessment in accordance with Annex II of this Order. An SPSIC shall be issued by the BFAR National Director or his duly authorized representative only after an application thereof has been filed, provided that all regulatory and documentary requirements have been complied with.

Subsequent applications for SPSIC shall be subject to the submission of a BFAR-validated disposition report showing that at least seventy-five percent (75%) of the volume of the imported fishery products covered by the preceding SPSIC were fully disposed; provided

that the remaining volume of not more than twenty-five percent (25%) should be indicated in the disposition report.

SECTION 6. Filing of Application for the issuance of SPSIC- Applications for the issuance of SPSIC shall be filed through the electronic platform.

A licensed fish importer intending to import fish and fishery/aquatic products may file the duly accomplished Application Form to Import (AFI) at least five (5) working days for the issuance of SPSIC prior to departure of the shipment from the country of origin. The AFI shall be accompanied by proof of payment of the non-refundable application fee of Five Thousand Pesos (P5,000.00) and the following documents:

- a) Pro-forma Invoice; and
- b) Verified Disposition report by BFAR Inspectors.

AFI for canning or processing, aside from the previously mentioned documents shall, in addition, be accompanied with the following:

- c) Production Report of canning / processing factory; and
- d) Statement providing the name of the company, total and monthly production capacity of the plant or plants that they are supplying for, volume requirement (based on the production and/or storage capacity of licensed CSW), product name; and licensed cold storage warehouse capacity.

The statement mentioned above shall be accompanied with pertinent documents that will establish the statements provided therein. Such statements shall be verified by the DA-BFAR.

SECTION 7. Validity of SPSIC- SPSIC issued by the DA-BFAR shall be valid for a period of thirty (30) days for air freight and sixty (60) days for sea freight from the date of its issuance as indicated in the SPSIC and shall be limited to a single shipment.

SPSIC shall be non-transferrable, non-reusable, and its validity cannot be extended. Unused SPSIC shall be considered automatically cancelled and shall be surrendered to the DA-BFAR. The failure of the importer to surrender to the DA-BFAR the unused SPSIC shall be a ground for denial of subsequent SPSIC applications.

CHAPTER III IMPORTATION FOR CANNING OR PROCESSING

SECTION 8. Qualified Importers. The following are qualified to apply for licensing as importer of fish or fishery/aquatic products for canning or processing:

- a) Individuals, corporations, partnerships, or cooperatives that are engaged in canning or processing of fish or fishery/aquatic products that intend to directly import for canning and processing; and

- b) Individuals, corporations, partnerships, or cooperatives that are designated or appointed by canners or processors to import fish or fishery/aquatic products for the direct use of said canners or processors.

SECTION 9. Determination of Allowable Volume for Importation by Importers. The allowable volume for importation of fish and fishery/aquatic products for canning and processing by the individual importers shall be determined by the DA-BFAR based on the volume requirement of raw materials of the canning/processing plant, storage capacity of its warehouse, and disposition reports submitted.

Inspection of the canning/processing and storage warehouse shall be conducted regularly by the DA-BFAR to verify the propriety of the applied volume for importation.

SECTION 10. Liquidation of Previously Issued Volume. Prior to the approval of new SPSIC, importers of fish or fishery/aquatic products are required to liquidate the use of the volume of fish or fishery/aquatic products provided in the previously granted SPSIC by filing a disposition report in the standard format provided by the DA-BFAR. Said disposition report must be submitted every two (2) weeks after the arrival of the imported products. Failure of the importer to submit said disposition report shall cause the denial of subsequent applications for SPSIC. The format for the disposition report in Annex III shall be followed.

CHAPTER IV

IMPORTATION OF FISH OR FISHERY/AQUATIC PRODUCTS FOR DIRECT CONSUMPTION BY THE PUBLIC WITHOUT UNDERGOING PROCESSING OR CANNING

SECTION 11. Certificate of Necessity to Import. Pursuant to Section 61 (c) of Republic Act No. 8550, as amended, the Secretary, in consultation with the NFARMC, may issue a Certificate of Necessity to Import (CNI) fish and fishery/aquatic products for purposes other than for canning and processing. The CNI shall contain the importable species as well as the Maximum Importable Volume (MIV) thereof. Said Certificate of Necessity to Import shall be valid for a period stated therein but shall not exceed one (1) year. The issued CNI shall be reviewed by the NFARMC three (3) months after its date of issuance and every three (3) months thereafter and may be revised if necessary.

SECTION 12. Determination of Maximum Importable Volume for CNI. The Maximum Importable Volume that will be covered by the CNI shall be initially determined by the DA-BFAR based on the following parameters:

- a) fishery demand and supply outlook indicating the possible volume of fish deficiency for a particular period;
 - b) historical volume of production, both for capture and aquaculture sectors;
 - c) level of demand of the fish-eating population;
 - d) existing market trends and prices and its contribution to the general inflation;
- and

- e) availability status of the DA-BFAR licensed cold storage facilities.

The initially-determined volume shall be presented to the NFARMC for consultation.

SECTION 13. Qualified Importers. The following are qualified to apply for licensing as importers of fish or fishery/aquatic products for direct consumption by the public when the importation is certified as necessary by the Secretary in consultation with the NFARMC:

- a) Individuals, corporations, partnerships, or cooperatives that are members of an association or organization from the commercial fishing sector;
- b) Individuals, corporations, partnerships, registered fisheries association or cooperatives engaged in fish trading business;
- c) Individuals, corporations, partnerships, or cooperatives that are engaged in the operation of hotels and restaurants offering fish food to the public that intend to import fish or fishery/aquatic products for the direct use of said institutions;
- d) Individuals, corporations, partnerships, or cooperatives that are engaged in the operation of wet markets, supermarkets, and online markets offering frozen fish to the public that intend to import fish or fishery/aquatic products for direct use of said institutions; and
- e) Individuals, corporations, partnerships, cooperatives or traders that are designated or appointed by individuals, corporations, partnerships, or cooperatives described in (c) and (d) to import fish and fishery/aquatic products for the direct use of the latter.

SECTION 14. Allocation of Importable Volume to Licensed Importers. The DA Secretary may prescribe the system of allocating the Maximum Importable Volume to licensed importers.

CHAPTER V FOOD SAFETY CONTROLS AND INSPECTION

SECTION 15. Approval of Foreign Country Establishments and Pre-Border Control Measures- In accordance with the bilateral fisheries cooperation agreement between the Philippines and the exporting country and in order to control the entry of food-borne illnesses and trans-boundary movement of fish and aquatic diseases, the DA-BFAR shall implement pre-border control and inspection. The purpose of which is to verify compliance of the foreign fishery establishment with this Order.

For this purpose, foreign fishery establishments intending to export fish and fishery products to the Philippines shall be accredited by the Competent Authority of the country of origin (CO), and shall be subsequently endorsed for the approval of the Philippine government prior to the importation of fishery products. Competent authorities from foreign countries may submit to the DA-BFAR the list of accredited fishery and aquatic establishments, which may include fishing vessels supplying raw materials to processing plants whose products are intended to be exported to the Philippines. Such list shall be used as reference by the DA-BFAR in the approval of the foreign fishery establishments.

The list of Philippine-approved foreign fishery establishments per country shall be posted and maintained at the DA-BFAR website.

Within six (6) months from the effectivity of this Order, DA-BFAR shall issue the rules and regulations on the registration of foreign country establishment.

SECTION 16. Border and Post Border Control- Importations of fish and fishery/aquatic products under this Order shall comply with the following border control requirements and standards:

- a) **International Health Certificate.** Fish and fishery/ aquatic products exported to the Philippines shall be covered by an International Health Certificate issued by the competent authority of the exporting country. The attestation of the international health certificate executed by the competent authority of the country of origin shall be based on laboratory test such as microbiological and chemical testing, whichever is applicable, stating that the imported fish and/or fishery/aquatic products do not exceed the allowable limits as indicated in Annex V. The DA-BFAR may also require other laboratory test in the health certificate as deemed necessary.
- b) **Special Health Control Requirements.** Fish and fishery/aquatic products belonging to families *Scombridae* (tuna and tuna-like species and mackerel) and *Clupeidae* (sardines) shall be subject to random but risk-based sampling for histamine analysis by the BFAR inspectors. The histamine content shall not exceed the allowable limit of 20mg/100gm or 200ppm.
- c) **Packaging and labeling.** Packaging materials for fish and fishery/aquatic products should be food-grade and hygienic food contact materials, not re-used or recycled, not easily broken or deformed by moisture and stress, and shall not be a source of contamination.

The label must be made of water-proof and durable material. It shall contain the following information with English translation:

- i. the country of origin;
- ii. species of fish/fishery products;
- iii. fishing ground (FAO Zone Number);
- iv. net weights;
- v. lot code or batch code or production code;
- vi. information on the required temperature to preserve its quality, i.e. 'keep frozen at -18°C.; and
- vii. Expiry date.

Provided that, for imported fish and fishery/aquatic products for wet markets, supermarkets, online selling and/or for direct consumption by the public,

appropriate notice shall be made to appraise the public that the fish and fishery/aquatic products are imported.

- d) Storage and transport of imported fish and fishery products. Imported fish and fishery/aquatic products shall be stored and transported at the following temperature requirement:
 - i. Fresh chilled fish and fishery products shall be stored and maintained at 0 to 4°C;
 - ii. Frozen fishery products shall be stored and maintained at -18°C or below.

SECTION 17. Border and Post-Border Inspection - Upon arrival at the designated port of entry, the imported fish and fishery/aquatic products shall be presented to the DA-BFAR Quarantine Officer for border inspection of the following:

1. Documentation and inspection/verification of imported fish and fishery products and the following accompanying documents:
 - a) original copy of the International Health Certificate or Captain's statement for importation of bulk fish sourced from international waters by foreign-flagged vessel;
 - b) laboratory test result from competent authority or recognized accredited laboratory of the country of origin;
 - c) Sanitary and Phytosanitary Import Clearance/ Certificate issued by the DA-BFAR;
 - d) airway bill for air freight or bill of lading for sea freight; and
 - e) commercial invoice.

In the absence of the original copy of the International Health Certificate from the country of origin, the shipment shall be committed to a storage facility for a period of not exceeding ten (10) days to allow the importer to submit such document. Failure to comply within the specified period, the shipment shall be returned to the country of origin, otherwise, forfeited in favor of the government for its proper disposition. All expenses involving storage, return to origin and disposition of the shipment shall be borne by the importer.

2. Upon arrival at the cold storage, the Post-border inspectors, taking into account the risk profile of importers as provided for in Annex II of this Order, shall conduct thorough inspection to check the possibility of the occurrence of the following:
 - i. co-mingling;
 - ii. signs of thawing;

- iii. violation of the labelling requirement; (e.g. no English translation)
- iv. tampering of seal;
- v. presence of prohibited commodities;
- vi. misdeclaration of product and/or volume;
- vii. technical smuggling; and
- viii. other forms of violation.

The DA-BFAR, taking into account the risk profile of importers and commodities provided in Annex II of this Order, shall conduct actual inspection of shipment for verification of commodities and random sampling for physical, chemical, biological tests and other laboratory test necessary in compliance with the applicable food safety measures.

Adequate sample of the imported fishery product, based on sampling plan for laboratory examination, shall be randomly collected by the DA-BFAR for relevant laboratory tests. If found unfit for human consumption or not compliant with the Sanitary and Phytosanitary (SPS) requirements and Technical Barrier to Trade (TBT) agreements, the said container shall be returned to the country of origin or forfeited in favor of the government for its proper disposition and the importer shall be penalized in accordance with the provisions of applicable laws, rules and regulations.

All expenses involving storage, return to origin and disposition of the shipment shall be borne by the importer. Fees and charges incidental to examination and storage of imported products shall be chargeable to the importer.

If prohibited fish and fishery/ aquatic products are included in the importation, the same shall be removed immediately and shall be confiscated without prejudice to the filing of proper case against the importer.

In cases where the imported fish and fishery/aquatic product is found to be a vector or carrier of any fish pest and/or disease such product shall be confiscated and disposed of in accordance with existing rules and regulations.

SECTION 18. Traceability of Imported Fish and Fishery / Aquatic Products- All imported fishery products transported to licensed cold storage warehouses for safekeeping shall be accompanied by documents showing the origin thereof from the point of source. The following documents shall be the basis for acceptance by the licensed cold storage warehouse:

1. Local Transport Permit – if product comes from one region to another region.
2. Collection Slip, Back load slip or Transport Clearance – if product comes from PFDA.

Further, the DA-BFAR shall issue Certificate of Fish Inspection (COFI) for the following withdrawals of imported fishery/aquatic products from the licensed cold storage

warehouses that were subjected to actual inspections based on the risk provided in Annex II of this Order:

1. for transfer to other licensed cold storage warehouse;
2. for transport to canning/processing plant;
3. for transport to intra-regional area in which the COFI will serve as a pre-requisite for the issuance of Local Transport Permit;
4. for disposal of stored products that are not fit for human consumption; and
5. for transport of confiscated products intended for proper disposal or for distribution to institution.

The contents of the COFI are shown in Annex VI.

SECTION 19. Registration of Reefer Vans and other Conveyances – The owner, operator, traders or agent in charge of a conveyance or vehicle used for the transport or domestic movement of fish and fishery aquatic products under this Order shall register with the DA-BFAR. For this purpose, they shall submit a duly accomplished application form with the DA-BFAR accompanied by the following documentary requirements:

- a. Land Transportation Office (LTO) Registration;
- b. Land Transportation Franchising and Regulatory Board (LTFRB) Franchise;
- c. SEC, DTI, or CDA registration; and
- d. Business permit from the Local Government.

A separate regulation for the registration, technical specifications and other requirements for reefer vans and other conveyances authorized to transport fish and fishery/aquatic products shall be issued by the DA-BFAR for the purpose of ensuring food safety and traceability.

CHAPTER VI PROHIBITIONS AND PENALTIES

SECTION 20. Prohibitions – In addition to other prohibitions mentioned in any other laws, rules and regulations, the following are strictly prohibited:

- a) Importing of fish and fishery/aquatic products without SPSIC or beyond its validity;
- b) Importing of prohibited fish and fishery/aquatic products;
- c) Importing of fish and fishery/aquatic products not covered by the SPSIC;
- d) Co-mingling of other commodities not included in the SPSIC;
- e) Selling or diverting imported fish and fishery/aquatic products for purposes other than what is stated in the SPSIC;
- f) Misdeclaring product and volume of the consignment during border inspection;
- g) Violating relevant SPS and biosafety rules and regulations or any conditions imposed in the SPSIC;
- h) Recycling, tampering, modifying or altering, and forging the signatures in the SPSICs;

- i) Selling, transferring, and conveying of SPSIC;
- j) Providing false information in the application form or in any of the accompanying documents to the application;
- k) Selling, utilizing, or distributing imported fish and fishery /aquatic products not fit for human consumption;
- l) Unloading, transporting, storing, and trading imported fish and fishery /aquatic products without the necessary permits and documents as required under this Order;
- m) Unauthorized removal, breaking, or tampering of the DA-BFAR seal in the containers and/or refrigerated vans;
- n) Non-compliance of the packaging and labelling requirements provided in this Order;
- o) Using unlicensed cold storage warehouse or unauthorized refrigerated container facility for the storage of imported fish and fishery/aquatic products;
- p) Diversion of the imported fish and fishery/aquatic products to another cold storage aside from the final destination indicated in the SPSIC without prior authority from the DA-BFAR;
- q) Unloading of imported fish at the cold storage warehouses without the presence of the DA-BFAR personnel;
- r) Failure to comply with biosecurity and food safety controls and inspections provided in this Order.

SECTION 21. Penalties - Any importer who is found to have violated (a) to (j) of the previous section shall be punished with an administrative fine of five (5) times the value of the species or Three Hundred Thousand Pesos (₱300,000.00) to Five Hundred Thousand Pesos (₱500,000.00), whichever is higher, and forfeiture and/or destruction of the species.

Upon conviction by a court of law, the offender shall be punished with eight (8) years of imprisonment and fine of twice the administrative fine, forfeiture and/or destruction of the species: Provided, that offenders shall be banned from being members or stockholders of companies currently engaged in fisheries or companies to be created in the future.

Failure on the part of the shipping or forwarding Company from whose possession the fish or fishery species imported are discovered or seized to fully cooperate in the investigation conducted by concerned government authorities shall create a presumption that there is connivance or conspiracy between the shipping company and the shipper to perpetrate the aforementioned offenses.

For violations under (k) to (r) of the previous section, the offender shall be punished with a fine of One hundred thousand pesos (P100,000.00) to Five million pesos (P5,000,000.00), depending on the socioeconomic impact and seriousness of the violation, volume and value of the fisheries product, damage to the environment due to the violation, and the habituality of the offender.

For all violations under this Order, the accompanying penalties of confiscation and forfeiture of imported fish or fishery/aquatic products in favor of the government shall be imposed. Provided that, for violations under (a) to (j) of the previous section, the

accompanying penalties of blacklisting and permanent disqualification from importation of fish and fishery/aquatic products shall likewise be imposed.

For habitual violators under Rule 135.1 of the IRR of RA 8550, as amended, or those who have committed multiple fishery laws violations under Section 4 (82)(j) of the same Code, the maximum penalty shall be imposed and the additional administrative penalties or sanctions under Section 135 of the Fisheries Code, as amended, shall also be applied.

The foregoing penalties shall not preclude the application of the provisions of Republic Act No. 10845 otherwise known as "The Anti-Agricultural Smuggling Act of 2016", Republic Act No. 10611 otherwise known as "The Food Safety Act of 2013", and any other existing applicable laws.

CHAPTER VII MISCELLANEOUS PROVISIONS

SECTION 22. Repealing Clause. – All existing Orders, rules and regulations or parts thereof, which are inconsistent with the provisions of this Order, including Fisheries Administrative Order Nos. 195 and 259, are hereby repealed or modified accordingly.

SECTION 23. Separability Clause. – If any portion or provision of this Order is declared unconstitutional or invalid, the other portion or portions thereof, which are not affected thereby, shall continue in full force and effect.

SECTION 24. Effectivity. – This Order shall take effect fifteen (15) days after publication in one (1) newspaper of general circulation and upon filing with the Office of the National Administrative Register.

Done this ____ day of _____ 2022 in Quezon City.

WILLIAM D. DAR, Ph. D.
Secretary
Department of Agriculture

ANNEX 1

I. Documentary Requirements for Licensing of Importers for Importation requiring CNI:

- a. Letter of Intent addressed to the BFAR National Director
- b. Valid registration certificates from DTI (for sole proprietorship), SEC (for corporations), CDA (for cooperatives), or DOLE (for associations and organizations)
- c. Valid Mayor's/ Business Permit
- d. Valid BIR Registration and company/ sole proprietorship Tax Identification Number (TIN)
- e. Name and location of cold storage facility compliant with the sanitation standard operating procedure as approved by the DA-BFAR
- f. Valid permit to Conduct Business (PCTD) issued by the PFDA
- g. Valid BOC-Accreditation Certificate from BOC
- h. Certified True Copy of Valid Lease Agreement of fish importer with CSW-operator;
- i. Valid Licensing Certificate of CSW from the DA-BFAR

II. Documentary Requirements for Licensing of Importers for Canning/Processing:

- a. Valid registration certificates from DTI (for sole proprietorship), SEC (for corporations), CDA (for cooperatives), or DOLE (for associations and organizations)
- b. Valid Mayor's/ Business Permit
- c. Valid BIR Registration and company/ sole proprietorship Tax Identification Number (TIN)
- d. Valid Licensing Certificate of CSW from the DA-BFAR
- e. Valid BOC-Accreditation Certificate from BOC;
- f. Certified True Copy of Valid Lease Agreement of fish importer with CSW-operator
- g. License to Operate (LTO) from FDA of canners and processors who are directly importing, if applicable
- h. License to Operate of the canning and processing plant being supplied by the appointed importer, if applicable
- i. Sanitary permit (for micro-small enterprise)

ANNEX II
Risk Profiling of Importers

Objective: The objective of this mechanism is to categorize importers according to risk profile and to apply the BFAR's corresponding control and enforcement

A. Components of Risk Analysis

1. Risk Assessment
2. Risk Management
3. Risk Communication

B. Procedure of Risk Profiling

b.1. Collection of relevant data as risk indicators

b.1.1. Identity of the Importer / Exporter

Risk Indicators	Criteria	Score
Identity of Importer	Difficult to locate the company	5
	No establishment	5
	Do not allow the Fish Inspectors to conduct on-site inspection and verification of facilities	5
	Not licensed	5
	New entrant	4
	New entrant with minimum transaction history	3
	An entity with established place of business with less frequent transaction history	2
	An entity with established place of business with frequent transaction history	1
	Consistently licensed	1

b. 1.2 Compliance History

Risk Indicators	Criteria	Score
Compliance History	Severely penalized	5
	Changing of the final destination of imported fish or CSW without any leasehold contract or exceeds the allowable 3 CSW	5
	Using non-accredited CSW, unload without the presence of SBI	5
	Diversions to wet market/unload imported fish far from the actual operation of processing plant	5

	With records of pending administrative or criminal cases related to importation of fish	5
	Declared volume is inconsistent with the actual volume requirements	5
	Providing false information in the application form or any of the accompanying documents to the application	5
	Violations of relevant SPS and biosafety rules and regulations or any conditions imposed in the SPSIC	5
	Moderately penalized	4
	Occasional infringements with no fraud	3
	Use of plug-in reefer container outside the licensed cold storage warehouse	3
	Minor unintentional infringement errors	2
	Minimal history of violations	2
	Has settled all administrative and criminal case related to fish importation	2

b.1.3 Level of Internal Control and Record Keeping

Risk Indicators	Criteria	Score
Level of Internal Control and Record Keeping	No internal control and documentation system	5
	No records detailing the disposition of imported fish	5
	No production data	5
	With internal control procedures but not implemented	4
	Internal control procedures are not documented	3
	Minimal deviation from the documented procedure	2
	Need to update inspection and verification reports	2
	With records but not in order to support claim of the disposition report	2
	Documented internal control system	1
	Volume of importation is within CSW capacity	1
	New technical information becomes available to the concerned bureau or agency indicating that the product, if allowed for its ended use will result to risks to human, animal, or plant health or life and the environment	1
	Updated inspection and disposition report	1

b.1.4 Importables

Risk Indicators	Criteria	Score
Importables	Regulated/banned species import of fishery products in CITES Appendices 1 & 3	5
	Fish species in the negative list	4
	Fishery products in CITES Appendix 2 (needs assessment)	3
	Species with food safety risk but with impact to domestic production	2
	Species without food safety risk and impact to local production	1

b.1.5 Capital Amount Invested

Risk Indicators	Criteria	Score
Capital Amount Invested (Php)	Microsmall	4
	Small	3
	Medium	2
	Macro	2

b.1.6 Active Period

Risk Indicators	Criteria	Score
Active Period	<3 years	5
	3-8 years	4
	9-14 years	3
	15-19 years	2
	20-22 years	1

b. 2 Structure the Data using the chart or matrix

b.3. Based on the risk indicators stated from b.1 to b.6, each importer is evaluated using the standard risk registry matrix

b.4. Analyse the data using the following formula:

b.4.1. For impact/severity rating:

- Add all scores for each risk indicators (refer to annex_). In cases of two (2) or more criteria under the same risk indicators, find the average
- b.4.2 For Probability rating:
- Number of non-compliances over the past three (3) to five (5) years

Refer to the table below for the corresponding value of the risk impact and probability:

Value		Impact	Probability
5	High	19-29	>11
3	Medium	10-18	6-10
1	Low	1-9	=5

b.5. For the final categorization of risks, multiply the corresponding value of impact and probability as shown in the table below:

	Low	Medium	High
High	5	15	25
Medium	3	9	15
Low	1	3	5
Legend		1&3	Low
		5&9	Medium
		15&25	High

C. Frequency of Risk Profiling of Importers

The risk analysis for each importer shall be conducted per year except for importer with multiple violations that has adverse impact to the implementation of the food safety control system

D. Frequency of inspection and monitoring

- Frequency of inspection and monitoring to be conducted by the Fish Inspectors shall depend on the severity and probability of risk guided by the diagram below:



Extensive Mgt.	100% Inspection and Monitoring
Manage and Monitor Risk	80% Inspection and Monitoring
Considerable Management	60% Inspection and Monitoring
Less Monitoring	40% Inspection and Monitoring
Accept but monitor risk	20% Inspection and Monitoring
Accept risk	No Inspection and Monitoring

- E. **Transparency** – the importer/exporter shall be informed with the final list of importer risk profile. If possible, it shall be uploaded in the BFAR official website.

ANNEX III
Disposition Report

Company Name:
Address:
Classification of Importer:
Contact Person:

DISPOSITION REPORT FOR IMPORTED FISH/FISHERY AQUATIC PRODUCTS

SPS CLEARANCE No.	No. of Cold Storage	Storage Capacity	FISHERY PRODUCT IMPORTED	Volume of Importation Applied (MT)	Volume of Importation APPROVED(MT)	ACTUAL VOLUME ARRIVED (MT)	STATUS OF IMPORTED PRODUCTS				BRAND NAME OF FINISHED	INTENDED MARKET	Remarks/ Balance
							IN CS	IN Processing	Finished Products	Others (Specify)			

Prepared By: _____
(Signature over printed name)

Verified by: _____
(Signature over printed name)

Position
Date:

ANNEX IV

Laboratory Analysis with Regulatory Limits

ANALYSIS	REGULATORY LIMIT		REFERENCE
1. PHYSICO-CHEMICAL EXAMINATION			
1.1. pH	Fish Sauce	4.5-6.5	CXS 302-201.CAC
1.2. Water Activity (Aw)	Fish & Fishery Product	0.85	PNS/FDA 36:2012
	Boiled Dried Salted Anchovies	0.75	CXS 236-2003.CAC
1.3. % Sodium Chloride (% Salt)	Boiled Dried Salted Anchovies	15%	CXS 236-2003.CAC
	Fish Sauce	200g/L	CXS 302-2011.CAC
1.4. % Moisture	Fresh and Frozen Cephalopods	85%	PNS BAFS 136:2014
1.5. Ash	Boiled Dried Salted Anchovies (Acid insoluble ash)	1.5%	CXS 236-2003.CAC
1.6. Trimethyl amine - Nitrogen	Frozen milkfish and tilapia	5-10 mg N/100g	PNS/BAFPS 66:2008 PNS/BAFPS 67:2008
1.7. Total Volatile Base - Nitrogen	Frozen milkfish and tilapia	20-30 mg N/100g	PNS/BAFPS 66:2008 PNS/BAFPS 67:2008
2. PHYSICAL EXAMINATION			
2.1. Sensory Test for Freshness / Gross Physical Examination	Fish & Fishery Product	Sensory Evaluation	-Codex Alimentarius; -PNS/BAFPS 69:2008: Quick frozen raw squid; -PNS/BAFPS 71:2008: Quick frozen finfish, uneviscerated

			<p>and eviscerated;</p> <p>-PNS/BAFPS 73:2009: Live, chilled/frozen grouper;</p> <p>-PNS/BAFPS 90: 2011: Quick Frozen Fish Fillets;</p> <p>-PNS/BAFPS 66:2008: Frozen Milkfish;</p> <p>-PNS/BAFPS: 67: 2008: Frozen Tilapia;</p> <p>-PNS BAFPS: 138: 2014: Fresh-chilled, fresh frozen and treated tuna;</p> <p>-FAO Sensory Assessment of Fish Quality</p>
3. BIOLOGICAL			
3.1. MICROBIOLOGICAL EXAMINATION			
3.1.1. Aerobic Plate Count (APC)	Fish & Fishery Product	500,000 cfu/g	FDA 2013-10
	Frozen Raw Crustaceans	100,00,000 cfu/g	FDA 2013-10
	Frozen Cooked Crustaceans	500,000 cfu/g	FDA 2013-10
3.1.2. <i>Staphylococcus aureus</i>	Fish & Fishery Product	1,000 cfu/g	FDA 2013-10
3.1.3. <i>Salmonella</i> sp.	Fish & Fishery products	Absent in 25 g	FDA 2013-10
3.1.4. <i>E. coli</i>	Fish & Fishery Product	11 MPN/g	FDA 2013-10
	Shellfish	16 MPN/g	FDA 2013-10
	Live Shellfish	230 MPN/g	PNS/BAFPS 89: 2011
	Water	<1.1 mpn/100 mL	Administrative Order No.-2017-0010 PNS for Drinking Water 2017

3.1.5.	Fecal Coliform	Water	<1.1 MPN/100 mL	Administrative Order No.-2017-0010 PNS for Drinking Water 2017
3.1.6.	Total Coliform	Water	<1.1 MPN/100mL	Administrative Order No.-2017-0010 PNS for Drinking Water 2017
3.1.7.	Heterotrophic Plate Count (HPC)	Ice and Water	500 cfu/mL	Administrative Order No.-2017-0010 PNS for Drinking Water 2017
3.1.8.	Enterococci	Water	<1.1MPN/100 mL	Council Directive 98/83/EC of 1998
3.1.9.	<i>Shigella</i> sp.	Fresh Frozen Cephalopods	Absent	PNS BAFS 136:2014
3.1.10.	<i>Vibrio parahaemolyticus</i>	Fish and Fishery products	100 cfu/g	FDA 2013-10
3.1.11.	<i>Vibrio cholerae</i>	Fish and Fishery Products	Absent	FAO 210 sec 2 series 2001
3.1.12.	<i>Listeria monocytogenes</i>	Fish and Fishery Products	Absence of organism	FDA AND EPA SAFETY LEVELS IN REGULATIONS AND GUIDANCE
3.1.13.	Yeast and Molds	Dried Fish	1000cfu/g	PNS/BAFS 176:2016
3.2. PARASITOLOGICAL EXAMINATION				
3.2.1.	Zoonotic	Fresh Chilled Fish Products	Absence of Live Parasites	Codex Alimentarius
3.2.1.1.	Nematodes: <i>Anisakis</i> spp., <i>Capillaria</i> spp., <i>Gnathostoma</i> spp., <i>Pseudotera nova</i> spp.			
3.2.1.2.	Cestodes: <i>Dibothriocephalus latus</i>			
3.2.1.3.	Trematodes: <i>Clonorchis</i> spp., <i>Opisthorchis</i> spp., <i>Paragonimus</i> spp., <i>Heterophyes</i> spp., <i>Echinochasmus</i> spp.			
3.3. SHRIMP PATHOGENS				
3.3.1.	White Spot Syndrome Virus (WSSV)	Fresh Chilled/Frozen Whole Shrimp	Negative Detection	World Organization for Animal Health (OIE) Listed Diseases/ Emerging Disease
3.3.2.	Taura Syndrome Virus (TSV)			
3.3.3.	Infectious Myonecrosis Virus (IMNV)			
3.3.4.	Yellow-head Virus (YHV)			
3.3.5.	<i>Macrobrachium rosenbergii</i> -Nodavirus (MrNV)			

	Fish Sauce	40mg/100g	CXS 302-2011	
	Smoked-Fish, smoked-Flavoured Fish and Smoked-Dried Fish;	20mg/100g	CXS 311-2013	
	Dried Danggit		PNS/BAFPS 68:2008	
4.3. MARINE TOXINS				
4.3.1.	Paralytic Shellfish Toxin (PST)	Bivalve Mollusks	60mg/ 100g FAO 235 Series of 2010	
4.3.2.	Amnesic Shellfish Poisoning (ASP)	Bivalve Mollusks / Anchovies	20mg/g PNS/BAFPS 89:2011	
4.3.3.	Diarrhetic Shellfish Poisoning (DSP)	Bivalve Mollusks	160 µg/kg PNS/BAFPS 89:2011	
4.3.4.	Ciguatera	Fish	Caribbean ciguatoxins: ≥ 0.1 µg/kg Caribbean ciguatoxin-1 (C-CTX-1) equivalents;	FDA AND EPA SAFETY LEVELS IN REGULATIONS AND GUIDANCE
			Pacific ciguatoxins: ≥ 0.01 µg/kg Pacific ciguatoxin-1 (P-CTX-1) equivalents.	FDA AND EPA SAFETY LEVELS IN REGULATIONS AND GUIDANCE
4.3.5.	Azaspiracid	Bivalve mollusk	≥ 0.16 mg/kg azaspiracid-1 equivalents FDA AND EPA SAFETY LEVELS IN REGULATIONS AND GUIDANCE	
4.3.6.	Brevetoxin	Bivalve Mollusks	≥ 0.8 mg/kg (20 mouse units/100 g) brevetoxin-2 equivalent FDA AND EPA SAFETY LEVELS IN REGULATIONS AND GUIDANCE	
4.3.7.	Cyanide	Fish	0.2mg/ kg US EPA	
4.3.8.	Formaldehyde	Fish	0.2mg/ g/ bw US EPA and EFSA	
4.4. BANNED ANTIBIOTIC RESIDUES				
4.4.1.	Chloramphenicol (CAP)	Aquaculture and Fishery Products	Negative Detection DA AO No. 60 s.1990/ DOH AO No. 91 s.1990	
4.4.2.	Nitrofurans and Metabolites	Aquaculture and Fishery Products	Negative Detection DOH-DA Joint Administrative Order No. 2 s. 2000	
4.4.2.1.	AOZ			
4.4.2.2.	AMOZ			
	4.4.2.3.	AHD		

4.4.2.4. SEM			
4.4.2. Nitroimidazole and Metabolite	Aquaculture and Fishery Products	Negative	EU Commission Regulation No. 37/2010
4.5. RESIDUES OF OTHER ANTIBACTERIAL SUBSTANCES			
4.5.1 Chlortetracycline	Aquaculture and Fishery Products	200 µg/kg (sum of chlortetracycline, oxytetracycline and tetracycline)	CAC/MRL 2-2015
4.5.2. Oxytetracycline	Aquaculture and Fishery Products	200 µg/kg (sum of chlortetracycline, oxytetracycline and tetracycline)	CAC/MRL 2-2015
4.5.3. Sulfamethazine	Aquaculture and Fishery Products	100 µg/kg (total sulfonamides present)	EU Commission Regulation No. 37/2010
4.5.4. Amoxicillin	Aquaculture and Fishery Products	50 µg/kg	CAC/MRL 2-2015
4.5.5. Trimethoprim	Aquaculture and Fishery Products	50 µg/kg	EU Commission Regulation No. 37/2010
4.5.6. Sulfadiazine	Aquaculture and Fishery Products	100 µg/kg (total sulfonamides present)	EU Commission Regulation No. 37/2010
4.5.7. Oxolinic Acid	Aquaculture and Fishery Products	100 µg/kg	EU Commission Regulation No. 37/2010
4.5.8. Erythromycin	Aquaculture and Fishery Products	200 µg/kg Erythromycin A (marker residue)	EU Commission Regulation No. 37/2010
4.5.9. Florfenicol	Aquaculture and Fishery Products	1000 µg/kg (sum of florfenicol + florfenicol amine)	EU Commission Regulation No. 37/2010
4.6. STILBENES			

4.6.1. Diethylstilbestrol (DES)	Finfish	Negative Detection	EU Commission Regulation No. 37/2010
4.7. DYES			
4.7.1. Malachite green and metabolites	Aquaculture and Fishery Products	Negative Detection	BFAR Administrative Circular No. 256 s.2015
4.7.2. Gentian Violet			
4.8. PCBs			
4.8.1 Non-Dioxin-like	Wild caught freshwater fish	125 µg/kg	Commission Regulation (EC) No 1881/2006
	Other fish and fishery products	75 g/kg	
4.8.2. Dioxin-like	Aquaculture and Fishery Products	6.5 µg/kg	Commission Regulation (EC) No 1881/2006

ANNEX VI

Certificate of Fish Inspection (COFI)

Republic of the Philippines
 Department of Agriculture
BUREAU OF FISHERIES AND AQUATIC RESOURCES
 3rd Floor, PCA Building, Elliptical Road, Diliman, Quezon City
 Tel. Nos. 929 – 9597, 929-8047

CERTIFICATE OF FISH INSPECTION

Control Code: _____

Date and Time: _____

Pursuant to the provisions of *Philippine Fisheries Code of 1998* (RA No.8550, as amended by RA No. 10654, An Act to Prevent, Deter and Eliminate IUU Fishing), *Food Safety Act of 2013* (RA No. 10611) and FAO 195, FAO 259 and *BFAR Administrative Circular (BAC) 251* are herein is/are authorized for domestic movement of imported frozen fish.

A. TRANSPORT DETAILS			
Importer code		Name of Client/Buyer	
Importer's Address & Contact No.:		Clients/Buyers Address & Contact No	
Company Representative		Client Representative	
Product Destination			
Transport Means and Plate No.			

B. PRODUCT DETAILS (Use separate sheet of necessary)

SPSIC No.	Commodity/Species	Quantity (kgs or pcs)	Receipt No.	Remarks (purpose of importation)

I hereby certify that the imported frozen fish are fit for human consumption and the information provided herein is true and correct to the best of my knowledge.

Inspected by: _____

Conforme: _____