

[BPI DA Quarantine Administrative Circular No. 01, s. 2015, June 10, 2015]

RULES AND REGULATIONS GOVERNING THE IMPORTATION OF FRESH GINGER FOR CONSUMPTION FROM PEOPLE'S REPUBLIC OF CHINA (PROC) INTO THE PHILIPPINES

Adopted: 10 June 2015

Date Filed: 13 July 2015

WHEREAS, the National Plant Quarantine Services Division of the Bureau of Plant Industry (NPQSD- BPI), by virtue of also known as Presidential Decree No. 1433, as amended, *Plant Quarantine Law of 1978* 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 ginger 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, and;

WHEREAS, the completed PRA serves as the basis for the issuance of this QAC.

NOW, THEREFORE, I, PROCESO J. ALCALA, Secretary of the Department of Agriculture, by the powers vested in me by law, do hereby issue this Order providing guidelines governing the importation of Fresh Ginger for Consumption from PROC.

ARTICLE I
SCOPE AND DEFINITION OF TERMS AND ACRONYMS

Section 1. SCOPE – This Order shall govern the importation of fresh ginger for consumption from PROC.

Section 2. DEFINITION OF TERMS – *For the purpose of this Order*, the following terms, words and phrases **herein used** shall be construed to mean as follows:

A. DEFINITION:

- a. Additional Declaration – a statement that is required by the BPI NPQSD to be entered on a Phytosanitary Certificate (PC) which provides specific additional information pertinent to the consignment.
- b. Consignment – a specific quantity of fresh ginger being moved from China to the Philippines covered by a single PC.
- c. Maximum Residue Limit – allowable limit of pesticide level on fresh ginger set by the *Codex Alimentarius Commission*.
- d. 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 plant products such as fruits, onion and garlic, ginger etc. is twenty (20) days);
- e. 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. [FAO, 1995; revised IPPC, 1997; ISPM No. 2, 2007]
- f. Phytosanitary Certificate – Certificate patterned after the model certificates of the IPPC. [FAO, 1990; ISPM No. 5, 2006]
- g. Phytosanitary Certification – use of phytosanitary procedure leading to the issuance of a Phytosanitary Certificate. [FAO, 1990; ISPM No. 5, 2006]
- h. Phytosanitary Measure – any legislation, regulation or official procedure having the purpose to prevent the introduction and/or spread of quarantine pests, or to limit the economic impact of regulated non-quarantine pests. [FAO, 1990; ISPM No. 5, 2006]
- i. Sanitary and Phytosanitary Import Clearance (SPS IC) – document issued prior to importation by the Bureau of Plant Industry (BPI) to ensure that the products being imported meet 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 suitability of the product for the intended purposes.
- j. Registered Importer – refers to a person registered 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.

B. ACRONYMS:

AQSIQ – General Administration for Quality, Supervision, Inspection and Quarantine of the PROC

BPI – Bureau of Plant Industry (the NPPO of the Philippines)

CIQ – China Exit-Entry Inspection and Quarantine

MRL – Maximum Residue Limit

NPPO – National Plant Protection Organization

NPQSD – National Plant Quarantine Services Division

PC – Phytosanitary Certificate

SPSIC – Sanitary and Phytosanitary Import Clearance

PQO – Plant Quarantine Officer of the BPI

PRA – Pest Risk Analysis

ARTICLE II

IMPORTER REGISTRATION GUIDELINES AND PROCEDURES

The following guidelines and procedures shall be implemented in the registration of the Importers of Fresh Ginger for Consumption

A. Requirements for Registration as Importer . The following documentary requirements must be submitted to the BPI for purposes of registration as importer. For documents requiring Certified True Copy, the importer shall bring the original copy for comparison with the scanned copy or photocopy. If proven a faithful reproduction, the same shall be stamped *Verified from the Original*.

1. Letter of Intent addressed to the BPI Director thru the Chief of BPI – NPQSD
2. Notarized Accomplished Application Form accomplished by the applicant, together with attached latest 2x2 colored picture (white background) of the owner and representative/s;
3. Company Profile (for first time applicants only)
4. Board Resolution of the Corporation/Cooperative or Special Power of Attorney issued by the importer authorizing the legal representative/s of the importer. Current Mayor's Permit (Certified True Copy);
5. BOC Accreditation – Accounts Management Office (AMO) Certification (CTC);
6. For Single Proprietorship – DTI Registration (CTC);
7. For Corporation/Partnership/Cooperative/Joint Venture/ Associations –
 - a. Proof of SEC Registration (CTC) / Cooperative Development Authority (CDA) Certificate of Registration (CTC);
 - b. General Information Sheet and certified list of incumbent executive officers
 - c. Current Certificate of good standing from the Securities and Exchange Commission (SEC) or CDA or other applicable registering agencies, whichever is applicable (CTC);
 - d. Additional Requirements for Farmers' Cooperative/Confederation
 - 1) List of farmers cooperators and their addresses; If a confederation, list of farmers, addresses and voters ID or barangay ID
 - 2) Board Resolution authorizing the importation
8. BIR Registration, Importers Clearance Certificate (ICC) and Brokers Clearance Certificate (BCC)

9. Tax Identification Number of the Corporation/Partnership/Sole Proprietorship/ Cooperative/ Association;
10. Audited Financial Statement for the previous year (CTC) except for the following businesses:
 - a. Newly established business which is less than one year in its operation; or
 - b. Other entities or bodies which are explicitly exempted under the law, agreement or other similar legal instruments.
11. Declaration of warehouse/storage facility (location, capacity);
12. Notarized contract of lease or proof of ownership of warehouse/cold storage/farm land (CTC);
13. DA-Certificate of Accreditation for Cold Storage Warehouse (if applicable)
14. Fees to be Collected
 - a. PHP1,000.00 Application Fee (AF).

B. Documentary Requirements for Renewal of Registration. Applicants shall submit the following documents at least six (6) months prior to the expiry date of registration:

- a. Letter of Intent addressed to the BPI Director thru the Chief of NPQSD
- b. Notarized Accomplished Application for Renewal Form with attached latest 2x2 colored picture (white background) of the applicant and duly authorized representative;
- c. Current or updated documents of the following:

Mayor's Permit or Business Permit
BOC AMO Certificate (CTC);
BIR Registration; ICC and BCC
- d. For Single Proprietorship: DTI Registration (CTC)
- e. For Corporation/Partnership/Cooperative:
 - 1) Updated SEC Registration (CTC) / CDA Certificate of Registration;
 - 2) Latest General Information Sheet and Certified List of incumbent executive officers
 - 3) Certificate of Good Standing from the Securities and Exchange Commission (SEC) or CDA or other applicable registering agencies, whichever is applicable (CTC);
- f. Current Audited Financial Statement for the previous two (2) years (CTC)

- g. Current or updated Annual Income Tax Return received by the Bureau of Internal Revenue (BIR)
- h. Declaration of warehouse/storage facility (location, capacity);
- i. Notarized contract of lease or proof of ownership of warehouse/cold storage/farm land (CTC);
- j. DA-Certificate of Accreditation for Cold Storage Warehouse (if applicable)
- k. Summary report of importation and utilization of SPSIC for the past two (2) years
- l. Fees to be Collected

1) PHP 2,500 Renewal Fee

C. Registration Procedure – The following steps or procedure shall be observed in the registration of importers:

1. Application for Registration of Importer

- a. The Applicant for Registration 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 BPI-PQS shall immediately check the submitted application as to the completeness of the required documents. Application for registration with incomplete requirements shall be returned to the applicant stating the reason for non-acceptance.
- c. BPI-PQS designated staff shall evaluate the submitted accomplished application form together with the required documents for registration.
- d. Only applicant who has submitted the complete documents needed for COR shall pay the application fee.

2. 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. Plant Quarantine Service Mandate, Functions, and Activities.
- b. Categorization of Commodities
- c. Pest Risk Analysis
- d. Import Process Flow
- e. Registration Process
- f. SPSIC Issuance Process Flow
- g. Port Inspection Procedure
- h. Laboratory Procedure
- i. Grounds for Suspension/ Blacklisting of Importers
- j. Other relevant topics as maybe deemed necessary

3. Preliminary Interview with a Senior Staff of NPQSD

- a. The preliminary interview shall take into account the criteria for approval enumerated in Section 14 hereof.