

**[NMIS ADMINISTRATIVE ORDER NO. 16, SERIES
OF 2006, October 16, 2006]**

**PRE-BORDER MEASURES FOR THE EXPORT OF MEAT AND MEAT
PRODUCTS TO THE PHILIPPINES**

WHEREAS, the spread of animal diseases and food-borne diseases among countries that continues as a consequence of increased global and inter-country trade of livestock and poultry and their products causes negative impacts on the domestic industry and economy;

WHEREAS, it is a paramount objective of the government to protect its borders and territories from the entry, establishment and spread of animal diseases that may be introduced by the importation of disease-carrying, contaminated, and/or adulterated meat and/or meat products, which endanger the safety/health and lives of the consuming public and which could bring potentially serious economic consequences to the livestock, poultry and related industries;

WHEREAS, the multilateral framework of rules and disciplines on international trade under the World Trade Organization (WTO) particularly the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) and the Agreement of Technical Barriers to Trade (TBT) reaffirm and guarantee the right of a country to institute appropriate measures as it deems necessary for the protection of human and animal health/life, or the prevention of deceptive practices, at the levels it considers appropriate, subject to the requirement that they are not applied in a manner that would constitute as a disguised restriction to trade;

WHEREAS, the Department of Agriculture (DA) recognizes and adopts international standards, guidelines and recommendations for: (a) animal health and zoonoses prescribed under the Terrestrial Animal Health Code of the Office International des Epizooties (OIE); and (b) food safety prescribed by the Codex Alimentarius Commission;

WHEREAS, Republic Act (RA) No. 9296 otherwise known as the Meat Inspection Code of the Philippines provides the general guidelines governing the sanitary regulations in handling processing, distribution, marketing and trading of meat and meat products;

WHEREAS, Section 34 of RA 9296 provides that an exporter to the Philippines is required to secure accreditation of its Foreign Meat Establishments (FMEs) and to subject its relevant region/s and/or country to the DA's import risk analysis (IRA) before the export of meat and meat products to the Philippines can be commenced;

WHEREAS, the DA Administrative Order (AO) No. 26, Series of 2005, otherwise known as the Revised Rules, Regulations, and Standards Governing the Importation of Meat and Meat Products into the Philippines provides that pre-border measures

(PBMs) are integral part of the country's risk management measures/policy (RMMs/RMP) to achieve the country's appropriate level of protection (ALOP);

WHEREAS, Section XV-B of AO 26, Series of 2005 provides that existing exporters of meat and/or meat products to the country shall be subject to review and assessment of their accreditation status;

WHEREAS, Section 35 of RA 9296 and Section V of DA AO 26, Series of 2005, mandate that only those FMEs recognized by, or under the inspection of the National Competent Authority (NCA) of the exporting country are qualified for DA accreditation to export to the Philippines;

WHEREAS, in the interest of transparency and clarity while ensuring that meat and meat products exported to the Philippines do not pose a threat to the health and safety of the consuming public and the domestic livestock and poultry industry, there is a need to issue a comprehensive set of rules, regulations and procedures governing pre-border measures particularly on the accreditation of FMEs that may be allowed to export meat and meat products to the Philippines;

NOW, THEREFORE, I, DOMINGO F. PANGANIBAN, Secretary of Agriculture, by the powers vested upon me by law do hereby issue this Order prescribing specific Pre-Border Measures governing the accreditation of Foreign Meat Establishments to export meat and meat products to the Philippines.

Section I. DEFINITION OF TERMS

- 1.1 **Accreditation** – refers to the privilege granted by the DA to a country or FME to export its meat and meat products to the Philippines after due evaluation, validation, on-site inspection and conduct of import risk analysis based on a set of rules, regulations, recommendations, and standards to determine the soundness of the veterinary services, animal health surveillance/monitoring system and the meat inspection system of the government and the status and features of the FMEs.
- 1.2 **Accredited FME** – refers to a foreign meat establishment that has been assessed by the NCA of the Philippines and have been found to meet the requirements to export meat and meat products to the Philippines.
- 1.3 **Applicant country** – refers to a foreign country applying for accreditation either system or for individual FME accreditation to export meat and meat products to the Philippines.
- 1.4 **Applicant fee** – refers to the fee to be paid by applicant countries to cover processing and administrative expenses of their application.
- 1.5 **Audit** – is a systematic and functionally independent examination to determine whether activities and related results comply with planned objectives including, but not limited to, on-site inspection and evaluation of livestock farms, laboratories, government establishments, FMEs to ascertain conformity to the standards and compliance to regulations set by the DA in accordance with the international standards. General Considerations during the conduct of audit is stated in ANNEX A1^[*].
- 1.6 **Certificate of FME Accreditation (CFMEA)** – refers to the legal instrument issued by the Secretary of Agriculture declaring and notifying the public that a particular FME has been accredited to

export meat and meat products to the Philippines and has satisfied all the requirements set by the DA.

- 1.7 **Certificate of System Accreditation (CSA)** – refers to the legal instrument issued by the Secretary of Agriculture declaring and notifying the public that a particular country has been accredited by the DA as source of meat and/or meat products to the Philippines processed from its NCA accredited and guaranteed FMEs.
- 1.8 **Codex Alimentarius Commission** – refers to the international organization recognized by the WTO for establishing food standards, codes of practice, guidelines and recommendations aimed at protecting consumer health and ensuring fair food trade practices. Codex also refers to food standards and related texts elaborated and adopted by the Commission, which are recognized by the WTO as benchmark standards in relation to food quality and safety.
- 1.9 **DA Inspection Mission (DAIM)** – refers to the team of technical experts designated by the Secretary on border control, animal health and meat inspection.
- 1.10 **DAIM Report** – refers to the written document prepared by the DAIM upon completion of on-site inspection of FMEs and a country's system and of the IRA, which contains the relevant information, data and supporting documents referring to the scientific and technical findings including its recommendations. Integral to this report are all supporting documents relevant throughout the accreditation process including those resulting from the IRA undertaken and the prescribed PBMs/RMMs.
- 1.11 **Foreign Meat Establishments (FMEs)** – refers to facilities in a foreign country engaged in slaughtering and dressing of food animals, and processing, cutting, packing and storing of meat and meat products, and are duly licensed by the NCA of that country to export meat and meat products.
- 1.12 **Hazard Analysis and Critical Control Point (HACCP)** – refers to the "HACCP System and Guidelines for its Application" issued by the Codex Alimentarius Commission [CAC / RCP 1 – 1969, Rev. 3 (1997)].
- 1.13 **Import Risk Analysis (IRA)** – refers to the assessment of the risks of importation based on the risks to human, animal, plant life or health, taking into account risk assessment techniques developed by international organizations.
- 1.14 **Individual FME** – refers to the applicant FME in a country which is not a system accredited.
- 1.15 **Inspection and Audit Fund** – refers to the fund collected from fees paid by the applicant relative to their application for accreditation to export meat and meat products to the Philippines, which shall be deposited in the NMIS Trust Fund as a special account for the sole purpose of expending on activities relevant to accreditation and audit.
- 1.16 **Meat** – refers to the fresh, chilled or frozen edible carcass or parts thereof including offal derived from food animals.
- 1.17 **Meat Product** – refers to meat, which has been subjected to physical change and/or treatment such as cooking, drying, salting, brining or smoking.
- 1.18 **National Competent Authority (NCA)** – refers to the national veterinary authority having jurisdiction over the whole country for implementing the animal health measures based on OIE Terrestrial Animal Health Code and/or meat and meat products quality and safety measures based on Codex standards.

- 1.19 Office International des Epizooties (OIE) – refers to the international organization recognized by the WTO as the responsible body for establishing the animal health standards, guidelines and recommendations.
- 1.20 **Representative FME** – refers to an FME which has been randomly selected by the DA from among the list of FMEs submitted by the NCA of a country applying for system accreditation. It shall serve as an example of export FMEs in the applicant country for inspection and evaluation for physical structure and operations during on-site visits of the DAIM. The total number of selected representative FMEs to be visited shall be based on the DA's evaluation on the submitted questionnaire and other available information not necessarily provided by the applicant country.
- 1.21 **Risk Management Policy (RMP)** – refers to the overall risk management measures (RMMs) being applied by DA based on OIE and Codex standards and other science-based standards, which are deemed necessary to achieve the country's appropriate level of protection. Each measure required by DA herein is an integral part of the whole RMP, which guarantees protection of the country from the entry, establishment and spread of foreign diseases and contaminations associated with the importation of meat and/or meat products into the country. The RMP includes all measures which have the effect of verifying SPS controls at the country of origin, the country's customs areas, and post-entry areas, which take the form of, but not limited to, documentation requirements, certifications by appropriate bodies, slaughtering and processing standards, packing and labeling requirements, transportation and handling conditions, marketing, advertising, distribution requirements, risk communication measures, and disease and contamination control measures.
- 1.22 **System Accredited Country** – a country whose standards and system of monitoring, surveillance, inspection and control for animal and public health have been assessed by the NCA of the Philippines and have been found to meet the requirements to export meat and meat products to the Philippines.

Section II. SCOPE AND LIMITATIONS - This set of rules and regulations shall apply to a country or FME that intends to export HACCP (or equivalent standard) certified meat and meat products to the Philippines.

Section III. REQUIREMENTS FOR ACCREDITATION -

1. The applicant country intending to export to the Philippines must be an OIE member.
2. The applicant country may apply either for a SYSTEM ACCREDITATION or INDIVIDUAL FME ACCREDITATION.
3. The NCA of the applicant country shall serve as the counterpart contact agency of the DA. It shall be responsible for endorsing and certifying the veracity of all documentary requirements submitted to the DA.