

**[ BOC Customs Memorandum Order No. 30-2015,  
September 15, 2015 ]**

**RULES AND REGULATIONS FOR THE ESTABLISHMENT,  
SUPERVISION AND CONTROL OF WHARVES, CONTAINER YARDS,  
CONTAINER FREIGHT STATIONS, WAREHOUSES, EXAMINATION  
AREAS AND OTHER FACILITIES WITHIN THE CUSTOMS ZONE,  
OTHERWISE KNOWN AS AUTHORIZED CUSTOMS FACILITY (ACF)**

*Adopted: 15 September 2015*

*Date Filed: 21 September 2015*

The rules and regulations governing Wharves, Container Yards (CY), Container Freight Stations, Warehouses, Examination Areas and other facilities within the Customs Zone are hereby promulgated.

**1. Objectives**

1.1 This Order is issued for the following purposes:

- To implement the Authorized Economic Operator (AEO) program established under the World Customs Organization (WCO) Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework) and the WTO Trade Facilitation Agreement (WTO-TFA) by ensuring the integrity and security of cargo in cross-border trade from the supply source to customs clearance to final distribution at the point of destination;
- To provide the minimum supply chain security standards and best practices for AEOs;
- To harmonize the electronic cargo information requirements on inbound, outbound and transit shipments for use in a risk management approach to address security threats and ensure customs compliance;
- To institute guidelines governing the establishment and supervision of Wharves, Container Yards (CY), Container Freight Stations, Warehouses, Examination Areas and other facilities located in customs zone and/or in airports and seaports, and used for the temporary handling and storage of imported goods; and
- To promote the utilization of these facilities for the promotion of security in the supply chain, the proper collection of duties and taxes, the prevention of the entry of drugs and other anti-social goods, and the facilitation of the clearance process for imported goods.

**2. Coverage**

- 2.1 This Order shall cover all Wharves, Container Yards (CY), Container Freight Stations, Warehouses, Examination Areas and other facilities located in customs zone and/or in airports and seaports, and used for the temporary handling and storage of imported goods immediately discharged from the carrying airplanes, vessels and other means of international transport. Existing facilities accredited as Customs Bonded Warehouses (CBWs) will be subject to review and re-accreditation as an Authorized Customs Facility (ACF).
- 2.2 This Order shall not apply to warehouses and facilities with existing licenses as Container Yard and/or Container Freight Station Outside Customs Zone (CY/CFS-OCZ) and other Off-Dock Customs Facilities (OCF) outside of the Customs Zones which are subject of a separate set of rules and regulations.

### **3. General Provisions**

- 3.1 All Wharves, Container Yards (CY), Container Freight Stations, Warehouses, Examination Areas and similar facilities as defined in Section 2 shall be considered as part of the customs zone and shall be subject to the supervision and control of the Bureau of Customs as an Authorized Customs Facility (ACF).
- 3.2 In addition to those prescribed in this Order, these facilities shall be subject to such requirements, rules and conditions which may be imposed by the Commissioner of Customs and shall be made accessible to all authorized Customs officials or representatives upon proper demand for ocular inspection.
- 3.3 Inventory and other management records of imported cargoes handled and stored by authorized operators shall be maintained and kept at all times in their places of business and shall be accessible and available online to authorized BOC officers. Such records shall be subject to inspection by authorized customs officials or representatives and, upon proper demand, shall immediately be produced and submitted to such officials or representatives.
- 3.4 Only ACF operators shall be allowed to handle and store imported goods that are immediately discharged from the arriving airplane, vessel and other means of international transport.

### **4. Operational Provisions**

- 4.1 Application to Establish and Operate an Authorized Customs Facility (ACF).
- a. Documentary, Security and Other Requirements. Any person or firm desiring to establish and operate an AFC shall apply in writing to the Collection District where the proposed ACF facilities are to be located and shall submit the following documents:
- Application Letter
  - SEC Articles of Incorporation, BIR Certificate of Registration and Mayor's Permit (if not yet filed under the Client Profile Registration System-CPRS)

- Location and layout of facility, including machinery, equipment and x- ray facility, as applicable (including lease contract or title to the property)
- Audited Financial Statement for the last two (2) years immediately preceding the date of application
- Web-based inventory management system
- Customs facility for use of customs complement (or proposed facility)

An ACF must have written and verifiable procedures on the following:

- Security procedures for service providers and vendors
  - Container security integrity and breach detection measures (e.g. container storage and seals)
  - Physical access controls (e.g. security personnel, employee ID system, searches, visitor/vendor verification)
  - Personnel security (e.g. pre-employment verification, background checks)
  - Procedural Security (e.g. cargo control, shipping and receiving, container opening and release)
  - Security Training and Awareness
  - Physical Security (e.g. fences, gates, parking, building structures, locks and keys, lighting, alarm systems and video surveillance cameras)
  - IT Security (e.g. password, accountability)
- b. The ACF management shall cause the mandatory and periodic training of a sufficient number of its personnel for the handling/storage/ management of dangerous goods.
  - c. Upon receipt of the above documents, the District Collector, through the Deputy Collector for Operations, shall immediately direct an inspection of the proposed ACF and an evaluation on the merit of the application. The inspection report and evaluation together with the recommendation/s from the concerned customs officers shall be submitted to the District Collector within fifteen (15) working days upon receipt of the directive.
  - d. Upon receipt of the evaluation and inspection report, the District Collector shall endorse the same to the Director, Port Operations Service (POS) for review. The Director shall submit its final evaluation report within fifteen (15) working days from receipt of the report to the Deputy Commissioner, Assessment and Operations Coordinating Group, (AOCG).
  - e. The Deputy Commissioner, AOCG shall endorse to the Commissioner the report/recommendation for final approval of the application to operate an ACF through the issuance of a Certificate of Authority, which shall be valid for the period granted by the Commissioner.
  - f. Upon issuance of the Certificate of Authority to Operate, the ACF shall comply with the following:
    - E2M Connectivity. Request from Management Information System and Technology Group (MISTG) to provide them with connectivity to e2m/OLRS upon presentation by the operator of the original authority to operate duly approved by the Commissioner of Customs.