

**[BFAR ADMINISTRATIVE ORDER NO. 221, s.
2003, March 06, 2003]**

**FURTHER REGULATING THE IMPORTATION OF LIVE FISH AND
FISHERY/AQUATIC PRODUCTS UNDER FAO NO. 135 S. 1981 TO
INCLUDE MICROORGANISMS AND BIOMOLECULES**

Pursuant to Sections 10, 61 (d), 65, 67, 100 and 107 of Republic Act No. 8550 and Section 7 of Presidential Decree No. 704 and further regulating the importation of live fish and fishery/aquatic products to include aquatic microorganisms under FAO No. 135, s. 1981, this order regulating the importation of live fish and fishery products, aquatic microorganisms and biomolecules conformably with the international agreements for aquatic environmental protection is hereby issued for compliance by all concerned.

SECTION 1. Definition — The terms as used in this order shall be construed as follows:

a. *Aquatic Microorganisms* — include, but are not limited to, viruses, bacteria, fungi, parasites, and other similar organisms, and their products in any form.

b. *Biomolecules* — Organic molecules and their synthetic forms occurring in living organisms.

c. *Competent Authority* — The national aquatic animal health authority of a country/territory with the officially approved responsibility and competence to ensure and supervise the implementation of aquatic animal health management.

d. *Fish and Fishery Products* — include not only finfish but also mollusks, crustaceans, echinoderms, marine mammals and other species of aquatic flora and fauna and all other products of aquatic living resources in any form.

e. *Genetically Modified Organisms (or GMO)* — Living organisms the genetic material of which have been altered or modified by any of the varieties of modern molecular biology to make them capable of producing new substances or perform new functions.

f. *Health Certificate* — A certificate issued by an exporting country's competent authority or a BFAR recognized institution attesting to the health status of a shipment of imported fish and other aquatic organisms.

g. *Import Risk Analysis (or IRA)* — The process by which all factors associated with the importation of live fish and other aquatic organisms are assessed for negative, positive or no impact to the Philippine environment.

h. *Introduced Species (non-indigenous, exotic alien species)* — Any species intentionally or accidentally transported and released by man into an environment outside its historical or natural range, e.g., goldfish and imported hybrids.

i. *Quarantine* — The holding or rearing of fish and fishery products under conditions which prevent their escape, and escape of any pathogens they may be carrying, into the surrounding environment. This usually involves sterilization or disinfection of all effluent and quarantine materials.

j. *Risk* — Probability of negative impact on live fish/aquatic organism's health, public health, environmental biodiversity, and habitat and/or socio-economic investments.

k. *Transferred or Transplanted Species* — Any species intentionally or accidentally transported by man within the established or historical range of species (i.e., milkfish or *Chanos chanos*).

SECTION 2. Coverage — This order shall cover the importation of live fish and fishery aquatic products, aquatic microorganisms, biomolecules including GMOs and endangered species subject to the agreement and regulations of the Bureau of Plant Industry, Bureau of Animal Industry, Protected Areas and Wildlife Bureau, Bureau of Food and Drugs, and other concerned offices and agencies.

SECTION 3. Categories Based on Risk — Upon receipt of the application for an import permit, the legality of importation of live fish shall be determined based on the CITES, to be categorized as follows:

a. *Low-Risk Species* — Species, such as aquarium fish, that are perceived to present no ecological, genetic and disease threats to native Philippine Species and to aquaculture.

b. *Medium Risk Species* — Species used in aquaculture or in aquarium or ornamental fish grade considered by BFAR to pose potential environmental impact. This may include species both native or transferred species and previously introduced species in natural bodies of water.

c. *High-Risk Species* — Exotic species known for its potential use for food or sport which have not been introduced in Philippine waters, to include fish or aquarium/ornamental trade that may most likely pose adverse environmental impact. This may include exotic species for food or sport that have been introduced into the country but with limited distribution and GMOs and species the eradication or restriction of which is considered desirable.

d. *Prohibited or Banned Species* — Species banned for importation under national and international laws or agreements. This includes exotic species the importation of which is prohibited due to their known adverse effect on local fauna, human health and the environment.

SECTION 4. Prohibition — It shall be unlawful to import or cause to be imported live fish and fishery products, aquatic microorganisms and biomolecules without a valid license or permit therefor issued by the Director of BFAR.

SECTION 5. Filing of Application to Import — The importer shall file a duly accomplished application with the BFAR at least five (5) working days prior to the importation of low risk species while ten (10) to fifteen (15) days for medium risk species upon payment of an application fee of one hundred fifty (P150.00) pesos, non-refundable, together with the following documents: (a) Pro-forma Invoice, and (b) Business Permit or Articles of Incorporation and By-Laws of Incorporation duly approved by the Securities and Exchange Commission. The decision to import high