

**[BFAR ADMINISTRATIVE ORDER NO. 195, S.
1999, September 20, 1999]**

**RULES AND REGULATIONS GOVERNING IMPORTATION OF
FRESH/CHILLED/FROZEN FISH AND FISHERY/AQUATIC
PRODUCTS**

In line with the government's intent of adopting a flexible policy towards the attainment of food security; in response to the emerging trends in the trade of fish and other aquatic products in domestic and international markets; in recognition of the need to ensure food safety on imported fish and fishery/aquatic products; and pursuant to Section 61 [c] and [d], Sections 62, 67, and 100 of Republic Act 8550, otherwise known as the Philippine Fisheries Code of 1998, the following rules and regulations governing the importation of fresh/chilled/frozen 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) *Accredited Importer (AI)* — refers to an institutional buyer, individual or entity directly engaged in fishing and aquaculture and given the privilege by the BFAR to import fresh/chilled/frozen fish and/or fishery/aquatic products.

b) *Accredited Laboratory/ies (AL)* — the laboratory/ies in the Philippines, aside from BFAR Laboratory, given authority by DTI-Product Standards to analyze the adequate sample of imported fishery product collected randomly by the technical personnel of BFAR for chemical and microbiological examination and parasite identification;

c) *Application Form to Import (AFI)* — a document required by BFAR to be filled up by the Accredited Importer 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) *Batch* — refers to a quantity of fish and fishery/aquatic products obtained under practically identical conditions.

f) *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, 00C (320F).

g) *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.

h) *Country of Origin's Accredited Laboratory (COAL)* — the laboratory/ies of the country of origin of the imported fresh/chilled/frozen fish and fishery/aquatic

products which issue Health Certificates certifying that the said fish products have been inspected, examined and certified as fit for human consumption.

i) *Department* — Department of Agriculture (DA)

j) *DA Certification* — Issued by the Secretary of the Department of Agriculture certifying the necessity of importing fish to ensure food security, fish price stability and enhance fishery resource conservation.

k) *Director* — refers to the Director of the Bureau of Fisheries & Aquatic Resources.

l) *Fish and fishery/aquatic products* — includes not only finfish but also mollusks, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna, and all other products of aquatic living resources in any form.

m) *Food Safety* — the assurance that the food is processed properly and when consumed will not harm the consumers.

n) *Food Security* — refers to any plan, policy, or strategy aimed at ensuring adequate supplies of appropriate food at affordable prices. Food security may be achieved through self-sufficiency (i.e., ensuring adequate food supplies from domestic production), through self-reliance (i.e., ensuring food supplies through a combination of domestic production and importation), or through pure importation.

o) *Fresh fish* — refers to freshly caught fish, which has not undergone any processing or preservation treatment.

p) *Frozen fishery/aquatic products* — fish/fishery/aquatic product which have been subjected to a freezing process sufficient to reduce the temperature to 180C (00F) to preserve its quality and to maintain said product at this temperature.

q) *Institutional Buyers* — accredited entities or corporations importing fish for final consumption or processing as food requirements for accredited hotels and restaurants which would execute an undertaking that they will not distribute the commodities to the wet markets.

r) *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.

s) *Packaging* — refers to the procedure of protecting fish and fishery/aquatic products by a wrapper, a container, or any other suitable device.

t) *Permit to Import (PI)* — a document issued by BFAR in response to the application to import of an Accredited Importer (AI).

u) *Private Sector* — refers to consumer groups, importers, producers, aquaculturists, fisherfolk and non-government organizations.

v) *Processing* — means, with respect to fish or fishery products: the handling, storing, preparing, heading, eviscerating, shucking, changing into different market forms, manufacturing, preserving, packing, labeling, dockside unloading or holding.

w) *Secretary* — Secretary of the Department of Agriculture.

x) *SPS Certificate (Sanitary and Phytosanitary Certificate)* — a document issued by a BFAR laboratory or an accredited laboratory after the mandatory standard physical, microbiological, and chemical examination for imported fishery products intended for the wet market, processing, re-export and sale to specialized restaurants, except for canning and processing purposes, to ensure that the products being imported are fit for human consumption and/or are not capable of harboring pests, viruses and diseases. 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 purpose.

SECTION 2. Importation of Fresh/Chilled/Frozen Fish and Fishery/Aquatic Products. — The importation of fresh/chilled/frozen fish and fishery/aquatic products shall be allowed when certified as necessary by the Secretary in order to achieve food security taking into consideration public welfare and safety, in consultation with the NFARMC; Provided, That the importation of fresh/chilled/frozen fish and fishery/aquatic products for canning and processing purposes including importation undertaken by institutional buyers does not require such certification; Provided, Further, That all importation satisfies the Permit to Import and Sanitary and Phytosanitary (SPS) requirements as provided under Section 67 of Republic Act No. 8550, the Hazard Analysis and Critical Control Points (HACCP) Standards, and as provided for under this Order.

The certification which shall be valid for ninety (90) days, would state the volume of fish to be imported as recommended by the Director upon prior consultation with the private sector as defined in this Order.

SECTION 3. Basis for the Issuance of Department of Agriculture Certification of the Necessity to Import. — Pursuant to Section 61 of Republic Act No. 8550, the Secretary, in consultation with the NFARMC, prior to the issuance of a certification on the necessity of the importation applied for, shall determine, among others, the following:

- a) The importation is necessary for food security.
- b) There is serious injury or threat to domestic industry that produces like or directly competitive products.

The Secretary and the NFARMC, as an aid in the decision-making process, may inquire from the appropriate local government unit on the supply and demand situation for fishery products as observed in their respective localities.

SECTION 4. Filing of Application. — When a certification has been duly issued by the Secretary under Section 3, an importer may file a duly accomplished Application Form to Import (AFI) for importation of fresh/chilled/frozen fish/fishery products with the Office of the Director, at least five (5) days prior to its importation, and with a non-refundable application fee of One Hundred and Fifty (P150.00) Pesos accompanied by the following documents:

- a) Proforma Invoice;
- b) Articles of Incorporation and By-Laws duly approved by the Securities and Exchange Commission.

SECTION 5. Issuance of a Permit to Import. — A Permit to Import may be issued by the Director or his duly authorized representative only after an application