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Required Report - public distribution

Date: 12/14/2018

GAIN Report Number: RP1842

Philippines

Food and Agricultural Import Regulations and Standards Report

FAIRS Annual Country Report

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Report Highlights:

This report outlines Philippine government requirements for the importation of food and agricultural products. The report aims to assist U.S. exporters by providing information on labeling, packaging, permitted ingredients, and other relevant information. It also provides points of contact for key Philippine government authorities, U.S. government agencies, and trade associations. Section II on Labeling Requirements, Section V on Pesticides and Other Contaminants, Section VI on Other Regulations and Requirements, Section VII on Import Regulations for Food Products and Halal Certification, and Appendix II have been updated.

Section I. Food Laws:

The two main agencies tasked with developing and enforcing food safety standards in the Philippines are the Bureau of Food and Drugs (BFAD), recently renamed as the Food and Drug Administration (FDA), under the Department of Health (DOH), and the Bureau of Agriculture and Fisheries Product Standards (BAFPS) of the Department of Agriculture (DA). Under the Food, Drug and Cosmetics Act, FDA was made responsible for the safety of processed food products while the Agriculture and Fisheries Modernization Act (AFMA) made BAFPS accountable for fresh and primary agricultural and fisheries products.

Food, Drug and Cosmetics Act: In 1963, Republic Act 3720 (RA 3720) or the "Food, Drug and Cosmetics Act" was enacted to ensure the safety and purity of foods, drugs and cosmetics made available to the public. With this act, the FDA was created under the DOH. Executive Order 175 (EO 175) later renamed FDA as BFAD. However, in 2009, Republic Act 9711 (RA 9711) was signed, amending certain sections of RA 3720 and once again renaming BFAD as FDA. RA 9711 strengthens and rationalizes the regulatory capacity of FDA by establishing adequate testing laboratories and field offices, upgrading its equipment, augmenting its human resources and giving authority to retain its income. FDA's primary function is to ensure the safety, proper handling, efficacy, purity, and quality of processed foods, drugs, diagnostic reagents, medical devices, cosmetics, and hazardous household substances. FDA oversees the control of the manufacture and sale of processed foods, where the major concerns are adulteration and mislabeling of food products. It is responsible for the surveillance of imported food products at legal ports of entry.

Agriculture and Fisheries Modernization Act: BAFPS under the DA was established in 1997 as provided for by Republic Act No. 8435 or the AFMA. The major duties of BAFPS include formulating and enforcing standards of quality in the processing, preservation, packaging, labeling, importation, exportation, distribution, and advertising of fresh and primary agricultural and fisheries products. BAFPS also provides assistance in establishing the scientific basis for food safety, trade standards and codes of practice, and harmonizes them with internationally accepted standards and practices. BAFPS serves as the National Enquiry Point for Codex Alimentarius and other food safety and standards regulatory bodies. It is in charge of monitoring and disseminating information on international developments in food safety.

Food Safety Act: In August 2013, Republic Act No. 10611 "The Food Safety Act of 2013" was signed in to law. The Act strengthens the food safety regulatory system in the Philippines that protects consumer health and facilitates market access of local food and food products. The law also sets standards for food safety from harvest to manufacturing, processing, handling, packaging, distribution, marketing, food preparation, and up to consumption. Under this law, the DA will be responsible for food safety in the primary production and post-harvest stages of the supply chain. The DOH will be responsible for the safety of processed and prepackaged foods, both locally produced and imported, and the conduct of epidemiological studies. Local government units (LGUs) will monitor the compliance with food safety standards of food businesses such as slaughterhouses, dressing plants, wet markets, supermarkets, school canteens, restaurants, catering establishments, as well as street food sales. The Department of the Interior and Local Government, in collaboration with the DA and DOH will supervise the enforcement of food safety and sanitary rules and regulations. A Food Safety Regulation Coordinating Board was created to monitor compliance with the law, coordinate

management and planning during food safety emergencies, and establish policies and procedures for coordination among agencies involved in food safety.

In February 2015, the Secretaries of Health and Agriculture signed the Implementing Rules and Regulations of the Food Safety Act, formally implementing the law. Under the Food Safety Act, regulatory oversight over processed meat product was transferred from the DA National Meat Inspection Service (NMIS) to FDA effective July 2016.

Regulatory Agencies: A number of different regulatory bodies exist in the Philippines and these are often supported by specialist commissions that focus on specific technical matters such as meat inspection and biosafety, for example. The main regulatory bodies monitoring the safety aspects of imported agriculture and food products are the Bureau of Animal Industry (BAI), the Bureau of Fisheries & Aquatic Resources (BFAR), and the Bureau of Plant Industry (BPI). All of these bureaus are under the jurisdiction of the DA. Republic Act No. 3639 (RA 3639) established BAI and empowered it to prescribe standards for quality in the manufacture, importation, labeling, advertising, distribution, and sale of livestock, poultry products, meat products, dairy products, animal feeds, and veterinary supplies in the country. BAI is also charged with preventing, controlling, containing, and eradicating communicable animal diseases by regulating the flow of animals and animal products in the country. Presidential Decree No. 7 (PD 7) authorized the National Meat Inspection Commission (NMIC) to implement policies and procedures governing post production flow of livestock, meat, and meat products both locally produced and imported through the various stages of marketing. The NMIC supervises the operations of abattoirs and meat establishments and conducts ante- and post-mortem inspections of meat. The Meat Import/Export Service of the NMIC ensures that imported or exportable meat and meat products are produced under acceptable conditions and systems. In June 2004, Republic Act 9296 (RA 9296), otherwise known as the National Meat Inspection Code, was signed into law and its Implementing Rules and Regulations (IRR) were issued in October 2005. The law, which transfers certain NMIC functions to the Local Government Units, was crafted to harmonize Philippine meat inspection laws with international standards to enable the domestic meat processing industry to participate in global trade. Moreover, the NMIC was officially renamed the National Meat Inspection Service (NMIS).

While BAI has jurisdiction over the import of both live animals and meat, the NMIS plays a key role in the enforcement of the regulations over fresh, chilled, and frozen meat and poultry imports into the Philippines.

BPI, created through a series of Republic Acts, Presidential Decrees, and Administrative Orders, has the primary task of promoting the development of plant industries through research and development, crop production and protection, and effective technology promotion and transfer. Presidential Decree No. 1433 (PD 1433), the Plant Quarantine Law, authorizes the DA through BPI to exercise inspection and certification and/or treatment activities on imported and exportable plant products such as fruits and vegetables. PD 1433 also mandates BPI to prevent the introduction of exotic pests into the country, to prevent further spread of existing plant pests and to enforce phytosanitary measures for the export of plants, plant products and regulated articles.

Presidential Decree No. 704 (PD 704) gives BFAR the administrative responsibility to control fish and other marine products. The Fisheries Post-Harvest Technology Division of BFAR issues commodity

clearances (i.e., import permits) and other requirements for the import of fish and fishery products.

Import Regulations: All imported food and agricultural products are required to comply with the Philippines' food, health, and phytosanitary laws. In general, none of these products are allowed to enter the Philippines if they are deemed to pose a danger to human life or well-being, either directly or indirectly. All food and agricultural products, including plant products that enter the Philippines, are required to pass through procedures designed to check that they are not contaminated with any pest and that they are fit for their intended use. At present, national microbiological standards for food have not yet been established. Philippine food regulations are thus generally patterned after the CODEX Alimentarius Commission guidelines as well as regulations established by the U.S. Food and Drug Administration (USFDA) and similar regulatory bodies in other countries. The health and phytosanitary regulations and procedures applied on imported agriculture and food products are similar for all types of products. Under Philippine import laws, it is the responsibility of the importer to ensure that any product entering the country's customs territory is in full compliance with Philippine health and phytosanitary regulations. The enforcing authorities will check for compliance by inspecting the goods and relevant import/export documentation and decide on whether the goods may enter the Philippines. In cases of non-compliance, the goods may be required to be treated before being released or they may be rejected and ordered destroyed or disposed of outside the Philippines. It is therefore very important that importers and exporters ensure that compliance is achieved before the goods are shipped to the Philippines.

Section II. Labeling Requirements: Labeling standards that are used in the United States are generally acceptable, and are widely used by Philippine food manufacturers involved in supplying both the local and export markets. Local regulations do require, in some cases, different labeling content for a small number of products. These include bottled water and prepackaged processed meats, which are covered by specific labeling regulations that have been developed by FDA.

The following information is required to be on the labels of imported food products:

1. Name of the food;
2. List of ingredients used in the product (in decreasing order of proportion), including additives, flavorings and preservatives used;
3. Net contents and drained weight;
4. Name and address of manufacturer, packer, or distributor, including country of origin for imported products and name and the address of Philippine importer or distributor;
5. Lot identification;
6. Storage Condition;
7. Expiry or Expiration Date/Use-by-date/ Consume Before Date (Day, Month, Year). The declaration day and year are numerical while the declaration of month must be in words to avoid confusion (e.g. Expiry date 01Jan12 or 01 January 2012)

Source:

<https://ww2.fda.gov.ph/attachments/article/194724/AO2014-0030%20-%20Revised%20Rules%20and%20Regulation%20Governing%20of%20Prepackaged%20Food%20Product>

Nutritional and Health Claims and Advertising: The label of food that is marketed for special dietary uses, e.g., diabetic foods, must include information concerning its vitamin, mineral, and other

dietary properties as required by the FDA, and in a manner that fully informs purchasers of the product's intrinsic value in terms of its special use. FDA has the authority to prescribe general standards and guidelines for food advertisements. It is also responsible for monitoring and ascertaining the veracity of nutritional and medicinal claims in food advertisements in the various media. FDA may call upon any manufacturer, distributor, or advertiser to desist from inaccurate or misleading nutritional or medicinal claims in their advertisement. Should any food manufacturer, distributor, or advertiser refuse or fail to obey the FDA order to desist from using false claims, it can be assessed penalties under the law and regulations.

Imported Food Products: The FDA requires that importers provide advance copies of the labels of the products they intend to import. This information is required for the registration of imported food and drink products. The content of such labels is scrutinized to establish whether it is acceptable under CODEX and FDA requirements. Nutritional and medical claims made on such labels are one of the factors considered by FDA when evaluating applications to register foreign products for import into the Philippines, especially Category II products such as food supplements, infant foods, and special dietary foods. Products that have labels making claims that cannot be easily substantiated can be banned from entry into the country. No labeling for biotechnology or organic products is currently required by the Philippine government.

Section III. Packaging and Container Regulations: Codex Alimentarius and USFDA regulations serve as the Philippine FDA's main reference guidelines for policy pertaining to good manufacturing practices and suitability of packaging materials for food use. Hence, compliance with Codex and/or U.S. regulations for packaged foods will almost always assure compliance with Philippine regulations. Importers need, however, to register packaged products with FDA before they are sold at retail outlets (see Section VI).

Section IV. Food Additives Regulations: Food additives must comply with the Philippine Food Act and the regulations that have been established by the FDA for such products. Additives must comply with the Philippine Food Act and the regulations established by the Philippine FDA. Additives are broadly defined by the Philippine FDA as any substance that becomes a component part or otherwise affects the characteristics of the food or beverage product. As such, they include any substance that has a direct or indirect impact on the food as a result of its use in producing, manufacturing, processing, and preparing the product, and in packing, treating, packaging, transporting, and/or holding the product.

The current list of permissible food additives is posted on the Philippine FDA website and can be accessed through the following link: <https://ww2.fda.gov.ph/attachments/article/19772/BC%202006-016.pdf>

Section V. Pesticides and Other Contaminants: The Fertilizer and Pesticide Authority (FPA) was created in 1977 by Presidential Decree No. 1144 (PD 1144). In September 2018, Executive Order No. 62 was signed, placing FPA back under the jurisdiction of the Philippine DA. The FPA is the designated national authority for registration matters. FPA licenses pesticide distributors and dealers and issues import certificates. Registration may be suspended or cancelled when there is imminent danger of misuse of the products or violations of regulations by handlers. Education, training, and certification of pesticide handlers and agro-medical officers are also significant activities of the FPA.

Registration of new and toxic pesticides requires evaluation by the FPA for risk and benefits. While the FPA is the designated regulatory agency for registration matters, BPI is the agency mandated to monitor the levels of pesticide residue in crops to protect both local and international consumers. It also monitors the level of chemical residues on agricultural crops and by-products and recommends policies for the safety of consumers. Moreover, BPI determines and evaluates practices on the use of pesticides for possible modification.

Section VI. Other Regulations and Requirements:

A Philippine importer needs to secure a License to Operate (LTO) from the Philippine Food and Drug Administration (FDA) prior to the importation of foods offered for retail sale.

Based on the FDA checklist, there are certain documents an importer needs to obtain from each supplier, as follows:

- Foreign Agency Agreement/Certificate of Distributorship/Appointment Letter or legal contract between a manufacturer and a foreign individual or company, whereby the former appoints the latter to act as an agent
- Proforma Invoice
- One of the following documents issued by the government regulatory agency or health authority of the country of origin * Certificate of Registration of Manufacturer and its conformity with good manufacturing practices from a regulatory/health authority or its equivalent * Certificate of Free Sale issued by the government regulatory agency or health authority of the country of origin stating that the product applied for registration is freely sold in the country of origin and fit for human consumption

Notes:

1. All certification issued by a private organization should be attested by a recognized business association or chamber of commerce.

2. U.S. exporters can obtain a Certificate of Free Sale from the U.S. Food and Drug Administration. Below are links to the relevant web pages:

- Guidance on FDA Export Certificates:

<http://www.fda.gov/RegulatoryInformation/Guidances/ucm125789.htm#iv>

- E-Application System for Certificates of Free Sale:

<https://www.fda.gov/downloads/Food/GuidanceRegulation/ImportsExports/Exporting/ExportCertificates/UCM621870.pdf>

3. The original Certificate of Free Sale is required when the importer applies for product registration. Refer to Section IX – Product Registration Requirements.

Licensing Fee: The application fee for the initial License to Operate is 4,000.00 Pesos or \$85.10 and is valid for one year. The cost of renewal (valid for two 2 years) is 8,000.00 Pesos or \$170.20. Note: The exchange rate used is \$1.00=52.00 Pesos.

Source: <https://www2.fda.gov.ph/attachments/article/194723/AO2014-0029>

**CENTER FOR FOOD REGULATION AND RESEARCH
CHECKLIST OF REQUIREMENTS FOR INITIAL APPLICATION
FOR A LICENSE TO OPERATE FOOD ESTABLISHMENT**

A. GENERAL REQUIREMENTS

1. Accomplished Integrated Application Form
2. Proof of Payment of Fees
3. Proof of Business Registration
 - 3.1 If Single Proprietorship: Valid Certificate of Business Name Registration with the Department of Trade and Industry indicating the same name, address and ownership as the establishment applying for a license;
 - 3.2 If a Corporation or Partnership:
 - 3.2.1 Valid Registration with Securities and Exchange Commission (SEC) indicating the same name, address, and ownership as the establishment applying for a license;
 - 3.2.2 Articles of Incorporation; and
 - 3.2.3 Other pertinent documents, as applicable;
 - 3.3 If a Cooperative: Certificate of Cooperative Development Authority (CDA) indicating the same name, address, and ownership as the establishment applying for a license;
4. If the business name and/or address is different from the registered name and/or address in the DTI-, SEC-, or CDA-issued certificate, the following shall be submitted in addition to the documents specified above as applicable:
 - 4.1 If a Corporation or Partnership, SEC Certificate must reflect “Doing business under the name and style of (Name of Establishment)”
 - 4.2 Valid Mayor's Business Permit or Barangay Business Permit indicating the same name, address and ownership as the establishment applying for a license
5. Proof of Occupancy (per facility and/or address declared as part of the establishment)
 - 5.1. If the facility and/or address declared as part of application is **not owned** by the applicant:
 - 5.1.1 Notarized valid Contract of Lease of the space or building occupied; and
 - 5.1.2 If the applicant is engaged in distribution (i.e. third-party logistics):
 - Duly notarized warehousing agreement;
 - 5.2 If the facility and/or address declared as part of application is **owned** by the applicant:
 - Copy of Transfer Certificate of Title
6. Product List –
 - 6.1 The list of food products to be manufactured, processed, or repacked with proposed brand name per product
 - 6.2 The list of products to be distributed, sold, or offered for sale or use, as appropriate, including the following information per product:
 - 6.2.1 Business name and address of direct source;
 - 6.2.2 Business name and address of facility where the product is last packaged, if different from source;

6.2.3 Business name and address of facility where product is last processed, if different from last packaging site and direct source;

6.2.4 If product is to be imported, a unique global product identification number (if applicable)

7. Location Map – a graphic illustration indicating the address, landmarks, immediate environment, type of building, and Global Positioning System (GPS) coordinates (if available) for each facility and/or address declared part of the establishment:

7.1. Food Manufacturer- Manufacturing Plant

7.2. Food Distributor- Office and warehouse/s (if different from the Office)

8. Floor plan/ layout with dimensions

8.1. Food Manufacturer- Manufacturing Plant

8.2. Food Distributor- Office and warehouse/s (if different from the Office)

B. SPECIFIC REQUIREMENTS

Manufacturer/Processor

1. Description of the products to be manufactured (e.g. list of ingredients, physico-chemical, and/or microbiological specifications)
2. Description of manufacturing process or food processing/preparation, including a flowchart with quality control points, as appropriate to the size of operation
3. Quality control procedures, as appropriate to the size of operation
4. Results of analysis of Finished Product /s showing compliance with applicable standards
5. Facsimile of proposed product label, compliant with FDA standards

Repacker

1. Description of the product to be repacked (e.g. name of product, physico-chemical, and/or microbiological specifications)
2. Description of repacking process, including a flowchart with quality control points
3. Quality control procedures
4. Results of analysis of Finished Product /s showing compliance with applicable standards
5. Photocopy of duly notarized valid contract or agreement with the manufacturer, and, as appropriate, the License to Operate (LTO) of the manufacturer where the product will be sourced for repacking
6. Facsimile of proposed label, compliant with FDA labelling requirements

Toll Manufacturer

1. Valid and notarized toll manufacturing agreement with FDA-licensed trader
2. Copy of valid LTO including attachments

Importer of Raw Materials for Own Use

1. Each item declared in the list of food product(s) to be imported must be identified in any of the following:
 - Pro forma invoice
 - Foreign agency agreement/ Contract Agreement

2. Scanned copy of any of the following original documents issued to the source by the regulatory or health authority at the country of origin. Otherwise, attested by a recognized business association or chamber of commerce at the country of Origin per source:

- Valid manufacturer's certificate of registration with GMP compliance, or its equivalent,
- Valid Sanitary Phytosanitary Certificate or Health Certificate,
- Valid ISO 22000 Certification,
- Valid HACCP Certificate, or
- Certificate of Free Sale

**If document is in a language other than English, provide an Official English translation by issuing agency or authenticated by Philippine Consulate from country of origin.*

3. Appropriate test result or certificate of analysis routinely conducted in the country of origin or source that would indicate or show safety of the product. For test or analysis conducted in the Philippines, the applicant shall be guided by appropriate FDA standards as published in the FDA Website in addition to the recognition or accreditation of laboratories.

Importer-Distributor of Raw Materials/Finished Products/ Ingredients/ Additives for Distribution

1. Each item declared in the list of food product(s) to be imported must be identified in any of the following:

- Pro forma invoice
- Foreign agency agreement
- Appointment letter
- Distributorship agreement

2. Scanned copy of any of the following original documents issued to the source by the regulatory or health authority at the country of origin. Otherwise, attested by recognized business association or chamber of commerce at the country of Origin per source:

- Valid manufacturer's certificate of registration with GMP compliance, or its equivalent
- Valid Sanitary Phytosanitary Certificate or Health Certificate
- Valid ISO 22000 Certification
- Valid HACCP Certificate
- Certificate of Free Sale

** If document is written in a language other than English, provide an Official English translation by regulatory/health authority or issued by private entity, authenticated by Philippine Consulate from country of origin*

3. Appropriate test result or certificate of analysis for salt, flour, cooking oil, rice premixes, and other products with current safety issue.

Distributor-Exporter

1. Any of the following documents issued to the applicant by the establishment from which it sources the products it exports:

- Valid notarized distributorship agreement; or
- Letter of appointment between FDA-licensed manufacturer and exporter

2. Valid Certificate(s) of Product Registration

Distributor-Wholesaler

1. Any of the following documents issued to the applicant by the establishment from which it sources the products it sells:

- Valid notarized distributorship agreement; or
- Letter of appointment between the applicant and FDA-licensed source

2. Valid Certificate(s) of Product Registration

Food Trader- any establishment which is a registered owner of food and food product/s and/or procures the raw materials and packing components, quality control standards and procedures, but subcontracts the manufacture of such product to a licensed manufacturer

- Valid and notarized toll manufacturing and/or repacking agreement with FDA-licensed toll manufacturer and/or repacker.

Product Registration Requirements: All processed food products offered for retail sale in the Philippines must be registered with the Philippine FDA. Registration of imported products may only be undertaken by a Philippine entity, although some documentation and samples need to be provided by the exporter.

Below is a checklist of the requirements:

- Accomplished integrated application form as prescribed by current Philippine FDA regulations;
- Proof of payment of fees as prescribed by current Philippine FDA regulations;
- Actual labels for all packaging sizes;
- Pictures of the product from all angles and in difference packaging sizes, and from at least two different perspectives allowing visual recognition of the product as the same with the one being registered, as applicable;
- As applicable, documents to substantiate claims such as technical, nutritional, or health studies or reports, market-research studies, Certificate of Analysis, quantitative analysis and computations, scientific reports or studies published in peer reviewed scientific journals, etc.

Products have been classified under Category I (low risk) and Category II (medium and high risk) based on the Codex Alimentarius General Standard for Food Additives and the UN Food and Agriculture Organizations Risk Categories. Additional information on product registration requirements can be found in Annex D of Administrative Order 29. A copy can be accessed through the following link:

<https://ww2.fda.gov.ph/attachments/article/194723/AO2014-0029%20-%20Rules%20and%20Regulation%20on%20the%20Licensing%20of%20Food%20Establishment.pdf>

A Certificate of Product Registration (CPR) shall be valid for one (1) year. The processing fee is \$4.25 or 200 Pesos. Subsequent renewal of a CPR shall be valid for a period of five (5) years. The processing fee is \$21.27 or 1,000 Pesos. Note: The exchange rate used is \$1.00=52.00 Pesos.

Section VII. Other Specific Standards

Import Regulations for Food Products: The Philippines is a signatory to the World Trade Organization (WTO) and has lifted quantitative restrictions (QRs) on imports of food products except for rice. Tariff-Rate Quotas (TRQs) remain on a number of sensitive products such as corn, poultry meat, pork, sugar, and coffee. Minimum Access Volumes (MAV) have been established for these commodities. The Philippines opened its rice market in 2002 when it allowed the private sector, mainly traders, to import rice. Private sector rice imports are assessed a 35 percent tariff rate and import licenses are regulated by the NFA. In 2014, the Philippines completed negotiations with other WTO members for another extension of its QR on rice until 2017. The Philippine government is set to liberalize rice imports by converting Quantitative Restrictions to tariffs. President Duterte is expected to sign the appropriate Republic Act into law before the end of 2018, according to press reports.

Quarantine clearances that serve as import licenses are required prior to the importation of fresh and frozen fruits and vegetables, fishery and seafood, as well as poultry and meat products. All other food product imports do not have licensing requirements except for commodities entering duty-free or subject to an in-quota tariff such as frozen pork, frozen poultry, fresh and chilled potatoes, coffee beans, corn, and coffee extract.

Import Regulations for Fresh and Frozen Produce: BPI regulates imports of all plant products, including live plants, fruits and vegetables. All imports of fresh and frozen produce require phytosanitary quarantine clearances (PQC) from BPI, which also serve as import licenses. These permits are applied for by the accredited Philippine importer for each shipment. Shipments of fruits and vegetables must be also accompanied by a USDA Phytosanitary Certificate or a Processed Plant Product Certificate issued at the port of origin. Like meat and meat products, import permits for fruits and vegetables need to be secured prior to exportation from the United States. The date of shipment should not be earlier than the import permit. In 2006, USDA formally requested market access for the following U.S. vegetables: broccoli, cauliflower, lettuce, carrots, cabbage, celery and potatoes. The Philippines opened its market to U.S. fresh celery, lettuce, and cruciferous vegetables (e.g. broccoli and cauliflower) in 2014 and is the only country with official access to the entire Philippine market for these temperate-climate vegetables. In 2013, the Philippines formally opened its market to U.S. fresh table stock potatoes for consumption. Prior to granting market access for U.S. table stock potatoes, almost all fresh potatoes that entered the Philippine market were exclusively for chipping.

More information on import requirements for fresh fruits and vegetables may be downloaded from: http://bpi.da.gov.ph/index.php?option=com_content&view=featured&Itemid=101

Import Regulations for Meat and Meat Products: In September 2005, the DA issued Administrative Order No. 26 (AO 26), which updated its 2000 Administrative Order No. 39 or the “Revised Rules, Regulations and Standards Governing the Importation of Meat and Meat Products into the Philippines.” AO 26 reiterates the need for a DA-accredited importer to obtain a Veterinary Quarantine Clearance (VQC) certificate prior to the importation of meat and meat products. A VQC will now be valid for 60 days from the date of issuance, within which the meat or meat products are to be shipped from the country of origin. A VQC is non-transferable and can only be used by the consignee to whom it was issued. A one shipment/bill-of-lading per VQC issued policy will be strictly followed.

At present, all U.S. meat establishments that are regulated and inspected by the USDA Food Safety and Inspection Service (FSIS) are eligible to export meat and poultry to the Philippines. There is a great deal of sensitivity in the Philippines about U.S. food products that are packed in cartons with labels indicating shipment to another country. It is recommended that such markings be covered or removed since the Philippines does not require the cartons to be marked for export to the Philippines.

A summary of Philippine export requirements for meat and poultry products from the United States: <http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/exporting-products/export-library-requirements-by-country/Philippines>

Sanitary and Phytosanitary Import Clearance: In 2010, Administrative Order 9 (AO9) was issued which requires that a Sanitary and Phytosanitary Import Clearance (SPSIC) be issued to an accredited importer prior to shipment of imported food and agricultural products to the country (e.g., plant and plant products, fishery products, live animals, meat and poultry products, fertilizers, animal feed, and pet food). AO9 is strictly enforced by the DA. In all cases, imported meat, fish and produce require that a registered importer be the receiver of the shipment. The importer, of course, would have to be knowledgeable about the regulations associated with the particular commodity being imported. The SPSIC replaces the VQC for meat and poultry products and PQC for plant and plant products.

Processed Foods of Animal Origin: On May 4, 2017, the Philippine Department of Agriculture Bureau of Animal Industry (BAI) issued Memorandum Circular No. 4 which announced that effectively July 1, 2017, it would no longer issue Sanitary and Phytosanitary Import Clearances (SPSIC) for processed food products of animal origin intended for human consumption such as but not limited to the following:

- Processed food which may contain products derived from animals and other substances that are intentionally incorporated into the food during the manufacture or preparation of the food products such as milk and milk by-products (ice creams, chocolates, chocolate drinks, pasteurized milk, marshmallows, cheese, cheddars, butter, cereals, cakes, tarts, pastries, candies, sauce with milk, soya milk, cocoa spread, coffee with milk, mayonnaise, whipping creams, egg powder, royal jelly, and pasteurized eggs).

This is pursuant to the Implementing Rules and Regulations of the Food Safety Act of 2013 or Republic Act 10611, which states that the Department of Health through the Food and Drug Administration shall be responsible for the overall regulation of all activities pertaining to processed foods (including but not limited to the manufacture, importation, exportation, distribution, sale, and promotion of all processed and prepackaged food products and food supplements/dietary supplements).

The Memorandum Circular is available at:

<http://www.bai.da.gov.ph/index.php/component/k2/item/431-memorandum-circular-no-4-sanitary-phytosanitary-import-clearance-non-coverage>

Import Regulations for Live Animals: On December 22, 2005, the DA formally agreed to allow U.S. live breeder cattle imports into the country subject to the terms and conditions specified in the

Philippine Import Health Protocol for Live Cattle from the United States, negotiated by APHIS and BAI. As with meat and meat products, importers are required to obtain a VQC Certificate from BAI prior to the shipment of animals. Specific import terms and conditions contained in the protocol can be obtained from APHIS Veterinary Services. The Philippines likewise allows imports of live poultry, swine and their products provided that they are accompanied by a USDA health certificate. Specific Philippine import requirements for live animals and animal products are available at: <https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/export>

All live animals from the United States must be accompanied by an APHIS Certificate of Inspection of Export Animals (VS Form 17-37) and a U.S. Origin Health Certificate. The DA also allows the importation of protein-free tallow with insoluble impurities below 0.15 percent in weight. Products derived from beef from Australia or New Zealand must be certified as having been legally imported from said countries. For collagen casings of bovine origin, BAI requires additional FSIS certification that the product was prepared from hides and skins other than that coming from the head.

Import Regulations For Fish and Seafood: In 1999, the DA completed implementing rules and regulations for Republic Act 8550 (RA 8550) of 1998 known as the Fisheries Code. The regulations are embodied in Fisheries Administrative Order 195. The order clarified the need for importers to obtain quarantine permits prior to shipment. The importation of fresh/chilled/frozen fish and fishery/aquatic products is allowed only when certified as necessary by the Secretary of Agriculture in order to achieve food security, taking into consideration public welfare and safety. Only the importation of fresh/chilled/frozen fish and fishery/aquatic products for canning and processing purposes and those undertaken by institutional buyers is exempt from such certification. Further, all importation must satisfy the Hazard Analysis and Critical Control Point (HACCP) standards as provided under RA 8550. All fish and fishery/aquatic products imported into the Philippines intended for distribution and further processing must be accompanied by an International Health Certificate issued by the authorized or competent regulatory agency from the country of origin and must be presented as part of the documentation requirements upon arrival. The International Health certificate shall be issued on the basis that the following requirements have been met:

1. Fish and fishery products meet the quality of fresh fish prior to freezing, and shall be graded accordingly to size.
2. Fishery products must be handled and processed hygienically in processing plants and freezer vessels.
3. Frozen fishery products must be kept and maintained at -18°C or lower during transport.
4. Fish and fishery/aquatic products must be subject to visual inspection for parasite check. Fish infested with parasites must be removed from the batch. The International Health Certificate shall be supported with the following laboratory test results, which shall not exceed for the indicator organisms:
 - Total viable count 10 grams
 - E. coli 10 to 100 grams
 - Salmonella absent in 25-gram sample
 - Shigella absent
 - Vibrio cholerae absent Fishery products must be packed under hygienic conditions to prevent contamination from lubricants, oils, fuels or any hazardous substances.

The following information should appear on the packaging and on the accompanying documents:

1. The country of origin written out in full;
2. Species of fishery products' weight and content;
3. Address of supplier; and
4. BFAR Inspection stamp mark.

Frozen fishery/aquatic products imported in bulk intended for further processing are not covered by this requirement.

Additional information may be downloaded on fish and fish product importation:

<http://www.bfar.da.gov.ph/>

Import Regulations for Animal Feed Ingredients and Pet Food: Requirements for pet food are similar to import procedures for meat and meat products. BAI requires Philippine importers of animal feeds and pet food to be registered with BAI prior to importation. All animal feeds, animal feed ingredients, and pet food products entering the Philippines need to be accompanied by a sanitary certificate issued by the relevant U.S. regulatory body. Like meat products, an Import Permit needs to be secured from the Animal Feeds Division of BAI before the goods are shipped out of the United States.

Genetically Engineered (GE) Foods: The Joint Department Circular No. 1 entitled *Rules and Regulations for the Research and Development, Handling and Use, Transboundary Movement, Release into the Environment, and Management of Genetically-Modified Plant and Plant Products Derived from the Use of Modern Biotechnology* was signed into law in March 2016. All GE plant varieties (i.e., regulated articles) must be evaluated for food, feed, and environmental safety prior to entering the Philippines. Any food or feed containing an unapproved variety regardless of country of origin will be prohibited from entering the Philippines.

In general terms, the DA is the lead agency in the evaluation and monitoring of regulated articles. The Department of Science and Technology is the lead agency for evaluation and monitoring regulated articles intended for contained use, while the Department of Environment and Natural Resources ensures that environmental assessments are done, and that impacts are identified in biosafety decision making. Health impacts by GE technology and its applications are the main responsibility of the Department of Health (DOH), while the Department of Interior and Local Government's role is mainly coordinating with the other departments in overseeing public consultations, as required under existing Philippine laws.

Food Fortification Law: The Philippine Food Fortification Law of 2000 or RA 8976 became effective on November 7, 2005. All staple foods – rice, sugar, flour, salt, and cooking oil – will require fortification by law. The Philippine government has identified Vitamin A, iron, and iodine as the three most needed micronutrients in the country. Food and agriculture companies are now required to fortify their products as mandated by RA 8976. The law aims to provide 50 percent or more of the recommended daily allowance of Vitamin A and iron among at-risk groups, particularly children below 6 years old and women of reproductive age. This law applies to all manufacturers, importers,

traders, retailers, and re-packers of staple foods as well as restaurants and food service establishments. The DOH through FDA and the National Nutrition Council are responsible for implementing and monitoring the program. FDA is mandated to regularly monitor food fortification levels and shall see to it that the fortification process complies with DOH standards. Sanctions for non-compliance include fines of not more than 1 million Pesos and revocation of permits and licenses depending on the severity of the offense.

Halal Certification: The National Commission on Muslim Filipinos (NCMF) was established by the Philippine government. It regulates the country's halal industry and is responsible for accrediting non-governmental organizations to issue halal certificates in the Philippines. In 2012, NCMF signed a memorandum of understanding with the Islamic Food and Nutrition Council of America (IFANCA) to further promote halal in the Philippines.

According to national religious surveys, about 5.6 percent of the population of the Philippines is Muslim, making Islam the second largest religion in the country. However, A 2012 estimate by the NCMF stated that there were 10.7 million Muslims, or approximately 11 percent of the total population. Most Muslims live in parts of Mindanao, Palawan, and the Sulu Archipelago – an area known as Bangsamoro or the Moro region. Some have migrated into urban and rural areas in different parts of the country.

Section VIII. Copyright and/or Trademark Laws: All copyright and trademark regulations are contained in the Intellectual Property Code of the Philippines (Republic Act No. 8293). The Philippine Intellectual Property Office under the Department of Trade and Industry is in charge of enforcing these regulations and ensuring that intellectual property rights are enforced.

Trademark: A trademark may not be registered if it is immoral, deceptive, or of a scandalous matter; if it is the flag, coat of arm, or insignia of the Philippines or any of its political symbols; a name, portrait, or signature identifying a particular living individual without that person's written consent; identical with a registered mark whether or not registered in the Philippines but well known internationally; if it misleads the public; signs that are generic for goods or services; shapes that may be necessitated by technical factors; color alone, unless defined by a given form; or anything contrary to public order or morality.

An applicant for a trademark may be a natural person, or juridical person and all applications should be in the name of the applicant, who may sign the application. If there is more than one applicant, all should be named as applicants but any individual applicant may sign the application for and on behalf of all applicants.

A certificate of registration shall remain in force for 10 years, provided that, without need of any notice from the Bureau of Trademarks, the applicant shall file a declaration of actual use and evidence to that effect within one year from the fifth anniversary of the date of registration of the mark. If the owner failed to use the mark, he/she should also file an affidavit of Non-Use with the Bureau of Trademarks showing that non-use of the same is due to causes beyond his/her control. The registration may also be renewed for a period of 10 years after its expiration, and there is no limit as to the number of times the registrant may request a renewal of registration provided the prescribed fees are paid.

The application for registration of the trademark shall be in Filipino or in English and shall contain the following: a request for registration; name and address of applicant; state of which the applicant is a national or where domiciled; the law under which it is organized when the applicant is a juridical entity; appointment of an agent or representative or an indication of claims on priority of an earlier application (if applicable). A reproduction of the mark must also be submitted along with the list of goods and services for which the registration is sought.

Copyright: Copyright registration is available for books, poetry, plays, short stories, newspapers and newspaper articles, magazines and magazine articles, comic books, musical compositions (words and/or music), recordings, choreographic works, pantomimes, motion pictures, filmstrips, television programs, photographs, paintings, drawings, prints, maps, architectural plans, scale models, sculptural works, craft works, jewelry designs, fabric designs, computer programs, and databases. In general, a copyright lasts for the life of the author, plus 50 years. The term is different for commissioned works and works where a corporation is the author.

Section IX. Import Procedures:

The basic procedures which apply to the import of food and agricultural products are as follows:

STEP 1: Only accredited and registered individuals or businesses may import food products into the Philippines. Importers must obtain accreditation from relevant Philippine regulatory bodies (e.g., LTO from FDA for processed foods, Certificate of Accreditation from BAI or NMIS for meat and meat products, and BPI for fresh fruits and vegetables).

STEP 2: Determine whether food or agriculture products can enter the Philippines. Only acceptable countries as determined by the relevant regulatory body may export food and agriculture products to the Philippines.

STEP3: In the case of meat and poultry, imports can only be made from foreign meat establishments (e.g., slaughterhouses), which are accredited by the Department of Agriculture. All U.S. federally inspected and approved meat establishments located in the United States are eligible to export to the Philippines.

STEP 4: Import licenses and permits must be obtained from the relevant regulatory body for the goods to be imported to the Philippines before the products are shipped from the exporting countries. An SPS Import Clearance must be obtained from BAI and/or BPI prior to importation. A CPR, initially valid for one year and renewable every two years after which, must be secured from FDA prior to initial importation.

STEP 5: All agricultural and food products entering the Philippines must be accompanied by a phytosanitary or health certificate issued by the regulatory body in the exporting country. This is required to be submitted for inspection along with the import permit to facilitate physical inspection of the goods and customs clearance at the port of entry.

Appendix I. Relevant Government Agency Contacts:

FOREIGN AGRICULTURAL SERVICE (FAS) USDA
U.S. EMBASSY MANILA
1201 Roxas Boulevard Manila 1000
Tel: (+632) 301 4900 Fax: (+632) 521 0009
E-mail : agmanila@fas.usda.gov

ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS) USDA
U.S. EMBASSY MANILA
1201 Roxas Boulevard Manila 1000
Tel: (+632) 301 4900 Fax: (+632) 521 0009
E-mail : Angel.DelosSantos@aphis.usda.gov

BUREAU OF ANIMAL INDUSTRY, DEPARTMENT OF AGRICULTURE
BAI Compound, Visayas Avenue
Diliman, Quezon City Philippines 1104
Tel : (+632) 927 0971/ 926 6883 Fax : (+632) 928 2429
Website : <http://bai.da.gov.ph/baimainframe.html>

BUREAU OF PLANT INDUSTRY, DEPARTMENT OF AGRICULTURE
692 San Andres Street Malate, Manila Philippines 1004
Tel : (+632) 524 2812 Fax : (+632) 521 7650
Website : <http://bpi.da.gov.ph/Services.html>

BUREAU OF CUSTOMS VALUATION & CLASSIFICATION DEPARTMENT, DEPARTMENT
OF FINANCE
New Customs Building Port Area, Manila Philippines 1018
Tel : (+632) 526 6355 Fax : (+632) 527 4573
Website : <http://www.customs.gov.ph/html/cover.htm>

BUREAU OF FISHERIES & AQUATIC RESOURCES, DEPARTMENT OF AGRICULTURE
Philippine Coconut Authority Elliptical Road, Quezon City Philippines 1104
Tel : (+632) 929-9597 Fax : (+632) 929-8074
Website : <http://www.bfar.da.gov.ph>

FOOD AND DRUG ADMINISTRATION DEPARTMENT OF HEALTH
Civic Drive Filinvest Corporate City Alabang, Muntinlupa City Philippines 1770
Tel : (+632) 807 0721/ 807 0725 Fax : (+632) 807 0751
Website : <http://www.FDA.gov.ph>

NATIONAL MEAT INSPECTION SERVICE DEPARTMENT OF AGRICULTURE
Tel : (+632) 924-3118-19 Fax : (+632) 924-7973
Website : <http://nmis.gov.ph/>

BUREAU OF AGRICULTURE & FISHERIES PRODUCT STANDARDS,
DEPARTMENT OF AGRICULTURE
Tel : (+632) 920-6131-33 Fax : (+632) 920-6134
Website : <http://www.bafps.da.gov.ph>

BUREAU OF IMPORT SERVICES, DEPARTMENT OF TRADE & INDUSTRY
349 Sen. Gil Puyat Avenue Makati City, Philippines
Tel : (+632) 896 4430 Fax : (+632) 895 7466
Website : <http://www.dti.gov.ph>

BUREAU OF INTERNAL REVENUE, DEPARTMENT OF FINANCE
National Internal Revenue Building, Diliman, Quezon City, M.M. Philippines
Tel : (+632) 922 3293/ 921 0430 Fax : (+632) 925 1789
Website : <http://www.bir.gov.ph>

BUREAU OF INTERNATIONAL TRADE RELATIONS, DEPARTMENT OF TRADE &
INDUSTRY
357 Sen. Gil Puyat Avenue Makati City, Metro Manila, Philippines 1200
Tel : (+632) 890 5148/ 897 8290 Fax : (+632) 890 4812
Website : <http://www.dti.gov.ph>

NATIONAL FOOD AUTHORITY
SRA Building, North Avenue Quezon City Philippines 1102
Tel : (+632) 712 1719/ 712 1705 Fax : (+632) 712 1110
Website : <http://www.nfa.gov.ph>

NATIONAL COMMISSION ON MUSLIM FILIPINOS
Address: 79 Jocer Annex Building, Commonwealth Avenue, Diliman, Quezon City, Philippines
Contact: (02) 952-48-75 / (02) 952-64-19 / ncmf.osec@gmail.com
Website: <http://ncmf.gov.ph/contact-us/>

Appendix II. Other Import Specialist Contacts:

California Table Grape Commission, California Milk Advisory Board and U.S. Potato Board

Represented in the Philippines by Synergy Asia Marketing Services, Inc.

Unit 602-C, Summit Office Tower 530 Shaw Boulevard, Mandaluyong City Metro Manila, Philippines

Tel: (63) 2534 8534, 534 8223 Fax: (63) 2534 8234

Contact: Ms. Reji Retugal and Ms. Evelyn Mercurio

Email: reji_r.synergyasia@hotmail.com ; evmercurio@synergyasia.biz

Cotton Council International Represented in the Philippines by Strategic Edge, Inc.

5/F Emmanuel House, 115 Aguirre St., Legaspi Village, Makati City Metro Manila, Philippines Tel:

(63) 2892 0247, 2892 0250 Fax: (63) 2892 0223

Contact: Ms. Ana Marie Gonzalez Marques, Managing Partner

Email: anamag@seinc.com.ph

U.S. Dairy Export Council

80 Raffles Place, #36-01 UOB Plaza 1, Singapore

Tel: (65) 6334 7030 Fax: (65) 6248 4531

Contact: Mac Macatangay, Philippine Representative Ms. Dalilah Ghazalay, Regional Director, SEA Marketing & Operations Mr. Tony Emms., Regional Director, SEA Strategy & Market Access

E-mail: mac.macatangay.ct@dairyconnect.biz, tony@dairyconnect.biz, dali@dairyconnect.biz

Website: www.usdec.org

Raisin Administrative Committee, Food Export-Midwest, Food Export-Northeast and the Western United States Agricultural Trade Association

Represented in the Region by Lieu Marketing Associates Pte Ltd 48 Toh Guan Road East #02-129

Enterprise Hub Singapore

Tel: (65) 6515 6113 Fax: (65) 6278 4372

Contact: Mr. Richard Lieu and Ms. Siew Keat Chuah

Email: richelieu@lieumktg.com.sg ; siewkeatc@lieumktg.com.sg

USA Dry Pea & Lentil Council and U.S. Dry Bean Council Represented in the SEA Region by AgriSource Co., Ltd.

Ambassador's Court, 4th Floor, No. 416 76/1 Soi Lang Suan, Ploenchit Road Bangkok, Thailand Tel:

(66) 2251 8655/6, (66) 2251 8669 & 8772 Fax: (66) 2251 0390

Contact: Ms. Jenny Lumain, Philippine Representative; Dr. Dee Richmond, ASEAN Representative

Email: jenlumain@gmail.com, dee@agrisource.co.th, agsource@loxinfo.co.th

U.S. Grains Council

Suite 3B-7-3A Block 3B, Level 7 Plaza Sentral Jalan Stesen Sentral 5 Kuala Lumpur, Malaysia

Tel: (60) 32273 6826 (60) 12 687 1025 (Mobile) Contact: Manuel Sanchez, Regional Director for Southeast Asia

Email: manuel@grainsea.org; usgckl@usgc.com.my

Website: <http://www.grains.org/>

U.S. Meat Export Federation

627A Alijunied Road # 04-04 Biztech Centre Singapore

Tel: (65) 6733 4255 Fax: (65) 6732 1977

Contact: Ms. Sabrina Yin, Regional Director

Email: singapore@usmef.com.sg, syin@usmef.com.sg

Website: <http://www.usmef.org>

USA Poultry and Egg Export Council

#15-04 Liat Towers, 541 Orchard Road Singapore

Tel: (65) 6737 1726 Fax: (65) 6737 1727

Contact: Ms. Margaret Say, Regional Director

Email: usapeec_sing@pacific.net.sg, msay@usapeec.org.sg

Website: <http://www.usapeec.org>

U.S. Soybean Export Council

1-E Pasig Greenland Village

Jenny's Ave. Gate, Rosario, Pasig City

Tel: +63 2 514 8149/+63 2 234 2271/ +63 920 954 5851 (Mobile)

Contact: Dr. Benito Oliveros, Philippine Representative

Email: BAOliveros@ct.ussec.org

Website: <http://ussec.org/>

U.S. Wheat Associates

1701 PSE Tower, 5th and High Street, Bonifacio Global City, Taguig, Metro Manila, Philippines

Tel: (632) 818 4610 Fax: (632) 815 4026

Contact: Mr. Joseph Sowers, Country Director

Email: jsowers@uswheat.org, InfoManila@uswheat.org

Website: <http://www.uswheat.org>