



27 September 2000

ADMINISTRATIVE ORDER

No. 39
Series of 2000

SUBJECT : AMENDED RULES AND REGULATIONS GOVERNING THE IMPORTATION OF MEAT AND MEAT PRODUCTS INTO THE PHILIPPINES

WHEREAS, disease outbreaks (e.g., Foot and Mouth Disease, Mad Cow Disease, Avian Influenza, among others), and chemical and microbial contamination (e.g. dioxin, etc.) have occurred in a number of meat exporting countries;

WHEREAS, there is a need to prevent the entry of disease-carrying, contaminated, and/or adulterated meat and/or meat products, which endanger the lives and safety/health of the consuming public and which could lead to potentially serious economic consequences to the livestock, poultry and related industries;

WHEREAS, there is a need to consolidate and strengthen existing rules and regulations governing meat importation to make them comprehensive, clear/transparent and ensure the safety and quality of imported meat and/or meat products; and

WHEREAS, the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) reaffirms the right of a country to institute appropriate measures it deems necessary.

NOW, THEREFORE, I, EDGARDO J. ANGARA, Secretary of the Department of Agriculture, in accordance with Chapter 7 of the Agriculture and Fisheries Modernization Act of 1999 (Product Standardization and Consumer Safety); Republic Act No. 7394 (Consumer Act of the Philippines of 1992); and Section 18, Chapter 4, Title IV, Book IV of Executive Order No. 292 (Administrative Code of 1987), do hereby issue this Order governing the importation of meat and meat products:

**Section I
DEFINITION OF TERMS**

As contemplated in this Order, the following terms, words and phrases herein used shall be construed to mean as follows:



- A. **Codex Alimentarius Commission (CODEX)** - refers to the International organization recognized by the WTO as the responsible body 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 is recognized by the WTO as benchmark standards in relation to food quality and safety.
- B. **Country of Origin** - refers to the country source of meat and/or meat products being exported. When a product undergoes processing in another country which changes its nature, the country in which processing is performed shall be considered to be the country of origin for purposes of labeling. Conversely, when such product undergoes only minimal processing/physical change (i.e., re-packing, re-branding) in another country, the country of origin refers to the source of the original product.
- C. **Claim** - refers to any representation, which states, suggests or implies that a product has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality.
- D. **Date of Expiration** - refers to the earliest date at which safety and/or acceptability of a product can no longer be assured, based on CODEX or other internationally accepted standards, or as determined by the manufacturer or the appropriate government authority.
- E. **Date of Minimum Durability ("best before")** - refers to the earliest date (under specified conditions) beyond which a product is no longer fully marketable and cannot meet the quality required by the importer or government authorities in the importing country as determined from CODEX or other internationally accepted standards, or for which *claims* have been made by the manufacturer or the government authority of the exporting country.
- F. **Foreign Meat Establishment (FME)** - refers to an establishment, company or juridical/legal entity engaged in slaughtering/dressing of food animals, meat processing/packing/manufacturing, and/or meat trading/exporting, among others.
- G. **Imported Meat Inspection Clearance (IMIC)** - refers to the clearance issued by the National Meat Inspection Commission (NMIC) to an importer/consignee providing the basis for the latter's utilization or disposition of the imported meat and/or meat products.
- H. **International Veterinary Certificate (IVC)** - refers to the certificate issued by the Veterinary Administration at the country of origin attesting that, among others, the goods conform to the veterinary/SPS requirements of the Philippines

as prescribed in the Veterinary Quarantine Clearance Issued by the Department of Agriculture (DA).

- I. **Lot Identification** - refers to the name and identity number of the plant/factory and the serial identity number of the specified quantity of commodity produced from this plant/factory essentially subjected to the same production conditions.
- J. **Meat** - refers to the fresh, chilled or frozen edible part of carcass, including offal derived from but not limited to cattle, buffalo, pig, poultry, goat, sheep, and horse but excluding marine animals and prohibited animals under the *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*.
- K. **Meat product** - refers to meat, which has been subjected to physical change and/or treatment by cooking, drying, salting, brining or smoking.
- L. **Office Internationale des Epizootics (OIE)** - refers to the international organization recognized by the WTO as the responsible body for establishing the animal veterinary health standards, guidelines and recommendations.
- M. **Qualified Importer** - refers to a person, company or juridical/legal entity accredited by the DA as meat processor/manufacture/re-packer, meat trader and other meat establishments.
- N. **Qualified exporter** - refers to a FME recognized by the Veterinary Administration of country source as exporting entity and accredited by the DA. Only those "meat-trading" firms sourcing from DA accredited FMEs are considered qualified exporters.
- O. **Veterinary Administration** - refers to the national Veterinary Service having authority over the whole country for implementing the animal health measures and international veterinary certification process (based on OIE Animal Health Code).
- P. **Veterinary Quarantine Clearance (VQC)/SPS Import Permit** - refers to the clearance issued by the Bureau of Animal Industry (BAI) to the importer/consignee, setting the Philippine SPS/quarantine requirements that imported meat and/or meat products should be subject to.
- Q. **Veterinary Quarantine Inspection Certificate (VQIC)** - refers to the certificate issued by the DA Veterinary Quarantine Office (DAVQO) to the importer/consignee, which certifies that the goods have been subjected to quarantine inspection and clearance. The VQIC provides the basis for the NMIC to initiate its inspection and laboratory analysis upon the release of the goods by the Bureau of Customs (BOC).

Section II SCOPE

Only meat and meat products referred to in ANNEX "A" as defined in Section 1 (J) and (K) are covered by this Order.

Section III APPLICATION FOR VQC/SPS IMPORT PERMIT

- A. A qualified importer as defined in Section 1 (M) who intends to import meat and/or meat products must first secure a VQC/SPS Import Permit from the DA prior to the shipment of goods from the country of origin. The importer shall:
1. submit a duly accomplished Application Form to Import (ANNEX "B") together with the *pro-forma* invoice; and
 2. pay the necessary fee to the Bureau of Animal Industry (BAI).
- B. The BAI, in consultation with the NMIC, as needed, shall evaluate the VQC application and shall approve/disapprove the same within 7 working days from receipt of complete application documents. The approved VQC shall contain the BAI seal and the signature of the Secretary or the BAI Director (upon the Secretary's designation).
- C. The BAI shall issue a VQC per shipment of meat and/or meat products.
- D. The VQC's validity shall be based on the following geographical locations (countries/regions) where the meat and/or meat products shall be sourced:

| <u>Source</u> | <u>VQC's Validity</u> |
|---|-----------------------|
| 1. Asia, Australia, and New Zealand | - 30-60 days |
| 2. North and South America; Europe and Africa | - 60-90 days |

- E. The importer can request for a 15 to 30-day extension for its VQC from the BAI provided the shipment is in transit during the VQC's validity period. The BAI shall issue such extension within 24 hours upon:
1. receipt from the importer (applicant) of a formal request with the original VQC previously issued; and
 2. payment of the necessary extension fee.



Section IV
EXPORTING COUNTRY REQUIREMENTS

- A. Only DA accredited FMEs recognized as an exporting entity by the Veterinary Administration of the exporting country are allowed to export into the Philippines.
- B. A qualified exporter must first secure a copy of the approved VQC/SPS Import Permit from the importer/consignee prior to the shipment of meat and/or meat products into the Philippines.
- C. The exporter shall comply with the following packing and labeling requirements:
 1. All packing materials and containers in direct contact with the meat and/or meat products must be of food grade quality.
 2. The packaging must meet the minimum relevant labeling requirement as defined in Article 77, Chapter IV of the Consumer Act of the Philippines and the Bureau of Food and Drugs (BFAD) AO No. 88-B, Series of 1984 (Rules and Regulations Governing the Labeling of Pre-packaged Food Products). The label on each box of the shipment of imported meat and/or meat products shall contain the following, as appropriate, which must be written in English or Filipino [each character of the text should not be less than 2.5 mm (for pre-printed or stamped) and 5 mm (for stenciled or hand painted)]:
 - a) Correct and registered trade name or brand name;
 - b) Business name and address of the exporter;
 - c) Country of origin;
 - d) Lot identification;
 - e) Product description and list of ingredients;
 - f) Net quantity of contents, in terms of weight, measure or numerical count rounded to the nearest tenths (expressed in METRIC SYSTEM);
 - g) Date of manufacture and packaging;
 - h) Date of minimum durability ("best before") or expiration date;
 - i) Handling and storage instructions; and
 - j) Business name and address of the importer.
- D. The Veterinary Administration of the exporting country shall issue an IVC for a specific shipment of meat and/or meat products. The IVC shall contain the minimum information stipulated in the OIE model health certificate and shall bear/contain, among others the seal of the issuing agency.
- E. A qualified exporter shall only ship into the Philippines:
 1. Fresh/chilled or frozen meat or meat products at the earliest date prior to its "date of minimum durability"/expiration date; and



2. Canned meat products not later than one (1) year prior to its "date of minimum durability"/expiration.
- F. The exporter shall ensure that the date of shipment of goods (as reflected in the bill of lading/airway bill) is not earlier than the date of the issuance of VQC.

Section V
RELEASE PROCEDURES

- A. At least three (3) days prior to the expected arrival of the shipment, the importer shall inform the DAVQO at the port of entry by submitting the accomplished Notice of Arrival Form attached to the VQC.
- B. The shipment shall be accompanied by an IVC (written/translated in English) issued by the Veterinary Administration at the country of origin.
- C. The shipment shall only be released by the Bureau of Customs (BOC) upon accomplishment of the following:
1. Presentation by the importer of the VQC (original), IVC (original), Bill of Lading/Airway Bill, and Packing List to the DAVQO for verification and evaluation;
 2. Initiation and completion of the mandatory veterinary quarantine inspection done by random sampling and/or documentation and clearance;
 3. Payment of veterinary quarantine inspection fee;
 4. Resealing (BAI seal) of the container van/s with the goods inspected; and
 5. Issuance of a VQIC and stamped "Inspected and Passed" mark on the original copies of the BOC import documents/entries from the initiation of the quarantine inspection.
- D. The DAVQO shall provide the NMIC of the copy of the VQIC within 24 hours from the time the goods are cleared. The consignee shall notify the NMIC (by submitting the accomplished Request for Meat Inspection and Laboratory Analysis attached to the VQC) upon release of the goods by the BOC and delivery of the same to the importers' cold storage/warehouse/processing plant.
- E. The NMIC shall:
1. Initiate meat inspection by random sampling within 48 hours. In no case shall the importer break the BAI seal and/or unload the goods from the container van/s in the absence of a NMIC Inspector.
 2. Subject the goods to microbial and chemical analyses to determine whether these conform to Philippine requirements.
 3. Issue an Imported Meat Inspection Clearance (IMIC) to the consignee (within 3 working days from the date of initiation of meat inspection) upon payment

of the NMIC inspection fee. If laboratory result is not yet available within 3 days, an IMIC will still be issued to state that the subject goods will be subject to surveillance and mandatory recall should the result prove that the goods are unfit/unsafe for human consumption.

Section VI CONFISCATION AND DISPOSITION

- A. Imported meat and meat products shall be confiscated if any of the following exists:
1. The goods lack authentic VQC/SPS Import Permit and/or IVC;
 2. The information on the IVC does not match/address the requirements/information stipulated in the VQC e.g., SPS conditions, among other irregularities;
 3. The volume/quantity of goods imported exceeds the volume indicated in the approved VQC and IVC;
 4. The goods lack appropriate labeling and packing requirements referred to in Section IV; and
 5. Part of or the entire shipment is unloaded from the container van/s in the absence of a NMIC inspector, as evidenced by a tampered BAI seal, and/or evidence of alteration, usage, or distribution.
- B. Imported meat and/or meat products confiscated in view of Section VI (A) above shall be subject to BOC's rules and regulations on disposition of confiscated products and to DA quarantine and quality inspection system.
- C. Imported goods found to pose a risk to consumer safety or animal health/life shall be disposed of in accordance with Section VI (D) and (E) below.
- D. Imported meat and meat products shall be confiscated under any of the following circumstances and shall either be destroyed or returned/re-exported:
1. The goods are sourced from a country/zone from which importation is banned in view of disease outbreak or contamination;
 2. The goods are found to be infected by any OIE lists A and B disease and/or carrying any disease-causing organism.
 3. The goods contain any toxic or deleterious substance, which may render them injurious to health;
 4. The goods contain any added toxic or deleterious substance other than (a) allowed pesticides, (b) food additives, and (c) color additives (d) contaminants at levels beyond the prescribed/established tolerances;
 5. The goods have been prepared, packed or held under unsanitary conditions in which they may have been contaminated with filth or rendered injurious to health;

6. The goods consist, in whole or part, of any filthy, putrid, rotten, decomposed substance or foreign matter, or otherwise unfit for human consumption;
 7. The container or packaging materials in direct contact with the goods are found to be composed of, in whole or part, of any poisonous or deleterious substance, which render the contents injurious to health; and
 8. The goods imported have arrived beyond the "date of minimum durability"/expiration date prescribed in Section IV (E).
- E. The importer/consignee shall bear the expenses to be incurred in the confiscation and disposition of the goods in view of Section VI (C & D) above. These expenses include among others destruction, storage, cartage, and labor. Failure of the consignee to pay the said expenses shall constitute a lien against any future importation.

Section VII PENALTY PROVISIONS

Violators of the provisions of this Order shall be penalized in accordance with Article 19 (Penalty), Chapter I, Title II, of Republic Act No. 7394 otherwise known as the Consumer Act of the Philippines issued dated 13 April 1992.

Section VIII TRANSITORY PROVISIONS

- A. All existing commercial importers and exporters shall be considered accredited for a year from the effectivity of this AO.
- B. Within the abovementioned period, all existing importers and exporters shall be subject to review and assessment.

Section IX REPEALING CLAUSE

All existing rules and regulations, which are inconsistent with this Order are hereby modified, revoked or repealed accordingly. This AO repeals DA Administrative Order No. 16, issued on 27 April 2000.



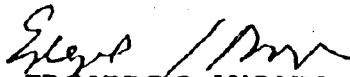
**Section X
SEPARABILITY CLAUSE**

The provisions of this Order are hereby declared to be separable, and in the event one or more of such provisions are held unconstitutional, the validity of the other provisions shall not be affected thereby.

**Section XI
EFFECTIVITY**

This Order shall take effect thirty (30) days after its publication in two (2) national newspapers of general circulation. This Order shall be subject to an annual review as may be necessary.

Done in the City of Quezon, this 4 day of October, in the year of our Lord, 2000.


EDGARDO J. ANGARA
Secretary

ANNEX 'A'

LIST OF MEAT AND MEAT PRODUCTS REFERRED TO IN
SECTION II OF DA AO NO. _____, SERIES OF 2000

| HDG. NUMBER* | DESCRIPTION |
|-----------------|--|
| 02.01 | Meat of bovine animals, fresh or chilled |
| 02.02 | Meat of bovine animals, frozen |
| 02.03 | Meat of swine, fresh, chilled or frozen |
| 02.04 | Meat of sheep or goats, fresh, chilled or frozen |
| 02.05 | Meat of horses, asses, mules or hinnies, fresh, chilled or frozen |
| 02.06 | Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen |
| 02.07 | Meat and edible offal, of poultry of heading no. 01.05, fresh, chilled or frozen |
| 02.08 | Other meat and edible meat offal, fresh, chilled or frozen |
| 02.09 | Pig fat, free of lean meat, and poultry fat, not rendered or otherwise extracted, fresh, chilled or frozen |
| 02.10 | Meat and edible meat offal, salted in brine, dried or smoked, edible flours and meals of meat or meat offal |
| 15.02 | Fat of bovine animals, sheep and goats other those of heading no. 15.03 (not processed) |
| 16.01 | Sausages and similar products; of meat, meat offal or blood; food preparations based on these |
| 16.02 | Other prepared or preserved meat, meat offal or blood |

Based on the Harmonized Commodity Description and Coding System, Tariff and Customs Code of the Philippines (TCCP) Issued in April 1999.



ANNEX B "

VQC Permit Number: _____

**Department of Agriculture
Bureau of Animal Industry**

APPLICATION FOR PERMIT TO IMPORT MEAT AND MEAT PRODUCTS

| |
|---|
| <p>1. Importer Details</p> <p>Name/Firm: _____</p> <p>Address: _____</p> <p>Telephone: _____ Fax: _____ E-mail: _____</p> <p>Contact Person: _____</p> <p>DA Accredited Importer? _____ Yes. _____ No.</p> <p>Accreditation reference _____ Date accredited _____</p> |
| <p>2. Exporter Details</p> <p>Name/Firm: _____</p> <p>Address: _____</p> <p>Country: _____</p> <p>Telephone: _____ Fax: _____ E-mail: _____</p> <p>Contact Person: _____</p> <p>DA Accredited Exporter? _____ Yes. _____ No.</p> |
| <p>3. Country of Origin: _____</p> |
| <p>4. Business Name of Accredited Source(s)/(Meat Establishment(s))</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Address and/or Number of Meat Establishment(s)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Location(s)/Region(s)/Zone(s) Where Animals were Sourced:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Place Slaughtered:</p> <p>_____</p> <p>_____</p> <p>_____</p> |



4 Product Details:

| HS Code | Product/Brand Name | Description | Packing Description | Quantity/ Volume In Kg. or MT |
|---------|--------------------|-------------|---------------------|-------------------------------|
| | | | | |

5. Details of Transport (if known)

Airline/Ship: _____ Flight/Voyage No. _____

Estimated Date of Arrival: _____

Route Details to the Philippines: _____

6. Declaration

- I hereby apply for permission to import the meat and meat products detailed in this application.
- I declare that these products will be used in accordance with all Philippine quarantine requirements as may be specified in the Veterinary Quarantine Clearance to be issued for the importation.
- I declare that the information I have provided is true and accurate to the best of my knowledge.

Signature: _____

Printed Name: _____

Date: _____

Contact Person: _____

Name: _____

Address: _____

Phone : _____

(To be filled by the Bureau of Animal Industry)

Date Received: _____

Assessor: _____

Comments/Recommendations: _____

