

Republic of the Philippines  
DEPARTMENT OF AGRICULTURE  
Diliman, Quezon City

FISHERIES ADMINISTRATIVE)

ORDER NO. 221 :

Series of 2003 . . . . . )

SUBJECT: 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 for 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 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 or Incorporation duly approved by the Securities and Exchange Commission. The decision to import high risk species will be given thirty (30) days after upon evaluation of the proposal and other documents which may be required by the IRA Panel.

Requests for importation of prohibited species shall be rejected.

**Section 6. Review.** – All importation of live fish and fishery products, microorganisms and biomolecules shall be subject to review by the IRA Panel created by the BFAR Director which shall categorize whether they are low, medium, high risk, or prohibited species. The Panel shall serve as the secretariat and clearing house of all IRA cases and may tap a group of experts to resolve individual cases whenever necessary.

The Panel shall be chaired by a fish health officer who has the expertise on import risk analysis and shall have five (5) permanent members to be appointed by the BFAR Director who shall have the following minimum qualifications.

- a. One member shall be a member of the Philippine Bar;
- b. One member shall be a fish health officer;
- c. One member shall be a regulatory fisheries quarantine officer;
- d. One member shall be a member of NFARMC; and
- e. One member shall be fishery biologist (on call depending on this expertise)

**Section 7. Importation requirements.** –

- a. *For low risk species.* – Duly accomplished form. Risk analysis shall not be required except when there is a reported significant disease outbreak in the country of origin.
- b. *For medium risk species.* –
  - 1) Duly accomplished form;
  - 2) Duly accomplished proposal form with emphasis on health, ecological and genetic impacts of the proposed importation;

- 3) Import risk analysis by the IRA Panel;
- 4) Health certificate from the competent authority of the country of origin to be presented upon arrival of the consignment at the NAIA or other designated ports of entry. On a case to case basis, BFAR may specify certification requirements for individual species and/or shipments to ensure freedom from specified diseases as deemed necessary; and
- 5) The quarantine and inspection requirements shall be based on the decision of the BFAR IRA Panel which may require a quarantine period of 24-28 days on a case to case basis after the release of the shipment from the airport to the BFAR's quarantine facility, with costs to be borne by the importer.

c. *For high risk species.* –

- 1) Duly accomplished application form;
- 2) Duly accomplished proposal form with emphasis on health, ecological and genetic impacts of the proposed importation;
- 3) Import risk analysis by the IRA Panel;
- 4) Health certificate from the competent authority of the country of origin to be presented upon arrival of the consignment at the NAIA or other designated ports of entry. On a case to case basis, BFAR may specify certification requirements for individual species and/or shipments to ensure freedom from specified diseases as deemed necessary; and
- 5) Quarantine and inspection until the first generation (F1) offspring for high risk species (to be imposed after the release of the shipment from the airport to the BFAR's quarantine facilities, with costs to be borne by the importer.

- d. The prohibited species, based on a list prepared by the IRA Panel, shall not be issued any import permit.

**Section 8. Issuance and duration of import permit.** – An import permit shall be issued by the BFAR Director for every shipment after an application therefor has been filed and all requirements pursuant to this order have been satisfied.

**Section 9. Inspection.** – Upon arrival, the consignment shall be subjected to the following inspection requirements:

- a. The importer shall submit the original copy of the import permit, photocopies of the pro-forma invoice, packing list and airway bill (bill of lading) to the BFAR Fisheries Quarantine Officer for low, medium and high risk species. In the case of medium and high risk species, a copy of the health certificate shall accompany each consignment/shipment. This shall also apply to handcarried shipments. Consignments not accompanied by import permit and/or health certificate shall be confiscated and destroyed.
- b. The Fisheries Quarantine Officer shall check the species identify and conduct visual inspection. If the fish is clearly unhealthy, he shall require the consignee to treat the

shipment in the importer's holding facility under the supervision of a fish health officer or if the unhealthy fish poses high risk of contaminating healthy stocks, the shipment shall be confiscated and destroyed. A laboratory examination of the shipment shall be conducted by the BFAR Fish Health Officer at the expense of the importer.

**Section 10. Transitory provision.** – High risk and prohibited species which have already entered the country without any valid import permit prior to promulgation of this order shall be monitored and evaluated by the IRA Panel and those that are found to be causing any adverse effect on the local fauna, human health and environment shall be confiscated for destruction.

**Section 11. Penalty.** – Violation of this order shall subject the offender to the penalty of eight (8) years imprisonment and a fine of eighty thousand pesos (P80,000.00) including the destruction of the live fish and fishery products or forfeiture of the non-live fishery species in favor of the BFAR for its disposition: Provided, That the offender shall also be banned from being members or stockholders of companies currently engaged in fisheries or in such companies to be created in the future.

**Section 12. Repeal.** – FAO No. 135. s. 1981 and all orders, rules and regulations or parts thereof are hereby repealed or modified accordingly.

**Section 13. Effectivity.** – This order shall take effect fifteen (15) days after its publication in the Official Gazette and/or in two (2) newspapers of general circulation and fifteen (15) days after its registration with the Office of the National Administrative Register.

ISSUED this 6<sup>th</sup> day of March, 2004 at Quezon City, Metropolitan Manila, Philippines.

(SIGNED)  
**LUIS P. LORENZO, JR.**  
Secretary

Recommended by:

(SIGNED)  
**MALCOLM I. SARMIENTO, JR.**  
Director, Bureau of Fisheries  
& Aquatic Resources

(SIGNED)  
**CESAR M. DRILON, JR.**  
Undersecretary for Fisheries and Livestock,  
Chairman, NFARMC

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