

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT
POLICY

Required Report - public distribution

Date:

GAIN Report Number:

Philippines

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

Approved By:

Ralph Bean

Prepared By:

Pia A. Ang

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 I on the Food Safety Act of the 2013 has 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, recently renamed as the Food and Drug Administration, 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. Under the Food Act, the Food and Drug Administration (FDA) was created under the DOH. Executive Order 175 (EO 175) later renamed FDA as the Bureau of Food and Drugs (BFAD).

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 complement 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: The Bureau of Agriculture and Fisheries Standards (BAFPS) under the Department of Agriculture was established in 1997 as provided for by Republic Act No. 8435 or the Agriculture Fisheries and Modernization Act. Its major duties 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 will be 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.

As of January 2015, the Implementing Rules and Regulations which will implement this new Food Safety Act has yet to be signed by the Secretaries of Health and Agriculture.

Regulatory Agencies: A number of different regulatory bodies exist in the Philippines and these are often supported by specialist commissions which focus on specific technical matters such as meat inspection, biosafety, etc. 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 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.

The Bureau of Plant Industry (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 the BFAR the administrative responsibility to control fish and other marine products. The Fisheries Post-Harvest Technology Division (FPHTD) 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 FDA of the United States 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, in some cases, require 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/distributor;
5. Lot identification.

Additional information on food labeling contained in FDA AO No. 88-B (1994) may be obtained from www.fda.gov.ph.

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, which make 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 which 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 links: <http://www.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). 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, the Bureau of Plant Industry (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:

Registration of Processed Food Products: All processed food products offered for retail sale in the Philippines must be registered with the FDA. Registration of imported products may only be undertaken by a Philippine entity, although some documentation and, for certain types of products, samples need to be provided by the exporter. Products have been divided into two categories with distinct sets of registration requirements and procedures.

Category I includes: bakery & bakery related products; non-alcoholic beverages & beverage mixes; candies & confectionery products; cocoa & cocoa related products; coffee, tea & non-dairy creamer; condiments, sauces & seasonings; culinary products; gelatin, dessert preparation & mixes; dairy products; dressings & spreads; flour/flour mixes & starch; fish & other marine products; fruits, vegetable & edible fungi (prepared); meat and poultry products (prepared); noodles, pastas & pastry wrapper; nut & nut products; native delicacies; oils, fats & shortening; snack foods & breakfast cereals

and; sugar & other related products.

Category II includes: alcoholic beverages; food supplements; tea (herbal); bottled drinking water; food for infants and children; foods for special dietary use; transgenic food products (use of genetic engineering/biotechnology) and; ethnic food products with indigenous ingredient(s) not common in the Philippines.

An application for registration should be filed by the Philippine importer for the importation and distribution/offer for sale of each class per brand of product. Only products with a valid Certificate of Product Registration from the Philippine FDA will be allowed for retail sale in the Philippines.

Only products with a valid Certificate of Product Registration from the Philippine FDA will be allowed for retail sale in the Philippines. The application for product registration can 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 for Category I and II products:

Notarized application letter from the importer/distributor

1. Valid License to Operate (LTO) as an importer/distributor issued by the Philippine FDA
2. Product Information
 - List of ingredients in decreasing order of proportion. For additives with prescribed limit, the amount added must be indicated;
 - Safety Certificate from flavor supplier
 - Finished product specification (physical, chemical and microbiological)

1. One sample of the product in its commercial presentation for laboratory analysis
2. Loose labels and labeling materials
3. Certificate of analysis indicating the analytical method used
4. Brief description/flow diagram of the method of manufacture, packaging and quality control
5. A packaging certification of suitability
6. Estimated shelf-life, parameters used and methods for determining shelf-life with the following:
 - Product name, batch number, production date and dates of analyses
 - Tabulated date and results in terms of physical, chemical and microbiological
 - Conclusion as to the shelf-life of the product
 - Name and signature of the QA Analyst and QA Manager

1. Justification of label claim(s), if applicable
2. Previous Certificate of Registration (for renewal only)
3. Original copy of the Certificate of Free Sale (CFS) issued by the government regulatory agency or health authority of the country of origin stating that the product applied for registration are

freely sold in the country of origin and fit for human consumption

A checklist of requirements is posted on the Philippine FDA website and can be accessed through the following link: <http://www.fda.gov.ph/industry-corner/downloadables/222-food-registration-requirements>

Laboratory testing by FDA for products under Category II is mandatory to determine the safety of the product and to assure that there will be no misbranding or adulteration. Products under Category I may be subject to random examination at any time while in the country and the cost of laboratory analysis shall be charged to the importer.

A Certificate of Product Registration (CPR) shall be issued by FDA and shall be valid for one (1) year. Subsequent renewal of a CPR shall be valid for a period of five (5) years. Cost of renewal ranges from 1,000 Pesos for Category I products to 5,000 Pesos for Category II products and 5,000 Pesos for food supplements and bottled water.

Exporters should also note that a Philippine importer needs to secure a License to Operate (LTO) from FDA, which is actually a prerequisite for the registration of any food product. The License lists names of foreign suppliers or sources of the products being registered. Thus, the importer is required to obtain from the exporter and submit to FDA the following: (1) a copy of the Foreign Agency Agreement duly authenticated by the Philippine Consulate in the country of origin and; (2) a Certificate of Status of Manufacture by the exporter issued by the Government Health Agency of the country where the product is manufactured; this should also be authenticated by the Philippine Consulate. In March 2007, FDA issued Bureau Circular No. 6-A (2007) requiring all importers to obtain a Certificate of Free Sale for the said product from the regulatory agency of the exporting country.

The cost of initial one-year licensing fee is 4,000 Pesos. Renewal of License to Operate, valid for two (2) years, is 8,000 Pesos.

Section VII. Other Specific Standards:

Import Regulations for Food Products: The Philippines is a signatory to the World Trade Organization and has lifted quantitative restrictions (QRs) on imports of food products except for rice. Tariff-Rate Quotas (TRQs) still remain on a number of sensitive products such as corn, poultry meat, pork, sugar and coffee. Minimum Access Volumes (MAV) has been established for these commodities.

The GRP opened its rice market in 2002 when it allowed the private sector, mainly traders, to import rice. Prior to this, the National Food Authority (NFA) was the sole importer of rice. The NFA expanded rice importation to include farmer groups although this sector was inexperienced in rice importation, and therefore, was unable to fill the allocation it was given. Private sector rice imports are assessed a 35-percent tariff rate and import licenses are regulated by the NFA. Imports by the NFA, usually for buffer stock purposes, are imported duty-free. In 2014, the GRP completed negotiations with other WTO members for another extension of its quantitative restrictions on rice until 2017.

Quarantine clearances that serve as import licenses are required prior to the importation of fresh/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/chilled potatoes, coffee beans, corn and coffee extract. In 2010, Administrative Order 9 (AO9) was issued which now requires that an SPS import permit be issued to an accredited importer prior to shipment of imported food and agricultural products to the country (i.e., plant and plant products, fishery products, live animals, meat and poultry products, fertilizers, animal feed, pet food, etc.). AO9 is strictly enforced by the Philippine 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.

Import Regulations for Meat and Meat Products: In September 2005, the DA issued Administrative Order No. 26 (AO 26), which updated its Administrative Order No. 39 (2000) 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. The complete text of Administrative Order No. 26 may be obtained from:

http://www.da.gov.ph/agrilaws/ao_2005/ao_26.pdf

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 may be obtained from:

http://www.fsis.usda.gov/regulations_&_policies/Philippines_Requirements/index.asp

Import Regulations for Live Animals: On December 22, 2005, the Philippine 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 the Bureau of Animal Industry. As with meat and meat products, importers are required to obtain a Veterinary Quarantine Clearance (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 may be obtained from:

<http://www.aphis.usda.gov/vs/ncie/iregs/animals/rp.html>

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% 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, the 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 Department of Agriculture 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/aquatic products meet the quality of fresh fish prior to freezing shall be graded accordingly to size.
2. The fishery products must be handled and processed hygienically in processing plants and/or 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, such as:

Total viable count 10/gram

- E. coli 10 to 100/gram
- Salmonella absent in 25 gram sample
- Shigella absent
- Vibrio cholerae absent

Fishery/aquatic products must be packed under hygienic condition 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 fish/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 from <http://www.bfar.da.gov.ph/>

In 2007, the Philippine DA issued Fisheries Administrative Order No. 225 lifting the six-year ban on the importation of live Pacific white shrimps, known scientifically as *Penaeus vannamei*. This followed a two-year intensive study and testing period by the Bureau of Fisheries and Aquatic Resources (BFAR) on imported Pacific white shrimp stocks. Fisheries Administrative Order No. 207, issued by the DA in 2001, banned the importation and culture of live shrimp and prawns in the country to protect the local shrimp industry from contamination by the Taura virus that had nearly wiped out shrimp farms in various parts of Asia. Under the new directive, grow-out farmers must have a permit to import brood stock from BFAR, which will be issued on the basis of inspection of hatchery facilities. Such inspection and accreditation will be undertaken by the National Fishery Research and Development Institute and the concerned BFAR Regional Office.

The administrative order likewise states that the brood stock must come only from the eight brood stock facilities in the United States that are known to have the capacity to produce brood stock that are specific pathogen-free or specific pathogen-resistant. The eight brood stock facilities are High Health Aquaculture, Inc. (Hawaii), Kona Bay Marine Resources (Hawaii), Molokai Sea Farms International (Hawaii), Rainbow Hawaii Farms (Hawaii), Shrimp Production Hawaii, Inc. (Hawaii), Shrimp Improvement Systems, Inc. (Florida), Harlingen Shrimp Farms, Ltd. (Texas) and SyAqua USA (Kentucky). Also under the guidelines of the directive, a brood stock facility must have a minimum of two years disease-free status, as certified by a competent authority from the country of origin, and must submit a disease history for the period covering its commercial establishment to the present

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 product, 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, the USDA formally requested for market access for the following U.S. vegetables: broccoli,

cauliflower, lettuce, carrots, cabbage, celery and potatoes. In 2012, BPI inspectors visited various vegetable production areas in the United States. BPI is currently in the process of completing the PRAs for the concerned vegetables, pending the submission of additional information from the United States. In the interim, BPI has expressed willingness to allow these products entry into the country provided that they are intended for the high-end market (i.e., hotels, restaurants and supermarkets). However, while BPI insists that it continues to process and issue import permits, Philippine importers have reported difficulty in obtaining the permits.

In 1995, BPI established plant health regulations, which allow the import of U.S. apples, grapes, oranges, potatoes, onions, and garlic, provided these products when necessary, undergo a specified cold treatment to control targeted pests. Importation of Florida grapefruit, oranges, and tangerines into the Philippines is permitted under a March 2000 protocol between the Philippines and the United States. In 2004, BPI formally allowed the entry of U.S. fresh cherries into the country.

More information on import requirements for fresh fruits and vegetables may be downloaded from:

<http://bpi.da.gov.ph/Services.html>

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 Foods: The Rules and Regulations for the Importation and Release into the Environment of Plants and Plant Products Derived from the Use of Modern Biotechnology (AO8) were signed into law in 2003 and became effective on July 1, 2003. Under AO8, all GE plant varieties (regulated article) must be evaluated by a third party panel of Philippine scientists for food, feed and environmental safety prior to entering the Philippines. Any commodity or food containing an unapproved variety regardless of country of origin will be prohibited from entering the Philippines.

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 (RDA) 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 or producers, importers, traders, retailers and repackers of staple

foods as well as restaurants and food service establishments. The Department of Health 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 gravity of the offense.

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 the goods or services; shapes that may be necessitated by technical factors; color alone, unless defined by a given form and/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 ten (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 (5th) 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 ten (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 mark shall be in Filipino or in English and shall contain 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 in the prescribed format 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/or registered individuals or businesses may import food products into the Philippines. Importers must obtain accreditation from relevant Philippine regulatory bodies (i.e., License to Operate (LTO) from FDA for processed foods, Certificate of Accreditation from BAI/NMIS for meat and meat products and BPI for fresh fruits & 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 (i.e. abattoirs/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/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. Veterinary Quarantine Certificates (VQC) must be obtained from BAI and Import Permits (IP) from BPI prior to importation. A Certificate of Product Registration (CPR), renewable annually, 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. Government Regulatory Agency Contacts:

FOREIGN AGRICULTURAL SERVICE 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)

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://nmic.da.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>

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

Fax: (60) 32273 2052

Contact: Mr. Adrian Morales, Technical Director - Philippines

Mr. Adel Yusupov, Regional Director

Email: adiemorales@gmail.com; usgckl@usgc.com.my

Website: www.grains.org

U.S. Meat Export Federation

627A Aljunied 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

Represented in the Philippines by Ted M. Cortes Consultancy Svcs.

Unit 10-1, One Global Place

25th Street corner 5th Avenue

Bonifacio Global City, Taguig

Metro Manila, Philippines

Tel: (63) 2224 4106

Fax: (63) 2224 4107

Contact: Mr. Teodoro M. Cortes, Philippine Representative

Email: ted@cortesconsulting.net

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

U.S. Wheat Associates

28/F Ayala-FGU Center

6811 Ayala Avenue, Makati City

Metro Manila, Philippines

Tel: (63) 2818 4610

Fax: (63) 2815 4026

Contact: Mr. Joseph Sowers, Country Director

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

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