



04 July 2007

**ADMINISTRATIVE ORDER**

No. 22

Series of 2007

Subject: **Amending Specific Sections of Part V of D.A. Administrative Order No. 8, s. 2002, “Approval Process for the Importation of Regulated Articles for Direct Use as Food or Feed, or for Processing”**

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In the interest of the service and pursuant to the need to clarify further the approval process of regulated articles for direct use as food and feed, or for processing, the following provisions found in Part V and corresponding Annexes of D.A. Administrative Order (AO) No. 8, s. 2002, “Approval Process for the Importation of Regulated Articles for Direct Use as Food or Feed, or for Processing”, are hereby amended to read as follows.

PART V  
APPROVAL PROCESS FOR  
**REGISTRATION AND IMPORTATION OF REGULATED ARTICLES  
FOR DIRECT USE AS FOOD ~~OR~~ AND FEED, OR FOR PROCESSING**

Section 11

Policy on **Registration and** Importation for  
Direct Use as Food ~~or~~ **and** Feed, or for Processing

No regulated article shall be allowed importation for direct use as food ~~or~~ **and** feed, or for processing, unless: (i) the importation has been duly authorized by BPI; (ii) the regulated article has been authorized for commercial distribution as food ~~or~~ **and** feed, as the case may be, in the country of origin; and (iii) regardless of the intended use, the regulated article poses no significant risks to human *and* animal health. **Importation shall be allowed if the regulated article is registered in the Approval Registry for Direct Use as provided for in Section 12-G under this Order.**

Section 12

Requirements for **the Registration and** Importation for  
Direct Use as Food ~~or~~ **and** Feed or for Processing

A. Application to Import for Direct Use as Food ~~or~~ and Feed or for Processing. – Any applicant who desires to ~~import~~ **register a regulated article** for direct use as food ~~or~~ **and** feed, or for processing, ~~a regulated article not listed~~ in the Approval Registry for Direct Use shall submit the following:

1. Application Form. – Three (3) copies of the *Application to Import for Direct Use* (Annex “F”) XXX
2. Supporting Documents. – XXX

- B. Acceptance of Application. – Within five (5) days from receipt of the *Application to Import for Direct Use*, BPI shall examine XXX.
- C. Referral to Other Agencies. – XXX
- D. Public Consultation. – XXX
- E. Permit to Import for Direct Use. – Within sixty (60) days from acceptance XXX

Upon approval of the application, a *Permit to Import for Direct Use* shall be issued XXX. The *Permit to Import for Direct Use* shall be valid for a period of five (5) years from date of issuance, unless sooner revoked for any of the reasons set forth in Section 12-~~HH~~. XXX.

The *Permit to Import for Direct Use* shall not relieve the applicant XXX.

- F. Permit Conditions. – The permittee shall comply with the following conditions:

- 7.1. The permittee shall notify the Director of BPI, within the time periods and in the manner specified below, in case of any of the following occurrences:

- a. XXX;
- b. XXX;

- 8.2. In the event new information becomes available indicating that the regulated article could pose significant risks to human health and the environment, the applicant shall on its own report to BPI and immediately take measures necessary to protect human health and the environment; **and**

- 10.3. Such other conditions as BPI may deem necessary or desirable to prevent any significant risks to human health and the environment.

- ~~H.G.~~ Approval Registry for Direct Use. – XXX.

- ~~H.H.~~ Revocation of Permit to Import for Direct Use. – A *Permit to Import for Direct Use* may be revoked for any of the following grounds:

- 1. Provision of false information in the *Application to Import for Direct Use*;
- 5.2. The legal authority to commercially distribute the regulated article in the country of origin has been suspended or revoked; or
- 6.3. New technical information becomes available to BPI indicating that the regulated article, if allowed for its intended use, will result in significant risks to human health and the environment.

I. **Importation of Regulated Articles for Direct Use as Food and Feed or for Processing.** – Any person who desires to import a regulated article listed in the Approval Registry for Direct Use as Food and Feed or for Processing shall apply for a plant quarantine clearance from the BPI and shall comply with the following conditions in accordance with the Plant Quarantine Act:

1. The regulated article shall be imported solely XXX;
2. The regulated article shall be maintained XXX;
3. All packing materials, shipping containers, XXX;
4. A Plant Quarantine Officer XXX;
5. Where possible, the regulated article shall be identified XXX;
6. The regulated article shall be subject XXX;
7. The permittee shall notify the Director of BPI XXX:
  - a. XXX;
  - b. XXX;
8. In the event new information becomes available XXX;
9. The ~~permittee shall import the~~ regulated article **shall be imported** only at the port of entry designated in the ~~permit~~ **plant quarantine clearance**; and
10. Such other conditions as BPI may deem necessary XXX.

G.J. **Identification of Regulated Articles for Importation.** – The documentation accompanying the regulated article shall indicate that it is or may contain a genetically modified organism. **As provided for in D.A. Memorandum Circular Nos. 8, 11 and 12, s. 2003, the regulated article which is to be imported for direct use shall carry a Declaration of GMO Content.**

K. **Revocation of the Plant Quarantine Clearance.** – A plant quarantine clearance may be revoked for any of the following grounds:

1. Provision of false information in the ~~Application to Import for Direct Use~~ **application for a plant quarantine clearance**;
2. Misdeclaration of shipment;
3. Violation of relevant SPS and biosafety rules and regulations or of any conditions imposed in the ~~Permit to Import for Direct Use~~ **plant quarantine clearance**; or
4. Refusal to allow the inspection of the physical containment facility or intermediate destination of the regulated article;

JL. Notice of Arrival of Shipments. – Within fifteen (15) days from arrival of every shipment of the regulated article, the ~~permitter~~ **importer** shall notify BPI of such fact and stating the serial number of the permit, name of carrier, date of arrival, country of origin, name of shipper, name and address of the importer, and quantity of the regulated article imported.

This Order shall take effect thirty (30) days after its publication in a national newspaper of general circulation.

**ARTHUR C. YAP**  
Secretary