



Republic of the Philippines  
Department of Agriculture  
**Bureau of Fisheries and Aquatic Resources**  
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## **NOTICE**

**TO:** All BFAR Registered Live Food Fish Exporters; Live Tropical Fish Exporters; and Aquaculture Farms

**WHAT:** Public Consultation on the Draft Fisheries Administrative Order (FAO) on Rules and Regulations on the Inspection and Certification for Export of Live Fish and Fishery/Aquatic Products and Licensing of Fishery Establishments

**WHEN:** 26 January 2017, 8 A.M. – 5 P.M.

**WHERE:** Brentwood Suites, 6 Dr. Garcia Sr., Diliman, Quezon City, Metro Manila

**Republic of the Philippines**  
**Bureau of Fisheries and Aquatic Resources**  
**Elliptical Road, Diliman, Quezon City**

FISHERIES ADMINISTRATIVE

ORDER NO. \_\_\_\_;

Series of \_\_\_\_\_.

SUBJECT :                   **RULES AND REGULATIONS ON THE INSPECTION AND CERTIFICATION  
FOR EXPORT OF LIVE FISH AND FISHERY/AQUATIC PRODUCTS AND  
LICENSING OF FISHERY ESTABLISHMENTS**

**PART I**

**Section 1. Introduction**

**WHEREAS**, the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary (SPS) Measures recognizes that member-countries have the right to enforce SPS measures necessary to protect human, animal or plant life or health;

**WHEREAS**, Republic Act No. 8550 or the “Fisheries Code of the Philippines 1998” as amended by RA No. 10654, entrusted to the Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (DA-BFAR), in coordination with concerned agencies, the establishment and enforcement of safety and quality standards on aquatic organisms and fishery products for domestic consumption and international trade;

**WHEREAS**, there is a need to establish and maintain an effective and comprehensive regulatory system to ensure that the required SPS measures by international agreements such as, but not limited to: World Organization for Animal Health (OIE), World Trade Organization-General

Agreement on Tariff and Trade (WTO-GATT), Sanitary and Phyto-Sanitary (SPS) measures, and Codex Alimentarius Commission (CAC) are complied;

**WHEREAS**, the State recognizes that there is a need to protect the public from trade malpractices and from substandard or hazardous products particularly from food-borne and water-borne illnesses and unsanitary, unwholesome, misbranded or adulterated foods;

**WHEREAS**, the Republic Act No. 10611 or the "Food Safety Act of 2013" was enacted by Congress on August 23, 2013 vested with the Department of Agriculture the responsibility over the development and enforcement of food safety standards and regulations for foods in the primary production and post harvest stages of the food supply chain;

**WHEREAS**, both the Food Safety Act of 2013 and the Amended Fisheries Code mandated the DA-BFAR to prescribe the control measures, standards and Codes of Good Aquaculture Practices for Food Safety for the primary and post harvest stages for fresh fish and other seafoods including those grown by aquaculture.

**WHEREAS**, the Bureau of Fisheries and Aquatic Resources (BFAR) of the Department of Agriculture (DA) leads and coordinates efforts to ensure that fish and fishery/ aquatic products, hereinafter referred to as "covered products", sold in the national and international markets are safe for human consumption and meet the requirements of the CAC and the OIE standards while taking into full consideration the existing local conditions and maintaining a sustainable fisheries industry.

**WHEREAS**, to ensure that the covered products meet national and international sanitary and quality standards, the existing BFAR inspection and certification systems must be updated, consolidated, and made consistent with the import and export rules and regulations and official protocols as embodied in Fisheries Administrative Orders No. 227 and 228, both series of 2008, DA Administrative Order No. 9, series of 2010, and other relevant national and internationally accepted standards and recommended codes of practice for inspection and certification.

**WHEREAS**, there is a need to streamline, harmonize and strengthen these rules and regulations to enhance transparency and in order to facilitate trade without compromising safety of human, animal or plant life or health or causing damage to the environment.

**WHEREAS**, it is important to provide a consolidated guide for BFAR personnel to ensure conformity with international recognized protocols and procedures for inspection and certification, in the primary production, including codes of practices such as but not limited to GAqP, GMP, SSOP

and HACCP based principles in the holding and packing; rearing, transportation, distribution, sale, import and export of the covered products

**NOW THEREFORE, I, EMMANUEL L. PIÑOL**, Secretary of the Department of Agriculture, in accordance with the powers vested in me by law, do hereby issue this Fisheries Administrative Order (FAO) consolidating and harmonizing the rules and regulations on the inspection and certification of fishery/aquatic products and licensing of fishery establishments.

**Section 2. Scope.** This BAC describes the requirements and procedures for the inspection, and Health Certification of live aquatic animals for human consumption, research, aquaculture, exhibit or ornamental use and propagation for local and international markets and licensing of establishments and their operations in the primary production.

The inspection and certification systems, which defines the duties and responsibilities of DA- BFAR as the duly recognized Competent Authority (CA) for the implementation of official controls and responsibilities of Fishery Establishment Operator are likewise covered by this Order.

**Section 3. Definitions.** As used in this Order, the following words, terms and phrases shall be construed to mean as follows:

- 3.1. *Aquaculture* - the farming, during part or the whole of their life cycle, of all aquatic animals, except mammalian species, aquatic reptiles and amphibians intended for human consumption.
- 3.2. *Commercial / Proforma Invoice* - a document indicating the volume and value of the products to be exported and the name of exporter and importer.
- 3.3. *Competent Authority (CA)* - refers to the DA-BFAR Fish Health Officers as the official authority charged by the government with the management and control of live fish and fishery products to ensure compliance with SPS measures.
- 3.4. *Condemnation* – declaration after due examination and judgement of the products according to the approved protocols by a competent authority as being non-compliant to the SPS measures including the determination of unsafe or unsuitable products for human consumption and requiring appropriate disposal thereof.
- 3.5. *Confiscation* – taking into custody of products by the competent authority for the proper disposal for having been the subject of violation of herein rules and regulations or any pertinent law or rule or regulation.
- 3.6. *Consignment* – quantity of fish, fishery/aquatic products, fertilizers, pesticides or other aquacultural chemicals, veterinary drugs or biological products bound for a customer into the country and conveyed by any means of transportation

- 3.7. *Exportation* – act of carrying or sending agricultural and fishery/aquatic products, fertilizers, pesticides and other agricultural chemicals, veterinary drugs and biological products abroad, the transportation of the same from the Philippines to another country.
- 3.8. *Fish and fishery/ aquatic products* - include not only finfish but also mollusks, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.
- 3.9. *Fish Health Officers* – the designated aquatic animal health professionals with the competence to supervise, verify and monitor the implementation and compliance with the Good Aquaculture Practices which includes aquatic animal health management program, biosecurity measures, and food safety requirements.
- 3.10. *Fishery Establishment*- means the farm, fishing vessel, buildings and other facilities used for production of primary and post harvest products, post harvest handling, preparation, treatment, packaging, transport and/or storage, but excluding those sites, building and structures, such as laboratories, administrative offices and other areas where areas where product is not handled. Fishery Establishment shall also include facilities related to chemicals and other inputs in the primary and post-harvest stage of production.
- 3.11. *Fishery Establishment Operator* – any natural or juridical person such as corporation, partnership, society, association, firm, company and other legal entity.
- 3.12. *Good Aquaculture Practices* - refers to the "Code of Good Aquaculture Practices (GAqP) for Food Safety" used to prevent or reduce the risk of hazards occurring during production, harvesting, post harvest handling of aquaculture products as well as ensuring aquatic animal health and welfare.
- 3.13. *Hazard* - a biological, chemical or physical agent in, or condition of live fish and fishery/aquatic products with the potential to cause an adverse effect on animal and/or human health.
- 3.14. *Health Certificate (HC)* – a written guarantee issued by an authorized or competent regulatory agency from the country of origin, certifying that the products were handled, packed in a hygienic manner and do not pose hazard that shall endanger the health of human animal or plant life
- 3.15. *Inspection* - is the examination of raw materials, processing, and distribution including in-process and finished product testing, in order to verify that they conform to requirements.
- 3.16. *License to Operate (LTO)*- a written assurance issued by the Competent Authority that the establishment conforms to the requirements written in this order.
- 3.17. *Packaging* – procedure of protecting the products by a wrapper, container, water medium or any other suitable material.
- 3.18. *Official Accreditation* - a procedure by which BFAR having jurisdiction formally recognizes the competence of inspection and/or certification to provide inspection certification service.
- 3.19. *Primary production*- refers to the production, rearing or growing of primary products including harvesting and the rearing and growing of fish and other

seafoods in aquaculture ponds. It also includes fishing, and the hunting and catching of wild products.

- 3.20. *Recognized Laboratory* – the laboratory of the country of origin of any import/export products officially recognized by the Competent Authority to perform the product test or analysis
- 3.21. *Residues* - any chemical substances, including their metabolites, which result from either intentional application or accidental exposure that remain in fish prior to consumption.
- 3.22. *Sanitation Standard Operating Procedures (SSOP)*– set of rules and guidelines on hygiene, sanitation and biosecurity formulated and implemented by fish and fishery establishments to ensure compliance with SPS requirements.
- 3.23. *Sanitary and Phytosanitary Measures (SPS)* – include all relevant laws, regulations, requirements and procedures applied for the purpose of: (a) protecting fish, fishery/ aquatic animals from risks arising from the establishment or spread of pests, diseases, disease carrying organisms or disease causing organisms; (b) protecting human or aquatic animal life from risks arising from additives, contaminants, toxins or disease causing organisms in aquatic products; (c) protecting human life or health from risks arising from diseases carried by fish, fishery/ aquatic products, or from the establishment or spread of pests; or (d) preventing or limiting other damage within the territory of the Philippines from the establishment or spread of pests.

## PART II

### STANDARDS AND CODES OF PRACTICE FOR LIVE FISH AND FISHERY/AQUATIC PRODUCTS AND FISHERY ESTABLISHMENTS

**Section 4. Standards and Codes of Practice.** BFAR adopts the relevant Philippine National Standards (PNS) on the handling of live fish and fishery products and in their absence, Codex Alimentarius Commission (CAC) and World Organization for Aquatic Animal Health (OIE) Standards, with specified deviations.

- 4.1. Minimum Standards with specified deviations are available at the BFAR website (<http://www.bfar.gov.ph>) particularly:
  - 4.1.1. Minimum Requirements on Good Aquaculture Practices
  - 4.1.2. Minimum Requirements on the Sanitation Standard Operating Procedures (SSOP) for the licensing of live food fish establishment for export (Annex 1)
  - 4.1.3. Minimum Requirements on the SSOP for the licensing of Ornamental Fish establishment for Export (Annex 2)

**PART III**  
**ISSUANCE OF LICENSE TO OPERATE**

**Section 5.** Fishery establishment shall be registered upon compliance with the following requirements for:

- 5.1. Fishery Establishment Operators shall submit letter of intent addressed to the BFAR Director along with the following documents:
  - 5.1.1. Filled-up Application form
  - 5.1.2. SEC/DTI/CDA Registration
  - 5.1.3. Mayor's Permit / Business Permit
  - 5.1.4. SSOP for live fishery establishment – Annex 1
  - 5.1.5. Management Practices for aquafarm establishment
  - 5.1.6. Manpower Profile
  - 5.1.7. Facility Layout
  - 5.1.8. Location Map
  - 5.1.9. Pictures of Establishment
  - 5.1.10. List of sources/Catch Certificate
  - 5.1.11. Vessel Registration Certificate issued by BFAR / LGU (applicable to fishing boat)
  - 5.1.12. List of capture area
- 5.2. Upon compliance with the application requirements, applicant shall be informed and an inspection of the facility shall be conducted by the BFAR Fish Health Officers who shall collect samples for analysis when necessary.
- 5.3. Given that the applicant for registration has no previous conviction of any of the prohibited acts as listed in Section 17.
- 5.4. If the fishery establishment pass the inspection and laboratory tests conducted, BFAR shall issue the License to Operate.
- 5.5. If the applicant is found to be non-compliant with the requirements as provided  
for in this Order and its Annexes, the applicant shall be required to submit a Corrective Action Plan (CAP) with the immediate implementation of the same. The applicant shall

- be subject to follow-up inspection to verify progress of CAP, implementation and general compliance with food safety and/or biosecurity standards.
- 5.6. If there is no substantial improvement based on the CAP then the application is denied.
  - 5.7. If applicant passes inspection, the Regional Fish Health Officer shall endorse to the BFAR National Director for approval through the FHMQAS.
  - 5.8. The FHMQAS shall prepare the LTO for approval of the Director after successful evaluation.
  - 5.9. The FHMQAS shall transmit the LTO to the Fishery Establishment Operator thru the Regional Director.

**Section 6.** The Licensed Fishery Establishment Operator shall comply with the minimum requirements provided for in Section 4.1 and shall implement a product traceability system.

It shall be their duty to allow the inspection and monitoring of the premises and audit of documents.

## **Section 7. Types of License/Certification**

7.1. LTO is issued by the BFAR based on establishment's compliance with food safety and biosecurity requirements of live fish and fishery/aquatic products. It shall have a validity of two years from the date of issuance and should be renewed one month prior to the expiration date. These licenses are:

- 7.1.1 LTO for Aquaculture Establishment - A license issued to aquaculture farms based on minimum requirements of Good Aquaculture Practices (GAqP) and compliance with the residue monitoring program to assure food safety and compliance to SPS requirements.
- 7.1.2. LTO for Holding and Handling Facilities for Live Food Fish for export – A license issued to live food fish facilities that complied with the established international requirements and relevant Philippine laws, rules and regulations for fish and fishery products to ensure food safety and SPS requirements.
- 7.1.3. LTO for Export Facilities of Ornamental Fish – A license issued to live ornamental fish facilities that complied with the established international requirements and relevant Philippine laws, rules and regulations to ensure compliance with SPS requirements.



7.2. Certificate of Accreditation COA to Good Aquaculture Practice. Official Accreditation issued by BAR based on farm compliance to the Philippine National Standard on Good Aquaculture Practice. COA shall have a validity of five years from the date of issuance and should be renewed one month prior to the expiration date of the certificate.

## **PART V FEES AND CHARGES**

**Section 8.** A total fee of One Thousand Five Hundred pesos (Php 1,500.00) will be charged for every license application including the initial required inspection to defray the government expenditures for the service provided.

**Section 9.** A fee of Two Hundred Fifty pesos (Php 250.00) will be charged for every issuance of a Health Certificate to defray the government expenditures for the service provided.

**Section 10.** Live Fish and fishery/aquatic products shall be subjected for laboratory tests as part of the regulatory control or as required by the importing country at any BFAR laboratory or BFAR-recognized laboratories. The list of BFAR recognized laboratories, services and tests with corresponding fees is available at BFAR website.

The following fees and charges shall be imposed and collected as subject to periodic review and adjustment as may be necessary in accordance with Presidential Administrative Circular No. 31 series of 2012

## **PART VI ISSUANCE OF HEALTH CERTIFICATE (HC)**

**Section 11. Requirements.** Licensed exporters of live fish and fishery/aquatic products shall apply at the BFAR Fish Health Office for the issuance of Health Certificate (HC) prior to the shipment date of the product. An application letter addressed to the BFAR Director/Regional Director shall be submitted along with the following documents:

11.1. Valid fishery establishment license

11.2. Duly accomplished application form

11.3. Packing List/Invoice

11.4. Pre-shipment Inspection Report

11.5. Laboratory Analysis Report, as may be required by the importing country

**Section 12. Processing and Validity.** The S/HC is issued by the BFAR Director or his duly authorized certifying officer. It shall expire thirty (30) days after the issuance thereof for processed fishery aquatic products and 10 days for live fish.

12.1. HC Issuance shall be released within two (2) working days upon submission.

12.2. HC shall be issued for both live fish and fishery/aquatic products cultured or gathered in BFAR based on compliance to Part III of this Order. 12.3. Where a HC is required, the exporter must apply for a health certificate for such products at the BFAR Office where the product originated on a per shipment basis.

12.3. The exporter must also submit a Certificate of Compliance to the SPS requirements of this Order.

**Section 13. Application and Re-issuance of the Health Certificate.** A HC may be reissued when the initially issued HC requires changes in the entries, with missing entries or the integrity of the said document has been compromised. The re-issued HC supersedes the original HC.

13.1. A letter request addressed to the BFAR Director or BFAR Regional Director should be made stating the reason why the HC should be re-issued. The original S/HC should be attached or an affidavit of loss in case the original S/HC can no longer be produced.

13.2. Upon approval of the letter request, a HC shall be re-issued superseding the original HC. The signed certificate shall be released to the applicant and BFAR copy shall be placed on file together with the superseded HC.

**Section 14. Pre-shipment Inspection.** Random pre-shipment inspection of commodities shall be conducted to ensure that the product emanates from a licensed fishery establishment and complies with the established labelling requirement as a pre-requisite for the issuance of a HC.

## **PART VIII REPORTING AND MONITORING**

**Section 15. Reporting.** The BFAR fish health officer shall accomplish inspection report which shall be recorded and reviewed to update the establishment ratings and status.

Preventive/corrective action reports shall be prepared for complaints, internal and external audit findings, process non-conformance and non-attainment of targets.

**Section 16. Monitoring.** BFAR FHMQAS Audit Team shall conduct internal audit of the implementation at the regional level. Such audit shall be conducted at least once a year to determine whether its inspection and certification systems are effectively implemented to ensure compliance to the requirements. Reports of the audit shall be discussed with the Regional Director and submitted to the BFAR Director for policy and decision-making purposes.

## **PART IX**

### **PROHIBITIONS, PENALTIES AND SANCTIONS**

#### **Section 17. Prohibited Acts.**

17.1. It shall be unlawful for any fishery establishment to operate without a License to Operate or Registration from the BFAR .

17.2. It shall be unlawful for any fishery establishment to allow the use of his License by any other person or entity

17.3. It shall be unlawful for any person or fishery establishment to export fish and fishery product coming from unregistered/unlicensed fishery establishments

17.4. It shall be unlawful for a fishery establishment to misdeclare the type, quantity, condition and source of the fish and fishery products to be exported

17.5. It shall be unlawful not to comply or misrepresent compliance with the hygiene and sanitation requirements as stated in Section 4.1.

17.6. It shall be unlawful for any person to accept for consignment fishery products which are in violation of the commitments of this Order

17.7. It shall be unlawful for any person to refuse entry for inspection of a fishery establishment

**Section 18 Penalties.** Any person who shall violate the any provision of this Order shall suffer the penalties provided hereunder:

18.1. For violation of Sec. 17 (1) the offender shall be punished with a fine of P50,000, and confiscation of the fishery products.

18.2. For violation of Sec. 17 (2) (3) (4) (5) and (6), in addition to the confiscation and disposal of the fishery products at the expense of the owner, the following penalty shall be imposed:

1st Offense - fine of P50,000.00 to P2,000,000.00 depending on the gravity of the offense

2nd Offense - the above-mentioned fine and suspension of license depending on the gravity of the offense

3rd Offense - the above-mentioned fine and revocation of license depending on the gravity of the offense

Upon conviction by a court of law, the offender shall suffer the penalty of imprisonment from six (6) months to two (2) years and a fine from One Hundred Thousand Pesos (P100,000.00) to Four Million Pesos (P4,000,000.00) depending on the gravity of the offense, confiscation of the fish or fishery products and suspension or revocation of registration or license. *(n)*

For the purpose of this Order, commission of any of the abovementioned offense through single or simultaneous acts under Sec. 17 (2) (3) (4) and (5) shall be counted as one offense and considered in the imposition of the penalties.

Relative to Section 17 (3), a shipping/forwarding company from whose possession the fish, fisheries species exported are discovered or seized who fails to fully cooperate in the investigation conducted by concerned government authorities shall create a presumption that there is connivance or conspiracy between the shipping company and the shipper to perpetrate the aforementioned offense.

The presumption shall not apply if the shipping/forwarding company cooperated with the concerned government agencies.

For violation of Section 17 (7) an administrative fine of P50,000.00 shall be imposed.

**Section 19. Confiscation and Disposal.** Consignment determined to be non compliant to the provisions and requirements of this order shall be destroyed at the expense of the licensed exporter.

BFAR shall determine which method of disposal is most technically appropriate.

In no case shall a confiscated consignment be auctioned, within, donated or sold by BFAR.

All expenses in connection to the destruction or disposition of the seized commodity shall be borne by the licensed exporter.

The impoundment or seizure shall not be a bar to subsequent prosecution in the court of the person/s concerned in accordance with law.

## **PART X**

### **MISCELLANEOUS PROVISIONS**

**Section 20. Penalty Provisions.** The existing laws and BFAR administrative orders, rules and regulations prescribing the violations and corresponding penalties shall be applied and imposed.

**Section 21. Non-exclusivity.** All existing rules and regulations, policies, procedures and standards consistent with this Order shall continue to be in full force and effect.

**Section 22. Repealing Clause.** All orders, rules and regulations or parts thereof, which are inconsistent with the provisions of this Order are hereby repealed and superseded or modified accordingly.

**Section 23. Separability Clause.** If any portion or provision of this Order is declared unconstitutional or invalid, the other portions thereof which are not affected thereby shall continue to be in full force and effect.

**Section 24. 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, whichever comes first and its registration with the Office of the National Administrative Register.

**Section 25. Transitory Provision.** Within six (6) months from the effectivity of this Order, intensive information and education campaigns shall be conducted to ensure compliance with this Order.

Issued this \_\_\_\_\_ at Quezon City, Metro Manila, Philippines.

**DRUSILA BAYATE**

*Assistant Secretary*

*BFAR Assistant Director for Technical Services*

*NFARMC Chairman*

**EDUARDO B. GONGONA**

*BFAR Director*

Approved:

**EMMANUEL L. PIÑOL**

*Secretary, Department of  
Agriculture*

