

Republic of the Philippines  
DEPARTMENT OF AGRICULTURE  
Office of the Secretary  
Elliptical Road, Diliman, Quezon City

**FISHERIES ADMINISTRATIVE**

**ORDER NO. :**

Series of

**SUBJECT:** *Rules and Regulations Governing for the Exportation of Fish and Fishery/ Aquatic (FFA) Products Intended for Human Consumption and its Code of Good Practice Along the Supply Chain for Compliance by FABO*

**WHEREAS**, Section 12 of the Republic Act 10611, otherwise known as the “*Food Safety Act of 2013*” aims to strengthen the food safety and traceability regulatory system in the country intended for local distribution, export and import, and requires that the fish and fishery products shall be compliant with the national and international food safety standards as well as recommended codes of practice for the inspection and certification based on sanitary and phytosanitary measures and other international agreements to which the Philippines is a party;

**WHEREAS** the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary (SPS) Measures recognizes that member-countries have the right to establish and maintain an effective and comprehensive regulatory system to ensure that the required SPS measures are necessary to protect human, animal or plant life or health;

**WHEREAS**, Sections 61 (c) and (d), 62, 65(I), 67 and 105 of Republic Act 8550 as amended by RA 10654 (the “*Amended Fisheries Code*”) mandated the Department of Agriculture - Bureau of Fisheries and Aquatic Resources (DA - BFAR) to set quality grades / food safety requirements and traceability system for all fishery products for export and import, and to implement an inspection system for fish processing establishments consistent with international standards to ensure product quality and safety;

**WHEREAS**, Republic Act No. 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 aims to streamline the current systems and procedures of government services;

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

**WHEREAS**, Department of Agriculture Administrative Circular No. 06 series of 2023 has institutionalized harmonized definition and application of terminologies relevant to granting authorization and recognition to stakeholders engaged in and/or intending to engage in regulated activities in the agricultural and fisheries sector under the jurisdiction of the Department. Furthermore, this instrument aims to streamline the requirements and procedures for granting the same across all DA regulatory agencies;

**WHEREAS**, the Department of Agriculture (DA) through the Bureau of Fisheries and Aquatic Resources (DA-BFAR) leads and coordinates efforts to ensure that fish and fishery/ aquatic products, sold in the local or international markets and imported are safe for human consumption and meet the requirements of the Codex Alimentarius Commission (CAC) and Philippine National Standards taking into full consideration the local conditions while maintaining a sustainable fisheries industry;

**WHEREAS**, it is important to provide a consolidated guide for DA-BFAR fish inspectors to ensure full and unified conformity with internationally accepted protocols and procedures for inspection and certification, as well as provide a reference document for persons/entities engaged in the primary production, pre-processing, holding and packing; processing, storage, transportation, distribution, sale, import and export of the fish and fishery / aquatic products on the requirements that they need to comply with, such as but not limited to GAqP, GHP, GMP, SSOP and HACCP requirements.

**NOW THEREFORE, I**, recognizing the need to streamline, harmonize and strengthen existing rules and regulations, and to ensure that the fish and fishery aquatic products meet the national and international sanitary and quality standards consistent with the import and export rules pursuant to RA 8550 as amended by RA 10654, **Francis Tiu P. Laurel, Jr.**, Secretary of the Department of Agriculture, in accordance with the powers vested in me by law, do hereby issue this amended Fisheries Administrative Order (FAO) consolidating and harmonizing the rules and regulations on the inspection and certification of fish and fishery/aquatic products and establishments/ facilities.

## **CHAPTER I GENERAL PROVISIONS**

### **Article 1 Scope**

1. This Order lays down specific hygiene rules of processed and unprocessed fish and fishery / aquatic (FFA) products to be complied by all fishery and aquaculture business operators (FABO) intending to export fish and fishery / aquatic (FFA) products for human consumption regardless of country of destination.
2. This Order shall apply to processed foods containing both products of plant origin and processed FFA products "composite or combined food". Any processed FFA products used to prepare such foods must be obtained and handled in accordance with the requirements of this Order.
3. This Order shall apply for the recognition of exporting country's food safety management system and listing of their establishments before can be allowed in the Philippine market
4. This Order shall apply to all Fishery and Aquaculture Business Operators (FABO) including its satellite or supply chain facilities.
5. This Order shall not apply to processing of FFA products intended for personal / institutional preparations or directly supplied by fisherman for personal consumption.

### **Article 2 Definition and Acronyms**

1. The terms, phrases, and acronyms defined in Section 4 of the Introduction to the Implementing Code of Practice accompanying this Order ("The Code of Good Hygiene Practice (GHP) and Operational Requirements for Compliance by the Fishery and Aquaculture Business Operators (FABO)" shall apply as an integral part of this Order.

2. The general terms defined in Section 4 of the amended Introduction to the Implementing Code of Practice for FAO No. \_\_\_\_\_, Series \_\_\_\_\_, "The Code of Good Practice for the Organization and Implementation of Official Controls Protocols" shall be applied."
3. The definitions specific to the harvesting and treatment of bivalve mollusks in Chapter IV of these Implementing Codes of Practice of this Order shall also apply, as may be appropriate.

**CHAPTER II  
RESPONSIBILITIES OF FISHERY AND AQUACULTURE  
BUSINESS OPERATOR (FABO)**

**Article 3  
General Obligations**

1. FABO managing buying stations, artisanal fishing boats, pre- processing plants, fish landing areas, auction markets, transport, ice plants, cold storage warehouses, and processing establishments shall comply with the basic requirements of the relevant provisions of the PD 856 - Code of Sanitation of the Philippines and in addition to the provisions of this Order.
2. FABO shall comply with the relevant provisions in Chapters I to V of the Implementing Code of Practice for this Order ("The Code of Good Hygiene Practice (GHP) and Operational Requirements for Compliance by the Fishery and Aquaculture Business Operators (FABO)" and take all necessary steps to meet the food safety objectives of this Order.
3. In addition, unprocessed FFA products exported or imported by FABO shall comply with the international standards relevant to food safety requirements of importing countries, that relates to:
  - i. specified maximum levels for certain contaminants such as histamine, heavy metals, dioxins and PCB-like materials, and polycyclic aromatic hydrocarbons;
  - ii. microbiological criteria;
  - iii. permitted veterinary drugs and maximum residues arising from their use;
  - iv. food contact materials; and
  - v. permitted food additives and their conditions of use.

Where standard numerical limits are not specified, FABO shall apply the existing standards of the importing countries or the Codex Alimentarius standards, whichever is appropriate.

Where sampling protocols and procedures or analysis methods are not specified, FABO may use other equivalent methods provided that the results thereof are scientifically validated in accordance with the internationally recognized protocols.

4. FABO shall not use any substance other than potable water or, when appropriate clean water or clean seawater, in contact with FFA products, unless DA-BFAR has specifically authorized such use, and upon compliance with any necessary conditions of use in accordance with the internationally recognized protocols.
5. FABO must always cooperate with DA-BFAR during Official Controls carried out in accordance with FAO No 228, Series 2008 – under updating or revision ("The Code of Good Practice for the Organization and Implementation of Official Controls Protocols").

6. FABO shall be the primary responsible for ensuring the safety of the fish and fishery / aquatic products and for the compliance of their production with this Order.
7. FABO shall ensure that fish and fishery / aquatic products are prepared according to standards, codes of practice and other control measures as prescribe in this Order

**Article 4**  
**Hazard Analysis Critical Control Point Systems**

1. FABO shall establish and implement permanent procedures based on the HACCP principles to:
  - a) identify any hazards that must be prevented, eliminated, or reduced to acceptable levels.
  - b) identify the CCPs at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels.
  - c) establish critical limits at CCPs which separate acceptability from unacceptability for the prevention, elimination, or reduction of identified hazards.
  - d) establish and implement effective monitoring procedures at CCPs.
  - e) establish corrective actions when, based on monitoring, a CCP is not under control.
  - f) establish procedures carried out regularly, to verify that the measures outlined in subparagraphs (a) to (e) are working effectively; and
  - g) establish documents and records commensurate with the nature and size of the food business to demonstrate effective application of the measures outlined in subparagraphs (a) - (f).
2. FABOs land-based fishery establishments or facility supplying raw materials to processing plants such as buying stations, pre-processing plant, shucking stations for shellfish, auction markets, fish landing, ice plants and cold storage warehouses, shall have a food control program, based on a simplified HACCP system and correct implementation of appropriate GAqP for aquaculture fish, GHP and or/ GMP, to:
  - a) identify relevant hazards and steps in their operations which are critical to the safety of their FFA product;
  - b) implement effective control procedures at those steps;
  - c) monitor control procedures to ensure their continuing effectiveness;
  - d) review control procedures at an appropriate frequency.
3. When any modification is made to the product or process, the FABO shall review their control procedures and make any changes necessary to ensure FFA product safety.
4. FABO shall ensure that all documents describing the procedures developed in accordance with this Article:
  - a) provide DA-BFAR with evidence of compliance with paragraph 1 or 2, in the manner that DA-BFAR requires.
  - b) are always up to date.
  - c) are retained for an appropriate period based on the shelf-life of the product, or other period that DA-BFAR may specify.
  - d) are made available to DA-BFAR on demand.

These documents shall include, as may be necessary, records of monitoring and control activities in accordance with the HACCP plan, such as sanitation checks, temperature, pest control, instrument calibration, medical and training certificates, and product traceability.

## **Article 5**

### **Approval for the Issuance of License to Operate of Establishments**

1. FABO may be allowed to process and distribute locally or export FFA products only if they have been obtained from, prepared, and handled exclusively in establishments that:
  - a) meet the applicable requirements of the Implementing Code of Practice to this Order ("The Code of Good Hygiene Practice (GHP) and Operational Requirements for Compliance by the Fishery and Aquaculture Business Operators (FABO) and the relevant provision of Article 4 of this Order;
  - b) DA-BFAR has inspected, approved, and licensed in accordance with FAO No \_\_\_\_, Series \_\_\_\_, laying down rules for the organization and implementation of official controls on FFA products for human consumption.
2. FABO shall comply with the administrative requirements on the approval of license to operate of the establishments, as set out in the following:
  - a) Implementing Code of Practice to this Order (The Code of Good Hygiene Practice (GHP) and Operational Requirements for Compliance by the Fishery and Aquaculture Business Operators) and relevant provision of Article 4 of this Order;
  - b) BAC No. 251 (Traceability of Fish and Fishery / Aquatic Products)
  - c) FAO No 210 series of 2001 (Export of Fresh, Chilled and Frozen Fish and FA products).
  - d) FAO 233 series of 2010 (Aquatic Wildlife Conservation) – Local Transport Permit
3. FABO shall always cooperate with DA-BFAR during the licensing and approval process, by:
  - a) notifying DA-BFAR of each establishment under its control that carries out any of the stages of production such as aquafarms or mariculture farms, fishing boats/vessels, buying stations, fish landing facility, pre-processing plant, ice plants, cold storages, processing and transport vehicle for local distribution, export and import of FFA products; and
  - b) ensuring that DA-BFAR is provided with up-to-date information on such establishments, including any significant change in activities and any closure of an existing establishment.
4. FABO shall procure imported raw materials of FFA products only from DA-BFAR licensed foreign country establishments compliant with the protocol stated in paragraph 1, 2 and 3 of this Order.

## **Article 6**

### **Special Provision for European Union (EU) Market: Imported Raw Materials to be Processed in the Philippines Intended for Export**

1. FABO shall ensure that any imported FFA products intended for export to the EU, whether having been subjected to further processing, have been obtained as follows:

- a) the imported raw materials that will be processed in the Philippines must come from the country of origin and fishery establishment that is accredited by the EU.
  - b) the exporting countries establishments from which the product was obtained shall appear on the EU list of approved country / establishments from which the specific FFA products may be imported into the EU.
  - c) in the case of live bivalve mollusks, echinoderms, tunicates and marine gastropods, the production area must appear on the current EU list of approved country / shellfish growing areas allowed to export to the EU.
  - d) For FABO importing the raw materials to be processed in the Philippines intended for re-export to the EU market:
    - i. the country of origin of raw materials shall be in accordance with paragraph a, b, and c of the Order;
    - ii. the country of origin of raw materials shall provide product health certificates with attestations in accordance with the EU; and
    - iii. DA-BFAR shall issue SPSIC prior to the importation.
2. Fish catch landed at the cold storage warehouse of a third country from the foreign flag state vessel with the intention to export the fish to the EU, must ensure that it is in accordance with the item 1 paragraph a and b of this Order.
  3. For fish catch trans-shipment at port from the foreign flag state vessel to the third country flag state vessel intended to be exported to the EU, the FABO shall ensure that the third country flag vessel is compliant with paragraph 1.b of this Order.
  4. FABO importing food containing both products of plant origin and processed FFA products, to be further processed and/or otherwise handled prior to export, shall ensure that the processed FFA products contained in such food satisfy the requirements stated in Article 6.1 of this Order.
  5. FABO must be able to demonstrate to DA-BFAR that they have complied with the Article 6.1 and 6.2 of this Order following the appropriate national or international inspection and certification, or through other appropriate documentation.
  6. FABO intending to export FFA products to non-EU countries using imported FFA products shall follow the requirements stated in Article 5.4 of this Order.

## **Article 7**

### **Pre-qualification application for export of FFA products for the Issuance of Export Commodity Clearance (ECC) and Health Certificate (HC)**

#### **A. Exporters**

All FABO shall have their establishment approved within seven (7) days prior to the export of FFA products and shall submit the following documents:

1. Packing List
2. Commercial Invoice or Pro Forma Invoices
3. Airway bills (as necessary)
4. Local Transport Permit for Fresh Chilled FFA
5. Products Labels
6. Certificate of HACCP or HACCP based
7. Pre-shipment inspection report (refer to BAC)

### **B. Trader - Exporter**

All FABO that have no processing plant are classified as Trader – Exporter and shall undergo approval process. The trader – exporter shall ensure that the FFA products are sourced from an approved establishment and shall be required to submit the following documents:

1. Packing List
2. Commercial Invoice or Pro Forma Invoices
3. Airway bills (as necessary)
4. Local Transport Permit for Fresh Chilled FFA
5. Products Labels
6. Certificate of HACCP or HACCP based
7. Pre-shipment inspection report (refer to BAC)

### **Article 8 Labelling Requirements**

FABO shall ensure that FFA products intended for export have an Identification Mark applied in accordance with the provisions of Chapter V of the Implementing Code of Practice to this Order, and shall comply with the requirements of FAO No \_\_\_\_, Series \_\_\_\_ ("The Code of Good Practice for the Organization and Implementation of Official Controls Protocols").

FABO shall provide product identification codes if the product has been produced in accordance with this Order.

### **Article 9 Sanitary / Health Certificates**

1. FABO shall ensure that official sanitary/health certificates accompany consignments of exported FFA products.
2. Sanitary/health certificates must be issued by the BFAR in accordance with Article 11 and Chapter V of FAO No 228, Series 2008 and its Implementing Code of Practice ("The Code of Good Practice for the Organization and Implementation of Official Controls Protocols") respectively.
3. FABO shall secure local transport permits for the transfer or transport of FFA products from one place to another place prior to entry to commerce.
4. FABO shall ensure that imported FFA products must have a sanitary/ health certificate issued by the competent authority of the exporting country and shall have the Sanitary and Phytosanitary Import Clearance (SPSIC) issued by DA-BFAR.

### **Article 10 Traceability**

1. FABO shall operate traceability procedures without prejudice to the BAC 251 series of 2019 (Traceability System for Fish/Fishery Aquaculture Products) for ingredients, raw materials and FFA products, at all stages of production, processing and distribution, and be able to:
  - a) identify any person or business that has supplied them with any food or feed product, or substance intended, or likely to be, incorporated into FFA products;
  - b) identify businesses to which they have supplied their products; and
  - c) provide this information to DA-BFAR on demand.

2. Imported FFA products or those intended for export shall be adequately labelled or otherwise identified through relevant documentation with the application of an appropriate production / batch code.
3. Subject to the additional information that may be required under Paragraph 4, FABO shall provide:
  - a) the scientific name of the fish species used;
  - b) the production method, described as follows, according to whether the fish was caught, at sea or in freshwater, or farmed:
    - i. in English: '... caught ...' or '... caught in freshwater ...' or '... farmed ...' or '... cultivated ...'; or
    - ii. as specified in the Official language of the Member State of destination (for products destined for EU Member States or ASEAN Member States or Eurasian Economic Union Member States).
  - c) an indication of the catch area, in accordance with the following:
    - i. for products caught at sea, a reference to the appropriate Food and Agriculture Organization designated catch area (zone) given in Chapter VI of the Code of Practice;
    - ii. for products caught in freshwater, a reference to the Philippines as the origin of the product;
    - iii. for farmed products, a reference to the Philippines as the country in which the product undergoes the final development stage. Where the product is obtained from farms in more than one country, this fact shall also be required.

Operators may indicate a more precise catch area.
4. Where a consignment or product contains a single species from a variety of origins or a combination of species, additional information must be provided, as appropriate to the following cases:
  - a) different fish species: the scientific name for each;
  - b) the same species, but derived from a variety of production methods: the method for each batch;
  - c) the same species, but derived from a variety of catch areas or fish farming countries:
    - i. at least the catch area of the batch which is most representative in terms of quantity; and
    - ii. a statement that the products also come from different catch or fish farming areas.

## **Article 12**

### **Inspection Fees**

Inspection fees to be collected shall be utilized in the strengthening of the Official Food Control System particularly on the fisheries inspection service of BFAR.

The Inspector's Fees for new applicants and renewal of establishment shall be as follows:

<b>Type of Exporter</b>	<b>Inspection Fee</b>
Manufacturer	Php 4,000.00
Trader	Php 2,000.00



Proceeds will be allocated for strengthening of the implementation of BFAR's food safety control system:

1. Logistics
2. Inspection equipment and sampling tools
3. Personnel enhancement of inspection capabilities
4. Infrastructure

The inspection fee shall be paid thru BFAR regional office and valid for two years. No refunds shall be considered once the appropriate fees have been paid. In case of failed ratings, another payment shall be imposed.

### **Article 13 Amendment and Adaptation**

1. This Order and the Implementing Code of Practice may be amended or supplemented with the inclusion of such other standards, practices and requirements that may be developed by DA-BFAR, acting on its own initiative, or to incorporate those of relevant government agencies or international bodies. Such changes shall be adopted and promulgated by DA-BFAR through legally binding amendments or supplementary issuances.

In particular, the requirements in the Chapters of the Code of Practice may be amended to consider changes that may be specified by Codex Standards as a result of scientific and technical developments.

2. FABO locally producing or exporting and importing FFA products must be aware of, and comply with, these requirements from time to time in force and revisions to those indicated in Article 3.3 of this Order, and:
  - a) additional health standards or checks that may have been introduced by Codex or PNS.
  - b) freshness criteria and limits regarding histamine and total volatile nitrogen.
  - c) health standards and processing requirements for live bivalve mollusks, including:
    - i. limit values and testing methods for biotoxins;
    - ii. virus testing procedures and virological standards;
    - iii. sampling plans, methods and analytical tolerances to be applied during compliance checks;
    - iv. treatments that may be applied in a processing establishment to live bivalve mollusks from class B or C production areas that have not been submitted to purification or relaying; and
    - v. requirements of Article 10 of FAO No 228, Series 2008 ("The Code of Good Practice for the Organization and Implementation of Official Controls Protocols") relating to live bivalve mollusks.

### **Article 14 Prohibitions, Penalties and Sanctions**

Non-compliance with any provisions of this Order shall be considered as a violation and shall be penalized as follows:

1. Section 37: *Prohibited Acts* of RA 10611 shall apply for FABO that do not conform with the food safety and quality standards, adulterated, banned, unsafe products, misbranded,

mislabeled, falsely advertise, refuse entry of inspection officers, fail to recall unsafe products, operate without authorization, connive with food inspectors that causes food safety risks to the consumers.

2. Penalties and sanctions shall be applied pursuant to Section 38 of RA 10611 and Sections 105, 106, 112 and 125 of RA 8550 as amended by RA 10654, whichever is appropriate based on the evidence gathered from the investigation or as prescribed by the adjudication committee.

### **Article 15** **Miscellaneous Provisions**

1. Revocation - Any provisions in previous orders, rules and regulations inconsistent with the provisions of this Order are revoked and superseded accordingly.
2. Separability Clause. - If any portion or provision of this Order is declared unconstitutional or invalid, the other portion or portions thereof, which are not affected thereby, must continue in full force and effect.
3. Effectivity - This order must take effect 15 days after its publication in 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

Except that, without prejudice to the safety of any live bivalve mollusk intended for local or for export and import, the specific provisions of any Articles of this Order and Chapter IV of the Code of Practice related to the classification of harvesting areas for live bivalve mollusks must come into effect one year after its effectivity.

Issued this \_\_\_ day of \_\_\_ year 2024 at Quezon City Philippines