Republic of the Philippines
DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
Elliptical Road, Diliman
Quezon City 1100
Philippines

D.A. ADMINISTRATIVE CIRCULAR
No. 01
SERIES OF 2017

SUBJECT: **Revision to Sections 3.2, 3.4, 3.5, 4 and 5, Supplemental to Sections 3.2 and 3.4 to Department of Agriculture Administrative Circular No. 12, Series of 2015 and Amendment to its title to "Updated Rules and Regulations Governing the Allocation, Importation, and Utilization of Frozen Buffalo Meat from India under AHTN Code 0202.30.00"**

WHEREAS, it shall be the utmost objective of the Government to continually protect its borders and territories from the entry, establishment and spread of animal diseases that may be introduced by the importation of disease-carrying, contaminated, and/or adulterated meat and/or meat products, which endanger the lives and safety/health of the consuming public and which could pose risk to human and animal health and life and potentially cause serious economic consequences;

WHEREAS, other parts of India remains to be positive for FMD, hence the Philippine Government instituted SPS measures through the issuance of the DA Administrative Circular (AC) No. 12, Series of 2015 which is also in accordance with the conditions established by the Office International des Epizooties (OIE) to allow importation of livestock from Foot and Mouth Disease (FMD) infected countries or zones in reference with the guidelines set in OIE-Terrestrial Animal Health Code (TAHC);

WHEREAS, Section 15b of R.A. No. 10611 provides the Department of Health (DOH) as the responsible authority for the safety of processed and prepackaged foods, foods locally produced or imported under this category and the conduct of monitoring and epidemiological studies on food-borne illnesses;

WHEREAS, Section V.2 of the Joint Administrative Circular (JAC) No. 2 dated 29 June 2016 provides the Food and Drug Administration (DOH-FDA) as the regulatory authority over establishments, manufacturing, importing, selling, offering for sale, transferring, or distribution including marketing and advertising and/or promoting processed meat, thus relieving the functions of NMIS in the regulations of processed meat;

WHEREAS, the Sanitary and Phytosanitary Import Clearance (SPSIC) issuance for all imported meats remains within the jurisdiction of the DA-Bureau of Animal Industry (BAI) wherein all licensed MIP must secure before the actual exportation of IBM from India occurs;

WHEREAS, due to the clamor of the local meat industry and assessment of the implementation of DA AC No. 12, s2015, some of the provisions such as Sections 3.2, 3.4, 3.5, 4, 5 and 7 shall be amended and supplemented to further facilitate trade and strengthen the Philippine SPS control measures to minimize the threat of re-introduction of FMD to the local animal industry;

NOW, THEREFORE, I, EMMANUEL F. PIÑOL, Secretary of the Department of Agriculture, by the power vested in me, do hereby issue this Circular providing the updated guidelines governing the allocation, importation and utilization of Indian Buffalo Meat under AHTN Code 0202.30.00.

SECTION 1
DEFINITION OF TERMS

The following terms and phrases as used in this Circular shall refer to:

1.1 **Accreditation** – the authority of DA to evaluate firms and establishments based on a set of criteria with the objective of providing eligibility to conduct/undertake specified activities.

1.2 **Accredited Meat Importer Processor (MIP)** – an accredited meat importer which operates an NMIS-accredited meat processing plant to produce meat products, including the utilization of buffalo meat from India strictly for their own processing requirements and not for trading purposes.

1.3 **Application Form** – a document to be filled up by an MIP applying for IBM allocation to be submitted to the Interagency Technical Committee (IATC). At the back of the application form is a declaration of the applying MIP duly notarized by a public attorney.

1.4 **DA-Trade System** – the back-office application (electronic system) of the Department of Agriculture that facilitates and enables electronic processing of various applications relative to importation of agricultural and fishery products, such as but not limited to, Sanitary and Phytosanitary (SPS) Clearance.

1.5 **Electronic Request for Inspection (eRFI)** – an electronic system developed by the DA that enables electronic transmission of the Quarantine Inspection Report at the Port to DA regulatory agencies.

1.6 **Foot and Mouth Disease (FMD)** - a severe, highly contagious viral disease of livestock with significant economic impact. The disease affects cattle and swine as well as sheep, goats, and other cloven-hoofed ruminants. The disease is characterized by fever and blister-like sores on the tongue and lips, in the mouth, on the teats and between the hooves. The disease causes severe production losses and while the majority of affected animals recover, the disease often leaves them

weakened and debilitated. The organism which causes FMD is an aphthovirus of the family Picornaviridae. There are seven strains (A, O, C, SAT1, SAT2, SAT3, Asia1) each one requiring a specific vaccine strain to provide immunity to a vaccinated animal.

1.7 **Foreign Meat Establishment (FME)** – a DA-accredited facility engaged in slaughtering and dressing of food animals, and processing, cutting, packing, and storing of meat and meat products, and recognized by the Competent Authority to export meat and meat products to the Philippines.

1.8 **Hazard Analysis and Critical Control Points (HACCP)** – a science-based system which identifies, evaluates, and controls hazards which are significant for food safety at critical points during a given stage in the food supply chain.

1.9 **Inspection** – the examination of food, food production facilities or establishment, including the management and production systems of food businesses. Herein contemplated are the examination of documents, finished product testing and registration, determination of the origin and destination of production inputs and outputs in order to verify compliance with legal requirements by Competent Authority mandated to perform food safety regulatory and/or enforcement functions.

1.10 **IBM Withdrawal Receipt (IWR)** – an inspection receipt to be issued by National Meat Inspection Service – Plant Officer (NMIS-PO) at the accredited Cold Storage Warehouse (CSW) where the IBM is being stored upon the withdrawal of the personnel authorized by the MIP.

1.11 **Indian Buffalo Meat (IBM)** – fresh frozen, deboned and deglanded edible part of carcass, excluding offals derived from buffalo in India intended for export to the Philippines.

1.12 **Interagency Risk Management Group (IARMG)** – a group of DA officers tasked to determine the risks involved in the importation of IBM from DA Accredited FMEs through issuance of regulatory SPS measures across the DA Trade System.

1.13 **Interagency Technical Committee (IATC)** – a group of DA officers tasked to provide guidance to the Inter-Agency Technical Working Group relative to improving risk measures and rationalizing the importation and utilization of Indian Buffalo Meat.

1.14 **Interagency Technical Working Group (IATWG)** – a group of DA personnel responsible for the review of rules and regulations pertaining to IBM importation and utilization under the guidance of the IATC.

1.15 **Label** – the display of written, printed or graphic matter upon the immediate container, tag, literature or other suitable material affixed thereto for the purpose of giving information such as name of product and quantity, name and address of manufacturer, packer, or distributor, country of origin, ingredients, attributes,

directions for use, specifications, and such other information as may be required by law or regulations.

1.16 Mandatory Laboratory Analysis – is a rigid monitoring program that includes but not limited to pathogen and/or national veterinary drug residue for IBM wherein all shipment are subjected to laboratory analysis. The length of the monitoring program shall be determined by the IARMG of DA.

1.17 Meat Processing Plant (MPP) – a meat establishment facility in which meat are subjected to methods of manufacture and preservation.

1.18 National Veterinary Authority (NVA) – refers to the national organization recognized by the World Trade Organization (WTO) as the responsible body for establishing the animal health measures based on OIE Animal Health Code and/or meat and meat products quality and safety measures based on Codex Standards. (A.O.No.26 s.2005)

1.19 Office International des Epizooties (OIE)/World Organisation for Animal Health – an intergovernmental organization responsible for improving animal health worldwide. It is recognized as a reference organization by the World Trade Organization (WTO).

1.20 OIE-Terrestrial Animal Health Code (OIE-TAHC) – the OIE *Terrestrial Animal Health Code* (the *Terrestrial Code*) sets out standards for the improvement of animal health and welfare and veterinary public health worldwide, including standards for safe international trade in terrestrial animals (mammals, birds and bees) and their products. The health measures in the *Terrestrial Code* should be used by the veterinary authorities of importing and exporting countries to provide for early detection, reporting and control agents pathogenic to animals or humans, and to prevent their transfer via international trade in animals and animal products, while avoiding unjustified sanitary barriers to trade.

1.21 Sanitary and Phytosanitary (SPS) Measures – defined as measures applied (a) to protect human or animal life from risks arising from additives, contaminants, toxins, or disease-causing organisms in their food (b) to protect human life from plant or animal carried diseases; (c) to protect animal or plant life from pests, diseases, or disease-causing organisms; and (d) to prevent or limit other damage to a country from the entry, establishment or spread of pests. This also includes SPS measures taken to protect the health of fish and wild fauna, as well as of forests and wild flora.

1.22 SPS Import Clearance – refers to the document being issued by the Bureau of Animal Industry (BAI) prior to importation indicating that based on readily available information: (a) the source/s of meat and/or meat products are free from relevant diseases/contaminations; and (b) the accreditations of both the importer and the FME (exporter) are in good standing. It also prescribes the conditions and risk management measures necessary in the conduct of

importation that are to be observed by the importer, exporter, and the NVA at the country of origin.

SECTION 2
ACRONYMS

The following are the acronyms used in this Circular:

AHTN	-	ASEAN Harmonized Tariff Nomenclature
ASEAN	-	Association of South East Asian Nations
BAI	-	Bureau of Animal Industry
CTC	-	Certified True Copy
CPR	-	Certificate of Product Registration
CSW	-	Cold Storage Warehouse
DA	-	Department of Agriculture
DA TERMS	-	Department of Agriculture Trade Enabling Risk Management System
DAAC	-	Department of Agriculture Administrative Circular
DADF	-	Department of Animal Husbandry, Dairying and Fisheries
DAIM	-	Department of Agriculture Inspection Mission
eRFI	-	Electronic Request for Inspection
FMD	-	Foot and Mouth Disease
FME	-	Foreign Meat Establishment
HACCP	-	Hazard Analysis and Critical Control Points
IARMG	-	Interagency Risk Management Group
IATC	-	Interagency Technical Committee
IATWG	-	Interagency Technical Working Group
IBM	-	Indian Buffalo Meat
IVC	-	International Veterinary Certificate
IWR	-	Inventory Withdrawal Receipt
MIP	-	Meat Importer Processor
MPP	-	Meat Processing Plant
NMIS	-	National Meat Inspection Service
NVA	-	National Veterinary Authority
OIE	-	Office International des Epizooties/ World Organisation for Animal Health
OIE TAHC	-	OIE Terrestrial Animal Health Code
OSEC	-	Office of the Secretary
RA	-	Republic Act
RMG	-	Risk Management Group
SPSIC	-	Sanitary and Phytosanitary Import Clearance
UCC	-	Utilization Clearance Certificate

SECTION 3
SCOPE AND GENERAL CONDITIONS

This Administrative Circular shall cover updated rules and regulations on allocation, importation and utilization of IBM.

3.2 Conditions for the FME

3.2.1 DAIM shall submit audit report to the IATC thirty (30) working days from their return;

3.2.2 The animal health services of India shall be verified by BAI during annual audit of the DAIM on the following parameters:

3.2.2.1 Official control programs for FMD such as but not limited to updated zero surveillance results and others;

3.2.2.2 Risk analysis of FMD;

3.2.2.3 Registration and certification procedures; and

3.2.2.4 Other relevant parameters.

3.2.3 The rated storage capacity of the India FMEs shall be three times the largest volume of export based on a single transaction within the previous year. This requirement shall be evaluated during the annual surveillance audit by the Philippine DAIM;

3.2.4 All farm sources of Indian buffaloes for slaughter shall be accredited by the DADF Through the Competent Veterinary Officer. This shall be a prerequisite of the FME Before the DA Accreditation. This shall be required to be presented during the annual surveillance audit by the Philippine DAIM;

3.2.5 The DA Accredited India FMEs shall be accredited by the Indian Government Particularly by APEDA. This shall be a prerequisite of the FME before the DA Accreditation. This shall be required to be presented during the annual surveillance audit by the Philippine DAIM;

3.2.6 India FMEs shall be required to furnish and attach the Animal Health Certificates of Indian buffaloes slaughtered that corresponds to the meat contained within the shipment being exported. These certificates shall be examined during quarantine inspection at the port of entry;

3.2.7 India FMEs shall be required to show proof of certification or accreditation from at least 3 other FMD free countries wherein they export IBM during the annual surveillance audit by the Philippine DAIM;

3.2.8 India FMEs that do not have any commercial trade within the validity period shall be removed from the list of DA Accredited FMEs and shall no longer be allowed to export IBM into the Philippines and shall be treated as new applicant should it desires to export again;

3.2.9 All newly accredited India FMEs shall be subjected to mandatory laboratory analysis in order to establish the profile of the FME. The length of profiling shall be determined by the RMG of DA TERMS;

3.2.10 Existing DA Accredited India FMEs shall be subjected to the NMIS surveillance program. In instances wherein the DA Accredited India FME incurs positive results, it shall be subjected to mandatory laboratory analysis.

3.4 General Conditions for the Importer

3.4.1 Arrival Arrangements

3.4.1.1 Import arrivals that passed quarantine inspection shall be directly delivered and stored at the MPP's CSW. In instances that the MIP utilizes a DA Accredited CSW, a coded IWR shall be issued by the MIP representative every time IBM shall be withdrawn from the said DA Accredited CSW;

3.4.1.2 Import arrivals shall be subjected to 100% documentary and organoleptic inspection by a designated NMIS personnel assigned at the DA Accredited CSW and MPP in-house CSW;

3.4.1.3 Container vans that do not pass the required inspection procedure, shall be issued a hold order, confiscated and disposed of accordingly;

3.5 Meat Processing Controls

The IBM shall be solely used for meat processing, using the standards provided for in the by the OIE-TAHC under the "Procedures for the inactivation of FMDV in meat and meat products".

3.6 IBM Surveillance Program

3.6.1 Existing DA Accredited India FMEs shall be subjected to the NMIS surveillance program. In instances wherein the DA Accredited India FME incurs positive results, it shall be subjected to mandatory laboratory analysis;

3.6.2 Under the NMIS surveillance program for IBM import arrivals, a number of randomly selected IBM shipments shall be collected with thirteen (13) randomly selected samples per container vans by NMIS personnel assigned at the DA Accredited CSW and MPP in-house CSW for laboratory analysis;

3.6.3 Container vans that do not pass the laboratory analysis, the MIP shall be required to furnish a Certificate of Analysis (COA) and monitoring records of thermal processing. The COA shall indicate negative results covering the entire batch of IBM imported that belong to the specific SPSIC;

3.6.4 Under the NMIS surveillance program for IBM, wherein the FMEs incur positive results, the succeeding exports from the said FME shall be subjected to mandatory laboratory analysis;

3.6.5 Likewise, imposition of penalties shall be based on Section 7 under "Violations and Penalties" of DA AC No. 12, Series of 2015.

3.7 Mandatory Laboratory Analysis

3.7.1 All shipments undergoing the mandatory laboratory analysis shall be temporarily put on hold until laboratory clearance;

3.7.2 Non-compliant India FMEs shall only be cleared after a definite monitoring period that shall be determined by the RMG of DA TERMS;

3.7.3 In the event, a positive result appears during the monitoring period, the whole shipment shall be disposed of accordingly and expenses of which shall be shouldered by the MIP;

3.7.4 Non-compliant FME shall be automatically delisted and shall not be allowed to export IBM into the Philippines.

SECTION 4
ELIGIBILITY CERTIFICATION PROCEDURES

All applications for IBM imports shall be accepted by the IATC on an annual basis. The application period for both new and renewal applications shall be scheduled every June of the current year. Refer to Annex A for the step-by-step certification procedure.

4.1 Submission of Documentary Requirements

4.1.1 The accredited MIP applying to import IBM shall submit a letter of intent addressed to the Secretary of Agriculture through the IATC Chair, along with the scanned copies of the following:

4.1.1.1 Duly accomplished Application Form (Annex B), declaring the annual projected volume of IBM requirement based on the requirements and guidelines prescribed by the IATC;

4.1.1.2 Certified true copy (CTC) of both MIP LTI from DA-NMIS and MPP LTO from DOH-FDA;

4.1.1.3 HACCP certificates (CTC) of products utilizing IBM from DOH-FDA; and

4.1.1.4 Certificate of Product Registration (CPR) (CTC) of all products utilizing IBM from DOH-FDA.

4.2 Validation of Submitted Requirements

4.2.1 A prescribed on-site inspection procedure (Annex C) shall be followed by the IATWG during the assessment of the IBM requirement of the MPP during actual operation;

4.2.2 The IATC shall evaluate the submitted report and recommendation of the IATWG.

4.3 Certification of Eligibility to Import IBM

4.3.1 The IATC shall endorse to the OSEC the Certificates of Eligibility to Import IBM of MIPs with their corresponding volumes for approval;

4.4 Validity of Certification

4.4.1 The certificate shall be valid for one (1) year subject to compliance to regulations;

SECTION 5
UTILIZATION PROCEDURES

5.1 The MIP shall submit a monthly consolidated IBM withdrawal report along with scanned copies of the issued IWRs (Annex D) following a prescribed report format (Annex E) to be submitted every 5th of the succeeding month addressed to the IATWG Chair;

5.2 Submitted reports shall be evaluated regularly by the IATWG. Only seventy percent (70%) utilization or higher of the imported IBM by MIPs shall be given a Utilization Clearance Certificate (UCC) after due evaluation. The UCC shall be a mandatory requirement for the renewal of application of Eligibility Certificate to Import IBM;

5.3 MIPs who shall apply for renewal but failed to utilize the minimum rate of seventy percent (70%) utilization shall be given the same approved volume requirement from the previous year. Additional requirement shall not be allowed for the said MIP.

SECTION 8
REPEALING CLAUSE

All provisions of existing Memorandum Orders, Circulars, Implementing Rules and Regulations and other issuances that are inconsistent with this Circular, are thereby modified, revoked or repealed accordingly.

SECTION 9
SEPARATORY CLAUSE

The provisions of this Circular are hereby declared to be separable. In the event one or more of such provisions are held unconstitutional, the validity of the other provisions shall not be affected thereby.

SECTION 10
EFFECTIVITY

This Circular shall take effect 15 days after its publication in one (1) newspapers of national circulation, the Official Gazette and filing of a copy at the UP Law Center.

~~13~~ day of June, 2017, Quezon City, Metro Manila, Philippines.

EMMANUEL F. PIÑOL
Secretary

DEPARTMENT OF AGRICULTURE
in replying pls cite this code :
For Signature: S-05-17-0174
Received : 05/10/2017 09:19 AM