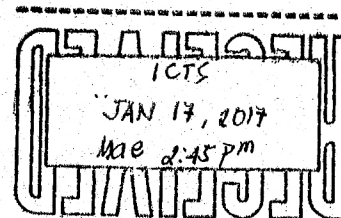




Republic of the Philippines
Department of Agriculture
OFFICE OF THE SECRETARY
Elliptical Road, Diliman
Quezon City 1100, Philippines



3 January 2017

DEPARTMENT ORDER

No. D-1

Series of 2017

SUBJECT: AMENDMENTS TO DEPARTMENT ORDER NO. 04, SERIES OF 2016 "AMENDING SECTION I, ITEMS A.14 TO I OF DEPARTMENT ORDER NO. 2, SERIES OF 2012 'PRESCRIBING THE FORMATS AND PROCEDURES IN FORMULATING SPS MEASURES AND REGULATIONS'"

The Department Order No. 04, series of 2016 "Amending Section I, Items A.14 to I of Department Order No. 2, series of 2012 'Prescribing the Formats and Procedures in Formulating SPS Measures and Regulations'" is hereby amended to provide further clarification on the process flow as well as to incorporate recent organizational changes.

In this regard, the following shall be observed:

B. Preliminary Review and Refinement

1. Initial review of the first draft of SPS measure, which the concerned agency or office has prepared after completing risk profiling and rapid assessment of an SPS issue at hand, shall be submitted to the **Office of the Undersecretary for Policy and Planning**. The **Office of the Undersecretary for Policy and Planning** shall refer the first draft to the **DA Policy Research Service (DA-PRS)** for review with a copy to the **Office of the Assistant Secretary for Regulations (OASR)** for information and monitoring.

DA-PRS may initiate formulation of the first draft if the measure cuts across commodities and/or agencies;

DA-PRS shall be responsible for organizing the initial review and calling on the concerned agencies towards refining the technical and policy contents (e.g., consistency with domestic laws and policies, and international trade commitments) of the first draft as well as its format.

2. After the review and refinement has been completed, the second draft shall then be forwarded to **DA-Legal Division** for review of legal consistency.

C. Secondary and Tertiary Review and Refinement

3. After the policy and legal review, the draft, whether the measure is agency- and/or commodity-specific or cuts across agencies and/or commodities, shall be further refined by **DA-PRS** in preparation for the conduct of public consultation.

D. Public Consultation

4. The refined draft shall be submitted to the **OASR** for review and, if in order, endorsement for public consultation.
5. The **OASR** shall then forward its endorsement to the **Office of the Undersecretary for Policy and Planning**, which shall issue clearance for public consultation if the refined draft is in order.
6. A series of public consultation, which may be formal and/or informal, shall be led by the **concerned agency** (for commodity- or agency-specific measures) or by the **DA-PRS** (for general or cross-cutting measures). In both cases, the consultations shall be done in coordination with **Philippine Council for Agriculture and Fisheries (PCAF)** to ensure that the relevant sectors and true stakeholders are involved.
7. After the series of public consultation, the draft shall be finalized by the **concerned agency or DA-PRS**.

E. Notification of the Draft Measure to WTO

8. The final draft shall then be submitted to the **Office of the Undersecretary for Policy and Planning**, which shall issue clearance for notification if it is in order.
9. Depending on the nature of the proposed measure, as per Annex B, paragraphs 5 and 6 of the WTO SPS Agreement, the proposed measure will be notified by the **SPS National Notification Authority/Enquiry Point (SPS NNA/EP)** at **DA-PRS** to the WTO following the prescribed procedures. Comments received from WTO members will be considered and, if applicable, will be incorporated in the final draft of proposed regulation.

F. Finalization and Endorsement for Approval

10. The final proposed measure shall be endorsed by the **concerned agency** or **DA-PRS** to the **DA Secretary** for approval, through the **OASR** and the **Office of the Undersecretary for Policy and Planning**.

G. Approval by the DA Secretary

11. Approved SPS measure shall be forwarded by the **Office of the Secretary to DA Records** for proper numbering and dissemination to **DA offices and other concerned government instrumentalities**.

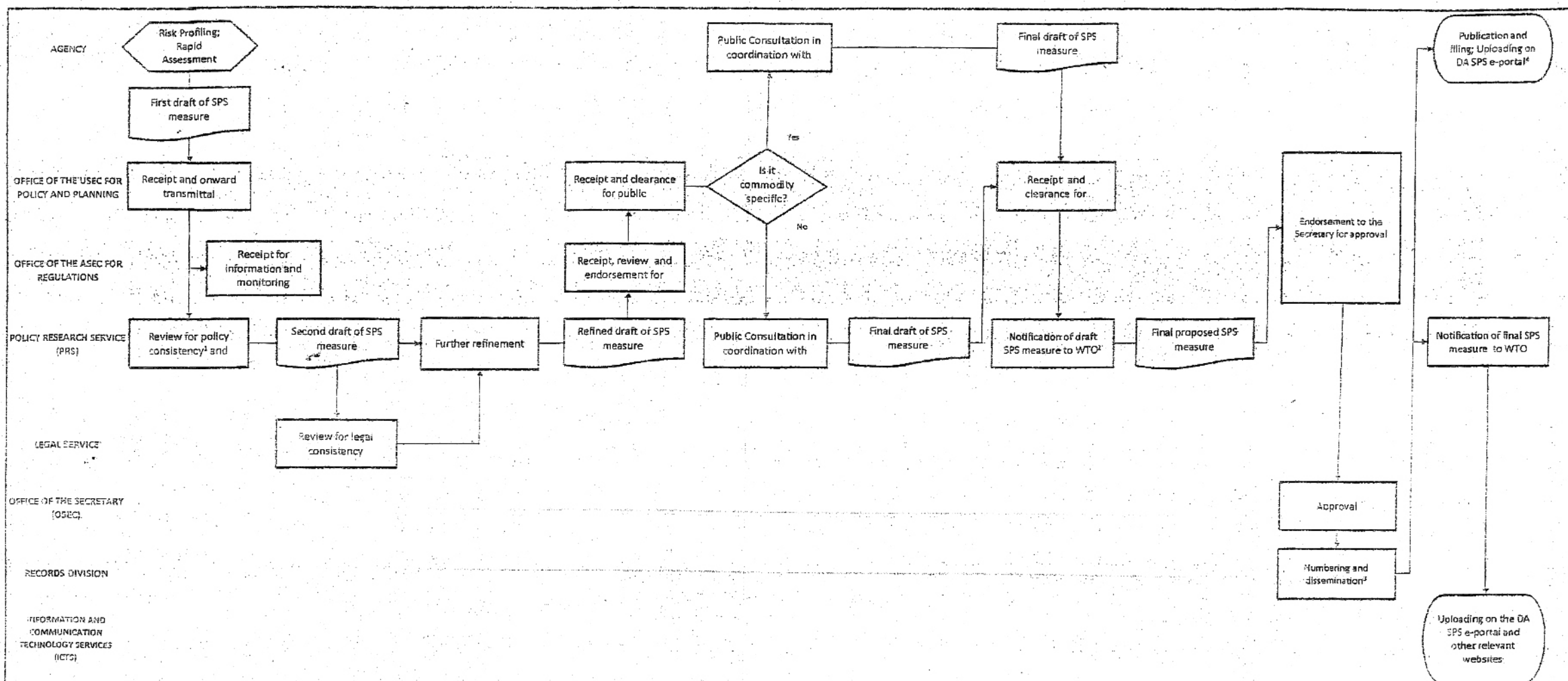
H. Notification of the Final Measure to WTO and Information Dissemination

12. The **Notification Authority/Enquiry Point (SPS NNA/EP)** shall notify the WTO of the final SPS measure upon its approval/adoption.
13. The **concerned agency** or **DA-PRS** shall publish the approved SPS measure in a newspaper of national circulation; file the same at the National Administrative Register, University of the Philippines Law Center; and, with assistance from **DA-Information and Communication Technology Service (ICTS)**, upload the same on the DA SPS e-portal and other relevant websites.

EMMANUEL F. PINOL
Secretary

DEPARTMENT OF AGRICULTURE
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Process Flow for the Drafting, Review, and Issuance of SPS-related Measures and Regulations (as amended)



¹ Review for consistency with domestic laws and policies, and international trade commitments as well as its format

² Depending on the nature of the proposed measure, as per Annex B, paragraphs 5 and 6 of the SPS Agreement, the proposed measure will be notified to the WTO following the prescribed procedures. Comments received will be considered and, if applicable, will be incorporated in the final draft of proposed measure.

³ Recording and dissemination to all DA offices and other relevant government instrumentalities

⁴ Publication in a newspaper of national circulation, filing at the UP Law Center, and uploading on the DA SPS e-portal and other relevant websites with assistance from ICTS

⁵ A series of public consultation, which may be formal and/or informal