



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

SPECIAL ORDER
NO. 560
Series of 2020

SUBJECT: GUIDELINES FOR THE ALLOCATION OF VOLUME TO REGISTERED IMPORTERS UNDER FAO 259

WHEREAS, Fisheries Administrative Order Number 259 Series of 2018 (FAO 259) entitled "*Rules and Regulations on the Importation of Frozen Fish and Fishery/aquatic Products for Wet Market During Closed and Off-season or During Occurrence of Calamities*" had been previously promulgated by the Department of Agriculture;

WHEREAS, pursuant to Section 4 of FAO 259 the Secretary has the authority to prescribe the species of fish to be imported and their volume as well as the allocation thereof;

NOW, THEREFORE, in line with the foregoing, the following guidelines on the process of allocating volume to registered importers are hereby promulgated:

Section 1. Use of Auction in the distribution of the Maximum Importable Volume - The Maximum Importable Volume (MIV), as provided for in the approved Certificate of Necessity to Import (CNI), shall be divided into lots wherein the registered importers may participate in the auction for the said lots. Each lot shall contain the necessary specifications including, but not limited to, the volume and species of fish and fishery/aquatic products to be imported and the final destination thereof.

Section 2. Notice of Auction - Immediately after the issuance of the CNI, DA-BFAR shall issue a Notice of Auction to registered importers providing for the following details:

- a. Date, time and place of auction;
- b. Statement of lots for auction with brief description of the specifications for said lots;
- c. The date, time and place of pre-auction conference, if one will be held; and
- d. Such other details that the DA-BFAR might deem necessary to be included therein.

Section 3. Requirements - In order to qualify in the participation of an importer in the auction process, the following requirements must be complied with at least three (3) days before the auction:

- a. The importer must be duly registered with the Philippine Fisheries Development Authority (PFDA) in accordance with the requirements of FAO 259 and must be included in the list endorsed by PFDA to BFAR;
- b. The importer must be registered by BFAR and must be of good standing; and
- c. The importer must have no pending case with any government agency arising from any violation of import laws, rules and regulations.

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For this purpose, an importer of good standing shall mean that said importer have submitted to BFAR complete valid documents required for importation. Provided, that said documents shall be valid at least three (3) days before the scheduled date of the auction and shall remain valid for the entire importation period. Provided further, the said importer was able to import at least seventy percent (70%) of the total volume indicated in the SPS Import Clearances issued to the importer during the last importation period.

Section 4. Pre-Auction Conference - The DA-BFAR has the option to conduct a pre-auction conference to discuss, clarify and explain to the importers matters relating to the auction process as well as the specifications of the lot to be auctioned. In said conference, the importers may raise questions and clarifications relating to the lot in which they are interested to participate.

Section 5. Supplemental Bulletin - DA-BFAR shall inform the importers regarding changes and additional information arising from the pre-auction conference through a supplemental bulletin.

Section 6. Auction Procedure - The auction process shall be governed by the following procedures:

1. Interested registered importer shall submit their Auction Tender in writing using the form prescribed by BFAR on the place, date and time stated in the Notice of Auction.
2. The Auction Tender shall state with specificity the lot being participated by the importer and the offered amount for said lot which shall consist of the payment for the administrative and inspection cost of the government. Provided that said auction tender shall not be less than one hundred pesos (P100) per metric ton.
3. The Auction Tender must be sealed in an envelope addressed to the Director of BFAR providing therein the name of the importer.
4. The auction shall be presided by the head of the Fisheries Inspection and Quarantine Division (FIQD) who has the authority to receive all auction tenders on the place, date and time stated in the Notice of Auction.
5. After the close of the auction process, the head of the FIQD shall open the auction tenders in the presence of the importers and representative from BFAR and PFDA. The head of the FIQD, after opening each Auction Tender per lot, shall read the contents thereof in public and shall prepare a list of all the offer made for each lot.

Section 7. Award of Allocation - Within a period of three (3) working days from the opening of Auction Tender, the BFAR Director shall issue a Notice of Award to the importer that made the highest tender for each lot. The award shall also state that the importer shall submit their application for SPS Import Clearance (SPSIC) and shall pay the amount stated in their auction tender within three (3) working days from the receipt of the Notice of Award.

In case the winning bidder failed to apply for SPSIC or to pay the amount tendered within the period stated above, the award shall be forfeited and shall be given to the next highest bidder.

This Order shall take effect immediately and shall remain in force unless revoked in writing.

Done this 15th day of July 2020.


WILLIAM D. DAR, Ph. D.
Secretary

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DEPARTMENT OF AGRICULTURE
In replying pls cite this code :
For Signature: S-07-20-0207
Received : 07/14/2020 12:32 PM