



Republic of the Philippines
Department of Agriculture
OFFICE OF THE SECRETARY
Elliptical Road, Diliman, Quezon City 1101 Philippines

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DEPARTMENT CIRCULAR

No. 03

Series of 2015

SUBJECT : RULES AND REGULATIONS ON THE REGISTRATION OF PRIMARY AND POSTHARVEST ORGANIC FOOD AND NON-FOOD PRODUCTS

Pursuant to the provisions of Section 16 (Registration of Organic Food and Organic Input Producers), Section 17 (Labeling of Organic Produce) and Section 24 (Incentives) of Republic Act (R.A.) No. 10068 otherwise known as "Organic Agriculture Act of 2010", the Department hereby adopts and prescribes this Circular covering the functions and shared responsibilities among its agencies in the regulation of "organic primary and postharvest food and non-food products", as it is hereby adopted and prescribed, for the information and guidance of all concerned.

SECTION 1. OBJECTIVES. This Circular has the following objectives:

- 1.1 To provide guidelines in the registration of establishments of organic primary and postharvest food and non-food products;
- 1.2 To provide specific responsibilities of the Department of Agriculture's (DA) Regulatory Agencies and the Bureau of Agriculture and Fisheries Standards (BAFS) in the registration of establishments of organic primary and postharvest food and non-food products; and
- 1.3 To ensure that products being marketed are compliant with the Philippine National Standards (PNS) for organic agriculture and other relevant PNS.

SECTION 2. DEFINITION OF TERMS. As used in this Circular, the following words, terms and phrases shall be construed to mean as follows:

2.1 *Certification* – means the procedure by which official certifying bodies or officially recognized certifying bodies provide written attestation that food or non-food or its control systems conform to applicable organic agriculture standards and requirements. Certification may be, as appropriate, based on a range of inspection activities, which may include continuous inspection, auditing of quality assurance systems, and examination of finished products.



2.2 *DA Regulatory Agency* – refers to the following agencies: Bureau of Animal Industry (BAI), Bureau of Fisheries and Aquatic Resources (BFAR), Bureau of Plant Industry (BPI), National Dairy Authority (NDA), National Meat Inspection Services (NMIS), Philippine Fiber Industry Development Authority (PhilFIDA) and Sugar Regulatory Agency (SRA).

2.3 *Establishment* – means the agriculture or fisheries facility used for production of primary and postharvest food and non-food products including operations carried out in the crop industry, animal husbandry, and aquaculture, postharvest handling, preparation, treatment, packaging, transport and/or storage, but excluding those sites, buildings and structures, such as laboratories, administrative offices and other areas where the products are not handled and where people handling the products do not enter.

2.4 *Label* – refers to 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 as to identify components, ingredients, attributes, directions for use, specifications and such other information as may be required by law or regulations.

2.5 *Labeling* – Includes any written, printed or graphic matter that is present on the label, accompanies the product, or is displayed near the product, including that for the purpose of promoting its sale or disposal.

2.6 *Licensing* – means the process by which a DA Regulatory Agency approves an application of a person, partnership, corporation, cooperative, or other juridical persons, for authority to operate an agriculture or fishery establishment or to engage in any activity in the primary production and postharvest stages of the food and non-food supply chain to produce safe organic primary and postharvest food and non-food products.

2.7 *Misbranding* – refers to deliberate labeling or advertising of organic primary and postharvest food and non-food products that is misleading, where the labeling and/or advertising claims certain product properties that cannot be supported by reliable source, an organic certifying body or by scientific evidence.

2.8 *Non-Food Product* – refers to agriculture and fisheries products that are not used directly for human consumption such as feeds, fibers, tea bags, etc.

2.9 *Official Accreditation* – refers to the procedure by which DA-BAFS having jurisdiction over Organic Certifying Bodies, formally recognizes the competence of an inspection and/or certification body to provide inspection and certification services.

2.10 *Organic* – Is a labeling term that denotes products considered organic based on the Philippine National Standards (PNS) for organic agriculture.

2.11 *Organic Certificate* – means a written or equivalent assurance issued by an officially accredited organic certifying body (OCB) that a production system conforms to applicable organic standards and requirements.



2.12 *Organic Certifying Body (OCB)* – refers to a body responsible for verifying that a product sold or labeled as “organic” is produced, processed, prepared, handled and imported according to relevant PNS and other guidelines.

2.13 *Postharvest Food* – refers to a food that is obtained from the minimal transformation of plant and terrestrial and aquatic animals after primary production.

2.14 *Postmarket Surveillance* – refers to activities, after market authorization has been issued, relating to safety and quality monitoring of organic primary and postharvest food and non-food products. This shall also include, among others, adverse events reporting, product safety update reporting, collection and testing of products in the market.

2.15 *Primary Food* – refers to the unprocessed food that is obtained from primary production.

2.16 *Primary Production* – refers to the production, rearing or growing of primary products including harvesting, milking and farmed animal production up to slaughter, and the rearing and growing of aquatic plants and animals in aquaculture facilities.

2.17 *Registration* – means the process by which a DA Regulatory Agency records and verifies information about producers, engaged in the organic primary production and postharvest stages of the food or non-food product supply chain, including facilities involved in activities related to organic primary and postharvest stages of production, in an official list or official system for entering names and information of the concerned DA Regulatory Agency.

SECTION 3. SCOPE

3.1 This Circular provides the rules and regulations in the registration of establishments of organic primary and postharvest food and non-food products. This applies to all agriculture and fishery establishments certified by the DA-BAFS officially accredited OCB.

3.2 This Circular does not cover the registrations of establishments of organic inputs (i.e., organic fertilizers, soil conditioners, plant growth promoters/regulators, plant food supplements, flower inducers, microbial inoculants and bio-control agents, including botanicals, microbials, macrobials and semiochemicals) and processed and pre-packaged organic food, which are governed by separate rules and regulations.

SECTION 4. SPECIFIC RESPONSIBILITIES OF DA REGULATORY AGENCY. The following are the specific tasks of each DA Regulatory Agency:

4.1 In addition to the existing regulations and guidelines by each DA Regulatory Agency pursuant to their respective mandates and jurisdiction, particularly on the registration of agriculture or fisheries establishments, the following responsibilities provided herein shall be included to assist the DA-BAFS in preparing the official list of registered establishments of primary and postharvest organic food and non-food products:

- 4.1.1 Revise existing or establish new registration procedures and requirements for certified organic establishments;
- 4.1.2 Accept, process and approve the applications of registration of establishments covered under their respective mandates as indicated in *Annex A*;
- 4.1.3 Accept only applications with complete information and requirements, including the organic certificate issued by DA-BAFS officially accredited OCB;
- 4.1.4 Conduct its own verification to ensure compliance with the applicable PNS for organic production prior to the registration;
- 4.1.5 Issue certificate of registration (COR) to the establishments with approved applications, indicating its certification number and the list of products. The content and details of the COR should be the same for each DA Regulatory Agency and DA-BAFS. All COR should be signed by the Directors of the concerned DA Regulatory Agency and DA-BAFS; and
- 4.1.6 Submit and regularly update the list of registered organic establishments to DA-BAFS.

4.2 Licensing activities to such establishment should also be conducted as provided for by the respective mandates of each DA Regulatory Agency prior to its registration.

SECTION 5. SPECIFIC RESPONSIBILITIES OF DA-BAFS. BAFS, as the competent regulatory agency for organic agriculture of the Department, shall perform these responsibilities in the registration of establishments of primary and postharvest organic food and non-food products:

- 5.1 Provide the concerned DA Regulatory Agency of the information relative to organic agriculture;
- 5.2 Keep and regularly update the official list of all registered organic establishments. The official list should be made always available to the public;
- 5.3 Conduct monitoring and postmarket surveillance of establishments and their organic produce in the market outlets to ensure compliance with the applicable organic standards;
- 5.4 Accept and resolve appeals and complaints. A written or formal appeals or complaints should be submitted and addressed to DA-BAFS; and
- 5.5 Maintain and share databases with the concerned DA Regulatory Agency through its website for effective and efficient implementation and enforcement.

SECTION 6. GUIDELINES FOR REGISTRATION. The following are the rules for registration:

- 6.1 All establishments shall first be registered with the concerned DA Regulatory Agency before organic products are distributed, supplied, sold or offered for sale or use and advertised, among other marketing or promotional activities.
- 6.2 An establishment shall be issued a COR indicating a list of all the organic products allowed for sale and distribution.

6.3 Validity of COR will be three (3) years from the date of its issuance.

6.4 Certified organic products shall be subjected to the validation process of the concerned DA Regulatory Agency and DA-BAFS.

6.5 The importation or exportation of organic products can only be done if an establishment has a permit issued by the concerned DA Regulatory Agency.

SECTION 7. FEES. All application for registration and/or licensing should pay the prescribed fees as indicated in the existing schedule of fees by the concerned DA Regulatory Agency.

SECTION 8. GROUNDS FOR DISAPPROVAL OF APPLICATIONS. In addition to the existing regulations and guidelines of each DA Regulatory Agency, the following shall be the grounds for disapproval of an application for registration:

8.1 Failure to meet the appropriate standards or requirements under the PNS for organic agriculture and other relevant standards; and

8.2 Reporting of any misrepresentation, false entries, or withholding of any relevant data contrary to the provisions of the R.A. No. 10068 and its Implementing Rules and Regulations, this Circular, PNS for organic agriculture and other relevant standards.

SECTION 9. GROUNDS FOR REVOCATION OF CERTIFICATE OF REGISTRATION (COR).

9.1 In addition to the existing regulations and guidelines of DA Regulatory Agency, the following are the grounds for revocation of COR:

9.1.2 Revocation of organic certification by OCB;

9.1.3 Non-submission of updated organic certificate issued by the officially accredited OCB within the two (2) months extension in accordance with Section 10 of this Circular;

9.1.4 Non-compliance with the PNS for organic agriculture and other related organic standards;

9.1.5 Misbranding of the product as per validated report; and

9.1.6 Misrepresentation of material facts in the submitted documents.

SECTION 10. RENEWAL OF COR AND CONDITIONS FOR EXTENSION

10.1 Renewal of the COR shall be done in accordance with the requirements and procedures/regulations of the concerned DA Regulatory Agency.

10.2 An establishment may be allowed to continue using its COR despite the lapse of the 3-year validity period thereof, but only for the non-extendible duration of two months from the registration certificate's expiry on the following conditions:

10.2.1 That the extension is granted in writing by the concerned DA Regulatory Agency upon a written request for such extension;

10.2.2. That the request for extension is on the ground that there is a pending process of renewal of organic certification with the officially accredited OCB; and

10.2.3 The the request is accompanied by a certification from the OCB attesting that the registered establishment has an on-going process of renewal of organic certification.

10.3 Notwithstanding the above provision, should the concerned establishment fail to present proof of the renewal of its organic certification to the concerned DA Regulatory Agency on or before the lapse of the above-stated extension period, the COR shall thenceforth be deemed to have expired retroacting to the original expiry date.

SECTION 10. LABELING OF REGISTERED PRIMARY AND POSTHARVEST ORGANIC FOOD AND NON-FOOD PRODUCTS.

10.1 In addition to the relevant existing standards and requirements for labeling and pursuant to Section 17 (Labeling of Organic Produce) of R.A. No. 10068, the following information shall appear on the label of organic products:

10.1.1 Name, logo or seal of the organic certifying body (OCB);

10.1.2 "Organic" mark provided by DA-BAFS;

10.1.3 OCB's accreditation number given by DA-BAFS; and

10.1.4 Registration number given by the concerned DA Regulatory Agency.

10.2 All advertisement, promotional and marketing materials with respect to herein covered products that have organic claims shall be consistent with the terms and conditions of the Certificate of Registration and documents submitted to substantiate such claims.

SECTION 11. MONITORING OF REGISTERED ORGANIC ESTABLISHMENTS AND POSTMARKET SURVEILLANCE

11.1 Monitoring and post-market surveillance shall be conducted by the Organic Agriculture Validation Team (OAVT) for the following purposes:

11.1.1 To help ensure sustained compliance with the PNS and pertinent provisions of laws and rules in order to prevent misbranding, adulteration and other forms of fraud in locally produced and imported products with organic claims; and

11.1.2 To prevent misrepresentation in the labeling and false advertising of such products.



11.2 The monitoring and post-market surveillance shall be conducted in accordance with the approved guidelines for the conduct of validation process for the registration of primary and postharvest organic food, non-food and input producers.

SECTION 12. ADMINISTRATIVE SANCTIONS. In addition to the existing regulations and guidelines of the DA Regulatory Agency, the following Administrative sanctions shall apply:

12.1 Revocation of the issued COR ; and

12.2 Delisting and/or blacklisting of the company name from DA-BAFS official list of registered organic food and non-food establishments.

SECTION 13. SEPARABILITY CLAUSE. Should any provision of this Department Circular or any part thereof is declared invalid, the other provisions, so far as they are separable, shall remain in force and in effect.

SECTION 14. REPEALING CLAUSE. All previous guidelines and circulars inconsistent herewith are hereby superseded or modified accordingly.

SECTION 15. EFFECTIVITY. This Circular shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation and its filing with the National Administrative Circular with the University of the Philippines Law Center (UPLC).


PROCESO J. ALCALA
Secretary



DEPARTMENT OF AGRICULTURE
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ANNEX A
**DA REGULATORY AGENCY AND THEIR CONCERNED PRIMARY AND POSTHARVEST FOOD
 AND NON-FOOD PRODUCTS**

Product	DA Regulatory Agency
Animals, animal feeds and feed ingredients of animal origin, animal products and by-products including honey, eggs, veterinary drugs and biological products.	Bureau of Animal Industry
Live/fresh/chilled/frozen fish and fishery products from aquaculture including microorganisms and biomolecules, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.	Bureau of Fisheries and Aquatic Resources
<p>1. Plant, plant products and other related materials capable of harboring plant pests including living plants, nursery stocks (including vegetative parts thereof used as propagating materials), seeds and nuts for planting, seeds and grasses for animal and aqua feeds manufacturing, fresh fruits, vegetables and other plant products which have been declared as prohibited/restricted import under special quarantine orders, pure culture of fungi, bacteria, virus, nematodes and other phytopathogenic materials, mushroom cultures including spawn, algae cultures, rhizobial cultures as legume inoculants, soil and plant materials for isolation of organism, other plant cultures, and other packing materials capable of harboring plant pests, frozen/chilled fruits and vegetables including diced vegetables, grains and cereals; potential animal pests.</p> <p>2. Quality seeds and planting materials except vegetable seeds.</p>	Bureau of Plant Industry
Milk and milk products (fresh and pasteurized).	National Dairy Authority
Meat and meat products.	National Meat Inspection Service
Fiber and other products derived from fiber.	Philippine Fiber Industry Development Authority
Muscovado sugar [and molasses].	Sugar Regulatory Administration

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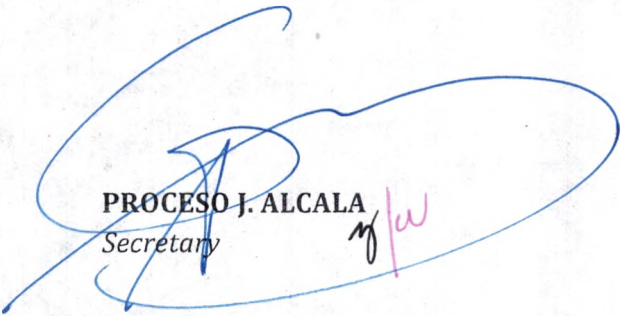
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