



DEPARTMENT CIRCULAR

No. 04
Series of 2020

SUBJECT: GUIDELINES ON THE REGISTRATION OF ORGANIC SOIL AMENDMENTS (OSA) PRODUCERS AND PRODUCTS

Pursuant to the effective implementation of Section 16 (Registration of Organic Food and Organic Input Producers) and Section 17 (Labeling of Organic Produce) of Republic Act No. 10068 otherwise known as the "Organic Agriculture Act of 2010" and its Implementing Rules and Regulations (IRR), this Department Circular (DC) repeals DC No. 05, Series of 2015 (*Revised Rules and Regulations on the Registration of Organic Fertilizer Producers*).

ARTICLE I
OBJECTIVES

The provisions under this Circular aim to:

1. Provide the streamlined requirements and procedure for the registration of OSA producers and products; and
2. Ensure that the certified organic soil amendment products being marketed are compliant with the current Philippine National Standards (PNS).

ARTICLE II
SCOPE

This Circular covers the registration of OSA producers and products with the Bureau of Agriculture and Fisheries Standards (BAFS).

ARTICLE III
DEFINITION OF TERMS

Section 1. As used in this Circular, the following terms and phrases shall be understood to have the meaning correspondingly provided below:

1.1 Brand Name

a term, name or trademark, with logo, which may or may not be registered in the Intellectual Property Office (IPO) and used in connection with the OSA product. BAFS reserves the right to approve and disapprove product brand name based on the list of products registered with BAFS

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1.2 Certificate of Registration (COR)

a written approval granted by BAFS to registered OSA producers

1.3 Certificate of Product Registration (CPR)

a written approval granted by BAFS to registered OSA products

1.4 Label

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 other information as may be required by law or regulations

1.5 Labelling

display of 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

1.6 Mislabeling

deliberate labeling or advertising that is misleading, where the labeling and/or advertising claims certain product properties that cannot be supported by a reliable source, an organic certifying body or by scientific evidence

1.7 Post-market surveillance

refers to validation activities conducted to verify continued compliance of the registered products with the recent version of applicable PNS relevant to organic agriculture and other regulatory requirements after release in the market

1.8 Organic

labeling claim with written or equivalent attestation that a product has been produced, prepared, processed, and handled in accordance to applicable PNS relevant to organic agriculture and other regulatory requirements

1.9 Organic Certifying Body (OCB)

a body responsible for verifying that a product sold or labeled as "organic" is produced, processed, prepared, handled, and imported according to the applicable PNS relevant to organic agriculture and other regulatory requirements, and whose operations/practices are aligned with the principles of ISO/IEC 17065

1.10 OSA Producer

includes those that are engaged in the manufacture, distribution, exportation, and importation of OSA products

1.11. OSA Product

includes organic fertilizers, organic compost/soil conditioners, organic plant supplements, organic microbial inoculants, and others that may be covered under the PNS for Organic Soil Amendments.

1.12. Raw Materials (Substrates)

naturally occurring materials used in the production of OSA. Raw materials that are mined or naturally extracted should comply with the Department of Environment and Natural Resources (DENR) regulations

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1.13. Registration

a process wherein BAFS records information about producers engaged in the manufacture, distribution, exportation, and importation of OSA products in an official list or official system

1.14. Third-Party Authorization (TPA)

an agreement or contract between two (2) companies, the registered producer and party recipient of the TPA, to allow the latter to distribute the product of the former and to which rebranding of the registered product of the registered producer is also allowed

ARTICLE IV GENERAL PROVISION

- Section 1. All organic soil amendment (OSA) producers such as manufacturers, distributors, exporters, and importers shall register, including their OSA products, with BAFS.
- Section 2. Only producers and products certified as organic by BAFS' officially accredited organic certifying body (OCB) are accepted for BAFS registration.
- Section 3. Registration with BAFS shall be secured prior to the sale and distribution of any OSA products.
- Section 4. The approval of application for registration will be based on the requirements of this Circular.
- Section 5. Any OSA product being applied for registration shall be registered on a per producer basis regardless of country of origin. No products with the same brand name of different producers shall be registered unless they enter into a Third Party Authorization (TPA)¹.
- Section 6. Only registered producers can import or export OSA products. Likewise, only registered OSA products can be imported or exported, and importation/exportation permit shall be applied with BAFS. The requirements specified under Article XI of this Circular shall be submitted.
- Section 7. The applicant shall notify BAFS of any changes that may affect their application for Certificate of Registration (COR), and Certificate of Product Registration (CPR).
- Section 8. The applicants must apply for COR, CPR and importation/exportation permit in accordance with the regulatory requirements of this Circular.
- Section 9. Registered OSA producers shall establish a Product Stewardship Program (PSP) for their registered OSA products. The product stewardship program should include meetings, trainings/seminars and/or caravans on safe and effective use of the product. Moreover, the program must also include the recall of the expired products from the market outlets/stalls and proper disposal of used packaging. Likewise, copy of the annual PSP report shall be submitted to BAFS during renewal application of registration.

¹ See Article IX




Section 10. The applicants for Certificate of Registration (COR), including Certificate of Product Registration (CPR), must apply electronically following the regulatory requirements of this Circular.

ARTICLE V PREREQUISITES FOR THE REGISTRATION

Section 1. Prior to the application for registration (Articles VI and VII of this Circular), application for Organic Certificate (OC) with the BAFS' Officially Accredited Organic Certifying Body (OCB) shall be secured by applicants.

Section 2. Applicants shall provide to OCB their scope of business and activities, including the details of their products and production process. Likewise, applicants must comply with the requirements of OCB.

Section 3. Applicants may request BAFS for preliminary assessment of their OSA products.

ARTICLE VI REGISTRATION OF ORGANIC SOIL AMENDMENT (OSA) PRODUCERS

Section 1. All producers engaged in the manufacture, distribution, exportation, and importation of OSA products shall register with BAFS.

Section 2. Procedure and processing time for the registration of OSA producers is shown in *Annex A*.

Section 3. **Requirements for COR.** Applicants for COR shall submit the following requirements to BAFS (Organic Agriculture Division):

- 3.1 Duly accomplished application form, with authorized name and signature;
- 3.2 Company Profile, with authorized name and signature;
- 3.3 Copy of Organic Certificate from a BAFS Officially Accredited OCB; and
- 3.4 Copy of Distributorship Agreement/TPA (*when applicable*).

Note: Requirement 3.2 is not required for renewal application unless there were changes.

Section 4. Upon compliance with all the regulatory requirements of this Circular, BAFS will grant Certificate of Registration (COR) to applicant within three (3) working days.

Section 5. **Validity of COR.** The COR is valid for five (5) years, and is renewable, subject to BAFS' annual conformity assessment.

Section 6. The COR shall contain at least the following information:

- 6.1 Name of Producer;
- 6.2 Complete Address of the Head Office;
- 6.3 Nature of Business;



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- 6.4 Product
- 6.5 Registration Number;
- 6.6 Date of Issue and Validity;
- 6.7 QR Code; and
- 6.8 Terms and Conditions (these are the conditions that must be met during the validity of COR).

ARTICLE VII REGISTRATION OF ORGANIC SOIL AMENDMENT (OSA) PRODUCTS

Section 1. All OSA products, which are produced locally or imported, must be registered with BAFS.

Section 2. Procedure and processing time for the registration of OSA products is shown in *Annex A*.

Section 3. **Requirements for CPR.** Applicants for CPR shall submit the following requirements to BAFS (Organic Agriculture Division):

- 3.1 Duly accomplished application form, with authorized name and signature;
- 3.2 Copy of Organic Certificate from a BAFS Officially Accredited OCB;
- 3.3 Copy of the recent laboratory analysis of the product (as required by PNS OSA) from a BAFS Officially Accredited OCB;
- 3.4 Product profile, including the list of raw materials (substrates) used and the production process, with authorized name and signature;
- 3.5 Product brochure/pamphlet; and
- 3.6 Proposed packaging and labeling.

Note: Requirements 3.4 to 3.6 are not required for renewal application unless there were changes.

Section 4. Upon compliance with all the regulatory requirements of this Circular, BAFS will grant Certificate of Product Registration (CPR) to applicant within three (3) working days.

Section 5. **Validity of CPR.** The CPR is valid for five (5) years, and is renewable, subject to BAFS annual conformity assessment.

Section 6. The CPR shall contain at least the following information:

- 6.1 Brand Name;
- 6.2 Product Type;
- 6.3 Name of Producer or Producers in case of recognized TPAs;
- 6.4 COR Number/s;
- 6.5 Product Registration Number;
- 6.6 Date of Issue and Validity;
- 6.7 QR Code; and
- 6.8 Terms and Conditions (these are the conditions that must be met during the validity of CPR).



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ARTICLE VIII POST-MARKET SURVEILLANCE

Section 1. BAFS shall conduct post-market surveillance in market outlets to ensure that labeling and display of organic products are compliant with the requirements of this Circular, and the Republic Act No. 10068 (Organic Agriculture Act of 2010) and its amendments hereon.

ARTICLE IX THIRD PARTY AUTHORIZATION

Section 1. The BAFS shall recognize the existence of a Third-Party Authorization (TPA) and its terms and conditions between the original registrant and the TPA recipient, subject to applicable laws, rules, and regulations. The minimum terms and conditions of the TPA are as follows:

- 1.1 Validity of Agreement;
- 1.2 Obligations of the parties to ensure that the organic integrity of the product is maintained;
- 1.3 Non-transferability of TPA to another party; and
- 1.4 In case of product rebranding, the TPA recipient shall secure an organic certificate for the new brand.

Section 2. The TPA is accepted provided that the OSA product being applied is registered with BAFS.

Section 3. Only the original registrant shall be allowed to enter into a TPA with at most three (3) parties. The TPA is non-transferable and the recipient/s is/are not allowed to issue the same to another company.

Section 4. The TPA recipient shall follow the registration guidelines specified under Articles VI and VII of this Circular.

Section 5. In case of a recognized TPA without product rebranding (same brand name), the CPR issued to the original registrant shall be amended to reflect the name of registered TPA recipient/s. Otherwise, a separate CPR shall be issued to the registered TPA recipient/s.

ARTICLE X TRANSFER OF REGISTRATION

Section 1. The registered producer may transfer its registration to another producer, subject to the applicable requirements and procedure as specified under Articles VI and VII of this Circular.

Section 2. Producers with product registration with the Fertilizer and Pesticide Authority (FPA), and were able to secure organic certification from the BAFS' Officially Accredited OCB shall register their products to BAFS. The applicable requirements specified under Articles VI and VII of this Circular and a certified true copy of FPA CPR shall be submitted to BAFS.



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ARTICLE XI IMPORTATION AND EXPORTATION REQUIREMENTS

- Section 1. Applicants for the importation/exportation permit shall submit as applicable the following requirements at least two (2) days prior the arrival/departure of OSA products to be imported/exported:
- 1.1 Duly accomplished application form, with authorized name and signature;
 - 1.2 Copy of Bill of Lading, with authorized name and signature;
 - 1.3 Copy of Invoice, with authorized name and signature;
 - 1.4 Copy of Packing List, with authorized name and signature; and
 - 1.5 Copy of Quarantine Certificate from the country of origin (*when applicable*), with authorized name and signature. This is not a requirement for OSA products with the following considerations: (a) organic compounds directly extracted from plants; and (b) not considered as microorganisms.
- Section 2. Application for importation/exportation permit shall be applied per shipment with BAFS. Procedure and processing time for such permit is shown in *Annex B*.
- Section 3. The importation/exportation permit is valid per shipment only and that such permit is valid for sixty (60) days from the date of approval.
- Section 4. Exportation of any OSA product shall further be subjected to the rules and regulations promulgated by other agencies governing all exports. Exporting of products for countries where the Philippines has no trade relations has to be cleared by the exporter with other appropriate agencies, before BAFS issues an exportation permit.

ARTICLE XII RENEWAL AND RETENTION OF REGISTRATION

- Section 1. The registered producer must apply for renewal of its COR and CPR within three (3) months prior to their expiration.
- Section 2. Applicants for renewal of COR and CPR shall submit the applicable requirements as specified under Articles VI and VII of this Circular.
- Section 3. The BAFS shall notify its clients to apply for renewal of their organic certificate with OCB, COR and CPR, at least four (4) months prior to their expiration.
- Section 4. The registered OSA producers shall submit a copy of their new organic certificate to BAFS within one (1) month after expiration of their previous organic certificate.

ARTICLE XIII SUSPENSION OF REGISTRATION

- Section 1. The COR or CPR shall be suspended based on any of the following grounds:



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- 1.1 Non-submission of new organic certificate within one (1) month after its expiration in accordance with Section 4 of Article XII of this Circular; and
- 1.2 Non-conformance to current version of PNS relevant to organic agriculture and other regulatory requirements per post-market surveillance report.

Section 2. Upon the decision of BAFS to move forward with suspension, the BAFS shall notify the registered producer of the suspension of its COR or CPR. The notice will generally contain the following elements:

- 2.1 Statement of reason/s for such decision;
- 2.2 The period within which the COR or CPR is suspended; and
- 2.3 Notification that the suspended registered producer has the right to pursue an appeal for reconsideration following the procedures as stated in Clause 1.2 of Section 1 of Article XV of this Circular.

Section 3. The BAFS shall remove the producer and product names from all the official list or official system of registered OSA producers and OSA products.

Section 4. The order of suspension shall be effective and executory immediately upon proof of receipt of the notification issued by BAFS to the registered producer. The suspension shall be for a maximum period of two (2) months.

Section 5. The BAFS shall notify interested parties and the public of the suspension and its status through suitable media.

Section 6. OSA producers under the period of suspension are prohibited from selling their registered products.

Section 7. Mislabels during the period of suspension shall, upon conviction, be punished pursuant to the provisions of Section 26 (Penal Provision) (c) of the RA 10068.

Section 8. The BAFS shall lift the suspension upon the implementation of corrective actions by the producer to comply with the requirements of the PNS and this Circular subject to verification for effectiveness by BAFS.

ARTICLE XIV REVOCATION OF REGISTRATION

Section 1. The COR or CPR shall be revoked based on any of the following grounds:

- 1.1 Revocation of organic certificate issued by an officially accredited OCB; and
- 1.2 Failure of the registered producer to implement corrective actions within the suspension period.

Section 2. Upon the decision of BAFS to move forward with revocation, the BAFS shall notify the registered producer of the revocation of its COR or CPR. The notice will generally contain the following elements:

- 2.1 Statement of reason/s for such decision; and
- 2.2 Notification that the revoked registered producer has the right to



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pursue an appeal for reconsideration following the procedures as stated in Clause 1.2 of Section 1 of Article XV of this Circular.

- Section 3. The BAFS shall remove the producer and product names from all the official list or official system of registered OSA producers and OSA products.
- Section 4. The order of revocation shall be effective and executory immediately upon proof of receipt of the notification issued by BAFS to the registered producer.
- Section 5. The BAFS shall notify interested parties and the public of the revocation and its status through suitable media.
- Section 6. OSA producers with revoked registration are prohibited to claim, label and sell their products as “organic”.
- Section 7. Only products belonging to the same batch and lot with revoked registration shall be recalled in the markets by their producers.
- Section 8. Mislabels during the period of revocation shall, upon conviction, be punished pursuant to the provisions of Section 26 (Penal Provision) (c) of the RA 10068.

ARTICLE XV APPEAL

- Section 1. The appeal procedures shall apply in the following situations:

1.1 Denial of Issuance of Registration

- 1.1.1 The applicant may file an appeal with BAFS (Organic Agriculture Division) to reconsider such decision attaching substantial documentation or the strategies to address the cause of such decision within fifteen (15) calendar days from receipt of notification for denied application.
- 1.1.2 The BAFS (Organic Agriculture Division) shall review, evaluate and recommend decision to the BAFS Director. The BAFS Director shall decide on the filed appeal based on the assessment report within twenty (20) calendar days from receipt of the appeal.
- 1.1.3 If the BAFS decides that reconsideration is not warranted, the appeal will be denied stating the reasons.
- 1.1.4 If the BAFS decides that the appeal is meritorious, the BAFS may reverse the denial decision and proceed with the granting of registration.

1.2 Suspension/Revocation of Registration

- 1.2.1 The registered producer may file an appeal with BAFS (Organic Agriculture Division) through formal written request within fifteen (15) calendar days from receipt of notice of suspension/revocation.
- 1.2.2 The appeal must be accompanied by a report specifying the major documented errors of facts and how such errors



contributed to the suspension/revocation decision, together with other relevant substantiating documentation.

- 1.2.3 If the revocation decision is due to the revoked status of the organic certificate from an officially accredited OCB, this shall disqualify the registered producer to appeal, unless otherwise the revocation of organic certificate is reinstated.
- 1.2.4 The BAFS (Organic Agriculture Division) shall review, evaluate and recommend decision to the BAFS Director. The BAFS Director shall decide on the filed appeal based on the statement of reason/s and submitted documented facts within twenty (20) calendar days from receipt of the appeal. The action will be based solely on the report and the supporting documentation submitted by the registered producer in accordance with the nature of the non-compliance that led to the suspension/revocation decision.
- 1.2.5 If the BAFS decides that the appeal is not meritorious, the appeal will be denied with a statement of reasons and such decision shall be final and executory.
- 1.2.6 In case the appeal on the suspension/revocation decision is meritorious, the BAFS shall lift the suspension or reverse the revocation decision, and reinstate the registration.

ARTICLE XVI COMPLAINTS

Section 1. Any person can file a complaint with BAFS against its registered producers or applicants (COR and CPR) due to their mislabeled products or deceptive acts or services pursuant to RA 10068.

Section 2. The BAFS shall act on the received complaints, and apply the following procedures:

- 2.1 Upon receipt of the complaint, either through the mail, personal delivery or electronic data messages/electronic documents, the BAFS shall act on it within fifteen (15) calendar days.
- 2.2 Where the BAFS considers the complaint to be sufficiently substantiated, it shall notify the producer/applicant concerned and shall require a written explanation within fifteen (15) calendar days.
- 2.3 The BAFS shall discuss the lodged complaint and written explanation provided by the concerned registered producer or a producer with an on-going application, conduct investigation, and come up with the decision.
- 2.4 The complaint shall be decided within fifteen (15) working days from the time the investigation was terminated.

ARTICLE XVII LABELING OF REGISTERED ORGANIC SOIL AMENDMENT PRODUCTS

Section 1. Pursuant to Section 17 (Labeling of Organic Produce) of RA 10068 and in addition to the labeling requirements of the recent version of applicable PNS for OSA, the following information shall appear on the label of registered OSA products:



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- 1.1 Name, logo or seal of the BAFS' officially accredited organic certifying body (OCB);
- 1.2 "Organic" mark together with the OCB's official accreditation number provided by the BAFS' officially accredited OCB; and
- 1.3 Product registration number and validity period provided by BAFS.

Section 2. The rules and procedures for using "organic" mark are provided in a separate Circular.

ARTICLE XVIII CONFIDENTIALITY AND IMPARTIALITY

Section 1. All personnel involved in the registration of OSA producers and products shall adhere to the principles of confidentiality and impartiality.

Section 2. Information on production practices, product composition and formulation, ingredients, etc., submitted to BAFS shall not be released in any form to any party or to the public in general without written permission from the applicants/registrants.

Section 3. However, the following general information may be made accessible to the public:

- 3.1 Name, address and contact details of the producers;
- 3.2 Effectivity date and validity of the registration;
- 3.3 Any information to comply with a court order; and
- 3.4 Any information to comply with a request from an office, investigating an alleged complaint.

ARTICLE XIX TRANSITORY PROVISION

Section 1. BAFS shall reissue a new COR and CPR to those OSA producers that are registered prior the approval of this Circular. Provided, however, that these registered producers have valid organic certificates.

Section 2. Packaging materials and labels of OSA products with valid organic certificates adversely affected by this Circular shall continue to be used until their supplies last.

ARTICLE XX ADMINISTRATIVE PENALTIES

Administrative sanctions such as suspension or revocation of the issued COR and CPR, and delisting of the company name from BAFS official list or official system for registered OSA producers and OSA products shall be imposed against all persons or entities that violate or refuse to abide by the provisions of this Circular .



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ARTICLE XXI ANNEXES

All annexes, or any part thereof, referred to in this Circular are deemed integral part of this Circular.

ARTICLE XXII SEPARABILITY CLAUSE

If any portion of this Circular is declared unconstitutional or invalid, the other portions thereof which are not affected thereby shall continue to be in full force and effect.

ARTICLE XXIII REPEALING CLAUSE

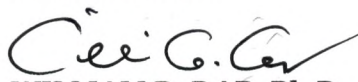
All provisions of the Department Circular No. 05, Series of 2015, the Department Circular No. 02, Series of 2015 (*Guidelines for the Conduct of Validation Process for the Registration of Organic Primary and Postharvest Food, Non-food and Input Producers*), and all other related existing rules and regulations or parts thereof, which are inconsistent with the provisions of this Circular are hereby repealed accordingly.

ARTICLE XXIV EFFECTIVITY

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

Done this 7th day of MARCH 2020.

APPROVED BY:


WILLIAM D. DAR, Ph.D.
 Secretary

DEPARTMENT OF AGRICULTURE

 In replying pls cite this code :
For Signature: S-03-20-0447
 Received : 03/23/2020 03:36 PM

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ANNEX A
PROCEDURE AND PROCESSING TIME FOR REGISTRATION

Step	Activity	By	To	Processing Time	Remarks
1	Submit Applications for Certificate of Registration (COR); and Certificate of Product Registration (CPR)	Applicant	BAFS (Organic Agriculture Division)	Within 60 minutes	Only applications with complete documentary and regulatory requirements shall be accepted.
2	Review Application	BAFS (Organic Agriculture Division)	N/A	Within 3 working days upon receipt	Review includes validation of each submitted requirement. BAFS shall issue the COR together with the CPR after compliance with the registration requirements.
3	Issue COR and CPR	BAFS (Organic Agriculture Division)	Applicant	Within 15 minutes	Registered organic producers and their products shall be subjected for annual monitoring and post-market surveillance.



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ANNEX B

PROCEDURE AND PROCESSING TIME FOR THE APPLICATION FOR
IMPORTATION/EXPORTATION OF OSA PRODUCTS

Step	Activity	By	To	Processing Time	Remarks
1	Submit Application for Importation/ Exportation Permit	Applicant	BAFS (Organic Agriculture Division)	Within 15 minutes	Only applications with complete requirements shall be accepted.
2	Review Application	BAFS (Organic Agriculture Division)	N/A	Within 2 working days upon receipt	Review includes verification of each submitted requirement.
3	Issue Permit	BAFS (Organic Agriculture Division)	Applicant	Within 10 minutes	The permit is valid within 60 days after approval.



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