



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

MEMORANDUM CIRCULAR

NO. 36
Series of 2023

SUBJECT: GUIDELINES IN THE IMPLEMENTATION OF FAO 259 IN RELATION TO THE CERTIFICATE OF NECESSITY TO IMPORT 35,000 MT OF FROZEN ROUND SCAD, BIGEYE SCAD, MACKEREL, BONITO AND MOONFISH FOR WET MARKETS FOR THE PERIOD OCTOBER 1, 2023 TO DECEMBER 31, 2023

To provide for a clear and efficient implementation of Fisheries Administrative Order No. 259, series of 2018 (FAO 259) in relation to the issuance of SPS Import Clearances (SPSICs) for the Certificate of Necessity to Import 35,000 MT of frozen Round Scad, Bigeye Scad, Mackerel, Bonito and Moonfish for wet markets for the period October 1, 2023 to December 31, 2023 (the "CNI 35,000 MT 2023"), these guidelines are hereby issued for the information and guidance of all concerned.

1. Only importers who were able to register with PFDA within seven (7) working days from the issuance of this Order shall qualify to participate in the importation under the CNI 35,000 MT 2023 provided that said importers are compliant with the qualifications and requirements under FAO 259 and this Order.
2. The following importers are disqualified from applying SPSICs under the current Certificate of Necessity to Import:
 - a) those with pending case/s in relation to violations of any food safety or importation rules and regulations;
 - b) those who were not able to secure BOC accreditation and/or clearance at the start of the allocation process; and
 - c) those who were not able to submit complete and updated requirements within seven (7) working days from the date of issuance of this Order.
3. The Maximum Importable Volume of 35,000 MT shall be allocated to registered and qualified importers based on the following:
 - For registered importers belonging to the commercial fishing sector, the 80% of the Maximum Importable Volume (MIV) shall be allocated based on the fish landings of each of the commercial fishing operators. For this purpose, only commercial fishing operators who has valid Commercial Fishing Vessel and Gear License (CFVGL) and has fish landings from 2020-2022, shall qualify to participate in this importation period; and



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

- For the fisheries associations/cooperatives, the 20% of the Maximum Importable Volume shall be allocated based on their percentage arrival from the immediately preceding importation period. Only fisheries associations and cooperatives affected by the closed fishing season shall be qualified to participate in this importation period.

4. Allocation for each qualified importer shall be computed based on the following:

- For importers belonging to the commercial fishing sector, the 28,000 metric tons (MT) which is 80% of the MIV, shall be distributed as follows:
 - An initial volume of 168 MT which is equivalent to six containers shall be distributed to qualified importers belonging to the commercial fishing sector. Provided that for those with fish landings 28 MT and below, the initial volume shall be 56 MT.
 - The total volume shall be distributed proportionately based on their percentage share from the 2020-2022 total volume of fish landings.
 - The BFAR shall secure fish landing data from and shall be provided and certified by the following:
 - (a) PFDA Port Manager, if landings are made in PFDA ports; and
 - (b) BFAR Regional Director, if the landings are made in ports with BFAR-NSAP enumerators other than PFDA fish ports;
- For the fisheries associations/cooperatives, the 20% volume shall be allocated based on their percentage arrival from the immediately preceding importation period.
 - An initial volume of 56 MT which is equivalent to two containers shall be distributed to all qualified associations/cooperatives in this importation period.
 - The total volume share shall be distributed to the importers proportionately based on their percentage share from the total volume of percentage arrival (Total Volume Arrived/Total Volume Allocatedx100) of all qualifying associations/cooperatives.



5. The SPS Import Clearances (SPSICs) under the CNI 35,000 MT 2023 shall be issued in two tranches:

Tranche	Period of Issuance	Volume
First Tranche	October 1 to 30, 2023	50% of MIV
Second Tranche	November 6 to 30, 2023	50% of MIV

6. A bill of lading or pro-forma invoice shall form part of the documentary requirements for the issuance of SPSICs.
7. The importer must have a cold storage facility or cold storage warehouse lease agreement before the issuance of SPSIC.
8. The validity period of the issued SPSIC shall be forty-five (45) days upon issuance and all SPSIC are deemed expired after 15 January 2024.
9. The fish to be imported under the CNI 35,000 MT 2023 shall be reported to and consolidated by BFAR. All fish must arrive within the validity period of the SPSIC and in no case later than 15 January 2024.
10. Qualified importers issued with SPSIC shall regularly submit a disposition report of the imported fish to BFAR every fifteen (15) days following the BFAR-prescribed disposition report format. A final disposition report shall be submitted on 15 January 2024.
11. The importers shall allow BFAR Inspectors, quarantine officers, and law enforcers to conduct inspection and monitoring of the imported fish stored in the BFAR-registered storage facility and provide data for the purpose of performance evaluation of said CNI.
12. All qualified importers shall strictly comply with Food Safety Standards provided under the law and relevant regulations.
13. The BFAR shall encourage the importers to immediately trade the imported fish under CNI 35,000 MT 2023 to ensure that there is no overlapping with the local catch by the end of the closed fishing season.
14. The importer shall source-out supply from respectable sources not derived from IUU Fishing.
15. Transfer of allocation shall not be allowed.



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

16. The qualified importers shall execute an Omnibus Sworn Statement attesting to the terms and conditions set in this Order. Violation of any condition stated herein shall be a ground for disqualification.

This Order shall take effect immediately and shall remain in force unless revoked in writing. All previous issuances inconsistent with the provisions of this Order are hereby revoked.

Done this 15th day of August 2023.

DOMINGO F. PANGANIBAN
Senior Undersecretary



DA-CO-OSEC-SO20230807-00445