



MEMORANDUM ORDER

NO. 17

Series of 2024

SUBJECT: GUIDELINES IN THE IMPLEMENTATION OF FAO 259 IN RELATION TO THE CERTIFICATE OF NECESSITY TO IMPORT 25,000 MT OF FROZEN SMALL PELAGIC FISH FOR WET MARKETS FOR THE PERIOD OF OCTOBER 1, 2024 TO DECEMBER 31, 2024

To provide for a clear and efficient implementation of Fisheries Administrative Order No.259 (FAO 259) in relation to the issuance of SPS Import Clearance (SPSICs) for the Certificate of Necessity to Import (CNI) 25,000 MT of frozen small pelagic fish for wet markets for the period of October 1, 2024 to December 31, 2024 (the "CNI 25,000 MT 2024"), these guidelines are hereby issued.

1. The Maximum Importable Volume (MIV) under a CNI shall be allocated to registered importers based on the following:
 - For registered importers belonging to the commercial fishing sector, the 80% of the MIV shall be allocated based on the fish landings of each of the commercial fishing operators who has valid Commercial Fishing Vessel and Gear License (CFVGL), has contributed to the production for the last three years, and has actively participated during the last importation period shall qualify to participate in the current importation period. For the volume of landings outside PFDA ports, only twenty percent (20%) of said volume shall be credited for the computation of the allocation.
 - For the fisheries associations/cooperatives, the 20% of the Maximum Importable Volume shall be based on their performance taking into consideration the percentage arrival of fish imported from the immediately preceding importation period. Moreover, the BFAR shall assess the financial capacity of the importer under this category. Only fisheries associations and cooperatives affected by the closed fishing season and have the financial capacity to import shall be qualified to participate in this importation period.
2. Allocation for each qualified importer shall be based on the following:
 - For importers belonging to the commercial fishing sector, the 80% of the MIV shall be distributed as follows:
 - An initial volume of 112 MT which is equivalent to four containers shall be distributed to qualified importers belonging to the commercial fishing sector.





Republic of the Philippines
Department of Agriculture
BUREAU OF FISHERIES AND AQUATIC RESOURCES
Fisheries Building Complex, BPI Compound, Brgy. Vasra
Visayas Ave., Quezon City
| do@bfar.da.gov.ph | records@bfar.da.gov.ph |
+63(2) 8539-5685

- The remaining volume shall be distributed proportionately based on their percentage share from the total volume of fish landings for the past three years immediately preceding an importation period.
- 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 other PFDA fish ports;

In the event that the fish are landed in different ports, all landing data shall be consolidated and totaled.

- The PFDA and the Regional Directors of BFAR shall submit an annual fish landing data of the previous year to the BFAR Central Office not later than January 31 of each year.
- The BFAR shall validate the data on the volume of landings provided by the PFDA and/or the BFAR Regional Director.
- For purposes of ascertaining which landings are distributed to the wet markets, the importer shall submit proof thereof (eg. Sales invoice to market vendors/traders).
- The final volume of allocation for each importer shall be the sum of the initially allocated volume (112 MT and their allocated volume based on the percentage share in the total volume of landings).
- 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 remaining volume shall be distributed to the importers proportionately based on their percentage share from the total arrivals of imported fish under FAO 259 by association/cooperatives from the immediately preceding importation period.




- The total volume for each importer shall be the sum of the initial allocated volume (56 MT) and their allocated volume based on their proportionate share in the volume of arrivals.
3. The SPS Import Clearance under CNI 25,000 MT shall be issued on September 1, 2024 until November 30, 2024 and the fish to be imported must arrive no later than the 15 January of the succeeding year
 4. The fish to be imported under a CNI shall be reported to and consolidated by BFAR.
 5. The BFAR shall encourage the importers to immediately trade the imported fish to ensure that it will not overlap with the local catch by the end of the closed fishing season.
 6. A bill of lading or proforma invoice shall form part of the documentary requirements for the issuance of SPSICs to be issued.
 7. 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 were not able to secure BOC accreditation and/or clearance at the start of this importation period;
 - c. Those were not able to submit complete and updated requirements within seven (7) working days from the date of issuance of the CNI 25,000 MT 2024;
 - d. Those who were previously registered or endorsed by the PFDA that have not participated in the last three (3) importation activities under FAO 259;
 - e. Those importers who have not efficiently utilized their allocations.
 8. The importer shall source-out supply from respectable sources not derived from IUU Fishing.
 9. Importers shall submit their complete and updated documentary requirements within seven (7) working days from the issuance of the CNI.
 10. 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.
 11. All qualified importers shall strictly comply with the Food Safety Standards provided under the law and relevant regulations.

12. Transfer of allocation shall not be allowed.

13. 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 23rd day of APRIL 2024.


FRANCISCO P. TIU LAUREL JR.
Secretary

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