Plant Quarantine Law, Regulations and Protocols

Plant Quarantine Service of the Philippines

The Philippine Plant Quarantine existed as early as 1922 when the first Plant Quarantine Law, R.A. 3027 was enacted by the Philippine congress on 8th March 1922. This was entitled: An Act to Protect the Agricultural Industries of the Philippine Islands from Injurious Plant Pests and Diseases Existing in Foreign Countries and Further to Regulate and Domestic Movement of Plant Materials in Order to Minimize the Injury form Pests and Diseases Already Introduc

This was followed with the enactment of R.A. 3767 on November 1930 entitled: An Act Regulating the Importation, Bringing or Introduction into the Philippine Islands of Living Animals, such as Insects, Birds, Crustaceans, Bats, Mollusks, Reptiles Mammals and other animals, not falling within the Scope of the Term. Domestic Animals as provided and Defined in Section Four of Act Numbered Thirty Six Hundred and Thirty Nine in order to Protect the Agricultural Industries of this Country, and for other purposes. To meet the demands of the international developments on trade, Presidential Decree No. 1433 otherwise known as the Plant Quarantine Service of the Bureau of Plant Industry under the Department of Agriculture. This law is compatible with the provisions of FAO-IPPC thus it strengthened control and monitoring of the movement of the plant pests and diseases. P.D. 1433 was further revised by the Administrative Code of 1987.

To further strengthen the implementation of plant quarantine in the country a number of Administrative and Special Orders for specific crops and quarantine activities were legislated.

At this time, we are in the process of ensuring that the implementation of Plant Quarantine Law as well as existing Administrative and Special Orders are in compliance with the WTO/SPS Agreement.

Import Quarantine

A. A. Import Permit Procedure

Application

Any person/company intending to import plants/plant products shall file an application for Permit to Import (BPI Q Form No. 1) with the PQS prior to importation.

Importations which require Permit to Import and are subject to inspection

- Living plants
- Nursery stocks, including vegetative parts thereof used as propagating materials
- Seeds not for planting
- Fresh fruits, vegetables, and other plant products, which have been declared as prohibited/restricted imports under Special Quarantine Orders by Virtue of their being known hosts of certain plant pests, or because they originate from restricted areas.
- Pure cultures 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 plants cultures
- Certain species of animals such as insects, birds, monkeys, reptiles are capable of causing injury to agricultural crops are liable to become agricultural crop pests.
- Biocontrol agents and genetically modified organism/materials.

**Evaluation of Application**

Evaluation and pest risk analysis (PRA) shall be conducted prior to the issuance of an import permit.

1. PQS shall conduct PRA based on;
   a. List of pest (insects, diseases, nematodes, viruses, weeds) which shall be obtained by PQS from the country of origin as applied for by the importer;
   b. Other information gathered from intentional pest data bases, research institutions, scientific publications and personal communication with experts

Duration of PRA and action on the application shall depend on the availability of information for assessing the risks involved in importing the commodity.

Conditions for entry shall be based on the pest present in the country of origin and other phytosanitary measures.

2. For commodities that will requires inspection and evaluation of field/growing area the following are conducted:
   a. Inspection of the field where the materials will be planted;
   b. Make the necessary phytosanitary measures/recommendations required by the PQS
   c. Approval of the area by the PQS
   d. Sketch location of the growing area to guide the post entry team in monitoring and observing the materials for presence of pests during the growing period.

3. Completed forms shall be assessed and the applicants are advised either to return on a specific date to gate the permit or to submit other requirements, for those who have not fully complied.

4. Importation of potentially hazardous biological and/or genetically modified organisms involved the following:
   a. Evaluation, approval and monitoring of the biosafety aspects of the biological research by the Institutional Biosafety Committee (IBC)
   b. Evaluation and approval by the National Committee on Biosafety of the Philippines (NCBP) and
   c. Upon recommendation of the NCBP evaluation of the conditions or entry and issuance of the import permit by the PQS.

**Approval of Application for Issuance of Permit and Import**

Upon approval of the application and payment of regulatory fee, the Permit to Import is issued to the applicant importer in four copies: the original shall be given to the Permittee for presentation to the Plant Quarantine officer at the port of entry: the duplicate copy shall be Plant Quarantine of the source country for compliance of the terms and conditions stipulated in the permit: the third copy shall be furnished to the collector of Customs at the port of entry: and the fourth copy shall be filed with the PQS.

**Inspection upon Arrival of Commodities**

Application for inspection upon arrival

The importer shall file with the PQS a duly accomplished Application for Inspection at least twenty-four (24) hours prior to arrival of the consignment. The following documents shall be submitted:

1. Phytosanitary Certificate (original FAO/IPPC Model) issued by the PQ of the country of origin;
2. Permit to Import (original copy) issued by PQS
3. Bill of lading/airway bill;
4. Inword cargo manifest and Bureau of Customs (BOC) entry declaration (photocopy)

In the absence of a Permit to Import (IP) or Phytosanitary Certificate (PC), the consignment shall be held under BOC custody or transferred (upon importer’s request) to PQS custody until such documents are presented.

In the absence of both IP and PC, the consignment shall either be returned to the country of origin or re-exported to another accepting country or destroyed.

Importation Not Requiring Permit to Import

The following imports maybe allowed to enter the country without securing the Permit to Import. However, they are subject to inspection/verification and prescribed treatment and payment of regulatory fees and charges.

a. Plant products not governed by any plant quarantine restriction/prohibition and fruits and vegetables in limited quantity and plant products intended for food or animal feed or those for processing or manufacturing purposes.

b. Properly dried or sterilized, or poisoned botanical specimens or herbaria, provided, free from soil or sand.

c. Fresh flowers, bouquets and other floral arrangements when free from soil, sand and other prohibited materials.

Export Quarantine

The export certification procedures and phytosanitary certification system is based on the IPPC standard for export certification system. However, import requirements imposed by trading partners and agreed export procedures, in cases of bilateral agreement, are complied with to ensure acceptability of commodities to the country of destination.

1. Export Certification Procedure

The PQS shall require the exporter to submit the following:

- Import Permit from the country of destination if required. The IP shall state the terms and conditions to be complied with to facilitate clearance of commodities.
- Clearance to export restricted and/or prohibited exports or movement of plants and plant products issued by designated agencies of the Philippines, such as the Bureau of Forest Development, Department of Environment and Natural Resource (DENR) for certification with regards to the Convention on International Trade for Endangered Species (CITIES) of wild Fauna and Flora.
- Accomplished application for Phytosanitary Certification
- The commodities to be inspected/examined/verified must be submitted at least 48 hours prior to actual loading, either at the office of the Plant Quarantine Services or at the premises of the exporter, which ever is convenient for the both parties.
- Treatment, unless compulsory or mandated by the importing country maybe waived. It maybe performed at the facilities operated by the PQS or private firms licensed to operate fumigation facilities. If the latter, a plant quarantine officer must supervise the entire operations.

2. Phytosanitary Certification: Upon compliance with the preceding requirements, the commodities will be issued a phytosanitary certificate or plant health certificate in accordance with IPPC/FAO.

- The BPI-PQS is the only government agency in the Philippines authorized to issue the PC
- Only an authorized plant quarantine officer may validate a PC
- Certification shall only be issued for commodities that completely meet the import requirements of the country of destination
- PC shall be denied for exports to countries in which the commodity is prohibited by the plant quarantine regulations.

3. Re-export Phytosanitary Certification
PC for re-export shall be issued for in-transit shipments if the country of destination requires such certification. Any treatment and/or quarantine actions instituted on the in-transit cargo during its stay in the Philippines shall be stated in the re-export PC.

List of most important export products
- Fresh Bananas
- Coconut (desiccated)
- Fresh Pineapple
- Coconut Copra
- Coconut Copra Meal/Pellets
- Fresh Mango
- Fresh Onion (shallots)
- Coconut Copra solvent
- Tobacco leaves (dried)

Verification / Inspection and Treatment

After verification and evaluation of the required documents, inspection shall be conducted by random sampling. Samples are then subjected to laboratory examination. Depending on the results of the examination, the following may be conducted:

a. Release to the consignee if no pest is found in the consignment
b. Treat the commodity if the pest found can be eliminated by internationally approved treatment
c. Hold under post-entry quarantine for a period of time
d. If found infested with dangerous quarantine pest, and treatment is not possible:
   - Return to the port of origin
   - Ship to other countries that will accept the consignment, and
   - Destroy the consignment
e. In all cases, the corresponding fees and charges shall be borne by the importer.

Permits shall be revoked and further permit issuance shall be refused if the materials have the following findings:

a. Inspection and certification are confirmed to be merely superficial:
b. Failure of the Permittee to give the required notice
c. False notice;
d. Misdeclared shipment;
f. Falsification of plant quarantine terms and conditions imposed in the permit;
g. Other violations of plant quarantine rules and regulations