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Department of Agriculture
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**FISHERIES ADMINISTRATIVE
ORDER NO. 233-1
Series of 2011**

SUBJECT: Amending Fisheries Administrative Order No. 233, s. 2010

Pursuant to Section 21 of Republic Act No. 9147 authorizing the Secretary of the Department of Agriculture to impose reasonable fees and charges, including an export fee to be determined in consultation with stakeholders, Section 1, Section 33, Section 35.1E and F, and Annex A of Fisheries Administrative Order No. 233, s. 2010, are hereby amended as follows:

Section 1. Definition of terms and phrases. Section 1 of FAO No. 233 is hereby amended to include the following terms and phrases and to clarify terms previously defined therein:

- a. DA-BAS – means the Department of Agriculture-Bureau of Agricultural Statistics;
- b. Captured aquatic wildlife – pertains to aquatic wildlife regardless of stage in its life cycle, that is not domesticated, captive-bred, cultured or propagated;
- c. Captive-bred/cultured/propagated aquatic wildlife – aquatic wildlife produced through “captive-breeding/culture or propagation,” which is the process of producing individuals under controlled conditions or with human intervention as defined in Section 5c of RA No. 9147. It supplants the term “cultivated aquatic wildlife” defined in Section 1n of FAO No. 233, which is hereby deleted;
- d. Domesticated aquatic species – species in which there is a closed cycle for production at all stages of its life-cycle;
- e. Export Commodity Clearance (ECC) – term to be used in lieu of export permit issued for the export of aquatic wildlife and classified into:
 1. Special ECC – clearance issued for a nominal rate for the export of aquatic wildlife intended for: sample, personal consumption, exhibit/trade fair, educational purposes; or scientific research pursuant to Section 15 of RA No. 9147, Provided, the volume thereof does not exceed ten (10) kilograms or the quantity thereof does not exceed twenty (20) pieces
 2. Regular ECC – clearance issued for the commercial export of aquatic wildlife;
- f. Sanitary and Phytosanitary Clearance – term used in lieu of import permit

Section 2. Schedule of Fees. Section 35.1E and F of FAO No. 233 is hereby amended as follows:

E. Exportation

1. The export fee for the export of aquatic wildlife shall be the product of the total net weight of raw material/commodity in kilogram (W) multiplied by the prescribed rate in percent (R), multiplied by the price of the raw material/commodity in Philippine currency (P), which is the nationwide average wholesale price of the species or commodity of the previous year based either from DA-BAS

data or market monitoring reports of the Bureau of Fisheries and Aquatic Resources, on a per shipment basis, or in the form of an equation:

$$\text{Export Fee} = W (\text{Kg}) \times R (\%) \times P (\text{Php}), \text{ per shipment, where,}$$

W = total net weight of the raw material or commodity for export in kilogram,

R = rate of applicable export fee in percent,

P = average wholesale price in Philippine currency of the species or commodity of the previous year based from DA-BAS data or market monitoring reports of DA-BFAR

2. The rates of export fee are as follows:

<u>Raw Material/Commodity</u>	<u>Export Fee Rate</u>
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1. Regular Export Commodity Clearance

a. Captured aquatic wildlife

- | | |
|---|---|
| i. Caught/gathered in Philippine waters | 0.20 % or Php 1,650.00
whichever is higher |
| ii. Caught outside Philippine waters | 0 % |
| iii. Imported | 0 % |

b. Captive-bred aquatic wildlife

- | | |
|--|----------|
| i. Domesticated species and their progenies | Exempted |
| ii. Imported broodstock and their progenies, whether exotic or endemic species | Exempted |
| iii. Founder stocks sourced from hatchery/nursery and their progenies | Exempted |
| iv. Stocks grown from imported seed stocks (e.g., eggs, fry, post-larvae, juvenile, etc.) | Exempted |
| v. Founder stocks sourced from the wild and their progenies produced in captivity | 0.15 % |
| vi. Seed stocks (e.g., eggs, fry, post-larvae, juvenile, etc.) sourced from the wild and grown for commercial purposes | 0.20 % |
| vii. Progenies of threatened aquatic wildlife produced by Aquatic Wildlife Farms | 2.0 % |

2. Special Export Commodity Clearance

- | | |
|----------------------|------------------------|
| a. CITES species | P 250.00 per clearance |
| b. Non-CITES species | P 50.00 per clearance |

F. Importation

1. Sanitary and Phytosanitary (SPS) Clearance for CITES Species P 2,500.00
2. Sanitary and Phytosanitary (SPS) Clearance for Economically Important Species
 - a. Non-refundable Application Fee P 150.00
 - b. SPS Fee
 - b.1. Live
 - b.1.1. Low-Risk (Sec. 3a, FAO 221) P 50.00
 - b.1.2. Medium-Risk (Sec.3b, FAO 221) P 250.00
 - b.1.3. High-Risk (Sec. 3c, FAO 221) P 500.00
 - b.2. Non-Live (FAO 195) P 1,500.00

H. Re-Exportation

- CITES Re-Export P 100.00

Section 3. Requirements for exportation. Clearance for exportation shall be issued upon compliance with the following requirements, in addition to payment of fees:

I. Regular Export Commodity Clearance (Export Permit)

1. Captured aquatic wildlife

- a. Pro-Forma Invoice
- b. Export Declaration
- c. Health/Quarantine Certificate
- d. Catch Certificate, for export to EU-member countries
- e. Tagged SPS Clearance for captured aquatic wildlife caught outside Philippine waters or imported
- f. Certification from Fish Inspectors that the exporter has a functional traceability mechanism and the particular shipment can be traced to a specific lot/batch of imported raw materials or those caught outside Philippine waters

2. Captive-bred / Cultured / Propagated wildlife

- a. Pro-forma Invoice
- b. Export Declaration
- c. LGU Certificate of Registration (Section 57, RA 8550)
- d. Certification from BFAR Regional Office having jurisdiction that the batch from which the exportable shipment is taken, came from farms whose yearly report submitted pursuant to FAO 218 has been verified
- e. Health/Quarantine, and other food safety requirements or SPS measure imposed by the country of destination
- f. Tagged SPS Clearance for farms with imported founder/seed stock

II. Special Export Commodity Clearance

1. Sample / Personal consumption
 - a. Duly filled-up application form
 - b. Export Declaration
2. Exhibit / Trade Fairs
 - a. Duly filled-up application form
 - b. Approved registration forms or Certification from the institution/organizer that aquatic wildlife to be exported shall be used exclusively for the exhibit/trade fair
3. Educational Purpose
 - a. Duly filled-up application form
 - b. Letter of intent by the applicant with a photocopy of any valid ID, with photograph and specimen signature
 - c. Copy of the invitation from international organizer
 - d. Inventory of specimens to be used
 - e. Affidavit of Undertaking that the applicant shall submit the specimens for inspection by the Fisheries Quarantine Officer upon arrival from the foreign country
 - f. Copy of plane ticket and itinerary
4. Approved Scientific Research
 - a. Duly filled-up application form
 - b. Endorsement letter from the DA-BFAR/FRQD Chief

Section 4. Requirements for Importation. Section 33 of FAO 233 is hereby amended to include an additional requirement for the importation of live aquatic wildlife:

Live aquatic wildlife

SPS Clearance (DAO No. 8 series of 2009, as amended by DAO No. 9 series of 2010 and applicable provisions of FAO 195 and FAO 221).

Section 5. Requirements for issuance of Re-Export Permit

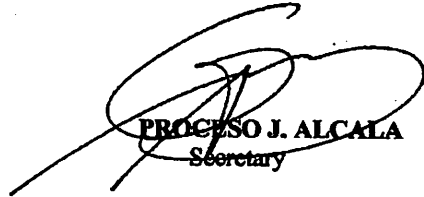
1. CITES Re-Export Permit (Section 34, FAO 233)
2. For Re-Export of marine mammals
 - a. Copy of Special Permit to Import
 - b. Health/Veterinary Certificate
 - c. Certification from the exporter that the marine mammal to be re-exported is the same animal that was imported as duly verified by the BFAR regional office

Section 6. Transitory provision. An interim fee of Php 1,650.00 shall be charged as export fee of captured or captive-bred aquatic wildlife with no established national average wholesale price from DA-BAS or DA-BFAR market monitoring reports.

Section 7. Repealing Clause. The provisions of FAO 195, FAO 210 and FAO 221 with respect to the fees and requirements for exportation and importation are hereby modified accordingly.

Section 8. Effectivity. This Order shall take effect fifteen (15) days from date of publication in a newspaper of general circulation and upon registration with the Office of the National Administrative Registrar (ONAR).

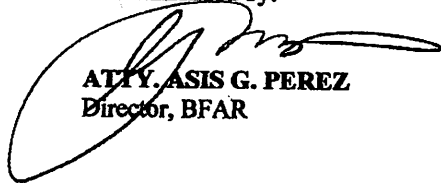
Issued this 23rd day of August, 2011, in Quezon City, Metro Manila, Philippines.



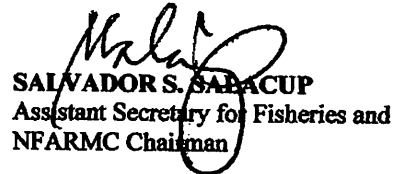
PROCESO J. ALCALA
Secretary

DEPARTMENT OF AGRICULTURE
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EDC asks BFAR to reconsider slapping fees on marine exports

If the Bureau of Fisheries and Aquatic Resources (BFAR) has its way, fish and other marine products caught in Philippine waters will soon be slapped export fees of no less than P1,650 or 0.20% of the export value of the product whichever is higher.

This was made clear by BFAR executive Ana Liza Vitug to members of the Export Development Council's networking committee on trade policy and procedures during a recent dialogue.

Vitug informed the group that the amended version of Fisheries Administrative Order No. 233 has been approved by Agriculture chief Proceso Alcala and will shortly be imposed.

Covered are all marine products caught in the wild within Philippine territorial waters which includes not just fishes but gathered shells and other aquatic resources. Excluded are marine products gathered outside the country and those raised in captivity.

It was reasoned that the fees were meant to deter the export of endangered species of sea creatures.

Exporters will likewise be required to secure export permits for each shipment including the documents required by importing countries like the European Union which now demands traceability documents of all fish shipments to the EU.

To be hardest hit, the BFAR official was told, will be the shellcraft industry in the Visayas and Mindanao which is made up mostly of micro, small and medium enterprises.

The big fishing operators may not mind the added fees and the additional layer of red tape but the fees may just be the last straw that breaks the back of the already embattled small exporters. -- Abe P. Belena, PHILEXPORT News and Features