NATIONAL ADMINISTRATIVE REGISTER · [BOC CUSTOMS ADMINISTRATIVE ORDER NO. 3-2010, MAY 12, 2010] · SEPTEMBER 16, 2009

ORDER TO SUPPLEMENT ADMINISTRATIVE ORDER NO. 243-A, S. 2009 AND THE RULES TO IMPLEMENT THE BULK AND BREAK BULK CARGO CLEARANCE ENHANCEMENT PROGRAM

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This Order is issued pursuant to Section 608 of the Tariff and Customs Code of Philippines (TCCP), as amended, to supplement Administrative Order (AO) No. 213-A, dated 16 September 2009, and the "Rules to Implement the Bulk and Break Bulk Cargo Clearance Enhancement Program' (hereafter referred to as "Rules") issued by the Committee for Accreditation of Cargo Surveying Companies (CACSC).

I. OBJECTIVES:

1. To provide and clarify operational and administrative guidelines for the Bulk and Break Bulk Cargo Clearance Enhancement Program (BBBCCEP) as directed under AO No. 243-A and its Rules as issued by the CACSC which are adopted and made integral parts of this Order.

2. To provide for transitional procedures in order to ensure the smooth implementation of the aforesaid program.

II. GENERAL PROVISIONS:

1. The Commissioner of Customs shall provide supplemental operational and administrative guidelines for the smooth implementation of the BBBCCEP.

2. Absent the required Load Port Survey (LPS) issued by the accredited surveyor, a Discharge Port Survey (DPS) shall be conducted upon arrival of the cargo at the port of discharge the procedures for which shall be included in the said supplemental guidelines to be issued.

3. Further, without the required LPS, the cargo shall be considered as a "high risk shipment" and automatically be subject to a continuing alert and underguarding until the cargo shall have been examined by a chosen Accredited Cargo Surveying Company (ACSC) and the DPS issued therefore. Also, the importer/consignee of the cargo shall be imposed a penalty as provided for under Section 3610 vis-a-vis Section 3514 of the TCCP, as amended, if warranted.

4. The fees to be imposed for the conduct of the DPS shall likewise be provided. However, transitional rules shall be included in the supplemental guidelines to allow stakeholders to adapt to the new BBBCCEP.

5. The Commissioner of Customs, may from time to time make a determination when the LPS or DPS is inapplicable or which commodities may be exempted from the coverage herein, taking into consideration the nature of the commodity/cargo involved, risk management principles and international best practices and recommend the same to the CACSC. In turn, CACSC shall accordingly request approval of the recommended exemptions from the Office of the President.

6. In case of disagreement with the results of the DPS, the consignee/importer may resort to payment under protest or avail of the tentative release of the cargo under such conditions as the Collector of Customs may impose.

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III. Creation of a One Stop Shop.

For purposes of the Discharge Port Survey (DPS) during the transition period and pending the integration of the automation requirements of the ASC into the Bureau's e2m system, a One-Stop Shop (OSS) is hereby created to be headed by the Deputy Commissioner, AOCG with the following composition:

1. Deputy Commissioner, MISTG - Vice-Chair
2. Deputy Commissioner, EG - Co-Vice Chair

Members:

Representative from the Office of the Presidential Adviser on Revenue Enhancement (OPARE)
Representative of the DTI who is a member of CACSC
Representative from the private sector who is also a member CACSC
Office of the Commissioner
Post Entry Audit Group
Risk Management Office

IV. The OSS shall handle the applications for the conduct of the DPS filed by the importer/ consignee and confirm/authorize the designation of the ACSC chosen by the importer/ consignee to conduct the same. The supplemental guidelines shall further include operational and administrative guidelines for the OSS.

This Order shall take effect fifteen days after its publication.

Adopted: 12 May 2010

(SGD.) NAPOLEON L. MORALES
Commissioner

Approved:

(SGD.) MARGARITO B. TEVES
Secretary of Finance

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