REVISED RULES AND REGULATIONS IMPLEMENTING P. D. NO. 930, FURTHER SIMPLIFYING EXPORT PROCEDURES AND DOCUMENTATION

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Attached is the letter[*] dated February 26, 1999 of Director Emmarita Z. Mijares, Deputy Executive Director, Export Development Council endorsing a copy of the REVISED RULES AND REGULATIONS IMPLEMENTING P.D. 930, FURTHER SIMPLIFYING EXPORT PROCEDURES AND DOCUMENTATION, together with the revised list of prohibited, regulated and optional products for export that needs clearance from the agency.

It is informed in the said letter that the Implementing Rules and Regulations (IRR) mentioned above was approved by the NEDA Board last October 7, 1998, published in Malaya and Bulletin last February 15, 1999 and will be effective on May 17, 1999.

For your information and guidance.

Adopted: 20 Apr. 1999

(SGD.) JULITA S. MANNAN
Officer-in-Charge

Attachment:

Revised Rules And Regulations Implementing Presidential Decree No. 930, Further Simplifying Export Procedures And Documentation

Pursuant to Section 2 of Presidential Decree No. 930, the following rules and regulations are hereby promulgated for the compliance, guidance and information of all concerned:

RULE I. DEFINITION OF TERMS
Section 1. For purposes of these rules and regulations, the following terms shall have the meaning given for each term:

- Authority to Load shall refer to the approval or permission granted by the BOC or its deputized agencies for the loading of export goods on board the carrier specified in the covering Export Declaration.

- Certificate of Shipment shall refer to the document which the BOC or its deputized agencies issues upon request of the exporter, or his duly authorized representative, certifying to the nature of shipment of his export goods which could either be full shipment effected, shut-off or non-shipment.

- Certificate of Origin shall refer to the declaration of the exporter, certified by the BOC, that his export complies with the origin requirement specified under bilateral, regional or multilateral trading arrangements to which the Philippines is a party. The types of Certificate of Origin are:

1. General Certificate of Origin (white form).

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2. Generalized System of Preference (GSP) Certificate of Origin (Form A).
3. ASEAN Preferential Trade Agreement (ASEAN PTA) Certificate of Origin (Form C).
4. ASEAN Common Effective Preferential Tariff (CEPT) Scheme.
5. International Coffee Organization (ICO) Certificate of Origin.

- Export Clearance shall refer to all pre-exportation requirements (of whatever name by any government agency other than those of the BOC to authorize loading.

- Periodic Export Clearance shall refer to the export clearance that is valid for a specific period not exceeding one year and issued by the concerned government agency for products regularly exported by an exporter.

- Optional Export Clearance shall refer to the export clearance issued for export products upon the request of the exporter.

- Prohibited Export Products shall refer to products which are not allowed for exportation under existing policies of the government agencies concerned except for scientific or testing purposes which however need export clearances from government agencies concerned prior to exportation.

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- shall refer to products the exportation of which is not prohibited but which likewise need export clearances from government agencies concerned prior to exportation.

- Containerized Cargoes shall refer to cargoes contained on container vans or other sealable transport units.

- Conventional Cargoes shall refer to cargoes that are handled in pieces, packages, crates, bags and the like.

- Established Standards shall refer to the standards set by the Bureau of Product Standards and/or other agencies.

- Export Declaration (or ED) shall refer to the document required for every export shipment, whereby the exporter or his duly authorized representative declares and certifies the full particulars of a shipment.

- Government Agency shall refer to any bureau, office, agency or instrumentality or any other instrument of the National Government.

- OSEDC shall refer to the One-Stop Export Documentation Center.

RULE II. EXPORT CLEARANCES

Section 1. Per Shipment Export Clearances — issued by specified government agencies shall be required for prohibited products and regulated products (listed in Annex A).

Section 2. Periodic Export Clearances — Specified government agencies may grant periodic export clearances to exporters, the validity period of which is to be determined by said agencies, provided such period shall not exceed one year. Each of the offices/agencies concerned shall formulate, prescribe and promulgate guidelines governing the issuance of such periodic clearances. The guidelines shall include, among others, the basis for determining the validity periods of clearances to be issued, and criteria for determining and identifying regular exporters entitled to such periodic export clearances.

Section 3. Optional Export Clearances — may be issued upon request of the exporter for products (enumerated in Annex B).

Section 4. Additional Products — No new products shall be added to Annex A, without the prior approval of the Inter-Agency Committee (IAC) on E.O. 1016. For this purpose, The Department of Trade and Industry shall

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conduct a review, at least once a year in consultation with appropriate government agencies, of the list in said Annex A for the possible additions and deletions and shall submit its recommendations thereon to said committee.

RULE III. PROCEDURES FOR SECURING EXPORT CLEARANCES
Section 1. Per Shipment Export Clearances — The exporter shall submit one set of the Export Clearance form, together with the other required documents to the concerned government agency.

Upon receipt of the accomplished Export Clearance form, the agency concerned shall undertake the following.

- Check if the papers are in order;

- Assign an inspector/analyst to inspect the product and obtain samples for analysis, if necessary;

- Collect fees, if any is due;

- Issue clearance in two (2) copies to the exporter.

The exporter shall then proceed to the BOC to obtain the Authority to Load in accordance with the procedures provided in Rule VIII hereof

Section 2. Periodic Clearance — Exporters who wish to secure the periodic export clearance shall apply in writing with the government agency concerned which shall evaluate the applications in accordance with Section 2, Rule II, of these Rules and Regulations.

Section 3. Optional Clearances — No new export clearances shall be imposed without the prior approval of the IAC on E.O. 1016.

RULE IV. STANDARDIZATION AND INSPECTION RESPONSIBILITIES OF GOVERNMENT COMMODITY OFFICES
This shall be governed by Section 4 of P.D. 930 as amended by E.O. 1016.

RULE V. INSPECTION FEES
No new and additional fees/charges shall be imposed by the government agencies concerned with inspection of export products except as provided for in Section 7 of PD 930

RULE VI. THE EXPORT DECLARATION (ED)
Section 1. Submission of Export Declaration — As soon as the exporter is ready to ship his goods, he shall secure an Export Declaration (ED) form from any of the following: DTI/BOC/OSEDCs/EDC/BSP/PHILEXPORT, and accomplish the same.

Section 2. Filing of Export Declaration Form — The exporter shall file all copies of the accomplished ED directly with the BOC or its deputized agencies or OSEDC for processing and approval through the issuance of the Authority to Load. The BOC shall assign the ED number to the form.

The exporter shall accomplish the ED form in four (4) clear copies, to be segregated as follows: BOC copy (original), Exporter's copy, National Statistics Office (NSO) copy, and DTI copy.

RULE VII. RESPONSIBILITIES OF THE BUREAU OF CUSTOMS
The BOC shall be responsible for the issuance of

- Authority to Load;

- Special Permit to Load;

- Certificate of Origin; and

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- Post-loading Certificates.

RULE VIII. AUTHORITY TO LOADSection 1. Where to File Request — Exporters may file the request with any of the following export processing units of the BOC:

- For Manila Loading:

— The Export Division of the Port of Manila (POM), the Manila International Container Port (MICP) or the Ninoy Aquino International Airport (NAIA).

— The OSEDC for loading at any of the above ports.

— The BOC Unit at the Garments and Textile Export Board (GTEB-BOC Unit) for GTEB controlled exports for loading at any of the above ports.

- For Provincial Loading:

— The BOC Export Division or the OSEDC at the port of loading.

— The BOC Export Coordination. Division (ECD), Office of the Commissioner, where exporter opts to obtain the Authority to Load in Manila.

Section 2. Documents to be submitted — The following documents shall be submitted.

- Export Declaration. — Enterprises not registered with either the Board of Investments (BOI) or Philippine Economic Zone Authority (PEZA) shall affix the required BOC/Bureau of Internal Revenue (BIR) documentary stamps to the ED.

- Commercial Invoice if the ED is with foreign exchange proceeds.

- For provincial loading, a written request for authority to load if the ED is filed at the Export Coordination Division (ECD). Request should indicate date and port of loading, commodity, quality and value of exports.

- Export Clearance, if required

Section 3. Issuance of Authority to Load — After checking completeness, accuracy and consistency of data documents, the export unit concerned shall authorize loading. The Authority to Load is indicated at Box 52 of the ED.

Where the ED was processed at the ECD for provincial loading, a telegraphic instruction is sent to the Collector of Customs concerned. The telegram serves as basis for the Collector to issue an Authority to Load.

Section 4. Loading of Shipment — The exporter shall present the ED to:

- Customs Container Control Division (CCCD of Port of Manila or International Container Port (MICP) or equivalent unit in provincial ports) if shipment is containerized. The CCCD shall then forward the EDs to the Arrastre Office for collection of arrastre charges and then to the Philippine Ports Authority (PPA) for clearance.

- Arrastre Office if shipment is conventional from whence EDs are sent to the PPA for clearance.

c. Appropriate units in NAIA if shipments is by air.

Section 5. The Inspector's Report of Loading — After loading, the Customs inspector on board vessel or CCCD representative (containerized cargo) shall submit to the export unit concerned the original copy of the Inspector's Report of Loading together with a copy of the EDs covered by the report.

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If the shipment is subject to duty back, a copy of the completely processed ED shall be submitted to the Tax Credit and Duty Drawback Center of the Department of Finance.

RULE IX. THE SPECIAL PERMIT TO LOAD
The Special Permit to Load shall be granted under the following circumstances:

- For authority to load locally transhipped goods to foreign vessel.

- For shipments where the Export Declaration is not required under the existing BSP rules; or

- For partial shipments covered by a Monthly General Export Declaration.

RULE X. THE CERTIFICATE OF ORIGIN
Section 1. Certificate of Origin (CO) — The CO shall be issued to the exporter or his duly authorized representative.

The BOC has the authority to verify the origin of products and other statements in the certificate.

Section 2. Documents to be filed — The following documents shall be submitted:

- Certificate Declaration,

- Export Declaration;

- Bill of Lading;

- Commercial Invoice; and

- Any appropriate supporting documents proving the products to be exported qualify for the issuance of a CO.

Section 3. Issuance of the Certificate of Origin — In general, the unit which processed the ED issues the corresponding CO. However, for EDs processed at the GTEB-BOC Unit, COs are to be issued -

— by ECD for shipment by sea

— by GTEB-BOC Unit for shipment by air

— For COs to be issued by the BOC, the Export Coordination Division (ECD) also issues said COs for Export Declarations (EDs) processed in the OSEDC.

Section 4. General Certificate of Origin (White Form) - This Certificate is issued upon the request of the exporter for exports not qualified for either the GSP or ASEAN PTA but is nevertheless required by the importing country. The original and duplicate copies are given to the exporter.

Section 5. The GSP Certificate of Origin (Form A) — This Certificate is issued for exports qualified for preferential tariff treatment under the ASEAN Preferential Trade Agreement. The original copy is sent directly to the customs authority of the importing country.

Section 6. The ASEAN Preferential Trade Agreement (ASEAN PTA Form C — This Certificate is issued for exports qualified for preferential treatment under the ASEAN Preferential Trade Agreement. The original copy is sent directly to the customs authorities of the importing country.

Section 7. The ASEAN Common Effective Preferential Tariff (CEPT) Scheme Certificate of Origin (ASEAN CEPT Form D) - This Certificate is issued for exports qualified under tariff reduction programs of the CEPT scheme, the basic instrument used to implement the ASEAN Free Trade Area (AFTA) Agreement.

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Section 8. The International Coffee Organization (ICO) Certificate of Origin — This Certificate is issued for all coffee exports originating from the Philippines as prescribed by the International Coffee Organization.

RULES XI. POST LOADING CERTIFICATE
Upon request of the exporter and after the carrier has departed, the export unit which processed the ED shall issue -

- Certificate of Shipment/Non-shipment. — This certificate is issued by the export unit based on the Inspector's Report of Loading.

- Certificate of re-exportation for bond cancellation. — This is also based on the Inspector's Report of Loading.

RULE XII. NEGOTIATIONS AND PAYMENT
Section 1. When the shipment is not fully prepaid — The exporter shall negotiate his bill of exchange/account with the AAB / OBUs together with the Bill of Lading/Air Waybill, signed Commercial Invoice and such other documents as may be required by the buyer.

The AAB concerned shall report to BSP the payment thereof in accordance with existing BSP rules,

Section 2. When shipment is fully prepaid or on open account basis — The exporter may send the shipping documents mentioned in the proceeding section directly to the buyer, provided copies thereof are submitted to the AAB / OBUs, for record/monitoring purposes.

RULE XIII STANDARDIZED EXPORT DOCUMENTS
Section 1 Export Documents - The following export documents, the facsimiles of which are hereto attached and made an integral part hereof shall serve as standard forms to be used in the export of goods from the Philippines:

- Export Declaration, Annex A

- Export Clearance, Annex B

- Periodic Export Clearance, Annex C

- General Certificate of Origin, Annex D

- ASEAN PTA Certificate of Origin, Annex E

- ASEAN CEPT Scheme Certificate of Origin, Annex F

- ICO Certificate of Origin, Annex G

Section 2. Changes in Forms Not Allowed- No changes in the aforementioned forms especially in the contents, size and in the number of the copies required herein shall be made without prior approval by the NEDA.

RULE XIV. RESOLUTION OF ISSUES; APPEAL
Section 1. Resolution of Issues - The DTI shall have the authority to resolve any issues or conflict that may arise between or among government agencies resulting from the reassignment of inspection and/or certification authorities provided for in the P.D. 930.

Section 2. Appeal - Any agency not satisfied with the decision of the DTI may elevate the issue to the NEDA within fifteen (15) days from the receipt of notice thereof, provided, that, failure to elevate the issue/conflict within this period shall render the resolution of the DTI final and executory.

RULE XV. GENERAL PROVISIONS
Section 1. Administration — The DTI shall be responsible for coordinating the administration and implementation

of the provisions of the P.D. 930 and of the instructions and/or rules and regulations that may be issued in pursuance thereof along the concept of simplifying export procedures and documentation. It may recommend to the NEDA any change and modification it may deem necessary to effectuate the intents and provisions of P.D. 930, as well as the Rules and Regulations issued in pursuance thereof

Section 2. Review Power - The NEDA shall have the power to review, revise or amend decisions, ruling, or actions made or taken by any agency involved in the implementation of the simplified export procedures and documentation provided in P.D. 930 and these rules and regulations.

Section 3. Information, Dissemination — The NEDA shall, together with the DTI, BSP, BOC, PHILEXPORT and other agencies concerned, undertake such information drive as may be necessary for the dissemination of the simplified export procedures and the forms prescribed herein to ensure proper and full compliance by all concerned.

Section 4. Separability Clause — The provisions of these Rules and Regulations are hereby declared to be separable, and in the event one or more of said provisions are declared unconstitutional, the validity of the other provisions shall not be affected thereby.

Section 5. Repealing Clause — The amended Rules and Regulations Implementing P.D. 930 dated November 25, 1977 are hereby repealed. All other rules or regulations inconsistent therewith are hereby repealed or amended accordingly.

Section 6. Effectivity — These revised rules and regulations shall take effect after ninety (90) days from the date of publication in two newspapers of general circulation.

(Approved by the NEDA Board on October 7, 1998 per NEDA Board resolution No. 17 s. 1998)

ANNEX A

PROHIBITED AND REGULATED PRODUCTS FOR EXPORT
Per Revised IRR P.D. 930 effective 17 May 1999

PROHIBITED

REGULATED

OFFICE

1. Garments and textiles, carpets polyester staple fiber, filament yarns; fabrics, upholstered furniture and other natural and synthetic fibers and all products made up in whole or in part of these fiber for export to all countries with or without quota

Garments and Textile Board (GTEB)

2. Copper concentrates

Board of Investments (BOI)

3. All plants, planting materials and plant products capable of harboring pests; insect specimens, live and dead

Bureau of Plant Industry (BPI)

4. Animals, animal products and animal effects

Bureau of Animal Industry (BAI)

5 Sugar and mollases

Sugar Regulatory Administration (SRA)

6. Coffee

International Coffee Organization Certifying Agency (ICO-CA) — DTI

1. Abaca and Ramie Seeds, Seedlings Suckers, and Root Stocks; Buri Seeds and Seedlings

7. Natural fibers: abaca, ramie, salago, maguey, sisal, kenaf, coir, buntal, cabo negro, cotton kapok, sabahon, piña,

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banana fiber, silk, loofah, pacol, musa species, RSA(secondary abaca fiber), canton, raffia, tikog and cocoon

Fiber Industry Development Authority (FIDA)

8. Antiques, cultural artifacts and historical relics

National Museum (NM)

2. Bakawan (mangrove)

9. Logs, poles and piles including log core and flitches/railroad ties

Forest Management Bureau (FMB), DENR

10. Lumber

-do-

3. Bangus Fry

Bureau of Fisheries and Aquatic Resources (BFAR)

4. Mother Bangus (Sabalo)

-do-

5. Prawn-Spawner and Fry

-do-

6. Shells: Trumpet shells (Triton); Helmet Shells (Cassis); Live specimens, raw shells, meat and by- products of giant clams under the family Tridacnidae (Tridac gigas, T. deresa, T. squamosa, T. maxima, T. crocea, Hippopus hippopus porceilanus)

-do-

11. Shells: Bureau of Fisheries and Undersized raw shells of Trocas, Gold lip, Black lip, Turbo mamoratus and kapis.

-do-

7. Wildlife species:

a. Wild marine species, e.g.: precious, semi- precious and all ordinary corals raw and by-products

-do-

12. Wildlife species:

a. Wild marine species, e.g.: water snakes (cerberus rynchops) sea snakes: live, skin or products from the skin or meat

-do-

Frogs: live, skin or products from the skin or meat

Protected Areas and Wildlife Bureau (PAWB)

b. Wild terrestrial species whether live, stuffed or by-products, e.g.:

b. Wild Terrestrial Species to include live, stuffed, preserved, by-products and derivatives, e.g.:

-do-

b.1 Mammals (i.e., tamaraw, tarsier, deers (calamian deer), sea cow, fruit bats)

b.1 Mammals (i.e., Philippine Monkeys, cloud-rats, ant eater Philippine tarsier and skunk)

b.2 Aves (i.e., eagles, redvent cockatoo, Palawan peacock pheasant, Palawan mynah, horn bills, nicobar pigeon, Mindoro imperial pigeon, Peregrine falcon, spotted green shank, Kotch's pitta, giant scops owl and Eastern sarus crane) pink-necked green

b.2 Aves (i.e., bleeding heart pigeons, java sparrows, tree sparrow, parrot, finches, Phil. white-eye, Phil. starlings, hanging parakeets, brush cuckoo, plaintive cuckoo, amethyst fruit dove, blue- tailed bee-eater, crested mynah, pigeon, painted quail, button quails, bended rail, plain swamphen, green-winged dove, slender-billed cuckoo, white-eared brown dove, dove, kingfishers, black-naped oriole, black-naped monarch, redamadavat, guiabero)

b.3 Reptiles (i.e., crocodiles, marine turtles, pythons)

b.4 Flora (i.e., lady's slipper orchid, vanda sanderiana, pitcher plant, dendrobicum cruenthum)

b.5 Exotic wildlife species found under Appendix 1 of the CITES such as button macaw, scarlet macaw

b.3 Reptiles (i.e., gecko, monitor and sail-finned lizards, land turtles)

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b.4 Flora (i.e., tree ferns, cycasf plant, all species orchids, aloe plant, sanders alocasia, striped alocasia, voiavoi, bungang ipod, cactus, Philippine camia/garland, Himalayan yew, Agar wood, eagle wood, big-leaf mahogany and red- sanders)

b.5 All species of butterflies

b.6 Exotic wildlife species found under Appendix II of the CITES such as parrots macaw pigeons and conures

13. Firearms, ammunitions and explosives

Firearms and Explosives Office PNP-DILG

14. Gold from small scale mining or panned gold

Bangko Sentral ng Pilipinas (BSP)

15. Legal tender Philippine notes and coins, checks, money orders and other bills of exchange drawn in pesos against banks operating in the Philippines greater than P10,000

-do-

16. Grains and grain-by- products

National Food Authority (NFA)

8. Matured coconuts and coconut seedlings

Philippine Coconut Authority (PCA)

9. Raw materials for cottage industries:

Department of Environment and Natural Resources (DENR)

- bamboo

- monkey pod (acacia)

-do-

- rattan (including poles

-do-

- buri fibers

Fiber Industry Development Authority (FIDA) Bureau of Fisheries and Aquatic Resources (BFAR)

- raffia fibers

- semi-finished or semi-processed capiz shells

10. Stalactites and stalagmites

Department of Environment and Natural, Resources DENR)

17. Motion pictures/ television films and related publicity materials

Movie and Television Review and Classification Board (MTRCB)

18. Radioactive materials

Philippine Nuclear Research Institute (PNRI)

19. All exports to the following socialist and centrally-planned economy countries: Albania , Laos , People's Democratic Republic, Ethiopia , Mozambique , Angola , Mongolia People's Republic, Democratic Republic of Korea (North Korea), Nicaragua , Libya , Myanmar

Philippine International Trading Corporation (PITC)

ANNEX B

OPTIONAL

SPECIFIC OFFICE/'DIVISION

All handicrafts for export. (Exporters cannot avail Special Tariff Treatment in countries where the Philippines have trade agreements if the same do not secure handicraft certification from the Department of Trade and Industry)

Department) of Trade and Industry Regional Offices

Live fish (aquarium)

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Bureau of Fisheries and Aquatic Resources (BFAR)

Fishery by-products (shark liver oil, shark teeth, pearl essence, fish and other fish/fishery/aquatic by-products)

Sea Urchin

Seaweeds and by-products

Sponges

Pearl

Other fish and fishery aquatic products

Fishes (live, fresh, chilled or frozen)

BFAR, Bureau of Food and Drugs (BFAD), National Quarantine Office (NQO) as required by buyer

Crustaceans (shrimps, crabs, lobsters, prawns), live fresh, chilled and/or frozen

BFAR, Bureau of Food and Drugs (BFAD), National Quarantine Office (NQO) as required by buyer

Coconut products and by-products

Philippine Coconut Authority (PCA)

All processed foods, drugs, cosmetics, medical devices, and household hazardous substances)

Bureau of Food and Drugs (BFAD)

Steel bars

Bureau of Product Standards (BPS)

Ballast

Fire extinguisher

Plywood

Starters

Lampholder (fluorescent lamp/Edison base)

Enclosed Switch/Knife switch/fuseholder

Fuse

Wire and cables

Circuit breakers

Switch (snap)

Plugs/receptacles (outlets)

Fluorescent lighting fixtures

Electrical tapes

Medical oxygen

Cement

Synthetic detergent (Per E.O. 259)

Pneumatic tries and inner tubes

Galvanized iron (G.I.) sheets

Safety matches

Disposable lighters

Enameld copper wires (Magnet Wires)

Sawn timber

Wire nails

Other Products

Tobacco products

National Tobacco Administration (NTA)

Fertilizers, pesticides and other agricultural chemicals

Fertilizers and Pesticides Authority (FPA)

Vessels, marine engines, spare parts and other marine related items

Maritime Industry Authority (MARINA)

Animals products and by-products: curio items, feathers, food and feed ingredients, and veterinary drugs and product feeds premix and water solubles

Bureau of Animal Industry (BAI)

Live animals; gamefowl, wild birds and exotic animals, monkeys, other livestock and poultry, dogs and cats

Feathers, buffalo horns and animal skins

Protected Areas and Wildlife Bureau (PAWB)

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[*] Text Available at the Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.

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