REVISED RULES AND REGULATIONS CONCERNING THE ISSUANCE OF THE IMPORT COMMODITY CLEARANCE

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Pursuant to the provisions of R.A. 4109, R.A. 7394 and E.O. 913 Series of 1993, the following rules and regulations governing the issuance of the import commodity clearances are hereby prescribed and promulgated for the compliance, information and guidance of all others concerned:

1.0 — Scope

1.1 This Department Administrative Order prescribes the rules and regulations on the issuance of the Import Commodity Clearance to import shipments covered by mandatory Philippine National Standards under the implementation authority of the Department of Trade and Industry, through the Bureau of Product Standards.

2.0 — Definition of Terms

For the purpose of this Order, the following definitions shall apply:

2.1 BPS — Bureau of Product Standards

2.2 Certifying/Testing Organization — An impartial body, governmental or non-governmental, possessing the necessary competence and reliability to test and certify products for conformity to the requirements of standards.

2.3 Test Certificate/Report — A document issued by a third party certifying/testing organization to a particular import shipment/commodity attesting that the sampling, and testing thereof are in accordance with a specific Philippine National Standard or BPS-recognized international/foreign standard.

2.4 DTI — Department of Trade and Industry.

2.5 Evaluation — The actual inspection, sampling and testing of product.

2.6 International/Foreign Standard — A standard developed by international bodies like the International Organization for Standardization, International Electrotechnical Commission, International Telecommunication Union, or by the National Standards Body of a foreign country.

2.7 Import Commodity Clearance — A document issued by DTI attesting that the quality of an imported product conforms to a Philippine National Standard or BPS - recognized international/foreign standard.

2.8 National Standards Body — A nationally-recognized body whose principal function at the national level, by virtue of its charter or national statutes is the development, promulgation, publication, promotion and implementation of national standards.

2.9 Philippine National Standards — Standards issued or developed by the BPS through the BPS Technical Committees.

2.10 Conditional Release — Document issued to an importer allowing the temporary release of goods from Custom's custody, upon compliance with the Custom's requirements, while awaiting process completion of its application for Import Commodity Clearance.

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3.0 — Application for Import Commodity Clearance

3.1 Importers of products covered by mandatory Philippine National Standards shall apply for the Import Commodity Clearance with the nearest DTI Regional/Provincial Office, immediately upon arrival of their import shipments and approval of their import entry with the Bureau of Customs (BOC).

3.2 Application for an Import Commodity Clearance shall be made in forms obtainable from the nearest DTI Regional/Provincial Offices. It shall be filed in triplicate with the nearest DTI Regional/Provincial Office, together with the following documents:

3.2.1 Packing List

3.2.2 Certified True Copy of Import Entry

3.2.3 Commercial Invoice

3.2.4 Bill of Lading/Airway Bill

3.2.5 Certified True Copy of Custom's Examiner's Findings

3.2.6 DTI Business Registration Certificate/SEC Registration Certificate

3.2.7 Summary of Batch Numbers/Serial Numbers of the product(s) covered by mandatory standard

3.2.8 Power of Attorney (In cases where the ICC application is filed by persons with managerial/supervisory capability connected with the company authorizing them to process said ICC application)

3.2.9 Board Resolution (In cases where the application is filed by persons with managerial or supervisory capability connected with the corporation authorizing them to process said ICC application)

3.2.10 Where applicable, original copy of the test reports from the Accredited Testing Laboratory of the country of origin to be sent directly to DTI Regional/Provincial Offices where the application is filed.

4.0 — Processing and Issuance of Import Commodity Clearance

4.1 Applications for the Import Commodity Clearance (ICC) shall be processed through any of the following three (3) options available to an importer:

4.1.1 Import shipment without Test Certificate/Report

4.1.2 Import shipment with Test Certificate/Report

4.1.3 Import shipment with Philippine Standard (PS) Quality and/or Safety Certification Mark

4.2 In order for an importer to avail of the options provided for in Section 4.1.2 and Section 4.1.3, a Memorandum of Understanding (MOU) and/or Mutual Recognition Arrangement (MRA) shall first be entered into by the BPS and its counterpart National Standards Body (NSB) of the exporting country.

5.0 — Import Shipment Without Test Certificate/Report

5.1 An importation without test certificate may be issued conditional release from Custom's custody by the DTI Regional/Provincial Office, upon importer's compliance with Custom's requirements and any other requirements of the DTI.

5.2 Pending the issuance of the Import Commodity Clearance, no distribution, sale, use and/or transfer to any place other than the address specified in the conditional release, in whole or in part, shall be made by the importer

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or any person. To ensure that no distribution, sale, use and/or transfer to any place other than the address specified in the conditional release, the importer shall allow authorized DTI personnel to conduct inspection/inventory of the import shipment within the official working hours.

5.3 The import shipment shall be subjected to inspection and sampling by authorized DTI Regional/Provincial Officer(s). Samples drawn for testing shall be properly sealed and signed by the authorized DTI Regional/Provincial Officer(s) in such a way as to preserve the integrity of the samples. It shall be sent to the BPS Testing Center for proper coding and testing.

5.4 Based on the results of the inspection, sampling and testing, the importation shall be evaluated by duly authorized DTI personnel to determine its compliance with the requirements of a specific Philippine National Standard.

5.5 Upon compliance with the requirements of the specific Philippine National Standard, the Import Commodity Clearance shall be issued by the concerned DTI Regional/Provincial Director for a specific product on a per shipment per Bill of Lading/Airway Bill basis.

5.6 If the results of tests showed noncompliance with the requirements of a specific Philippine National Standard, a re-test shall be conducted. The results of the re-test should show conformance to the requirements of the specific Philippine National Standard, before an Import Commodity Clearance (ICC) can be issued.

6.0 — Import Shipment With Test Certificate/Report

6.1 Import shipments with accompanying original test certificate, based on relevant Philippine National Standards, issued by BPS recognized testing laboratory.

6.2 When necessary, shipments that have been tested/certified abroad as meeting Philippine National Standards may be randomly subjected to resampling and testing by the DTI Regional/Provincial Offices for further confirmation.

6.3 In the event that random checks of import shipments reveal inconsistencies of the quality of the actual products with the test certificates issued in the country of origin, all subsequent import shipments of such products from that country shall be subjected to a per shipment sampling and testing by DTI Regional/Provincial Offices regardless of who the importers are and notwithstanding their certification abroad. This per shipment sampling and testing shall continue until such time that the consistency of the quality of the import shipments with the test certificates issued in the country of origin is reestablished to the satisfaction of DTI.

6.4 Upon compliance with the requirements of the specific Philippine National Standard and other applicable DTI rules and regulations, the Import Commodity Clearance will be issued by the concerned DTI Regional/Provincial Director for a specific product on a per shipment per Bill of Lading/Airway Bill basis.

7.0 — Import Shipment with Philippine Standard (PS) Quality And/Or Safety Certification Mark

7.1 Importers of products manufactured by foreign companies and issued the license to use the Philippine Standard (PS) Quality or Safety Certification Mark as per DAO 1:1997 and its amendments or revisions thereafter shall be issued a Certificate of Exemption

8.0 — Product Identification and Traceability

8.1 Importers shall be required to submit the product identification and traceability of the lot/batch being imported. It shall likewise be the basis for the issuance of the ICC.

8.2 Importers shall ensure that the imported products are properly labeled as to the product identification and

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traceability of the production lot/batch.

9.0 — Denial of Import Commodity Clearance

9.1 Import shipments not complying with the requirements of the specific Philippine National Standards and/or other rules and regulations of the DTI shall not be issued an Import Commodity Clearance.

9.2 All import shipments denied of the requisite Import Commodity Clearance shall not be disposed of in the domestic market in any manner. They must be properly disposed of in accordance with the provisions of the Tariff and Customs Code and other pertinent rules and regulations.

10.0 — Import Commodity Clearance Mark

10.1 The design of the Import Commodity Clearance Mark shall be in accordance with the illustration in Annex 1[*].

10.2 The Import Commodity Clearance Mark shall be affixed on the product covered by the Import Commodity Clearance to be issued by the DTI Regional/Provincial Office.

10.3 The Import Commodity Clearance Mark shall not be used on any product in a misleading manner.

11.0 — Fees, Charges and Other Expenses

11.1 Fees and charges to be paid by the importers shall be as follows:

11.1.1 Application Form: Three Hundred Pesos (P300.00)

11.1.2 Transportation, board and lodging costs of inspector/s during inspection shall be borne by the applicant/importer, when necessary.

11.1.3 Testing Expense/Fee — All expenses and fees (including freight and handling of samples) charged by DTI or DTI-designed laboratories for testing samples shall be borne by the applicant/importer. It shall be payable upon submission of the samples.

11.1.4 Processing Fee (non refundable, payable upon filing of the application on per product per Bill of Lading/Airway Bill basis, assessed by the BPS based on the amount declared in the Invoice.

Invoice Value

Processing Fee

Up to PHP 500,000.00

Php 5,000.00

Over PHP 500,000 up to PHP 1 Million

Php 7,500.00

Over PHP 1 Million

Php10,000.00

11.2 Fees and charges are subject to changes, upon notice, as may be necessary.

11.3 The company/importer shall be answerable for accidents that may happen during the entire duration of the inspection, if it can be proven that fault or negligence of the latter contributed to the same.

12.0 — Special Cases

12.1 In case there is a lack of needed supply, coupled with constraints on locally available testing equipment and the long testing period required for certain products, separate guidelines may be issued by BPS relative to the implementation of Import Commodity Clearance procedures for products concerned.

13.0 — Disposition of Samples

13.1 All remaining samples drawn from a shipment for monitoring and testing purposes which conform to the requirements of the standard shall be returned to the importer as per DAO 5, series of 1996 or its future amendments and revisions.

13.2 If the importer fails to claim the samples after the stated due date in the notice to claim. DTI shall dispose of these samples in any manner it may deem appropriate, under existing accounting and auditing rules.

14.0 — Penalties

14.1 Any violation of this Order shall be subject to the administrative actions under E.O. No. 913, Series of 1983 without prejudice to the criminal or civil actions under R.A. No. 4109 and/or R.A. 7394.

15.0 — Separability Clause

15.1 If for any reason any article or provision of this Order or any portions thereof or the application of such section, provisions or portion thereof to any person or group or circumstances is declared invalid or unconstitutional, the remainder of this Order shall not be affected by such declarations.

16.0 — Repealing Clause

16.1 DAO No. 8, Series of 1995 and all other orders or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby repealed or amended accordingly.

17.0 — Effectivity

17.1 This Order shall take effect after fifteen (15) days following its publication in two newspapers of general circulation/official gazette.

Adopted: 04 Dec. 2001

RECOMMENDED

(SGD.) JESUS L. MOTOOMULL
Director
(SGD.) ADRIAN S. CRISTOBAL, JR.
Unersecretary

APPROVED BY:

(SGD.) MAR ROXAS
Secretary

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

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