

MEMORANDUM CIRCULAR NO. _____

Series of 2024

To : All Manufacturers, Importers, Wholesalers, Traders, Distributors, and Retailers of Vaporized Nicotine and Non-Nicotine Products and Others Concerned

SUBJECT : Supplemental Guidelines for the Implementation of DAO 22-06, Series of 2022

WHEREAS, the Department Administrative Order (DAO) 22-06, Series of 2022 was signed on 15 June 2022 and took effect on 04 July 2022, the objective of which is to strictly ensure that Vaporized Nicotine and Non-Nicotine Products comply with the specified safety and quality requirements as prescribed therein;

WHEREAS, Republic Act No. 11900, An Act Regulating the Importation, Manufacture, Sale, Packaging, Distribution, Use, and Communication of Vaporized Nicotine and Non-Nicotine Products, and Novel Tobacco Products, also known as the "Vaporized Nicotine and Non-Nicotine Products Regulation Act" has lapsed into law on 25 July 2022;

WHEREAS, through RA 11900 it was declared the policy of the State to enact a balanced policy whereby these novel consumer products are properly regulated using internationally accepted standards in order to protect the citizens from the hazards of regulated, unregulated and substandard Vapor Products and Heated Tobacco Products;

WHEREAS, Section 21 of RA 11900 mandated the Department of Trade and Industry (DTI) to have the exclusive jurisdiction over any and all issues, requirements, and subject matters related to Vaporized Nicotine and Non-Nicotine Products, and their devices, as well as Novel Tobacco Products;

WHEREAS, the DTI issued the Department Administrative Order (DAO) No. 22-16, Series of 2022 on 05 December 2022 to provide the Implementing Rules and Regulations of RA 11900;

WHEREAS, Rule X of the DAO 22-16 prescribed that the compliance with the product standards set by the DTI Bureau of Philippine Standards (BPS), in consultation with the Food and Drug Administration (FDA), shall be mandatory and for this purpose, the BPS shall issue separate technical regulations for the covered products;

WHEREAS, Rule XI of the DAO 22-16 states that only BPS registered and certified Vaporized Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco Products shall be sold to the general public;

WHEREAS, considering the new requirements set forth under RA 11900 and its IRR, there is a need for the BPS to issue supplemental guidelines to DAO 22-06, Series of 2022 in order to align the scope, administrative and technical requirements;

WHEREAS, Rule 22 of the DAO 22-06 states that the BPS may issue such procedural guidelines as may be necessary in the implementation of the said Order;

WHEREAS, foregoing premises considered, this Memorandum Circular is hereby issued to supplement the implementation of DAO 22-06, Series of 2022 for the guidance of all concerned:

1. SCOPE

Vaporized nicotine and non-nicotine products covered under Rule 2 of DAO 22-06, Series of 2022 shall be revised as follows:

- 1.1.1 Vapor product system;
 - 1.1.2 Vapor products or vapor product refills;
 - 1.1.3 Vapor product devices;
 - 1.1.4 Heated tobacco product (HTP) system;
 - 1.1.5 HTP consumables;
 - 1.1.6 HTP devices; and
 - 1.1.7 Tobacco-free oral nicotine pouches.
- 1.2 Other novel tobacco products not covered above shall not be allowed to be manufactured, imported, distributed and sold to the Philippine market until such time that a reference standard is promulgated and included in this technical regulation.

2. DEFINITION OF TERMS

In addition to the terms provided under Rule 3 of DAO 22-06, Series of 2022, the following definitions shall apply:

- 2.1 **Certificate of Registration (CoR)** - a document issued by BPS attesting that a wholesaler/trader/distributor/retailer of Vaporized Nicotine and Non-Nicotine Products and Novel Tobacco Products has undertaken to comply with the requirements of RA 11900 and its IRR.
- 2.2 **Child-resistant** – the type of containers that can be opened only by operating, puncturing or removing one of its functional and necessary parts using a tool that is not supplied with the container and comply with the existing standards on child-resistant packaging.
- 2.3 **Graphic Health Warning** -refers to the photographic image printed on the product package, which accurately depicts the hazards of use of or exposure to a product, and is accompanied by a textual warning related to the picture.
- 2.4 **Heated Tobacco Product Device** – the component or combination of components of an HTP System intended to be used in combination with HTP Consumables that generate an aerosol without combustion.
- 2.5 **Manufacturer** – an establishment engaged in any and all operations involved in the production of Vaporized Nicotine and Non-Nicotine Products, or their devices, or Novel Tobacco Products, including preparatory processing, assembling, compounding, formulating, filling, refilling, packaging, altering, ornamenting, finishing and labeling for the purpose of its storage, sale or distribution.
- 2.6 **Medicinal or Therapeutic Claims** – explicit statements made on any product presented as having properties for directly treating, curing, alleviating, or preventing diseases or disorders in persons.
- 2.7 **Misleading Descriptors** - refer to any element or feature, whether or not part of the brand name, which includes but is not limited to any number or descriptor, or other sign, mark, or term such as but not limited to “low tar,” “ultra-lite,” “clean,” “fine,” “leading,” “supreme,” “mild,” “extra,” “ultra,” and similar terms in any language that directly or indirectly creates the false impression or claims or misleads a consumer to believe that the particular product is healthier, safer, or less harmful than others; or that it can be used as tobacco cessation aid or other terms in any language, that

are likely to mislead consumers or suggest that the product has lifestyle or health benefits.

- 2.8 **Novel Tobacco Products** – all non-combusted substances in solid or liquid form, and innovations, either made partly of tobacco leaf as raw material or containing nicotine from tobacco, intended to be used as a substitute for cigarettes or other combusted tobacco products. ¹
- 2.9 **Package** – pack, boxes, containers or any kind in which Vapor Products or HTPs, or Novel Tobacco Products are contained when offered for sale to consumers.
- 2.10 **Packet** - tobacco-free oral nicotine pouches or consumable are packaged.
- 2.11 **Principal display surface** – the panel of the package that faces the consumer when displayed for sale. ²
- 2.12 **PNS ISO 21976:2020** (ISO published 2018) - Packaging — Tamper verification features
- 2.13 **PNS ISO 8317:2020** (ISO published 2015) - Child-resistant packaging – Requirements and testing procedures for reclosable packages
- 2.14 **PNS BSI PAS 8872:2024** – Tobacco-free oral nicotine pouches – Composition, manufacture and testing – Specification
- 2.15 **Reduced Risk Statement** – an explicit communication to consumers in the product label or marketing materials which states that the product presents less risk of harm to the user’s health or is less harmful to the user’s health than continued smoking of combustible cigarettes.
- 2.16 **Statement of conformity** – Philippine Standard (PS) License, Import Commodity Clearance (ICC), Certificate of Registration, and Certificate of Warehouse Registration issued by DTI-BPS
- 2.17 **Tamper-resistant** – the type of packages constructed such that it has one or more indicators or barriers to entry which, if breached or missing, can reasonably be expected to provide visible evidence that the product or its packaging has been opened, or otherwise comply with standards on tamper-resistant packaging.
- 2.18 **Tobacco-Free Oral Nicotine Pouches** - pre-portioned, tobacco-free oral nicotine pouches exclusively intended for oral use by placing them between the gum and buccal mucosa for a period of time,
- 2.19 **Vapor product device** – used to transform an e-liquid into an inhalable aerosol that user mimics the act of smoking. Also referred to as electronic cigarette device or vape. Rechargeable or not, regardless of the model of the vaporizing device.
- 2.26 **Vapor product system** - shall refer to the specific combination consisting of the Vapor Product Refill and Vapor Product Device which, based on the information made available to the consumer by the provider, are intended to be used together. Also referred to as Electronic Nicotine/Non-Nicotine Delivery System (ENDS/ENNDS). Refillable or disposable, rechargeable or not, regardless of the model of the vaporizing device.

¹ RA 11900

² RA 11900

2.20 **Vaporized Nicotine or Non-Nicotine Products** – both Heated Tobacco Products and Vapor Products, as defined herein, which are novel consumer goods that generate a nicotine-containing or non-nicotine-containing aerosol without combustion.

3. MARKING / DESIGN / TECHNICAL PRODUCT REQUIREMENTS

- 3.1 Vaporized Nicotine and Non-Nicotine Products shall indicate the following in their respective labels or packaging:
- 3.1.1 Health warnings and fiscal markings in accordance to Rule IV of DTI DAO 22-16, Series of 2022.
 - 3.1.2 Details for consumer questions, feedback, and adverse event reporting;
 - 3.1.3 Contact details (number or email) of the manufacturer or its service agent for emergency, repair or replacement of product;
 - 3.1.4 Details on the manner of disposal of the products;
- 3.2 The product labelling shall contain the following if the vapor device and heated tobacco device are included with batteries, cells or other accessories:
- 3.2.1 Accessories;

Instructions shall include on how to use, replace, handle, and maintain its electrical accessories, and original and replacement and their operating characteristics and their compatibilities.
 - 3.2.2 Built-in or rechargeable batteries/cells that cannot be taken out of the device by the user and its accessories;

If the battery or accessories is damaged, instructions shall contain that device shall not be used.
- 3.3 The markings and product information shall be clear and legible and shall not have misleading descriptors and shall form an integral part thereof without danger of being erased or detached under ordinary handling of the products.
- 3.4 The markings and product information in English or Filipino.
- 3.5 The product information of the device and its electrical accessories of vapor product and heated tobacco shall be filled out in Annex A.
- 3.6 The package of non-refillable receptacles of Vapor Product Refills shall be marked with “*not refillable*”.
- 3.7 The package or product for vaporized refills with nicotine shall be marked with the information on the type of nicotine used, either “*Nicotine Salt or Salt Nicotine*” or “*Conventional Freebase or Classic Nicotine*”. The manufacturer or importer shall provide in their PS or ICC application a verifiable document or test report that will support the declaration on the nicotine type used.
- 3.8 Material information listed under 3.7 shall be verified in accompanying documentation either for each material batch based on a certificate of analysis or certificate of conformity, or based on a general certificate of conformity from the material supplier in combination with risk-based audits of the supplier by the manufacturer.

- 3.9 The product packaging shall have no other opening, at the bottom or any side, except the opening at the upper or top portion of the container.
- 3.10 Vaporized Nicotine and Non-Nicotine Products shall not be designed or decorated in a manner that will make the product attractive to minors such as, but not limited to, sports equipment, toys, dolls, video games, food, flavors descriptors, fruit, candy brand, dessert, cartoon character, anime, manga, animated characters and the like.
- 3.11 Trademarks, brand names, design, and manufacturer's names as a lifestyle targeted at minors shall be prohibited.
- 3.12 The nicotine concentration shall not exceed the following limits:

Product	Content	Limit
Vaporized Nicotine Products	Nicotine Concentration	65 mg/ml
Tobacco-Free Oral Nicotine Pouches		20 mg per pouch

- 3.13 The covered Vaporized Nicotine and Non-Nicotine Products and Novel Tobacco Products shall not contain cannabis and other prohibited/illegal substances.
- 3.14 The receptacles of Vapor Product Refills shall be child-resistant, tamper-resistant, and shall be protected against breakage and leakage.

4. SAMPLING

- 4.1. The sampling size prescribed under Rule 7.3 of DAO 22-06, Series of 2022 shall be revised as listed in Annex C.
- 4.2. The drawn samples shall be directly submitted by the applicant to the BPS Testing Laboratory or BPS-recognized testing laboratory within three (3) working days from the date of audit/inspection. The BPS-designated auditor or inspector shall monitor the submission of the drawn samples to the BPS Testing Laboratory or BPS-recognized testing laboratory. For this purpose, the BPS-recognized auditing/inspection body shall submit to BPS a copy of the Request for Test form duly received by BPS Testing Laboratory or BPS-recognized testing laboratory together with the pictures of samples received by the laboratory.

For drawn samples not submitted to BPS Testing Laboratory or BPS-recognized testing laboratory within the prescribed period due to logistical or shipping concerns, proof that samples were sent through courier within three (3) working days shall be provided.

5. PRODUCT TESTING

- 5.1 The reference Philippine National Standards (PNS) of the vaporized nicotine and non-nicotine products prescribed under Rule 8.2 of DAO 22-06 shall include the following:

Product	Reference Standards
Vapor product refills	PNS AFNOR XP D90-300-2:2019 & PNS AFNOR XP D90-300-3:2019
Receptacle of Vapor product refills	PNS ISO 8317:2020, & PNS ISO 21976:2020
Heated tobacco device	PNS BSI PAS 8850:2022 &

	PNS 2133-1:2018
Heated tobacco consumables	PNS BSI PAS 8850:2022
Tobacco-Free Oral Nicotine Pouches	PNS BSI PAS 8877:2024

- 5.2 The reference Philippine National Standards (PNS) prescribed under Rule 8.3 of DAO 22-06 to determine the conformance of the electrical accessories (if any) shall be revised as follows:

Electrical Accessory	Reference Standard
Electrical accessories (Adapters, external power supplies, USB chargers)	PNS IEC 60335-1
Powerbank	PNS IEC 62133-1:2022 or PNS IEC 62133-2:2022, PNS 2133-1:2018, PNS IEC 60065:2019
Battery/Cell	PNS IEC 62133-1:2022 or PNS IEC 62133-2:2022, PNS 2133-1:2018

- 5.3 In addition to the in-plant test prescribed under Rule 8.6 of DAO 22-06, the manufacturer of the products shall have the capability to determine the following:

- 5.3.1 Vapor products, heated tobacco consumables, and tobacco-free oral nicotine pouches

- a. Nicotine concentration
- b. Cannabis testing

- 5.3.2 Heated tobacco consumable / Heated tobacco system - Maximum emission levels for heated tobacco aerosol

- a. Carbon monoxide (CO)
- b. Nitrogen oxide (NO)
- c. Nitrogen oxides (NOx)

- 5.3.3 Heated tobacco device / Heated tobacco system – Tests for Electrical Safety - Under PNS BSI PAS 8850, electrical safety test is conducted through the use of PNS 2133-1. Minimum test parameters to be conducted in-plant shall be as follows:

- a. Marking durability
- b. Protection against access to live parts
- c. Power input and current
- d. Heating
- e. Leakage current and electric strength at operating
- f. Abnormal operation
- g. Mechanical strength

- 5.4 In addition to the test parameters prescribed by the relevant Philippine National Standards (PNS), the BPS Testing Laboratory or BPS-recognized testing laboratory shall conduct test to determine conformance to the following:

Product	Content	Limit
Vaporized Nicotine Products	Nicotine Concentration	65 mg/ml (maximum)

Heated Tobacco Consumables		As declared by manufacturer
Tobacco-Free Oral Nicotine Pouches		20 mg per pouch (maximum)
Vaporized Nicotine Products	Cannabis Content	No cannabis content
Heated Tobacco Consumables		
Tobacco-Free Oral Nicotine Pouches		

6. REQUIREMENTS AND PROCEDURES FOR THE PS LICENSING SCHEME

- 6.1 Audit and sampling shall be conducted by the BPS, DTI RO/PO or the BPS-recognized auditing body in accordance with existing BPS Audit and Sampling Procedure.
- 6.2 Each PS License application shall be factory, plant or site-specific and importer, local office or agent-specific.
- 6.3 The manufacturer's vicinity of the factory shall be located (100) meters away from any point of the perimeter of a school, playground, or other facility frequented particularly by minors.

7. DOCUMENTARY REQUIREMENTS FOR THE PS LICENSING SCHEME AND ICC CERTIFICATION SCHEME

In addition to the documentary requirements specified under DAO 22-06 Rule 5 for PS License applications and Rule 6 for Import Commodity Clearance (ICC) and Statement of Confirmation (SOC) applications, the following shall also be required:

- 7.1 For importers and local manufacturers, shall submit copy of the Permit to Operate from the Bureau of Internal Revenue (BIR);
- 7.2 For importers and local manufacturers, shall submit copy of the Brand Registration from the BIR per model/per type;
- 7.3 For importers, shall submit the summary of the production batch/lot/serial numbers in accordance to the format prescribed in Annex B.

8. USE OF DTI LOGO AND BPS CERTIFICATION MARKS

- 8.1 The DTI logo, the words "Department of Trade and Industry" the initials "DTI" or any of its offices/bureaus/other instrumentalities, or any imitation of such words, initials, or logo in print and other forms of broadcast media, including the internet, in connection with the product is prohibited. (e.g. "DTI-approved" or "This product is approved by the DTI).
- 8.2 The PS Mark or Import Commodity Clearance (ICC) shall be affixed or marked on the product and/or package of the product, whichever is practicable.
- 8.3 The PS Mark logo shall be in accordance to the figure below.



- 8.4 The PS Mark Certified Product Quality for vaporized nicotine and non-nicotine products shall be printed in black or white color, Arial font.
- 8.5 The PS Mark or ICC Certificate shall be posted with the product on e-marketplace, e-commerce platforms, selling facilities embedded in social media websites/applications and/or similar selling platforms.
- 8.6 The PS Mark shall be clearly legible. It shall not be easily possible to remove marking plate nor shall they show curling.
- 8.7 If the PS Mark or ICC is affixed or marked on the product packaging, the importer, distributors, dealers, traders or retailers shall ensure that the corresponding product packaging of the displayed unit shall be available at all times for verification by the BPS, FTEB, DTI RO/PO, and their authorized representatives.

9. PRODUCT WITH MEDICINAL, THERAPEUTIC, AND REDUCED RISK CLAIMS

- 9.1 Vaporized Nicotine and Non-Nicotine Products or Novel Tobacco Products bearing an explicit medicinal, therapeutic, or reduced risk claim or statement shall require the approval from the FDA pursuant to RA 9711 and RA 11900 prior to the issuance of the Import Commodity Clearance (ICC) or Philippine Standard (PS) License by the BPS.
- 9.2 For this purpose, the manufacturer or importer shall submit to the BPS a copy of the FDA license and registration certificate as part of the documentary requirements in addition to those specified under DAO 22-06 Rule 5.1 for PS License applications and Rule 6.1 for Import Commodity Clearance (ICC) and Statement of Confirmation (SOC) applications.

10. ISSUANCE OF CERTIFICATE OF REGISTRATION TO WHOLESALERS, TRADERS, DISTRIBUTORS, AND RETAILERS

- 10.1 All wholesalers, traders, distributors and retailers of Vaporized Nicotine and Non-Nicotine Products or Novel Tobacco Products covered in this Circular shall apply for a Certificate of Registration from the DTI-BPS. This shall cover those with brick and mortar stores and those selling in e-marketplaces, e-commerce platforms, selling facilities embedded in social media websites/applications and/or similar selling platforms.
- 10.2 Application for a Certificate of Registration shall be supported by the following:
 - 10.2.1 Duly-accomplished and notarized Application Form and Undertaking to Abide by the Terms and Conditions of the Certificate of Registration for Retailers (Annex D);

- 10.2.2 DTI Business Registration Certificate for sole proprietorship or Latest SEC Registration Certificate and Articles of Incorporation/Partnership for corporation/partnership;
 - 10.2.3 List of brands and varieties of vaporized nicotine and non-nicotine products and novel tobacco products being sold in the store;
 - 10.2.4 Photos of product communications and advertisements displayed/posted at the store
 - 10.2.5 Vicinity map of the store including the Global Positioning System (GPS) coordinates showing proof/evidence that the store is not located within the 100-meter vicinity from any schools or places frequented by minors.
- 10.3 Processing of Certificate of Registration is according to the flowchart shown in Annex G.
 - 10.4 The application, and the eventual Certificate of Registration, shall be specific to the site or location of the store where Vaporized Nicotine and Non-Nicotine Products or Novel Tobacco Products are being marketed or sold.
 - 10.5 The Certificate of Registration is non-transferable.
 - 10.6 The Certificate of Registration shall be issued by BPS upon satisfactory result of the review of the submitted application and supporting documents. The BPS or its duly-authorized representatives may conduct verification at the registered business establishment at any time after the issuance of the Certificate of Registration.
 - 10.7 The Certificate of Registration shall be valid for three (3) years subject to consistent compliance with the requirements of RA 11900, its IRR, and related issuances.
 - 10.8 Wholesalers, traders, distributors and retailers shall display their valid Certificate of Registration duly-issued by DTI-BPS at their respective establishments.
 - 10.9 Wholesalers, traders, distributors and retailers issued the Certificate of Registration shall give duly-authorized representatives of the DTI-BPS access during working hours to its premises where Vaporized Nicotine and Non-Nicotine Products or Novel Tobacco Products intended to be sold are displayed and/or stored for the purpose of verifying compliance with the requirements of RA 11900, its IRR, and related issuances.
 - 10.10 The wholesaler, trader, distributor or retailer issued the Certificate of Registration shall inform BPS in writing of any change in the business name and transfer of store/warehouse to a different site/address. In case of transfer to a different site/address, the Certificate of Registration for that specific establishment shall be cancelled and the wholesaler, trader, distributor or retailer shall apply for a Certificate of Registration for its new establishment.
 - 10.11 The wholesaler, trader, distributor and retailer shall pay the applicable fees and other charges as billed or stipulated by DTI-BPS or its duly-authorized representative/s. Fees and charges to be paid shall be in accordance to Annex E of this Circular. Fees and charges are subject to changes as may be necessary.
 - 10.12 The BPS shall not refund any fee paid if the application is not approved, withdrawn or discontinued or if the Certificate of Registration is suspended or cancelled for cause.
 - 10.13 A Certificate of Registration issued by BPS in accordance to this Circular may be, during its validity, suspended, withdrawn or cancelled on any or all of the following grounds:

- 10.13.1 That the wholesaler/trader/distributor/retailer fails to comply with the terms and conditions of the Certificate of Registration;
 - 10.13.2 That the wholesaler/trader/distributor/retailer failed to comply with monitoring, surveillance or enforcement notices/directives/orders;
 - 10.13.3 That the wholesaler/trader/distributor/retailer made false statements in connection with its application for or maintenance of the Certificate of Registration;
 - 10.13.4 That the wholesaler/trader/distributor/retailer violates any of the provisions of RA 11900, its IRR, DAO 22-06 and this Circular;
 - 10.13.5 That an Order of Execution vis-à-vis a decision finding the wholesaler/trader/distributor/retailer liable for violation of a trade and industry law/s or rules and regulations directing BPS to suspend/cancel or revoke the Certificate of Registration issued in favor of the wholesaler/trader/distributor/retailer.
- 10.14 The Certificate of Registration shall be suspended, withdrawn or cancelled after the BPS Director has served the wholesaler/trader/distributor/retailer a notice for his intention to do so, stating therein the grounds for the contemplated action, granting the wholesaler/trader/distributor/retailer the opportunity to be heard within fifteen (15) days from the date of notice.
- 10.15 If there is a final finding that a product being sold by the wholesaler/trader/distributor/retailer does not conform to the specified technical requirements, the Certificate of Registration shall, upon mere notice, be immediately suspended, withdrawn, recalled, cancelled or revoked.

Notwithstanding the preceding provisions, the BPS Director may direct that a Formal Charge be filed against the party/ies concerned pursuant to EO 913 Series of 1983, DAO No. 7 Series of 2006 and DAO No. 2 Series of 2007 and/or its future amendments.

11. TERMS AND CONDITIONS OF THE CERTIFICATE OF REGISTRATION FOR WHOLESALERS, TRADERS, DISTRIBUTORS, AND RETAILERS

The following terms and conditions shall be binding on all Certificate of Registration holders. Any infraction thereof shall constitute sufficient grounds for the institution of suspension, withdrawal or cancellation proceedings against the wholesaler/trader/distributor/retailer:

- 11.1 The wholesaler/trader/distributor/retailer shall abide by RA 11900, RA 7394 and their implementing rules and regulations, and orders which the DTI issues in pursuance with its authority under law.
- 11.2 The wholesaler/trader/distributor/retailer shall ensure that the vaporized nicotine and non-nicotine products or novel tobacco products they offer for sale are duly-certified by the BPS.
- 11.3 The wholesaler/trader/distributor/retailer shall conspicuously post in their respective stores/establishments, whether brick and mortar stores or e-marketplaces, e-commerce platforms, selling facilities embedded in social media websites/applications and/or similar selling platforms, the required government certificates and approvals in compliance with RA 11900 and its IRR.

- 11.4 The wholesaler/trader/distributor/retailer shall ensure that the age of the buyers is verified and that vaporized nicotine and non-nicotine products or novel tobacco products will not be sold to individuals below eighteen (18) years of age.
- 11.5 The wholesaler/trader/distributor/retailer shall ensure that its store/establishment is located more than one hundred (100) meters away from any point of the perimeter of a school, playground or other facility frequented particularly by minors.
- 11.6 The wholesaler/trader/distributor/retailer shall ensure that sale, promotion, advertising and product demonstration of vaporized nicotine and non-nicotine products or novel tobacco products are done outside the one hundred (100) meters from any point of the perimeter of a school, playground or other facility frequented particularly by minors.
- 11.7 The wholesaler/trader/distributor/retailer shall ensure that the following statement is posted in a clear and conspicuous manner in their point-of-sale establishments consistent with Section 6, Rule V of DTI DAO 22-16:2022:

“The sale or distribution of Vaporized Nicotine and Non-Nicotine Products to or by persons below eighteen (18) years of age is illegal. These products are harmful and contain nicotine which is a highly addictive substance. It is not recommended for use by nonsmokers.”

or

“Ang pagbenta at pagbili ng Vaporized Nicotine and Non-Nicotine Products sa at ng mga taong wala pang labingwalong (18) taong gulang ay pinagbabawal. Ang mga productong ito ay nakakasama sa kalusugan at mayroong nicotine, isang nakakalulong na kemikal. Hindi ito inirekomenda na gamitin ng mga hindi naninigarilyo.”

- 11.8 The wholesaler/trader/distributor/retailer shall ensure that vaporized nicotine and non-nicotine products or novel tobacco products are not displayed immediately next to products of particular interest to minors.
- 11.9 The wholesaler/trader/distributor/retailer shall ensure that advertisements for vaporized nicotine and non-nicotine products or novel tobacco products complies with the guidelines prescribed under Section 1, Rule VI of DTI DAO 22-16:2022.
- 11.10 The wholesaler/trader/distributor/retailer shall ensure to comply with the restrictions on promotional activities and sponsorship for vaporized nicotine and non-nicotine products or novel tobacco products prescribed under Sections 2 and 3, Rule VI of DTI DAO 22-16:2022.
- 11.11 The wholesaler/trader/distributor/retailer shall ensure compliance to the prohibition on the use of vaporized nicotine and non-nicotine products or novel tobacco products in public places as prescribed in Rule VIII of DTI DAO 22-16:2022.
- 11.12 The wholesaler/trader/distributor/retailer shall ensure that its designated vaping areas (DVAs) comply with the standards set forth under Rule IX of DTI DAO 22-16:2022.

12. REGISTRATION OF WAREHOUSES

- 12.1 All manufacturers, importers, wholesalers, traders, distributors and retailers shall secure a Certificate of Warehouse Registration (CWR) from the BPS for the warehouses they own/lease/rent/utilize for the storage of vaporized nicotine and non-nicotine products and novel tobacco products.
- 12.2 No vaporized nicotine and non-nicotine products and novel tobacco products including their devices and accessories covered by DAO 22-06:2022 and this Circular shall be stored in a warehouse that is not registered to the BPS.
- 12.3 Application for a Certificate of Warehouse Registration shall be supported by the following:
 - 12.3.1 Duly-accomplished and notarized Application Form and Undertaking to Abide by the Terms and Conditions of the Certificate of Warehouse Registration (Annex F);
 - 12.3.2 DTI Business Registration Certificate for sole proprietorship or Latest SEC Registration Certificate and Articles of Incorporation/Partnership for corporation/partnership;
 - 12.3.3 Business permit issued by local government unit;
 - 12.3.4 Proof of ownership of warehouse or contract if the warehouse is rented/leased;
 - 12.3.5 Proof of billing of warehouse
 - 12.3.6 Vicinity map of the warehouse including the Global Positioning System (GPS) coordinates showing proof/evidence that the warehouse is not located within the 100-meter vicinity from any schools or places frequented by minors.
- 12.4 Processing of Certificate of Registration is according to the flowchart shown in Annex H.
- 12.5 The application, and the eventual Certificate of Warehouse Registration, shall be specific to the site or location of the warehouse where Vaporized Nicotine and Non-Nicotine Products or Novel Tobacco Products are being stored.
- 12.6 The Certificate of Warehouse Registration is non-transferable.
- 12.7 The Certificate of Warehouse Registration shall be issued by BPS upon satisfactory result of the review of the submitted application and supporting documents. The BPS or its duly-authorized representatives may conduct verification at the registered warehouse at any time after the issuance of the Certificate of Warehouse Registration.
- 12.8 The Certificate of Warehouse Registration shall be valid for three (3) years subject to consistent compliance with the requirements of RA 11900, its IRR, and related issuances.
- 12.9 The Certificate of Warehouse Registration shall be made available by manufacturers, importers, wholesalers, traders, distributors and retailers for verification by DTI-BPS.
- 12.10 Manufacturers, importers, wholesalers, traders, distributors and retailers issued the Certificate of Warehouse Registration shall give duly-authorized representatives of the DTI-BPS access during working hours to its warehouse premises where Vaporized Nicotine and Non-Nicotine Products or Novel Tobacco

Products are stored for the purpose of verifying compliance with the requirements of RA 11900, its IRR, and related issuances.

- 12.11 The manufacturer, importer, wholesaler, trader, distributor or retailer issued the Certificate of Warehouse Registration shall inform BPS in writing of any change in the business name and transfer of warehouse to a different site/address. In case of transfer to a different site/address, the Certificate of Warehouse Registration for that specific establishment shall be cancelled and the manufacturer, importer, wholesaler, trader, distributor or retailer shall apply for a Certificate of Warehouse Registration for its new warehouse.
- 12.12 The manufacturer, importer, wholesaler, trader, distributor and retailer shall pay the applicable fees and other charges as billed or stipulated by DTI-BPS. Fees and charges to be paid shall be in accordance to Annex E of this Circular. Fees and charges are subject to changes as may be necessary.
- 12.13 The BPS shall not refund any fee paid if the application is not approved, withdrawn or discontinued or if the Certificate of Warehouse Registration is suspended or cancelled for cause.
- 12.14 If there is a final finding that a product being stored in the registered warehouse by the manufacturer/importer/wholesaler/trader/distributor/retailer does not conform to the requirements of RA 11900, its IRR, DAO 22-06, this Circular and related laws and regulations, the Certificate of Warehouse Registration shall, upon mere notice, be immediately suspended, withdrawn, recalled, cancelled or revoked.
- 12.15 Notwithstanding the preceding provisions, the BPS Director may direct that a Formal Charge be filed against the party/ies concerned pursuant to EO 913 Series of 1983, DAO No. 7 Series of 2006 and DAO No. 2 Series of 2007 and/or its future amendments.

13. PENALTIES FOR NON-COMPLIANCE

In addition to the penalties provided under DAO 22-06:2022, the following shall be imposed upon any manufacturer, importer, wholesaler, trader, distributor, retailer or any other person or entity found in violation of any provision hereof after due process, as may be appropriate:

- 13.1 Penalties prescribed by Rule XIV of DAO 22-16:2022.
- 13.2 Cancellation or revocation of Certificate of Registration or Certificate of Warehouse Registration pursuant to a final and executory decision rendered by an administrative agency or the regular courts.
- 13.3 Watch-listing and/or blacklisting of wholesaler, trader, distributor, or retailer.

14. TRANSITORY PROVISIONS

Consistent with the provisions of Rule XVII Section 2 of DAO 22-16, the transitory period provided under Rule 25 shall be revised as follows:

- 14.1 PS License and ICC Applications for Manufacturers and Importers:
 - 14.1.1 All manufacturers of vaporized nicotine and non-nicotine products covered under DAO 22-06 and this Circular may apply for voluntary certification until 04 June 2024.

14.1.2 All manufacturers and importers of vaporized nicotine and non-nicotine products covered under DAO 22-06 and this Circular shall be required to undergo the mandatory product certification procedures (PS or ICC certification) beginning 05 June 2024.

14.1.3 Within the transitory period provided in Clause 14.1 herein, all importations of vaporized nicotine and non-nicotine products covered in this Circular shall be subject for inspection and verification by DTI-BPS or its duly authorized representative/s. Certificate of Exemption shall be issued once verification showed that the inspected products comply with the applicable requirements of RA 11900 and its IRR.

14.1.4 All vaporized nicotine and non-nicotine products that are already distributed or offered for sale in the local market or remaining inventories at the manufacturer's plant or warehouse prior to the effectivity of this Circular shall apply for a certification from the BPS on 05 June 2024 to 04 January 2025. The application shall be supported by the following:

14.1.4.1 Summary of Products being applied for Certification listed in accordance to the format provided in Annex B of DAO 22-06.

14.1.4.2 Any documentary proof that the products are locally manufactured or imported prior to the effectivity of this Circular (e.g. Production Records, Import Entry, Bill of Lading, Notice of Arrival, etc.)

Certification and corresponding mark shall be issued upon satisfactory result of evaluation.

14.1.5 In the absence of a local BPS-recognized testing laboratory, the PS License applicants/holders shall nominate a testing laboratory. The PS License applicants/holders shall seek approval from DTI-BPS prior to submission of samples to the nominated testing laboratory.

14.1.6 Meanwhile, in lieu of product testing under the Import Commodity Clearance Certification Scheme, the importers shall warrant that the vaporized nicotine and non-nicotine products they import into the country conform to the relevant Philippine National Standards through the following:

14.1.6.1 Importers shall submit supplier's/manufacturer's declaration of conformity on a per shipment per Bill of Lading/Airway Bill basis;

14.1.6.2 Copy of valid test report for each vaporized nicotine and non-nicotine products issued within one (1) year from the date of issuance by a testing laboratory accredited by an accreditation body signatory to ILAC/APAC – MRA; and

14.1.6.3 Copy of valid ISO 9001 Certificate of the manufacturer

14.1.7 It is understood that the requirements stated in Rules 14.1.5 and 14.1.6 of this Circular shall cease to be implemented once a local BPS-recognized testing laboratory is available.

14.1.8 For other novel tobacco products, the BPS shall issue implementing guidelines upon availability of Philippine National Standards.

14.2 Certificate of Registration for Wholesaler/Trader/Distributor/Retailer:

14.2.1 All wholesalers, traders, distributors, and retailers of vaporized nicotine and non-nicotine products covered under DAO 22-06 and this Circular shall be required to secure a Certificate of Registration from the BPS beginning 05 June 2024.

14.2.2 Wholesalers, traders, distributors, and retailers may continue to offer for sale vaporized nicotine and non-nicotine products that are not yet certified by BPS until 05 January 2025. After this period, only vaporized nicotine and non-nicotine products bearing a valid PS Mark, ICC stickers shall be sold, offered for sale or distributed in the local market.

14.3 Market Monitoring and Enforcement:

14.3.1 To ensure strict compliance, monitoring and enforcement shall be conducted beginning 06 January 2025. After this period, only vaporized nicotine and non-nicotine products bearing a valid PS Mark, ICC stickers shall be sold, offered for sale or distributed in the local market. All wholesalers, traders, distributors and retailers shall also have a valid Certificate of Registration duly-issued by DTI-BPS displayed at their store/establishment premises.

14.3.2 All non-compliant products and establishments shall be issued Notice of Violation and subjected to the regular adjudication process.

15. REPEALING CLAUSE

All other orders or parts thereof that are inconsistent with the provisions of this Circular are hereby repealed or amended accordingly.

16. EFFECTIVITY

This Memorandum Circular shall be effective immediately after its publication in a newspaper of general circulation, a copy of which shall be submitted to the UP Office of National Administrative Register.

For the information and guidance of those concerned.

Done in the City of Makati this _____ day of _____ in the year 2024.

Recommended by:

NEIL P. CATAJAY
Director
Bureau of Philippine Standards

AMANDA MARIE F. NOGRALES
Assistant Secretary and Supervising Head
Consumer Protection Group

Approved by:

ALFREDO E. PASCUAL
Secretary

Technical Product Device and Electrical Accessories Information for Vaporized Nicotine and Non-Nicotine Products

Applicant Company: Local Manufacturer Importer (Foreign Manufacturer)

Name of Applicant Company: _____ Date: _____

Local office Address: _____

Product Details:

<p>Vapor product mouthpiece or tank <i>(Fill in if the product is composed of the following)</i></p>	<input type="checkbox"/> Polyvinyl chloride (PVC) <input type="checkbox"/> Polystyrene (PS) <input type="checkbox"/> Acrylonitrile-Butadiene-Styrene (ABS) <input type="checkbox"/> Polycarbonate (PC) <input type="checkbox"/> Polyoxymethylene (POM) <input type="checkbox"/> Styrene-acrylonitrile (SAN)
---	--

Electrical Accessories	Model / Type	Batch Number / Serial Number	Supplier's Name / Manufacturer's Name
Adapter			
Cord			
Battery			
Cell			
Powerbank			

Declared by:

Name and Signature of Company Representative

**Summary of Serial Numbers / Batch Numbers
for Vaporized Nicotine and Non-Nicotine Products**

Name of Manufacturer: _____ Date: _____

Name of Importer: _____

Warehouse Address: _____

Bill of Lading No.: _____

Vessel No.: _____

Invoice No.: _____

Item No.	Quantity	Product Description	Declared Batch / Serial No.
1			
2			
3			
4			
5			

Declared by:

Name and Signature of Company Representative

**Sampling Size for
Vaporized Nicotine and Non-Nicotine Products**

Product		Samples per set	
		Independent testing	In-plant testing
Vapor product device	Device	10 vapor product devices per/model/brand	1 vapor product devices per/model/brand
	mouthpiece and tank	40 pieces per mouthpiece and per tank	N/A
Vapor product system	Device and refill	10 vapor product devices per/model/brand, 5 bottles/pods/cartridge per type/mixture/flavor	1 vapor product devices per/model/brand
	mouthpiece and tank	40 pieces per mouthpiece / and per tank	N/A
Vapor product refills		5 bottles/pods/cartridge per type/mixture/flavor	5 bottles/pods/cartridge per type/mixture/flavor
Heated tobacco device		5 tobacco heating devices	5 tobacco heating devices
Heated tobacco product system		1200 heated tobacco products, 62 tobacco heating devices	1200 heated tobacco products, 62 tobacco heating devices
Heated tobacco products consumables		1200 heated tobacco products	1200 heated tobacco products
Electrical accessories (if any)	Adapters, external power supplier, Chargers and power cords, USB chargers	5 pieces accessory per/model/brand	N/A
	Battery or Cell	45 pieces	N/A
	Powerbank	45 pieces	N/A
Tobacco-Free Oral Nicotine Pouches		1 packet	1 packet
Other novel tobacco products		As per relevant standard	N/A



BUREAU OF PHILIPPINE STANDARDS (BPS)
APPLICATION FOR CERTIFICATE OF REGISTRATION (COR)
FOR WHOLESALER/TRADER/DISTRIBUTOR/RETAILER

The BUREAU DIRECTOR:

Date: _____

In accordance with DTI Department Administrative Order (DAO) No. 22-06, Series of 2022, its supplemental guidelines, and their future amendments, we hereby apply for a Certificate of Registration.

1. Name of Business <i>(as per DTI Business Name Registration/ SEC Certificate)</i>								
2. Name of Store <i>(if different from the name of business)</i>								
3. Store Address	Floor/Unit No.	Bldg. No./Bldg. Name	Street	Brgy.	City/Municipality	Province	Region	Zip Code
4. Name of Business Owner								
5. Sex	<input type="checkbox"/> M	<input type="checkbox"/> F	7. Social Classification <i>(e.g. Senior Citizen, PWD, Indigenous Person)</i>					
5. Telephone Number	6. E-mail Address							
7. Mobile Number	11. Website/Social Media Page							
10. Type of Store	<input type="checkbox"/> Physical (Brick & Mortar) <input type="checkbox"/> Online						12. E-commerce Platform <i>(e.g. Shopee, Lazada, Facebook Marketplace etc.)</i>	
11. URL <i>(for online stores)</i>								
14. Products being offered for sale	<input type="checkbox"/> Vapor Product System <input type="checkbox"/> Vapor Product Device <input type="checkbox"/> Vapor Product Refills/E-liquids <input type="checkbox"/> Heated Tobacco Product (HTP) System <input type="checkbox"/> HTP Device <input type="checkbox"/> HTP Consumables <input type="checkbox"/> Nicotine Pouch							
15. List of brands of products being offered for sale <i>(please use separate sheet if multiple)</i>								
18. Name of Supplier/s <i>(please use separate sheet if multiple)</i>								
19. Asset size (in PhP)								
21. Address of Warehouse/s <i>(if different from store address)</i>								

It is hereby certified that the information supplied herein by the undersigned is true and correct. Further, the undersigned read, understood and agreed to the terms and conditions set forth in this application.

Printed Name and Signature of Applicant

Subscribed and sworn to before me this ____ day of _____ 20__ Affiant exhibiting to me his Residence Certificate No. _____ issued on _____ at _____.

Doc. No. : _____
 Page No. : _____
 Book No. : _____
 Series of : _____

NOTARY PUBLIC

Attachments:

NOTE: All attachments must be certified true copy (Put ✓ if attached).

- Duly-accomplished and notarized Undertaking to Abide by the Terms and Conditions of the Certificate of Registration
- DTI Business Registration Certificate for sole proprietorship or Latest SEC Registration Certificate and Articles of Incorporation/Partnership for corporation/partnership
- List of brands and varieties of vaporized nicotine and non-nicotine products and novel tobacco products being sold in the store including photos of the product and its packaging (front, back and side panels).
- Latest audited Financial Statement with Balance Sheet
- Vicinity map of the store including the Global Positioning System (GPS) coordinates showing proof/evidence that the store is not located within the 100-meter vicinity from any schools or places frequented by minors

FOR DTI-BPS USE ONLY

Application Received and Checked by:

 BPS Product Certification Officer

 Date & Time

Amount paid (in PhP):

Application fee: 300.00
 Certification fee (initial/renewal):

10,000.00

Inspection fee:

O.R. No.: _____

**UNDERTAKING TO ABIDE BY THE TERMS AND CONDITIONS
OF THE CERTIFICATE OF REGISTRATION**

I, _____ of _____
NAME POSITION/DESIGNATION NAME OF BUSINESS/ENTERPRISE

with principal address at _____ hereby undertake to abide by the following terms and conditions as a wholesaler/trader/distributor/retailer of Vaporized Nicotine and Non-Nicotine Products and Novel Tobacco Products.

1. I/We shall abide by RA 11900, RA 7394 and their implementing rules and regulations, and orders which the DTI issues in pursuance with its authority under law.
2. I/We shall ensure that the vaporized nicotine and non-nicotine products or novel tobacco products they offer for sale are duly-certified by the BPS.
3. I/We shall conspicuously post in their respective stores/establishments, whether brick and mortar stores or e-marketplaces, e-commerce platforms, selling facilities embedded in social media websites/applications and/or similar selling platforms, the required government certificates and approvals in compliance with RA 11900 and its IRR.
4. I/We shall ensure that the age of the buyers is verified and that vaporized nicotine and non-nicotine products or novel tobacco products will not be sold to individuals below eighteen (18) years of age.
5. I/We shall ensure that our store/establishment is located more than one hundred (100) meters away from any point of the perimeter of a school, playground or other facility frequented particularly by minors.
6. I/We shall ensure that sale, promotion, advertising and product demonstration of vaporized nicotine and non-nicotine products or novel tobacco products are done outside the one hundred (100) meters from any point of the perimeter of a school, playground or other facility frequented particularly by minors.
7. I/We shall ensure that the following statement is posted in a clear and conspicuous manner in their point-of-sale establishments consistent with Section 6, Rule V of DTI DAO 22-16:2022:
"The sale or distribution of Vaporized Nicotine and Non-Nicotine Products to or by persons below eighteen (18) years of age is illegal. These products are harmful and contain nicotine which is a highly addictive substance. It is not recommended for use by nonsmokers." or "Ang pagbenta at pagbili ng Vaporized Nicotine and Non-Nicotine Products sa at ng mga taong wala pang labingwalong (18) taong gulang ay pinagbabawal. Ang mga productong ito ay nakakasama sa kalusugan at mayroong nicotine, isang nakakalulong na kemikal. Hindi ito inirerekomenda na gamitin ng mga hindi naninigarilyo."
8. I/We shall ensure that vaporized nicotine and non-nicotine products or novel tobacco products are not displayed immediately next to products of particular interest to minors.
9. I/We shall ensure that advertisements for vaporized nicotine and non-nicotine products or novel tobacco products complies with the guidelines prescribed under Section 1, Rule VI of DTI DAO 22-16:2022.
10. I/We shall ensure to comply with the restrictions on promotional activities and sponsorship for vaporized nicotine and non-nicotine products or novel tobacco products prescribed under Sections 2 and 3, Rule VI of DTI DAO 22-16:2022.
11. I/We shall ensure compliance to the prohibition on the use of vaporized nicotine and non-nicotine products or novel tobacco products in public places as prescribed in Rule VIII of DTI DAO 22-16:2022.
12. I/We shall ensure that our designated vaping areas (DVAs) comply with the standards set forth under Rule IX of DTI DAO 22-16:2022.
13. I/We shall give duly-authorized representatives of the DTI-BPS access during working hours to its premises where Vaporized Nicotine and Non-Nicotine Products or Novel Tobacco Products intended to be sold are displayed and/or stored for the purpose of verifying compliance with the requirements of RA 11900, its IRR, and related issuances.
14. I/We shall inform DTI-BPS in writing of any change in the business name and transfer of store/warehouse to a different site/address. In case of transfer to a different site/address, the Certificate of Registration for that specific establishment shall be cancelled and the wholesaler, trader, distributor or retailer shall apply for a Certificate of Registration for its new establishment.
15. I/We shall pay the applicable fees and other charges as billed or stipulated by DTI-BPS or DTI Regional/Provincial Offices or BPS-recognized Inspection Bodies.
16. I/We shall not refund any fee paid if the application is not approved, withdrawn or discontinued or if the Certificate of Registration is suspended or cancelled for cause.
17. That any infraction of these terms and condition shall constitute sufficient grounds for institution of administrative sanctions/fines against me or our company, which will include suspension, withdrawal, cancellation of the Certificate of Registration, without prejudice to the penal provisions of RA 11900, R.A. 7394, and their implementing rules and regulations, and orders which the DTI issues in pursuance with its authority under law.

Witnesseth my hand this _____ of _____ 20__ at _____

 Printed Name and Signature

SCHEDULE OF FEES AND CHARGES

- **Processing of Certificate of Registration for Wholesaler/Trader/Distributor/Retailer and Certificate of Warehouse Registration**

PARTICULARS		FEE	PAYABLE TO
1	Application Fee	Php 300.00	DTI
2	Processing Fee	Php 10,000.00	DTI
3	Inspection per Man-Hour	Php 1,000.00	DTI / BPS-recognized Inspection Body



BUREAU OF PHILIPPINE STANDARDS (BPS)
APPLICATION FOR CERTIFICATE OF WAREHOUSE REGISTRATION
(CWR)

The BUREAU DIRECTOR:

Date: _____

In accordance with DTI Department Administrative Order (DAO) No. 22-06, Series of 2022, its supplemental guidelines, and their future amendments, we hereby apply for a Certificate of Warehouse Registration.

1. Name of Business <i>(as per DTI Business Name Registration)</i>							
3. Warehouse Address	<i>Floor/Unit No.</i>	<i>Bldg. No./Bldg. Name</i>	<i>Street</i>	<i>Brgy.</i>	<i>City/Municipality</i>	<i>Province</i>	<i>Region</i>
4. Name of Business Owner							
5. Sex	<input type="checkbox"/> M <input type="checkbox"/> F			6. Social Classification <i>(e.g. Senior Citizen, PWD, Indigenous Person)</i>			
7. Telephone Number				8 E-mail Address			
9. Mobile Number				10. Website/Social Media Page			
11. Name of Warehouse Owner							
12. Sex	<input type="checkbox"/> M <input type="checkbox"/> F			13. Social Classification <i>(e.g. Senior Citizen, PWD, Indigenous Person)</i>			
14. Telephone Number				15. E-mail Address			
16. Mobile Number				17. Website/Social Media Page			
18. Products stored in warehouse	<input type="checkbox"/> Vapor Product System <input type="checkbox"/> Vapor Product Device <input type="checkbox"/> Vapor Product Refills/E-liquids <input type="checkbox"/> Heated Tobacco Product (HTP) System <input type="checkbox"/> HTP Device <input type="checkbox"/> HTP Consumables <input type="checkbox"/> Nicotine Pouch						
19. List of brands of products being stored at warehouse <i>(please use separate sheet if multiple)</i>							
20. Name of Supplier/s <i>(please use separate sheet if multiple)</i>							
<p>It is hereby certified that the information supplied herein by the undersigned is true and correct. Further, the undersigned read, understood and agreed to the terms and conditions set forth in this application.</p> <p>_____</p> <p style="text-align: right;">Printed Name and Signature of</p> <p>Applicant</p> <p>Subscribed and sworn to before me this ____ day of _____ 20__.</p> <p>Affiant exhibiting to me his Residence Certificate No. _____ issued on _____ at _____.</p> <p>Doc. No. : _____</p> <p>Page No. : _____</p> <p>Book No. : _____</p> <p>Series of : _____</p> <p style="text-align: center;">NOTARY PUBLIC</p>				Attachments:			
				<p>NOTE: All attachments must be certified true copy (Put ✓ if attached).</p> <p><input type="checkbox"/> Duly-accomplished and notarized Undertaking to Abide by the Terms and Conditions of the Certificate of Warehouse Registration</p> <p><input type="checkbox"/> DTI Business Registration Certificate for sole proprietorship or Latest SEC Registration Certificate and Articles of Incorporation/Partnership for corporation/partnership</p> <p><input type="checkbox"/> Proof of ownership of warehouse or contract if the warehouse is rented/leased</p> <p><input type="checkbox"/> Proof of billing of warehouse</p> <p><input type="checkbox"/> Vicinity map of the store including the Global Positioning System (GPS) coordinates showing proof/evidence that the store is not located within the 100-meter vicinity from any schools or places frequented by minors</p>			
				FOR DTI-BPS USE ONLY			
				Application Received and Checked by:		Amount paid (in PhP):	
				_____		Application fee: <input type="checkbox"/> 300.00	
				BPS Product Certification Officer		Processing fee: <input type="checkbox"/> 5,000.00	
				_____		Inspection fee (surveillance):	
				Date & Time		<input type="checkbox"/> _____	
						O.R. No.:	

**UNDERTAKING TO ABIDE BY THE TERMS AND CONDITIONS
OF THE CERTIFICATE OF WAREHOUSE REGISTRATION**

I, _____ of _____
NAME POSITION/DESIGNATION NAME OF BUSINESS/ENTERPRISE
 with principal address at _____ hereby undertake to abide by the following terms and conditions as a wholesaler/trader/distributor/retailer of Vaporized Nicotine and Non-Nicotine Products and Novel Tobacco Products.

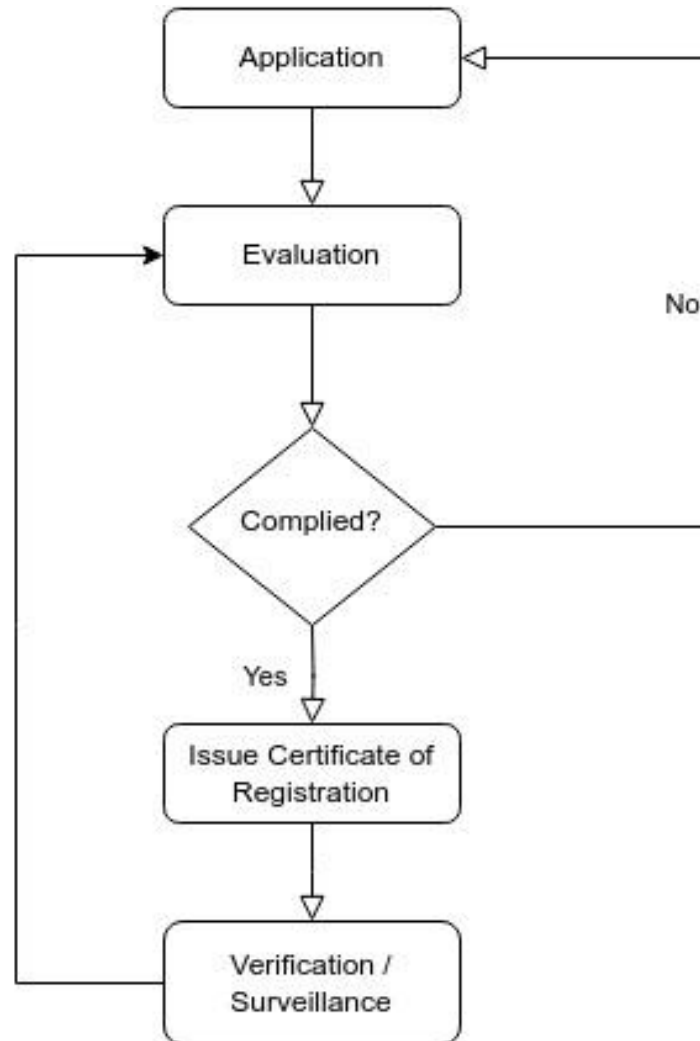
1. I/We shall abide by RA 11900, RA 7394 and their implementing rules and regulations, and orders which the DTI issues in pursuance with its authority under law.
2. I/We shall ensure that the vaporized nicotine and non-nicotine products or novel tobacco products being stored at our warehouse are duly-certified by the BPS.
3. I/We shall conspicuously post in their respective stores/establishments, whether brick and mortar stores or e-marketplaces, e-commerce platforms, selling facilities embedded in social media websites/applications and/or similar selling platforms, the required government certificates and approvals in compliance with RA 11900 and its IRR.
4. I/We shall ensure that the age of the buyers is verified and that vaporized nicotine and non-nicotine products or novel tobacco products will not be sold to individuals below eighteen (18) years of age.
5. I/We shall ensure that our store/establishment is located more than one hundred (100) meters away from any point of the perimeter of a school, playground or other facility frequented particularly by minors.
6. I/We shall ensure that sale, promotion, advertising and product demonstration of vaporized nicotine and non-nicotine products or novel tobacco products are done outside the one hundred (100) meters from any point of the perimeter of a school, playground or other facility frequented particularly by minors.
7. I/We shall ensure that the following statement is posted in a clear and conspicuous manner in their point-of-sale establishments consistent with Section 6, Rule V of DTI DAO 22-16:2022:

“The sale or distribution of Vaporized Nicotine and Non-Nicotine Products to or by persons below eighteen (18) years of age is illegal. These products are harmful and contain nicotine which is a highly addictive substance. It is not recommended for use by nonsmokers.” or “Ang pagbenta at pagbili ng Vaporized Nicotine and Non-Nicotine Products sa at ng mga taong wala pang labingwalong (18) taong gulang ay pinagbabawal. Ang mga productong ito ay nakakasama sa kalusugan at mayroong nicotine, isang nakakalulong na kemikal. Hindi ito inirerekomenda na gamitin ng mga hindi naninigarilyo.”
8. I/We shall ensure that vaporized nicotine and non-nicotine products or novel tobacco products are not displayed immediately next to products of particular interest to minors.
9. I/We shall ensure that advertisements for vaporized nicotine and non-nicotine products or novel tobacco products complies with the guidelines prescribed under Section 1, Rule VI of DTI DAO 22-16:2022.
10. I/We shall ensure to comply with the restrictions on promotional activities and sponsorship for vaporized nicotine and non-nicotine products or novel tobacco products prescribed under Sections 2 and 3, Rule VI of DTI DAO 22-16:2022.
11. I/We shall ensure compliance to the prohibition on the use of vaporized nicotine and non-nicotine products or novel tobacco products in public places as prescribed in Rule VIII of DTI DAO 22-16:2022.
12. I/We shall ensure that our designated vaping areas (DVAs) comply with the standards set forth under Rule IX of DTI DAO 22-16:2022.
13. I/We shall give duly-authorized representatives of the DTI-BPS access during working hours to its premises where Vaporized Nicotine and Non-Nicotine Products or Novel Tobacco Products intended to be sold are displayed and/or stored for the purpose of verifying compliance with the requirements of RA 11900, its IRR, and related issuances.
14. I/We shall inform DTI-BPS in writing of any change in the business name and transfer of store/warehouse to a different site/address. In case of transfer to a different site/address, the Certificate of Warehouse Registration for that specific establishment shall be cancelled and the manufacturer, importer, wholesaler, trader, distributor or retailer shall apply for a Certificate of Warehouse Registration for its new establishment.
15. I/We shall pay the applicable fees and other charges as billed or stipulated by DTI-BPS or DTI Regional/Provincial Offices or BPS-recognized Inspection Bodies.
16. I/We shall not refund any fee paid if the application is not approved, withdrawn or discontinued or if the Certificate of Warehouse Registration is suspended or cancelled for cause.
17. That any infraction of these terms and condition shall constitute sufficient grounds for institution of administrative sanctions/fines against me or our company, which will include suspension, withdrawal, cancellation of the Certificate of Warehouse Registration, without prejudice to the penal provisions of RA 11900, R.A. 7394, and their implementing rules and regulations, and orders which the DTI issues in pursuance with its authority under law.

Witnesseth my hand this _____ of _____ 20__ at _____

 Printed Name and Signature

PROCESSING OF CERTIFICATE OF REGISTRATION



PROCESSING OF CERTIFICATE OF WAREHOUSE REGISTRATION

