

DEPARTMENT ADMINISTRATIVE ORDER NO. 24-11
Series of 2024

Subject : **SUPPLEMENTAL TECHNICAL REGULATIONS FOR
DEPARTMENT ADMINISTRATIVE ORDER NO. 22-06 (2022) AND
DEPARTMENT ADMINISTRATIVE ORDER NO. 24-02 (2024) ON
THE MANDATORY PRODUCT CERTIFICATION OF VAPORIZED
NICOTINE AND NON-NICOTINE PRODUCTS**

WHEREAS, Section 3 of Republic Act No. 4109, or commonly known as the Standards Law, provides that the Bureau of Products Standards (now Bureau of Philippine Standards or the BPS) shall have charge of the establishment of standards for, and inspection of all products of the Philippines for which no standards have as yet been fixed by law, executive order, rules, and regulations; and the inspection and certification of the quality of commodities imported into the Philippines, to determine the country of origin of the articles which are the growth, raw materials, manufacture, process, or produce, and to determine if they satisfy the buyer's or importer's requirements or specifications for domestic consumption; and to prohibit the discharge and/or release of any article which are the growth, raw materials, manufacture, process or produce of countries without trade relations with the Philippine government;

WHEREAS, Department Administrative Order No. 22-06 (DAO22-06) (2022) strictly ensures that Vaporized Nicotine and Non-Nicotine Products comply with the specified safety and quality requirements prescribed therein;

WHEREAS, Republic Act No. 11900 (RA11900), or the Vaporized Nicotine and Non-Nicotine Products Regulation Act, declared a balanced State policy where novel consumer products are properly regulated using internationally accepted product standards in order to protect the citizens from the hazards of regulated, unregulated, and substandard Vapor Products and Heated Tobacco Products (HTP);

WHEREAS, Department Administrative Order No. 22-16 (DAO22-16) (2022) was issued as the Implementing Rules and Regulations (IRR) of RA11900 pursuant to Section 24 of RA11900;

WHEREAS, Department Administrative Order No. 24-02 (DAO24-02) (2024) was issued to supplement DAO22-06 (2022);

WHEREAS, both DAO22-06 (2022) and DAO24-02 (2024) recognize the Philippine Standard (PS) licensing scheme and the Import Commodity Clearance (ICC) scheme as valid product certification schemes for Vapor Products and HTPs. However, the Philippines is not yet capable of conducting efficient tests of such products under the ICC scheme;

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WHEREAS, under the PS Licensing Scheme, products covered by DAO22-06 (2022) and DAO24-02 (2024) are already tested-at-source which ensures a high degree of confidence that all covered products distributed in the market are compliant with the relevant standards;

WHEREAS, Department Order No. 24-154 (DO24-154) (2024) created the Office for the Special Mandate on Vaporized Nicotine and Non-Nicotine Products, their devices, as well as Novel Tobacco Products (OSMV) under the DTI Office of the Secretary which shall have the charge of drafting, promulgating and implementing policies and procedures for the proper implementation of RA11900, and the issuance of internationally accepted product standards for purposes of product registration, and the issuance of permits and licenses;

WHEREAS, Department Order No. 24-180 (DO24-180) (2024) rationalized DO24-154 (2024), and authorized the DTI OSMV to exercise and all powers and authority of the DTI necessary for the effective implementation of RA11900;

WHEREAS, Department Administrative Order No. 24-08 (DAO24-08) (2024) amended certain provisions of DAO22-16 (2022) to reflect the functions of the DTI OSMV pursuant to DO24-154 (2024) and DO24-180 (2024);

NOW THEREFORE, foregoing premises considered, this Department Administrative Order is hereby issued for the guidance of all concerned:

RULE 1 SCOPE

Section 1. This Technical Regulation shall cover the PS licensing scheme for products covered by DAO22-06 (2022) and DAO24-02 (2024).

Section 2. The Import Commodity Clearance (ICC) licensing scheme for DAO22-06 (2022) and DAO24-02 (2024) covered products shall no longer be recognized, *Provided*, that all covered products with valid ICCs may still be distributed and/or sold until supplies are exhausted.

RULE 2 DEFINITION OF TERMS

Section 1. The following terms shall be defined as follows:

- a. **Brand** – A name, term, sign, or symbol that identifies the maker of seller of a product.
- b. **Variant** – A brand on which a modifier is prefixed and/or suffixed to the root name of the brand and/or a different brand which carries the same logo or design of the existing brand.

- c. **Internationally Accepted Standard** – A standard developed under the World Trade Organization (WTO) principles for international standards development such as those developed by international bodies like the International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), International Telecommunication Union (ITU), and those developed by foreign standards bodies under these principles.

RULE 3 PRODUCT STANDARDS

Section 1. The latest versions of internationally-accepted standards are hereby adopted as the basis for audit and/or testing for products covered by this technical regulation, regardless of any existing Philippine National Standard (PNS) subject to the next succeeding section, *Provided*, that if a new PNS is issued based on a current and updated internationally accepted standard, then the new PNS shall be the governing reference to determine conformance of the covered products.

Section 2. The DTI OSMV shall make the necessary issuance to inform the stakeholders of the latest version of internationally-accepted standards or new reference standards, and PS License applications pending prior to the issuance shall conform thereto. Any changes, including but not limited to, marking requirements, product sampling, and product testing shall be stated therein, if any.

Section 3. For safety, traceability, and accountability purposes, only DAO22-06 (2022) and DAO24-02 (2024) covered products sourced from manufacturing plants holding valid PS Licenses shall be permitted to be manufactured, imported, distributed, or sold in the Philippines.

RULE 4 MARKING REQUIREMENTS

Section 1. The PS certification mark logo shall be in accordance with the figure below:



Section 2. The PS certification mark logo issued by the BPS for DAO22-06 (2022) and DAO24-02 (2024) covered products shall still be honored. However, PS License holders shall be issued and are required to use the DTI OSMV PS certification mark at the earliest possible opportunity.

Section 3. The volume of the consumable in a vapor product shall be stated on the device and on the packaging of the vapor product, and shall be limited to the following:

NICOTINE TYPE	VOLUME
Nicotine Salt or Salt Nicotine	1, 2, 3, 5 or 10 mL
Freebase Nicotine or Classic Nicotine	2, 3, 10, 30 or 60 mL

RULE 5 IN-PLANT TEST

Section 1. In-plant tests performed or conducted in another facility of the same manufacturer shall be allowed, provided that the procedure is properly documented.

Section 2. Outsourcing of in-plant tests shall be absolutely prohibited.

Section 3. The sampling size prescribed under Rule 7.3 of DAO22-06 (2022) and Rule 4 of DAO24-02 (2024) shall be revised as listed in "Annex A" hereof.

RULE 6 SERVICE OF RESULTS

Section 1. All recognized foreign auditing bodies or testing laboratories, as the case may be, shall send all communications, including but not limited to audit and/or test results, directly to the DTI OSMV, and not through any other body or entity, including but not limited to their local agents or representatives in the Philippines.

Section 2. The requirement of a local agent or representative for foreign based auditing bodies or testing laboratories shall still be necessary for purposes of accountability.

RULE 7 AUDIT/TEST OF PRODUCTS PRODUCED IN BATCH

Section 1. The required samples of produced units of a production batch must all pass the audit and/or tests conducted in-plant or by a third-party independent laboratory, otherwise, the PS License shall not be issued, or suspended if already issued.

Section 2. If a PS License should not be issued, or suspended if already issued, based on the immediately preceding section, the PS License applicant shall be required to submit a corrective action plan. A corrective action plan shall require the approval of the DTI OSMV before the same is undertaken and executed. In cases where the cause of failing to pass an audit and/or test is due to a non-conformity to product standards that pose any potential or actual hazard to citizens, the applicant shall be required to undergo a reaudit and retest conducted in-plant and by a third-party independent laboratory.

RULE 8 ISSUANCE OF PS LICENSE

Section 1. Each PS License application shall be manufacturer site–importer or local office/agent–brand specific.

Section 2. Existing PS Licenses covering multiple brands shall remain valid, until renewal. Upon renewal, the applicant shall apply for, and be issued, as many PS Licenses as necessary to cover the applicant's brands, subject to their conformity to product standards and applicable technical regulations.

RULE 9 FINAL PROVISIONS

Section 1. Mandatory Certification. Subject to herein Rule 1, Section 2, all covered products of DAO22-06 (2022) and DAO24-02 (2024) shall require a valid PS License by 31 December 2024 before importation to, distribution, and/or sale in the Philippines in all online platforms, digital marketplaces, and brick-and-mortar stores.

Section 2. Repealing Clause. All inconsistent provisions of DAO22-06 (2022), DAO24-02 (2024), and all other Department Administrative Orders, issuances or parts thereof that are inconsistent with this technical regulation are repealed or amended accordingly.

Section 3. Separability Clause. If, for any reason, any section, any article or provision of this Order, or any portion thereof or the application of such section, provision, or part of to any person, group, or circumstance is declared invalid or unconstitutional, the remainder of this Order shall not be affected by such declaration.

Section 4. Effectivity. This technical regulation shall take effect immediately upon its publication in the Official Gazette or in two (2) newspapers of general circulation.

Issued this 23rd day of December 2024 in Makati City, Philippines.

APPROVED BY:

MA. CRISTINA ALDEGUER-ROQUE

Secretary

RECOMMENDED BY:

ATTY. M. MARCUS N. VALDEZ II

Director and Supervising Head
Office for the Special Mandate
on Vaporized Nicotine and Non-Nicotine Products,
their Devices, and Novel Tobacco Products

ANNEX A

Product	In-plant testing (Set 1) 10 devices per model (with battery and e-liquid)	Independent Testing (Set 2) 10 devices per model (with battery and e-liquid)	Reserved Samples (Set 3) 10 devices per model (with battery and e-liquid)	Reference Standard
Vapor product device	N/A	66 cells from the device per model	66 cells from the device per model	PNS AFNOR XP D90-300-1:2019
		66 cells from the power bank per model (if any)	66 cells from the power bank per model (if any)	PNS IEC 62133:2015, PNS IEC 63122-1:2022 (Nickel) PNS IEC 63122-2:2022 (Lithium)
		10 pcs each electrical accessories (if any)	10 pcs each electrical accessories (if any)	PNS IEC 62133:2015, PNS IEC 63122-1:2022 (Nickel) PNS IEC 63122-2:2022 (Lithium)
		minimum of 30 ml per flavor (e-liquid only)	minimum of 30 ml per flavor (e-liquid only)	PNS 2133-1:2018, PNS IEC 60065:2019
Vapor product refills	N/A	4 filled pods per flavor (if any)	4 filled pods per flavor (if any)	PNS AFNOR XP D90-300-2:2019
		40 pcs of mouthpiece, tanks, container and all parts that are in contact with e-liquid and vapor per model per color	40 pcs of mouthpiece, tanks, container and all parts that are in contact with e-liquid and vapor per model per color	PNS AFNOR XP D90-300-3:2019
		minimum of 10 ml per flavor (e-liquid only)	minimum of 10 ml per flavor (e-liquid only)	PNS AFNOR XP D90-300-1:2019, Clause 7
		5 empty bottles/pods/cartridges per type	5 empty bottles/pods/cartridges per type	DAO 24-02 Series of 2024 Clause 3.15
Vapor product system	N/A	10 devices per model (with battery and e-liquid)	10 devices per model (with battery and e-liquid)	Additional samples for determination of volume
		minimum of 30 ml per flavor (e-liquid only)	minimum of 30 ml per flavor (e-liquid only)	PNS AFNOR XP D90-300-1:2019
		4 devices with pod per flavor (device + pod with e-liquid + battery)	4 devices with pod per flavor (device + pod with e-liquid + battery)	PNS AFNOR XP D90-300-2:2019
		40 pcs of mouthpiece, tanks, container and all parts that are in contact with e-liquid and vapor per model per color	40 pcs of mouthpiece, tanks, container and all parts that are in contact with e-liquid and vapor per model per color	PNS AFNOR XP D90-300-3:2019
Heated tobacco device Heated tobacco consumables Heated tobacco system	N/A	5 empty bottles/pods/cartridges per type	5 empty bottles/pods/cartridges per type	PNS AFNOR XP D90-300-1:2019, Clause 7
		66 cells from the device per model	66 cells from the device per model	Additional samples for determination of volume
		66 cells from the power bank per model (if any)	66 cells from the power bank per model (if any)	PNS IEC 62133:2015, PNS IEC 63122-1:2022 (Nickel) PNS IEC 63122-2:2022 (Lithium)
		10 pcs each electrical accessory (if any)	10 pcs each electrical accessory (if any)	PNS IEC 62133:2015, PNS IEC 63122-1:2022 (Nickel) PNS IEC 63122-2:2022 (Lithium)
Heated tobacco device Heated tobacco consumables Heated tobacco system	N/A	minimum of 10 ml per flavor (e-liquid only)	minimum of 10 ml per flavor (e-liquid only)	PNS 2133-1:2018, PNS IEC 60065:2019
		10 tobacco heating devices per model	10 tobacco heating devices per model	DAO 24-02 Series of 2024 Clause 3.15
		100 sticks per model	100 sticks per model	PNS BAS PAS 8850:2022
		10 tobacco heating devices per model and 100 sticks per model	10 tobacco heating devices per model and 100 sticks per model	PNS BAS PAS 8850:2022