

**[BFAR ADMINISTRATIVE CIRCULAR NO. 252, S.
2014, October 08, 2014]**

**RULES AND REGULATIONS GOVERNING DISTANT-WATER
FISHING BY PHILIPPINE-FLAGGED FISHING VESSELS**

Adopted: 08 October 2014

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Whereas, Section 32 of R.A. 8550 allows fishing vessels of Philippine registry to operate in international waters or waters of other countries which allow such fishing operations;

Whereas, Executive Order No. 154, series of 2013 adopting the "*National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*" requires the implementation of Flag State responsibilities such as ensuring that Philippine flagged fishing vessels do not engage in illegal, unreported and unregulated fishing and undertaking comprehensive and effective monitoring, control and surveillance (MCS) of fishing from its commencement, through the point of landing, to final destination;

Whereas, the Philippines signed the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and its Annexes on September 05, 2000, which was subsequently ratified by the Senate in 2005;

Whereas, the Philippines is a member of good standing of the Western and Central Pacific Fisheries Commission (WCPFC), Indian Ocean Tuna Commission (IOTC) and the International Convention on the Conservation of Atlantic Tuna (ICCAT);

Wherefore, in view of these premises, the Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (BFAR), hereby adopts and promulgates the following rules and regulations on distant water fishing by Philippine-flagged fishing vessels for the information, guidance and compliance of all concerned:

Section 1. Definition of Terms. – For purposes of this Circular, the following terms and acronyms shall mean and shall be construed as follows:

- a. ALC or MTU – Automatic Location Communicator or Mobile Tracking Transceiver Unit which is an approved-type one-way or two-way automatic tracking device utilizing a satellite navigation and communication system for the purpose of transmitting information concerning the Philippine-flagged fishing vessels' positions, fishing activities, and any other activity as may be required;
- b. Carrier – a type of fishing vessel designed for the purpose of carrying and transporting fish and other supplies to and from the fishing ground;
- c. Catcher – a type of fishing vessel solely used to catch or harvest fish from the marine environment;

- d. Coastal State – the country or State where a fishing vessel conducts its fishing operations;
- e. Distant-Water fishing – fishing in the high seas, areas managed by Regional Fisheries Management Organizations and waters of other Coastal States;
- f. High Seas – the area beyond Philippine waters which does not belong to the jurisdiction of any other State;
- g. ICCAT – International Commission for the Conservation of Atlantic Tuna;
- h. IOTC – Indian Ocean Tuna Commission;
- i. Fishing Vessel – any boat, ship or other watercraft equipped to be used for taking fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, transportation and/or processing;
- j. FAD – Fish Aggregating Device;
- k. Flag State – the country or State which entitles the fishing vessel to fly its flag and records that fishing vessel in its register of ships;
- l. GHP – Good Handling Practices;
- m. HSP1 – High Seas Pocket No. 1 as referred to in WCFPC CMM 2013-01;
- n. Purse seine or ring net – a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from the boat or a pair of boats around the school of fish. The bottom of the net is pulled close with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag;
- o. PCG – Philippine Coast Guard;
- p. PFDA – Philippine Fisheries Development Authority;
- q. PNA – refers to the Parties to the Nauru Agreement which is an international organization composed of the Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands and Tuvalu;
- r. Regional Fisheries Observer – an RFMO accredited Fisheries Observer;
- s. RFMO – Regional Fisheries Management Organization; and,
- t. WCPFC – Western and Central Pacific Fisheries Commission.

Section 2. Scope and Application. – This Circular covers all Philippine-flagged fishing vessels, regardless of type, engaged in distant water fishing as defined in Section 1 hereof.

Section 3. Fishing on the High Seas or International Waters or waters of Other Coastal States. – Fishing vessels of Philippine registry with valid Commercial Fishing Vessel License may engage in distant water fishing provided:

- 3.1 That the fishing vessel is registered with the RFMO or the Coastal State that allows fishing by foreign-flagged fishing vessels;
- 3.2 That the fishing vessel will comply with the rules and regulations of the RFMO which has jurisdiction over the high seas pocket or the Coastal State which has jurisdiction over the waters where they operate;
- 3.3 That the fishing vessel shall comply with the safety, manning and other requirements of MARINA and other requirements of concerned agencies;
- 3.4 That the fishing vessel shall secure an International Fishing Permit (IFP) Special Fishing Permit (SFP), Certificate of Clearance from the Bureau or license or authorization from

the Coastal State and that the fish caught by such vessels shall be considered as caught in Philippine waters and are not subject to all import duties and taxes only when the same are landed in duly designated fish landings and fish ports in the Philippines;

- 3.5 That the owner of the fishing vessel shall provide to the BFAR Director and BFAR officials authorized to monitor the fishing effort, information on its fishing access conditions, which shall be kept confidential.

The International Fishing Permit (IFP) and Special Fishing Permit shall be issued by the BFAR National Director. The IFP shall be valid for a period of three (3) years to commence from the date of payment of permit fees unless suspended, revoked, terminated or cancelled sooner for cause.

Section 4. Requirements for Distant Water/International Fishing. – All Philippine-flagged distant-water fishing vessel must comply with the following:

- 4.1 Accreditation as a Distant Water Fishing Vessel by the BFAR Director;
- 4.2 A valid CFVGL;
- 4.3 Duly accomplished IFP application form;
- 4.4 Copy of the fishing permit/license from the Coastal State (for fishing vessels operating in waters of other Coastal States);
- 4.5 Ship Station License;
- 4.6 Payment of application fee of P1,000.00;
- 4.7 Payment of permit fee of P1,500.00 for the IFP;
- 4.8 Payment of authorization fee of \$1,500 for the SFP;
- 4.9 Affidavit of Undertaking that the vessel shall not, except when otherwise authorized by BFAR, operate in Philippine waters, including the Exclusive Economic Zone during the duration of the IFP and SFP.

Section 5. Vessel Marking and Specifications. – Fishing vessels operating in the high seas or international waters shall comply with the vessel marking and specification requirements of the RFMO that governs that area. Fishing vessels operating in the waters of other Coastal States shall comply with the vessel marking and specification requirements of that Coastal State. However, the International Radio Call Sign as stated in the Ship Station License issued by the Philippine competent authority shall be marked on the fishing vessel in accordance with the standards of the Food and Agriculture Organization.

Section 6. Observer Coverage. – All catcher vessels shall have fisheries observer coverage in accordance with the conservation and management measures of the RFMO which has jurisdiction over the area. Fisheries observers shall be deployed from the Philippine Fisheries Observer Program. Fishing vessels operating in waters of other Coastal States shall comply with the observer coverage requirement of that Coastal State.

Section 7. Vessel Monitoring System. – All catcher and carrier vessels shall be equipped with a two-way ALC in accordance with the conservation and management

measures of the RFMO which has jurisdiction over the area where these vessels operate. Lightboats shall also be equipped with a one-way ALC.

Section 8. Timely Reporting of Catch, Vessel Entry and Exit. – The Master of catcher vessel shall record its catches in the prescribed logsheet and shall submit it to BFAR on a monthly basis. The owner shall report to BFAR in a timely manner the following:

- 8.1 Notice of entry of vessels to the high seas twenty four (24) hours prior to entry in accordance with the following format: VID Entry to (RFMO Name) high seas; Date & Time; Latitude/ Longitude;
- 8.2 Notice of exit of vessels from the high seas six (6) hours prior to exit in accordance with the following format: VID Exit from (RFMO Name) high seas; Date & Time; Latitude/ Longitude.

Section 9. Inspection and Monitoring of Port Landings. – All landings of catches of distant water fishing vessels shall be done only in authorized fishports controlled by PFDA, provided that landings may be allowed in private wharves or landing sites recognized by BFAR as GHP-compliant, provided further that unloading of catches shall only be made in the presence of a Fish Inspector who shall verify the weight of fish landed. To ensure traceability of fish, landings shall be inspected and monitored by BFAR, in coordination with PFDA and PCG.

Section 10. Declaration of Landing in Foreign Ports. – Philippine-flagged fishing vessels authorized to engage in distant water fishing may land their catch in ports of other states subject to the following conditions:

- 10.1 Fishing companies shall request in writing either BFAR or the competent authority of the port State, copy furnished BFAR, for authorized personnel to monitor and document landing in the foreign port within seven (7) working days before the scheduled landing and shall submit the following information:
 - a. Name, registration number, and other identification of the landing fishing vessel;
 - b. Specific name of port;
 - c. Port State (if landing in foreign ports);
 - d. Scheduled date of landing;
 - e. Estimated quantity/volume of fish to be landed; and,
 - f. Buyer/Destination
- 10.2 All landings of catches in foreign ports must be covered by a "Landing Declaration" duly attested to by the competent authority of that port and shall be submitted to BFAR within thirty (30) days from such landing.

Section 11. Catch Allocation. – BFAR shall closely monitor the catch quota allocated by the concerned RFMO and/or vessel days allocated by PNA-member countries and ensure that allocation is not exceeded. For this purpose, BFAR shall require owners to provide information to the BFAR Director and BFAR personnel