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Department of Agriculture
BUREAU OF FISHERIES AND AQUATIC RESOURCES
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**BFAR ADMINISTRATIVE
CIRCULAR NO. 252-1:
Series of 2020**

**SUBJECT : AMENDED RULES AND REGULATIONS GOVERNING
DISTANT-WATER FISHING BY PHILIPPINE-FLAGGED
FISHING VESSELS OPERATING IN OTHER COASTAL
STATES**

Whereas, Section 32 of Republic Act No. 8550, as amended, provides that fishing vessels of Philippine registry may engage in distant water fishing;

Whereas, the *National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*, as adopted by Executive Order No. 154, series of 2013, 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 Tunas (ICCAT).

Wherefore, in view thereof, 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:

- a. Automatic Location Communicator or Mobile Tracking Transceiver Unit (ALC or MTU) - 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 State where a fishing vessel conducts its fishing operations;
- e. CFGL - Commercial Fishing Gear License;
- f. CFVL - Commercial Fishing Vessel License;
- g. Designated Port for Fish Landing- port designated by the Port State;
- h. Distant-water fishing – fishing in the high seas or in waters of other Coastal States;
- i. Flag State – the State which entitles the fishing vessel to fly its flag and records that fishing vessel in its registry of ships;
- j. Landing Declaration – A document filled-out and signed by the master of the Philippine –flagged fishing vessel that contains information pertaining to fishing activity, such as, but not limited to, name of landing vessel, date/s of landing, name of port, species and quantity of fish catch.
- k. Parties to the Nauru Agreement (PNA) –an international organization composed of the Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands, Tokelau and Tuvalu;
- l. Fisheries Observer – an RFMO accredited Fisheries Observer;
- m. RFMO – Regional Fisheries Management Organization; and
- n. Transshipment Declaration – A document filled-out and signed by the masters of both transferring and receiving fishing vessels that contains information pertaining to fishing activity, such as, but not limited to, name of transferring vessel and receiving vessel, date/s of transshipment, name of port, if applicable, species and quantity of fish catch.

Section 2. Scope and Application. This Circular covers all Philippine-flagged fishing vessels, regardless of type, engaged in distant-water fishing in other coastal states.

Section 3. Requirements for Distant- Water Fishing. Fishing vessels of Philippine registry with valid Commercial Fishing Vessel License may engage in distant-water fishing provided:

- a. That the fishing vessel is registered with the RFMO and, where relevant, licensed by the Coastal State;
- b. That the fishing vessel is compliant with the rules and regulations of the RFMO and/or Arrangements and, where relevant, the Coastal State which has jurisdiction over the waters where it operates;
- c. That the fishing vessel is compliant with the safety, manning and other requirements of MARINA and other concerned agencies;
- d. That the fishing vessel holds a valid Distant Water Fishing Permit (DWFP) and fishing authorization from the Coastal State; and
- e. That the owner of the fishing vessel has provided the BFAR a copy of the authorization/permit/license of the Coastal State if the same has already been issued. Provided that, if the authorization has not been granted yet, a copy of such authorization shall be submitted to BFAR within thirty days from the issuance.

The DWFP shall be issued by the BFAR National Director and shall be valid for a period of three (3) years. Provided that, the revocation, cancellation, and non-renewal for cause of any of the abovementioned requirements may be a ground to cancel or terminate the DWFP issued by BFAR.

Provided that, the fish caught by such vessels shall be considered as caught in Philippine waters.

Section 4. Documentary Requirements for the issuance of a Distant Water Fishing Permit (DWFP).

- a. A valid CFVL;
- b. Duly accomplished DWFP application form;
- c. Copy of the Coastal State authorization;
- d. Ship Station License;
- e. Payment of application fee of P3,000.00; and
- f. Payment of permit fee of P5,000.00.

Section 5. Vessel Marking and Specifications. Fishing vessels operating in the high seas or international 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. Fishing vessels operating in waters of other Coastal States shall comply with the observer coverage requirement of that Coastal State.

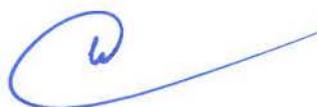
Section 7. Vessel Monitoring System. All catcher and carrier vessels shall be equipped with a two-way ALC in accordance with the conservation and management measures of the RFMO, which has jurisdiction over the area where these vessels operate. Lightboats shall also be equipped with a one-way ALC.

Section 8. Timely Reporting of Catch, Vessel Entry and Exit. The Master of the catcher vessel shall record its catches in the prescribed logsheet and shall submit it to the BFAR on a monthly basis. The owner or authorized representatives shall ensure the accuracy and timeliness of submission of the logsheet to the BFAR.

Further, the owner or authorized representatives shall report to the BFAR in a timely manner through electronic means the following:

- a. 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 _____ high seas; Date and Time; Latitude/Longitude;
- b. Notice of exit of vessels from the high seas six (6) hours prior to exit in accordance with the following format: VID Exit from _____ high seas; Date & Time; Latitude/Longitude.

For this purpose, the BFAR shall designate contact points immediately after the effectivity of this Circular.



Furthermore, the electronic reporting of catches as provided for under Section 3 of FAO 260, Series of 2018, shall be complied with on top of the requirements provided for under this section.

Section 9. Inspection and Monitoring of Landings in Domestic Ports. Catches of distant water fishing vessels shall be landed only in designated fishports under the jurisdiction of the PFDA; provided that, unloading of catches shall only be made in the presence of a Fish Inspector who shall validate the information stated in the landing declaration and other relevant documents pertaining to the fishing activities, including fishing permit/authorization, transshipment declaration, stowage plans, and logsheets. To ensure traceability, landings shall be inspected and monitored by the BFAR, in coordination with the PFDA.

Provided further that in cases of congestion and other relevant emergencies, the PFDA and BFAR may authorize in writing the landing in PFDA-authorized extension ports.

Towards this end, the PFDA and BFAR shall develop the procedure and criteria in the accreditation of PFDA authorized extension ports taking into account the provision of Section 32 of RA 8550, as amended, and the relevant food safety standards.

Provided furthermore, that the same authorization shall be subject to the same rules and regulations as if the same is landed in PFDA ports.

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 designated by the Port States subject to the following conditions:

- a. Fishing companies shall notify the BFAR in writing, through electronic means, attaching scanned copy of the signed document of any landing in the foreign port and shall submit the following information twenty-four (24) hours before the scheduled landing date:
 1. Name, registration number, and call sign of the fishing vessel;
 2. Specific name of port;
 3. Port State (if landing in foreign ports);
 4. Scheduled date of landing;
 5. Estimated quantity/volume of fish to be landed; and
 6. Buyer, if applicable.
- b. All landing of catches outside the Philippines must be conducted in ports designated by the port authority and must be covered by a Landing Declaration duly signed by the Master. The subject Landing Declaration shall be submitted to the BFAR within forty-eight (48) hours after the completion of the landing.
- c. Each transshipment in a foreign port shall be recorded by means of a declaration of transshipment which shall contain the following:
 1. Name and flag of the transshipping vessel;
 2. Name and flag of the receiving vessel;
 3. Volume and Species of fish transshipped;
 4. Date of transshipment; and
 5. Name of Port



The declaration of transshipment shall be prepared by the master of the fishing vessel. Both the master of the transshipping vessel and the master of receiving vessel shall sign such declaration.

Section 11. Vessel Days Scheme Monitoring Form (VDSMF). The fishing companies shall submit to BFAR once a year the VDSMF which shall contain the following:

- a. Names of the vessels operating in the WCPO;
- b. VDS purchased by the fishing company from the Coastal States for every vessel for the immediately incoming fishing season;
- c. VDS already used by the fishing company for every vessel from the immediately preceding fishing season;
- d. Specific fishing grounds for the operation of the fishing vessels; and
- e. Other restrictions imposed on the VDS purchased, if applicable.

The BFAR shall closely monitor the number of VDS purchased by the fishing companies from the Coastal States and ensure that such allocations are not exceeded and the accompanying restrictions are complied with.

The BFAR shall ensure that the data derived from the VDSMF shall be considered sensitive technical information and shall remain confidential, except if otherwise ordered by the competent Adjudication Committee or Philippine Courts.

Section 12. Advance Notification. Fishing companies shall request the BFAR for authorization to transship at port and at sea and shall submit the following information twenty-four (24) hours before the scheduled transshipment:

- a. Name, registration number and other identification of the transshipping vessel;
- b. Name, registration number and other identification of the receiving vessel;
- c. Transshipment date;
- d. Specific name of transshipment port and Port State; and
- e. Estimated quantity/volume and species of fish to be transshipped.

Upon failure on the part of BFAR to issue the authorization within twelve (12) hours from the submission, the request shall be deemed approved.

The BFAR shall provide such authorization to transship at sea in accordance with existing rules and regulations on transshipment at sea.

The Master shall provide the BFAR a copy of Transshipment Declaration issued by the competent port authority of the Philippines within forty-eight (48) hours after completion of the transshipment operation.

Section 13. Bilateral Cooperation with Other Coastal or Port State. To ensure effective monitoring of landing and transshipment at sea or at port, the BFAR shall coordinate and cooperate with other Coastal or Port State in sharing information and documents related to landing and transshipment of catch by Philippine-flagged fishing vessels in waters or ports of that Coastal or Port State, which may, as far as practicable, include information on vessel days, observer reports, and reports of inspection during the conduct of transshipment/landing.



Section 14. Prohibitions and Penalties. Fishing vessels found to have committed the following prohibited acts shall be imposed with the corresponding penalties stated herein.

A. For the purpose of this Circular, the following are considered serious violations:

1. Engaging in distant-water fishing without Distant Water Fishing Permit;
2. Engaging in distant-water fishing in a Coastal State without authorization from that Coastal State;
3. Engaging in distant-water fishing without Fisheries Observer onboard as required by the RFMO or the Coastal State;
4. Engaging in distant-water fishing with no functional ALC;
5. Intentionally switching off, disabling or tampering the ALC;
6. Intentional failure to report the catch or misreporting of catch;
7. Assaulting, resisting, intimidating, harassing, seriously interfering with, or unduly obstructing or delaying a fisheries law enforcer, authorized inspector or observer, or other duly authorized government officer;
8. Transshipment in the High Seas or transshipment in violation of the laws or regulations of the Philippines or the Coastal State;
9. Transshipment or landing of fish catch without permission from the BFAR;
10. Non-compliance with applicable FAD Management Regulations;
11. Fishing with the use of prohibited or unauthorized gear;
12. Intentional setting despite the known presence of a Whale Shark or intentionally fishing species prohibited by either the concerned RFMO or the Coastal State; and
13. Landing in unauthorized ports or landing sites.

For violations under nos. 1,2,3,4,5,6 and 7, they shall be imposed with the penalties provided in the applicable provision of R.A. 10654.

For other violations stated above the imposable penalty, in addition to the immediate cancellation of International Fishing Permit, shall include payment of fine in the amount equivalent to five times the value of the catch or the amount provided below, whichever is higher:

- a. Two hundred fifty thousand pesos (P250,000.00) to five hundred thousand pesos (P500,000.00) for small-scale commercial fishing;
- b. Seven hundred fifty thousand pesos (P750,000.00) to one million pesos (P1,000,000.00) for medium-scale commercial fishing; and
- c. One million two hundred thousand pesos (P1,200,000.00) to three million pesos (P3,000,000.00) for large-scale commercial fishing.

B. The following acts not covered by the immediately preceding paragraphs shall also be punishable under this Circular:

1. Failure to submit Landing Declaration;
2. Failure to comply with prescribed vessel marking including marking of international call sign per FAO standards; and
3. Violation of prior notification requirement stated in Sections 10 and 12 of this Circular.

For said violations, the following penalties shall be imposed:



- a. One hundred thousand pesos (P100,000.00) to two hundred thousand pesos (P200,000.00) for small-scale commercial fishing;
- b. Two hundred thousand pesos (P200,000.00) to four hundred thousand pesos (P400,000.00) for medium-scale commercial fishing; and
- c. Four hundred thousand pesos (P400,000.00) to six hundred thousand pesos (P600,000.00) for large-scale commercial fishing.

Section 15. Creation of IUUF List of Vessels and Philippine Nationals found to have supported IUUF. An IUUF List of Vessels and Philippine Nationals found to have supported IUUF is hereby established. A Philippine-flagged fishing vessel or Philippine national found to have committed a prohibited act/s under this Circular for three (3) times shall be listed in the said List. Such List shall be posted to the BFAR website and shall be made accessible to the public.

Section 16. Separability Clause. If any section or provision of this Circular or part thereof is declared unconstitutional or invalid, the other sections or provisions thereof which are not affected shall continue to be in full force and effect.

Section 17. Repealing Clause. All existing administrative orders, rules and regulations, which are inconsistent with the provisions of this Circular are hereby repealed or modified accordingly, except FAO 245-4, which shall continue to govern Philippine fishing vessels operating in HSP1-SMA. However, in case of serious violations or other matters not covered by FAO 245-4 such as landing declaration, this Circular shall be applied suppletorily.

Section 18. Transitory Provision. This Circular shall take effect three (3) months after publication in any newspaper of general circulation and upon registration with the Office of the National Administrative Registrar.

Issued this February 3, 2020 Quezon City, Metro Manila, Philippines.



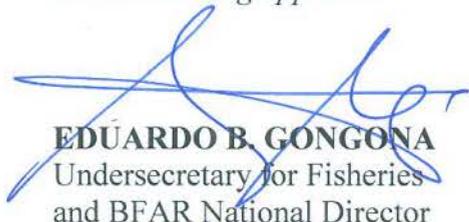
WILLIAM D. DAR, PH.D.

Secretary

Department of Agriculture



Recommending approval:



EDUARDO B. GONGONA
Undersecretary for Fisheries
and BFAR National Director

