



February 23, 2000

FISHERIES ADMINISTRATIVE)
ORDER NO. 199 :
Series of 2000)

SUBJECT: GUIDELINES ON FISH TRANSSHIPMENT

Pursuant to Sections 3, 41 and 42 of Republic Act No. 8550, the following guidelines on the transshipment of fish caught outside Philippine waters by foreign fishing vessels are hereby promulgated for compliance by all concerned:

SECTION I: OBJECTIVES

This set of guidelines aims to carry out and implement various functions of government agencies relative to fish transshipment activities like entry and berthing of foreign fishing vessels, fish unloading, processing, and eventual transshipment of fish and its by-products to the foreign markets and to facilitate and expedite the processing of the necessary documents and other requirements relative to the transshipment operation of the foreign fishing vessels in the Davao Fish Port Complex in Davao City or any duly designated government-owned or -controlled regional fishport complexes in the Philippines.

SECTION II: DEFINITION OF TERMS

As used in these guidelines, the following terms and phrases shall mean:

1. **BFAR** - The Bureau of Fisheries and Aquatic Resources
2. **BI** - The Bureau of Immigration
3. **BOC** - The Bureau of Customs
4. **DA** - The Department of Agriculture
5. **DFA** - The Department of Foreign Affairs
6. **DFPC** - The Davao Fish Port Complex.
7. **Foreign Fishing Vessels** - Fishing Vessels registered in countries other than the Philippines.
8. **Foreign Fishing Operator** - One who owns and provides the means including labor, capital, fishing gear, and vessel, which may or may not be engaged in direct fishing duly licensed by another country.
9. **LGUs** - The Local Government Unit.

10. **LOA** - The Length Over All of the Vessel.
11. **NQO** - The National Quarantine Office.
12. **One Stop Action Center (OSAC)** - A multi-agency government center created pursuant to Memorandum of Agreement duly notarized on August 8, 1996, whose principal tasks include but not limited to the processing of documents of fishery products that are to be transshipped to foreign markets and the documentation of incoming and outgoing foreign vessels.
13. **PCG** - The Philippine Coast Guard.
14. **PFDA** - The Philippine Fisheries Development Authority.
15. **PN** - The Philippine Navy.
16. **PNP-ASG** - The Philippine National Police-Aviation Security Group.
17. **PNP-MG** - The Philippine National Police-Maritime Group.
18. **POEA** - The Philippine Overseas Employment Administration.
19. **Philippine Waters** - include all bodies of water within the Philippine territory such as lakes, streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays and seas and other bodies of water now existing or which may hereafter exist in the provinces, cities, municipalities, and barangays and the waters around, between and connecting the islands of the archipelago regardless of their breadth and dimensions, the territorial sea, the sea beds, the insular shelves, and all other waters over which the Philippines has sovereignty and jurisdiction including the 200-nautical miles Exclusive Economic Zone and the continental shelf.
20. **Skipper** - The deck officer in command of the vessel.
21. **Transshipment** - The process in which the fish from foreign fishing vessel is unloaded, cleaned, classified and packed at the DFPC or any other designated government-owned or -controlled regional fish port complex, and transshipped by air freight to other countries of destination.
22. **Transshipment Agent** - any person, partnership or corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, having an office inside the premises of the DFPC, or any duly designated government-owned or -controlled regional fishport complex, and who acts as the legal agent/ representative of the foreign fishing operator intending to utilize the fish port facilities for the transshipment of fish caught in international waters for foreign market destinations.

SECTION III: PASSAGE

Foreign fishing vessels intending to call at any duly designated government-owned or -controlled regional Fish Port for unloading of fish caught outside Philippine waters for transshipment shall pass through the navigational lane to be designated for this purpose. Navigational lanes for other government-owned or -controlled regional fishports to be designated as transshipment points shall be determined and identified through separate Fisheries Administrative Orders accordingly.

SECTION IV. TRANSSHIPMENT

Foreign fishing vessels wishing to avail of land, air and sea facilities available in the Philippines to transport fishery products which are caught outside Philippine territorial waters to its final destination shall call only at duly designated government-owned or -controlled regional fishport complexes after securing clearance from the Department of Agriculture, thru the BFAR.

SECTION V. ORGANIZATION OF ONE-STOP ACTION CENTER

A One-Stop Action Center (OSAC) shall be organized in every designated government-owned or -controlled regional fishport complex whose principal tasks include, but not limited to the processing of documents of fishery products that are to be transshipped to foreign markets and the documentation of incoming and outgoing foreign vessels. This office shall be composed of representatives of government agencies including the Philippine Fisheries Development Authority (PFDA), Bureau of Customs (BOC), Bureau of Immigration (BI), National Quarantine Office (NQO), Philippine Navy (PN), Philippine Coast Guard (PCG), PNP-Maritime Group (PNP-MG), Philippine Overseas Employment Administration (POEA), and the Bureau of Fisheries and Aquatic Resources (BFAR) as the lead agency.

SECTION VI. CLEARANCE

Foreign fishing vessels intending to call at any designated government-owned or -controlled regional fish port complex shall first be accredited by the BFAR and shall secure entry clearance from the Department of Foreign Affairs (DFA) or its duly designated agency before entering Philippine territorial waters and shall notify the Bureau of Immigration (BI) of the name of the vessel, its registry number, its last port of call, the names of its skipper and all its crew and their nationalities.

SECTION VII. GENERAL PROCEDURES

1. Vessel Accreditation

The transshipment agent shall initiate the accreditation of foreign fishing vessels under their stewardship. All applicants for accreditation shall be filed with the designated regional fish ports. The port manager shall recommend the application for accreditation to the Bureau of Fisheries and Aquatic Resources in accordance with the prescribed manual of operations on the matter.

Applications for accreditation shall be accompanied by the following documents:

- 1.1 Name of fishing vessel, registry number, previous names, national flag and port of registry;
- 1.2 Applications for accreditation shall be accompanied by a 5" x 10" picture;
- 1.3 Name and address of owner or owners;
- 1.4 Name and address of operator (manager) or operators (managers);
- 1.5 International Radio Call Sign and Radio Frequency;
- 1.6 Where and when built;
- 1.7 Type of vessel;

- 1.8 Type of fishing method or methods;
- 1.9 Length (LOA);
- 1.10 Moulded depth;
- 1.11 Breadth;
- 1.12 Gross and net registered tonnage;
- 1.13 All applications shall be accompanied by an accreditation fee of P5,000.00 per vessel. In addition, a departure clearance of P100.00 shall be charged to each vessel by the BFAR.
- 1.14 Profile and pictures of the skipper and all its crew members for verification and derogatory investigation.

The BFAR shall furnish, on a monthly basis, the pertinent bureaus the list of its accredited vessels.

2. Pre-Arrival Requirements

Any foreign fishing vessel intending to dock at the DFPC, or any other government-owned or -controlled regional fish port complex as a transshipment and re-supply point, shall, thru its duly authorized agent, notify OSAC 48 hours before the vessel's estimated time of arrival (ETA). The arrival notice shall contain the following information:

- 2.1 Name of vessel;
- 2.2 Registry number of the vessel;
- 2.3 Accreditation no. of the vessel, if already accredited;
- 2.4 LOA/DRAFT;
- 2.5 Estimated time of arrival (Date and Hour);

Hours should be in military form:

e.g., 1:00 AM should read 0100 HRS.
 12:00 Noon should read 1200 HRS.
 2:00 PM should read as 1400 HRS.
 10:00 PM should read 2200 HRS.
 12:00 MN should read as 2400 HRS.

- 2.6 Exact coordinates of the Vessel when notice was transmitted;
- 2.7 Name and nationality of the Skipper or Boat Captain;
- 2.8 Number, name and nationality of Crewmen on board;
- 2.9 Volume of Catch by species, fishing areas and exact coordinates;
- 2.10 Nature of sickness and/or injuries of crew, if there is any; and
- 2.11 Emergency or security assistance, if needed;

3. Berthing and Boarding Formalities

A foreign vessel, upon arrival, proceeds to the space reserved or designated quarantine anchorage for boarding formalities with a yellow quarantine flag hoisted on its mast. Boarding formalities shall be conducted by the authorized personnel of the NQO, BOC, BI, PCG, and BFAR Quarantine Office. Only after a clearance has been granted by the boarding team, may the vessel be allowed to proceed and dock at her Agent's designated berthing space.

The BOC shall issue special permit to unload fish; special permits to load fishing paraphernalia, parts, supplies and other provisions.

The Bureau of Immigration (BI) shall be responsible for the assignment of personnel on board said fishing vessels while at berth to ensure that foreign nationals are guarded.

To expedite the processing of the boarding formalities, the vessel's skipper shall produce the following documents:

- 3.1 Outward Foreign Manifest of its Last Port of Call;
- 3.2 Ship's Particular;
- 3.3 Crew List;
- 3.4 Maritime Declaration of Health and valid Deratting Certificate;
- 3.5 Seaman's Books and/or Passports of Crew;
- 3.6 Cargo Manifest; and
- 3.7 Miscellaneous Listings;

Foreign fishing vessels cleared by the Boarding Team shall remain under the custody of the BI and shall be off limits to any unauthorized person.

Upon completion of the boarding formalities, the foreign fishing vessel shall proceed to her shipping agent's designated berthing space.

After the vessel has been securely berthed at her Agent's designated berthing space, the skipper of the foreign fishing vessel or its duly authorized shipping agent shall submit to the Fish Port its Roll Book for entry stamping, and shall accomplish the prescribed APPLICATION FORM for Vessel Berthing, Repair, Unloading and Loading (BRUL).

The Bureau of Fisheries and Aquatic Resources (BFAR) personnel, in coordination with the transshipment agency and in compliance to the Observers Programs, can send observers (Fishery Technologist/ Biologist) to board the fishing vessels after the boarding formalities to collect fisheries data which may be useful in the formulation of policies at the designated berthing space.

4. Unloading of Fish Cargo

Actual unloading, cleaning, classifying, and packing of fish shall, at all times, be witnessed by representatives of the BOC, PNP-MG, BFAR, PFDA and the PNP-ASG. The Transshipment Agent or shipping agent shall start its unloading operation of the Vessel's fish cargo at their designated berthing space only after securing a special permit to unload its cargo from the BOC and BFAR.

The Transshipment Agent shall first secure from the BOC a permit to transship the sashimi grade tuna and other tuna-like species and assign conduction guard for the transport of the fish to the airport.

The PNP-ASG personnel shall likewise escort the fish cargo from the Fish Port to an International Airport for aviation security purposes.

5. Loading of Vessel Provisions

All foreign vessels shall be allowed to load fuel provision only after securing a bunkering permit from the Bureau of Customs. A copy of a bunkering permit shall be furnished by the Transshipment Agent to the Fish Port Office for record purposes.

Loading of other voyage provisions like baits, water, ice and foodstuffs shall be undertaken only when prior clearance from the OSAC, Fish Port complex and other government agencies concerned has been secured and the Loading Permit Form has been accomplished and submitted to the same fish port.

For monitoring purposes, Fish Port personnel shall board the vessel berthed at the harbor basin to conduct ocular inspection of the vessel's fuel and water requirements.

The PCG, BFAR, PNP-MG, and the PFDA port personnel shall closely monitor the compliance of all fishing vessels at port to Anti-Pollution and SOLAS laws.

The PNP-MG shall investigate and arrest the crew members who are on the Wanted List of the BI and other agencies and/or for any criminal offenses/complaints that they may commit while the fishing vessel is in the fishport complex.

6. Pre-Departure Requirements

The skipper of the foreign vessel shall first secure a departure clearance from the Fish Port complex. Clearance issued by the Fish Port is a pre-requisite for the issuance of clearance by the OSAC. DFPC departure clearance shall only be issued upon payment of a clearance fee of One Hundred Pesos (P100.00) per foreign fishing vessel to the PFDA and after all regular port charges and other accountabilities have been settled.

The clearance from BI, NQO, Livestock, Plant & Fisheries Quarantine, PFDA and POEA shall be attached to the BOC clearance. The BOC shall issue the final exit departure clearance of the vessel.

A copy of the BOC clearance of a vessel to a Foreign Port and Outward Foreign Manifest of the departing vessel together with the Master Oath of Safety Departure issued by the PCG shall be provided to the Fish Port Office by the vessel's shipping agent.

Departure from the port without the necessary clearances from the Fish Port and OSAC shall result to the disaccreditation of the vessel and the blacklisting of the owner and the transshipment agent, without prejudice to their criminal prosecution under immigration, labor and other applicable laws, rules and regulations.

7. Vessel Movements

7.1 Mobility of Berthed Vessels

All vessels berthed at duly designated government-owned or -controlled regional fish port complexes shall, at all times, be manned by a deck officer and engine room personnel competent to move the vessel when needed. A vessel that cannot be moved to other berthing areas because of the absence of a competent officer shall be towed outside of the harbor basin at the account of the vessel captain, or the owner of the vessel or its Transshipment or Shipping Agent.

7.2 Vessels Needing Repair

Vessels needing repair shall first secure a permit to repair from the Fish Port office before commencement of repairs. Due to lack of berthing area for repair purposes, only minor repairs which could be completed within 48 hours shall be allowed. Any vessel repair needing a longer period shall need a special permit from the Port Manager.

7.3 Sunken Vessels

In case a vessel sinks within the harbor basin due to causes beyond the control of the owner/operator, the owner/operator or the Transshipment Agent shall re-float and tow away the vessel outside the harbor basin within fifteen (15) calendar days reckoned from the date of receipt of the notice, after which the Fish Port management shall salvage the vessel at the account of the owner or its shipping agents.

8. Sanitation and Anti-Pollution

The PCG, BFAR and PFDA port personnel shall closely monitor the compliance of all fishing vessels at port to Anti-Pollution Laws.

The Fish Port Complex, BFAR, PCG, and NQO shall strictly implement measures to maintain the cleanliness and sanitation of its harbor facilities and the good condition of the marine environment. As such, the following anti-pollution regulations shall be strictly followed:

- 8.1 All foreign vessels entering a Fish Port Complex should have proper human waste storage and disposal system on board. In the absence of such system, all vessel personnel must use the public toilets strategically located within the port complex. Discharging of garbage within the harbor basin is strictly prohibited.
- 8.2 Garbage and other inorganic wastes from the vessels shall be properly disposed of in the garbage containers placed along the harbor area. Discharging of human waste within the harbor basin is strictly prohibited.
- 8.3 Discharge of bilged water and oil is strictly prohibited in the harbor basin.
- 8.4 Transshipment Agents shall provide garbage containers in respective workplaces in the market hall for the proper disposal of their garbage and wastes in the cleaning of tuna, and shall have the full responsibility to observe the sanitation and hygiene practices in the area.
- 8.5 The penalties and sanctions provided for under the existing pertinent pollution laws will be imposed by the Fish Port management and the Philippine Coast Guard to violators thereof.

9. Shore Pass and Immigration Guarding

All foreign crew intending to leave the port to secure provisions or for rest and recreation shall secure a Shore Pass from the BI. At no instance shall a foreign crew be allowed to leave the port premises without a Shore Pass issued by the BI and without immigration guarding.

10. Recruitment & Vessel Manning

The POEA shall conduct investigations regarding the working conditions and contracts of Filipino Crew on board foreign fishing vessels and shall encourage more Filipinos to board these foreign vessels as crew member. The POEA shall adopt a fast-track procedure in issuing overseas workers employment clearance with less requirements for local hires.

11. Security and Order

The Transshipment Agent shall be responsible for securing the properties on board foreign vessels they service. The PNP-MG shall implement police functions on internal security and peace and order inside the port complex and within their jurisdictional area of responsibility. The PNP-MG shall therefore take the lead in curbing the incidence of criminality inside the port complex and its vicinity.

SECTION VIII. PENALTY CLAUSE

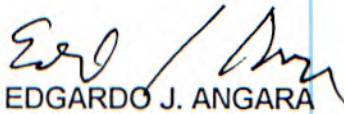
Violation of any of the provisions of this Administrative Order shall cause the cancellation of the accreditation of the foreign vessel and loss of right to avail of the transshipment of its fish and fishery/aquatic products in any Philippine port and prosecution under any applicable Philippine laws, rules and regulations, if any there be.

SECTION IX. REPEALING CLAUSE

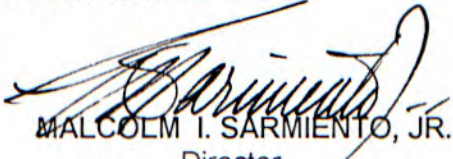
All previous orders that are inconsistent herewith are deemed revoked.

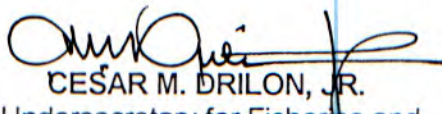
SECTION X. EFFECTIVITY

This Order shall take effect fifteen (15) days after its publication in the Official Gazette and/or in two (2) newspapers of general circulation.


EDGARDO J. ANGARA
Secretary

RECOMMENDED BY:


MALCOLM I. SARMIENTO, JR.
Director
Bureau of Fisheries & Aquatic Resources


CESAR M. DRILON, JR.
Undersecretary for Fisheries and
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