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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.

