



Republic of the Philippines
DEPARTMENT OF AGRICULTURE
Office of the Secretary
Elliptical Road, Diliman, Quezon City

FISHERIES ADMINISTRATIVE)
ORDER NO. 241 :
Series of 2012)

SUBJECT : **Regulations and Implementation of the Vessel Monitoring System (VMS) in the High Seas.**

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 5, 2000 and was subsequently ratified by the Senate on 2005;

WHEREAS, the Philippines is a member of various regional fisheries management organizations such as the Indian Ocean Tuna Convention, International Commission for the Conservation of Atlantic Tunas, Convention for the Conservation of Southern Bluefin Tuna, and the Western and Central Pacific Fisheries Commission;

WHEREAS, the said regional fisheries management organizations (RFMOs) established within the framework of these regional fisheries management agreements have developed resolutions and conservation and management measures relevant to the implementation of a Vessel Monitoring System;

WHEREAS, on December 2007 the WCPFC has adopted Conservation and Management Measure 2007-02 that provides for the establishment of Vessel Monitoring System in accordance with Article 28 (8, 9 and 10) of the Convention;

WHEREAS, the Philippines as a Party to the WCPFC and to other Tuna RFMOs such as the Indian Ocean Tuna Commission [IOTC] and the International Commission for the Conservation of Atlantic Tunas [ICCAT] must execute compatible conservation and management measures which also included the Vessel Monitoring System;

WHEREAS, the Philippines has the obligation to establish a National Fisheries Monitoring Center to house the Vessel Monitoring System compatible with the requirements of technical and legal specifications of various RFMOs;

WHEREAS, Section 14 of Republic Act 8550 or the Philippine Fisheries Code of 1998 provides for the establishment of Monitoring, Control and Surveillance (MCS) to ensure that fisheries and aquatic resources in Philippine waters are judiciously and wisely utilized and managed on a sustainable basis;

RECOGNIZING the importance of a Vessel Monitoring System as an MCS tool to achieve the conservation and management of fisheries and aquatic resources in the Philippines and pursuant to the foregoing regulations, the Department of Agriculture, through the

Bureau of Fisheries and Aquatic Resources (BFAR) hereby promulgate and implement the following rules and regulations; the Department of Agriculture thru the Bureau of Fisheries and Aquatic Resources have established and operationalize the Fisheries Vessel Monitoring System.

PURSUANT to Section 14 of Republic Act Number 8850, otherwise known as the Philippine Fisheries Code of 1998, mandating the establishment of a monitoring, control and surveillance system shall be established by the Department in coordination with LGUs, FARMCs, the private sector and other agencies concerned to ensure that the fisheries and aquatic resources in the Philippine waters are judiciously and wisely utilized and managed on a sustainable basis and conserved for the benefit and enjoyment exclusively of Filipino citizens, the Department through the Bureau of Fisheries and Aquatic Resources (BFAR) hereby establishes a VMS under the following rules and regulations;

Section 1. Definition of Terms. For purposes of this Order, the following terms as used herein shall mean and shall be construed as follows:

1. Automatic Location Communicator (ALC) or Mobile Tracking-Transceiver Unit – an automatic tracking device approved by the Bureau to be installed on the fishing vessels that utilizes a satellite navigation and communication system for the purpose of transmitting information concerning the Philippines flagged fishing vessels positions, fishing activities, and any other activity of the vessel as may be required.
2. Bureau – Bureau of Fisheries and Aquatic Resources (BFAR).
3. Exclusive Economic Zone (EEZ) – an area beyond and adjacent to the territorial sea which shall not extend beyond 200 nautical miles from the Philippine baselines as defined under existing laws.
4. High Seas – the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
5. Fisheries Monitoring Center (FMC) - serves as a land base component for fisheries monitoring control and surveillance which operates and maintains the Vessel Monitoring System.
6. Fishing vessel – any boat, ship or other watercraft equipped to be used for taking of 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, refrigeration, transshipment, transportation and/or processing.
7. Purse Seine - 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 a boat or pair of boats around the school of fish. The bottom of the net is pulled closed 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. [RA 8550 provisions]

8. Tuna Longline – a fishing operation involving a mainline holding branchlines with baited hooks suspended below the surface to catch tuna and other tuna like species.
9. Trawl – an active fishing gear consisting of a bag-shaped net with or without otter boards to open its opening which is dragged or towed along the bottom or through the water column to take fishery species by straining them from the water, including all variations and modifications of trawls (bottom, mid-water, and baby trawls) and tow nets. [RA 8550 provisions]
10. RFMOs – refers to the Regional Fisheries Management Organizations that implements conservation and management measure in tuna such as IOTC, ICCAT, CCSBT and WCPFC in which Philippines is a member or cooperating non-member.
11. BFAR Vessel Monitoring System (VMS) – refers to the National Fisheries Monitoring Center established and operated by the Bureau which is used to track and monitor the position, time and course and speed of commercial fishing vessels in the territorial waters, EEZ and the high seas for the purpose of conservation and management of fisheries resources and maintains national and regional database of registered/licensed commercial fishing vessels.
12. FMC Software / VMS Software – refers to the THEMIS Software acquired by the BFAR that has the ability to monitor/track all registered and licensed Philippine Flagged Vessels operating within the Philippine waters and areas beyond national jurisdiction.
13. CFVGL – Commercial Fishing Vessel/Gear License
14. IFP – International Fishing Permit
15. FAD – Fish Aggregating Devices
16. ICCAT – International Commission of the Conservation of Atlantic Tunas
17. IOTC – Indian Ocean Tuna Commission
18. CCSBT – Commission for the Conservation of Southern Bluefin Tuna
19. WCPFC – Western and Central Pacific Fisheries Commission

Section 2. Applicability of VMS Requirements.

- A. The VMS shall apply to all licensed Philippine flagged commercial fishing boats/vessels [purse seine, longline, ring net, trawlers, other fishing gears and fish carriers and transshipment vessels] authorized by the BFAR to operate in the high seas and those fishing vessels with access rights to fish in other countries' exclusive economic zones.

- B. The VMS requirement shall first be applied to all Philippine flagged vessels authorized to conduct tuna fishing in the high seas or with access rights to fish in other countries' Exclusive Economic Zones.
- C. Subsequently, the schedule of application of VMS to other fishing vessels/gears operating in all other fishing areas/Special management Areas shall be determined in the future consultations with the stake holders unless otherwise required by other laws and existing Fisheries Administrative Orders.

Section 3. FMC. Fisheries Monitoring Center is located at the BFAR-MCS Station and Fishing Technology Laboratory, Navotas Fishport Complex, Navotas city has the full authority and control in the confidentiality and security of VMS data. It also has the authority to grant access if so required.

Section 4. Implementation of Philippine Vessel Monitoring System. The application of the requirement of VMS to fishing vessels operating in the high seas and on other EEZ of member States shall be implemented. The acquisition and installation of ALCs/MTUs will cover the following:

- A. VMS shall cover Philippine flagged vessels operating in the high seas with International Fishing Permit (IFP) and;
- B. Philippine flagged fishing vessels operating and catching tunas in the high seas of other CCMs.

Section 5. Regional Vessel Monitoring System – This shall be established in the Regional Offices of the BFAR to have the capability to access the data / software at the FMC thru Virtual Private Network. The FMC has the full authority to control and grant access to the network of the Regional Offices of the BFAR. RMCs can monitor fishing vessels at their respective area of responsibility.

Section 6. Vessel Access by Fishing Vessel Owner/Operator – BFAR shall grant full access of the VMS data to Fishing Vessel Owner/Operator who acquired and installed an ALC/MTU to their fishing vessels. Likewise, BFAR shall provide a unique username and password to each Owner/Operator.

Section 7. Restrictions. Fishing vessels covered in this Order as described in Section 4 A and B shall not leave Port without an inspection conducted by duly designated personnel of the BFAR of the ALC installed on board. For fishing vessels covered in this Order as described in Section 4, the rules on acquisition of the ALCs in the country granting access shall be applied. However, the Philippines as a flag State must be provided access to the VMS data of the Philippine flagged vessels in consonance with the Fisheries management measures. The validity of the Commercial Fishing Vessel License shall be dependent on the compliance to this Administrative Order such that any violations of any provision of this FAO mean application of Section 11, therefore.

Section 8. Frequency of Reporting. Fishing vessels covered in this Order as described in Section 4 shall keep their ALCs activated at all times beginning the time that these fishing vessels leave Port and shall be required to report its positions to the Philippine FMC at least 6 positions or more per day or from 6 positions to 24 positions per day.

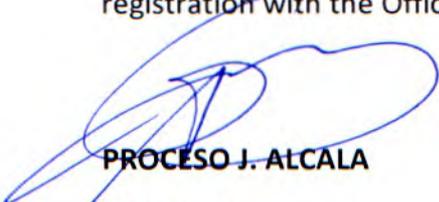
Section 9. Air Time Fees and Poll Charges shall be charged in accordance with the existing rates agreed upon with the ALCs VMS providers and Fisheries Monitoring Center.

Section 10. Minimum Standard for ALC/MTU. The ALCs/MTUs to be installed onboard catcher vessels must be in accordance with the approved type which is set by the BFAR-FMC (see Appendix I).

Section 11. Penalties. Fishing vessels covered in this Order as described in Section 2 found engaging in fishing operation in Philippine waters, in the high seas, waters under the jurisdiction of other countries without an operating ALC, or during the FAD closure periods in case of fishing vessels operating within the Philippine 200 mile EEZ under the coverage of FAO 236 shall be considered as having violated Section 86 of the Fisheries Code and will be required to return to homeport. An administrative fine of Php 100,000.00 shall be imposed to those who failed to install the ALCs or tamper its operation. The second violation shall be a ground for suspension of the Commercial Fishing Vessel/Gear License (CFVGL). The third violation of the same offense shall be considered a ground for the revocation of Commercial Fishing Vessel/Gear License (CFVGL).

Section 12. Repealing Clause. All existing administrative orders, rules and regulations which are inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

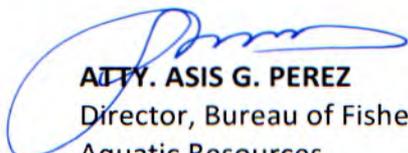
Section 13. Effectivity. This Order shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation and/or the Official Gazette, and upon registration with the Office of the National Administrative Register.

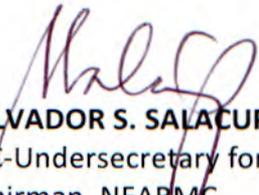

PROCESO J. ALCALA
Secretary

DEPARTMENT OF AGRICULTURE

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Recommending Approval:


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Director, Bureau of Fisheries &
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SALVADOR S. SALACUP
OIC-Undersecretary for Fisheries
Chairman, NFARMC

MTU/ALC Type Approval list as provided by CCMs

26 August 2010

CCMs Type Approved ALC/MTU							
			Chinese Taipei	FFA	Japan	New Zealand	USA
Service	System Brand	Model					
Inmarsat C	Anritsu	RSS405A			√		
Inmarsat C	Furuno	Felcom 10			√		
Inmarsat C	Furuno	Felcom 11			√		
Inmarsat C	Furuno	Felcom 12		√	√		
Inmarsat C	Furuno	Felcom 13			√		
Inmarsat C	Furuno	Felcom 15		√	√		
Inmarsat C	Furuno	Felcom 16		√	√	√	
Inmarsat C	JRC	JUE-75C		√	√		
Inmarsat C	JRC	JUE-85			√		
Inmarsat C	JRC	JUE-95VM		√	√		
Inmarsat C	JRC	JUE-95LT			√		
Inmarsat C	Thrane & Thrane	TT-3020B				√	
Inmarsat C	Thrane & Thrane	TT-3020C	√		√		
Inmarsat C	Thrane & Thrane	TT-3022D	√	√	√	√	√
Inmarsat C	Thrane & Thrane	TT-3026S	√	√	√	√	√
Inmarsat C	Thrane & Thrane	TT-3026D		√			
Inmarsat C	Trimble	TNL7001	√	√	√	√	
Inmarsat C	Trimble	TNL7005	√	√			
Inmarsat C	Sailor	H1622D		√			
CLS ARGOS	ARGOS	MAR-GE	√		√		
CLS ARGOS	ARGOS	MAR-GE V2	√		√		
CLS ARGOS	ARGOS	FVT	√				
CLS America	Thorium	VMS TST-100		√			√
Iridium	Faria "Watchdog"	750VMS		√			√