



Republic of the Philippines
OFFICE OF THE SECRETARY
Elliptical Road, Diliman,
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FISHERIES ADMINISTRATIVE

ORDER NO. 267

Series of 2021

SUBJECT: RULES AND REGULATIONS GOVERNING THE LANDING AND TRANSHIPPING OF FISH AND FISHERY PRODUCTS THAT HAVE NOT BEEN PREVIOUSLY LANDED, AND OTHER PORT SERVICES IN THE PHILIPPINES BY FOREIGN-FLAGGED FISHING VESSELS.

Whereas, the Philippines ratified and adopted the United Nations Convention on the Law of the Sea;

Whereas, the Philippines is committed to implement the Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fishing and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

Whereas, the Philippines acceded to the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing on 26 April 2018 to which the Senate gave its concurrence on 05 March 2018;

Whereas, as a participating member in good standing of the Indian Ocean Tuna Commission (IOTC), the Philippines is committed to implement IOTC Resolution 16/11 titled; "On Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing";

Whereas, on 27 February 2015, Republic Act No. 10654 amending Republic Act No. 8550 (The Philippine Fisheries Code of 1998) lapsed into law;

Whereas, Section 41 of Republic Act 8550, as amended by Republic Act 10654, otherwise known as the "*Philippine Fisheries Code of 1998*", states that "*Commercial and other passage not in the regular conduct of fisheries activity shall be made at designated navigational lanes*";

Whereas, Section 42 of the same Code, provides that "*the Department is authorized to adopt port state measures that must be complied with by foreign fishing vessels. These measures shall include: prior notification of port entry, use of designated ports; restrictions on port entry and landing or transshipment of fish; restrictions on supplies and services; catch and other documentation requirements; port inspections; and other related measures.*";

In view of the foregoing and in the exercise of the authority to adopt port state measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing, the following rules and regulations governing landing and transshipment of fish and fishery products that have not been previously landed, and other port services in the Philippines by foreign-flagged fishing vessels is hereby issued for information and compliance by all concerned.

Chapter I GENERAL PROVISIONS

Section 1. Definition of Terms and Acronyms. For purposes of this Order, the following terms and acronyms are hereby defined as follows:

- a. Authorization to Enter Port – a document issued by PFDA allowing the foreign-flagged fishing vessel to enter into port.
- b. BAI – Bureau of Animal Industry - is an attached agency of the Department of Agriculture. It promotes the development of the livestock industry and investigates the causes of dangerous communicable diseases from animals so their spread could be prevented.
- c. BAIT – Boarding and Inspection Team – is an ad hoc team with DA-BFAR as the lead agency, composed of officials from PFDA, PCG, BOC, BI, BOQ, BPI, BAI and other relevant agencies, tasked to conduct boarding and inspections.
- d. BFAR – Bureau of Fisheries and Aquatic Resources - is the agency responsible for the development, improvement, management, and conservation of the country's fishery and aquatic resources and is also in charge of the implementation of PSMA.
- d. BI – Bureau of Immigration - is principally responsible for the administration and enforcement of immigration, citizenship, and alien admission and registration laws in accordance with the provisions of the Philippine Immigration Act of 1940.
- e. BPI – Bureau of Plant Industry – has the primary task of promoting the development of plant industries through research and development, crop production and protection and effective technology promotion and transfer.
- f. BOC – Bureau of Customs - is an attached agency of the Department of Finance, which is charged with assessing and collecting customs revenues, curbing illicit trade and all forms of customs fraud and facilitating trade through an efficient and effective customs management system.
- g. BOQ – Bureau of Quarantine - is mandated to ensure security against the introduction and spread of infectious diseases, emerging diseases and public health emergencies of international concern
- h. Conservation and Management Measures – any legally binding measures to conserve and manage living marine resources adopted by a regional fisheries management organization;
- i. Coastal State – the State or Country which has jurisdiction over the fishing areas where a particular fishing vessel conducted fishing or fishing-related activities.
- j. DA – Department of Agriculture - is responsible for the promotion of the country's agricultural development. It is the government agency responsible for the promotion of agricultural development by providing the policy framework, public investments, and support services needed for domestic and export-oriented business enterprises.
- k. Fish and Fishery Products – include not only finfish but also mollusk, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.
- l. Fishing- means searching for, attracting, locating, catching, taking or harvesting of fishery species from their wild state or habitat, or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting fish.
- m. Fishing related activities - means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping, or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea.

- n. Fishing vessel- any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.
- o. Flag State – the State or Country where the fishing vessel is registered and flies its flag.
- p. Foreign Fishing Operator – a person or entity that owns and provides the means including labor, capital, fishing gear, and vessel, which may or may not be engaged directly in fishing and fishing-related activities duly licensed by the Flag State, including the beneficial owner.
- q. Foreign-flagged fishing vessel – a fishing vessel registered in a country other than the Republic of the Philippines.
- r. Illegal Fishing – Refers to fishing activities:
 - 1) conducted by national or foreign vessels in waters under the jurisdiction of a State, without permission of that State, or in contravention of its laws and regulations;
 - 2) conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or
 - 3) in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization
- s. IUU fishing vessel list - means a list of vessels, adopted by a regional fisheries management organization, that have engaged in IUU fishing or fishing related activities in support of such fishing.
- t. Local Shipping/Transshipment Agent – any person, partnership or corporation duly organized and established under and by virtue of the laws of the Republic of the Philippines that acts as the legal agent or representative of the foreign fishing operator intending to avail/seek port entry into the Philippines.
- u. One Stop Action Center – A multi-agency government center created pursuant to Section 8 of this Order, whose principal tasks include: boarding and inspection, processing of documents of fishery products that are to be landed in the Philippines and shipped to foreign markets, and documentation of incoming and outgoing foreign vessels.
- v. PCG – Philippine Coast Guard - is an armed and uniformed service tasked primarily with enforcing laws within Philippine waters, conducting maritime security operations, safeguarding life and property at sea, and protecting marine environment and resources.
- w. PFDA – Philippine Fisheries Development Authority - is the government agency mandated by law to operate fish ports in the country. It is the port authority who has jurisdiction over the Davao Fish Port Complex and the General Santos Fish Port Complex.
- x. 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 waters 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 mile Exclusive Economic Zone and the continental shelf.

- y. Port – includes offshore terminals and other facilities for landing and transshipping and for other port services including packaging, processing, re-fuelling, re-supplying, maintenance, dry-docking or crewing.
- z. Port State – the State or Country which has jurisdiction over the port where a particular fishing vessel seeks entry and use of port-services.
- aa. Regional Fisheries Management Organization- an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish conservation and management measures;
- bb. Transshipment – refers to the transfer of any or all fish or fishery product from one vessel to another;
- cc. Unregulated Fishing – Refers to fishing activities:
 - 1) in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
 - 2) in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.
- dd. Unreported Fishing – Refers to fishing activities:
 - 1) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
 - 2) undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization;

Section 2. Objective. The main objectives of this Order are:

- a. To prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing and fishing-related activities in support of such fishing through the implementation of effective port state measures;
- b. To regulate the landing and transshipment of fish and/or fishery products that have not been previously landed and other port services in the Philippines by foreign-flagged fishing vessels;
- c. To establish the legality and complete traceability of fish and fishery products in order to complement the traceability system provided under BFAR Administrative Circular No. 251, series of 2014 and BFAR AC 251-1, series of 2020; and
- d. To promote sustainable use and long-term conservation of living marine resources.

Section 3. Application/Coverage. This Order applies to foreign-flagged fishing vessels and its crew, seeking entry into, or in a port subject to the jurisdiction of the Republic of the Philippines, except for container vessels that are carrying fish and/or fishery products that have been previously landed.

Section 4. Use of Port Facilities. Foreign-flagged fishing vessels seeking to use port facilities shall only call at duly designated ports under Section 6 after securing authorization from PFDA in the terms prescribed under Section 12 regardless of the means of transport of the fish and/or fishery products to their final destination.

Section 5. Passage. Foreign-flagged fishing vessels intending to call at any duly designated port shall pass through navigational lanes designated for this purpose .

Chapter II ENTRY INTO PORT

Section 6. Designated Ports in the Philippines. Foreign-flagged fishing vessels shall only use designated government-controlled ports under the jurisdiction of the PFDA.

The **Davao Fish Port Complex** and **General Santos Fish Port Complex** are hereby designated as the official designated ports in the Philippines. Provided that, foreign-flagged longline fishing vessels shall only use the Davao Fish Port Complex.

The Secretary of Agriculture, may designate additional ports or additional services of ports already designated for the purpose of compliance to port state measures subject to the concurrence of the concerned inter-agency Heads of Offices.

Section 7. Use of Non-Designated Ports. Foreign-flagged fishing vessels shall not be allowed to enter ports not designated under Section 6 unless in cases of *force majeure* or distress.

Section 8. Creation of One Stop Action Center (OSAC). For purposes of effectively implementing the provisions of this Order, DA-BFAR shall coordinate with other government agencies such as PFDA, PCG, BOC, BI, BOQ, BPI, and BAI to establish a One-Stop-Action-Center. As far as practicable, the said agencies may allocate funds for the operation and maintenance of OSAC. The procedures for the operationalization of OSAC shall be defined by DA-BFAR in coordination with other competent agencies.

Section 9. Accreditation/Registration of Local Shipping/Transshipment Agents. All Local Shipping/Transshipment Agents who facilitate the accreditation/registration of foreign-flagged fishing vessels and the provision of port services must be accredited/registered with DA-BFAR. No person or entity shall be allowed to transact business with foreign fishing operators without accreditation/registration from DA-BFAR.

Section 10. Vessel List. The DA-BFAR shall establish a list of foreign-flagged fishing vessels requesting the use of port services in the designated ports under Section 6. The local Shipping/Transshipment Agent shall facilitate the application for listing of foreign-flagged fishing vessels under their stewardship with DA-BFAR upon submission of the following documents:

- a. Duly accomplished and notarized application for vessel listing;
- b. Applicable fishing authorization/license;
- c. Registration paper issued by the competent authority of the Flag State which should include information on: flag, name of fishing vessel, registry number, IMO number/unique vessel identifier, previous name/s (if any), port of registry, date and place built, gross tonnage, net tonnage, length overall (LOA), depth, breadth.;
- d. Ownership document issued by the competent authority of the Flag State which should include information on, the name and address of the vessel operator;
- e. Two (2) copies of colored 5" X 10" recent vessel pictures (starboard & port side);
- f. International Radio Call Sign and Radio Frequency;

- g. Copy of Official Receipt reflecting payment of accreditation fee as follows;
 - 500 GT and below = P 5,000.00/year
 - 500.1 to 1,000 GT = P 10,000.00/year
 - 1,000.1 to 1,500 GT = P 15,000.00/year
 - More than 1,500 GT = P 20,000.00/year
- h. Profile and pictures of the master/captain and all crew members for verification and derogatory investigation; and
- i. Registered with the Western and Central Pacific Fisheries Commission or any other regional fisheries management organization where the vessel is operating.

Section 11. Pre-Arrival Requirements. Foreign-flagged fishing vessels shall notify the One-Stop Action Center (OSAC) via its Advanced Request for Port Entry (AREP), through the accredited Local Shipping/Transshipment Agent, **forty eight (48) hours** before the vessel's estimated time of arrival and shall provide OSAC the minimum required information set out in Annex I of this Order.

Section 12. Authorization to Enter Port. After receiving the relevant information pursuant to Section 11, the PFDA shall decide whether to authorize or deny the entry of the foreign-flagged fishing vessel in the designated ports under Section 6.

In case of authorization, the PFDA shall issue an authorization to enter port which shall be presented by the master/captain of the foreign-flagged fishing vessel upon the vessel's arrival at the designated port.

When the foreign-flagged fishing vessel is included in the IUU fishing vessel list or there is sufficient proof that the fishing vessel has engaged in IUU fishing or fishing-related activities in support of IUU fishing, the PFDA shall deny that vessel entry into the designated ports.

Notwithstanding the preceding paragraph, the PFDA may allow such foreign-flagged fishing vessel to enter into port exclusively for the purpose of boarding and inspection.

When such foreign-flagged fishing vessel is in port for any other reason, the PFDA shall deny use of port.

In case of denial of port entry, the PFDA shall, through DA-BFAR, promptly notify the decision to the flag State of the vessel and, as appropriate, to relevant coastal States, regional fisheries management organizations and international organization with the underlying reasons for the same.

Section 13. Force Majeure or Distress. Foreign-flagged fishing vessels shall be permitted to enter a port without subjecting the same to boarding and inspection required in Section 12 of this Order for reasons of force majeure or distress exclusively for the purpose of rendering assistance to the vessel and its crew in danger or distress but without prejudice to the imposition of existing health and other quarantine protocols.

Chapter III USE OF PORTS

Section 14. Use of Port. Where a foreign-flagged fishing vessel with an authorization to enter port pursuant to Section 12 has entered a designated port, the PFDA shall deny such vessel the use of port if:

- a. the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by:
 - i. its flag State; or
 - ii. a coastal State in respect of areas under its national jurisdiction;
- b. there is clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;
- c. the flag State does not confirm within a reasonable period of time, on the request of DA-BFAR that the fish on board was taken in accordance with applicable requirements of a relevant regional fisheries management organisation;
- d. the DA-BFAR has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of IUU fishing unless the operator can establish:
 - i. that it was acting in a manner consistent with relevant conservation and management measures; or
 - ii. in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, a vessel that had engaged in IUU fishing or included in the IUU fishing vessel list.

Notwithstanding the previous sub-section, the PFDA may allow a foreign-flagged fishing vessel the use of port services:

- a. where such services are essential to the safety and health of the crew or the safety of the vessel, provided these needs are duly proven; or
- b. as appropriate, for the scrapping of the vessel.

In case of denial of port use, the PFDA shall, through DA-BFAR, promptly notify the decision to the flag State of the vessel and, as appropriate, to relevant coastal States, regional fisheries management organizations and other international organization with the underlying reasons for the same.

Chapter IV BOARDING, INSPECTIONS AND SUBSEQUENT ACTIONS

Section 15. Priorities in Boarding and Inspection. The DA-BFAR shall ensure that boarding and inspections are prioritized in the following order:

1. Foreign-flagged fishing vessels which have been previously denied entry or use of port in the Philippines or in Port States other than the Philippines;
2. Foreign-flagged fishing vessels which have been requested by other relevant Parties, State and/or regional fisheries management organizations to be inspected, particularly where such requests are supported by evidence that the subject fishing vessel has engaged in IUU fishing or fishing-related activities in support of IUU fishing; and

3. Other foreign-flagged fishing vessels for which there are clear grounds for suspecting that they have engaged in IUU fishing or fishing-related activities in support of IUU fishing.

Section 16. Boarding and Inspection Formalities. To expedite boarding and inspection, the master/captain of the foreign-flagged fishing vessel is required to provide the inspectors with all necessary assistance and information, and to present the following documents and equipment:

- a. Inward/Outward Foreign Manifest / Cargo stowage plan
- b. Last Port of Call;
- c. Original copy of vessel's registration papers and fishing license;
- d. Original copy of catch report/logsheets;
- e. Vessel Logbook;
- f. Crew list, with their nationalities, Seaman's Book, passports of the crew and/or Seaman's VISA;
- g. Maritime Declaration of Health, valid Deratting Certificate, Medicine Chest Certificate and Vaccination list;
- h. Previous vessel tracking records; and
- i. Other documents and equipment as deemed necessary.

Section 17. Conduct of boarding and inspection. Ad hoc Boarding and Inspection Team (BAIT) shall be established by DA-BFAR to conduct boarding and inspections in accordance with the procedures defined under Annex II of this Order. DA-BFAR shall ensure that inspectors are properly qualified for that purpose, and that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel. During the course of inspections, inspectors will not interfere with the master's ability to communicate with the authorities of the flag State, in conformity with international law.

Section 18. Results of Boarding and Inspection. It shall be the duty of the DA-BFAR to file a written report on the results of every boarding and inspection conducted in the prescribed format set out in Annex III of this Order.

Section 19. Actions Following Inspections. The PFDA shall authorize the use of port services to the foreign-flagged fishing vessels once they have been cleared by BFAR. When there is evidence that the foreign-flagged fishing vessel has engaged in IUU fishing or fishing-related activities in support to IUU fishing inside Philippine waters, the PFDA shall deny the fishing vessel the use of port and, through DA-BFAR, initiate actions to impound the fishing vessel in accordance with the applicable provisions of Republic Act 8550, as amended, taking into account international agreements.

When there is evidence that the foreign-flagged fishing vessel in question has engaged in IUU fishing or fishing-related activities in support to IUU fishing outside Philippine waters (e.g. high seas or waters of other coastal States), the PFDA shall deny the fishing vessel the use of port and shall, through DA-BFAR, promptly notify the flag State of the fishing vessel and, as appropriate, relevant coastal States, regional fisheries management organizations and other international organizations, and the State of which the fishing vessel's master is a national with the underlying reason for the denial.

Section 20. Transmittal of Boarding and Inspection Results. As the lead agency in the implementation of this Order, DA-BFAR is hereby designated as the competent authority to communicate and transmit the results of the boarding and inspection carried out pursuant to this Order to the relevant flag State of the inspected vessel, relevant coastal State, regional fisheries management organizations, FAO and other relevant international organizations, and the State of which the fishing vessel's master is a national. DA-BFAR shall ensure that the transmittal of the boarding and inspection results pursuant to this Order and other relevant reports is conducted in a confidential and expeditious manner.

Section 21. Pre-Departure Requirements. Foreign-flagged fishing vessels shall secure the appropriate clearances from the concerned agencies:

- a. Departure clearance from PFDA inclusive of payment of port fees and charges;
- b. Clearances from BOQ, BI, BPI, BAI, DA-BFAR and PCG, as may be applicable; and
- c. Final exit departure clearance issued by the BOC.

The aforementioned clearances shall only be issued after full settlement of applicable taxes, penalties and charges.

Chapter V PROHIBITED ACTS AND PENALTIES

Section 22. Prohibited Acts of Foreign-flagged Fishing Vessels. The following acts are prohibited for foreign-flagged fishing vessels:

- a. Violation of fishery laws, rules, and regulations of the Republic of the Philippines;
- b. Entering into and/or using a non-designated port;
- c. Entering into and/or using a designated port without authorization;
- d. Non-cooperation, refusal to permit or interfere by any means in the conduct of official functions of concerned government agencies including on boarding and inspection;
- e. Submission of fraudulent papers, documents and/or false information to the authorities;
- f. Transacting business with foreign fishing operators without accreditation/registration from DA-BFAR pursuant to Section 9;
- g. Failing to comply with the pre-arrival requirement under Section 11; and
- h. Failing to comply with the boarding and inspection formalities under Section 16 and Section 17.

In cases of commission of the abovementioned prohibited acts, the vessel's captain/master and operator shall be subject to an administrative fine ranging from P100,000.00 to P5,000,000.00, unless otherwise provided for under applicable laws, rules and regulations. The amount of the said administrative fine shall depend on the socioeconomic impact and seriousness of the violation, volume and value of the fisheries product, damage to the environment due to the violation, and the habituality of the offender, pursuant to Section 128 of RA 8550, as amended.

The vessel's accreditation or authorization, if any, shall also be revoked or cancelled subject to the requirements of administrative due process.

The above is without prejudice to the vessel's civil, criminal and administrative liability under other provisions of RA 8550, as amended, and other applicable laws, rules and regulations.

In the event of abandonment of the vessel by the boat captain or master, the payment of fines and damages shall be imposed upon the Local Shipping/Transshipment Agents.

Section 23. Prohibited Acts of Agents. Local Shipping/Transshipment Agents who conceal/harbor, support, aid, abet or conspire with a foreign-flagged fishing vessels and its crew in the commission of any of the acts under Section 22 shall be removed from the list of accredited Local Shipping/Transshipment Agents of DA-BFAR. The accreditation of these agents shall be suspended, revoked or cancelled, and shall be subjected to an administrative fine of administrative fine ranging from P100,000.00 to P5,000,000.00 Section 128 of RA 8550, as amended. This is without prejudice to the imposition of civil, criminal and other administrative liability under relevant provisions of RA 8550, as amended, and other applicable laws, rules and regulations.

Chapter VI BILATERAL AND MULTILATERAL COOPERATION

Section 24. Cooperation with Other States or RFMOs. It shall be the responsibility of the DA-BFAR to notify the Flag State, Coastal State, relevant regional fisheries management organization/s, the Food and Agriculture Organization (FAO) and other relevant international organizations, and the State of which the master of the fishing vessel is a national, of its decisions in carrying out the objectives of this Order in a confidential and expeditious manner through the diplomatic channels.

Section 25. Exchange of Information with Other States, RFMOs and International Organizations. Whenever deemed necessary, DA-BFAR shall cooperate in the establishment of information-sharing mechanism and facilitate the exchange of information with flag States, coastal States, regional fisheries management organizations, FAO and other relevant international organizations.

Chapter VII MISCELLANEOUS PROVISIONS

Section 26. Observation of Health, Sanitation and Anti-Pollution Protocols and Requirements. Accredited foreign-flagged fishing vessels using port services shall, at all times, maintain cleanliness and sanitation on board the fishing vessel and within the port facilities; and shall strictly observe relevant domestic and international laws on anti-pollution. DA-BFAR shall coordinate with PCG to ensure close monitoring of compliance of all fishing vessels at port to sanitation and anti-pollution laws of the Republic of the Philippines. The port shall likewise provide Shore Reception Facility or accredit a duly licensed provider, in accordance with the procedures set by PFDA for this purpose, to ascertain compliance with applicable rules and regulations.

Section 27. Immigration Protocols. DA-BFAR and the PFDA shall require all foreign crew intending to leave the port to secure provisions or for rest and recreation to secure a *Shore Pass* from the BI and to always observe immigration laws. At no instance shall a foreign

crew be allowed to leave the port premises without complying with this particular requirement.

Section 28. Repealing Clause. All previous orders and/or part thereof that are inconsistent herewith are hereby repealed.

Section 29. Separability Clause. Should any portion or provision of this Order be declared unconstitutional or invalid, the other portions thereof which are not affected thereby shall continue to be in full force and effect.

Section 30. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation and upon registration with the Office of the National Administrative Register.

Issued this 3rd day of November, 2021 in Quezon City, Metro Manila Philippines.



WILLIAM D. DAR
Secretary,
Department of Agriculture



DEPARTMENT OF AGRICULTURE
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Undersecretary for Agri-Industrialization and for Fisheries
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Commodore EDUARDO B GONGONA PCG (Ret)
BFAR National Director

ANNEX I

Information to be provided in advance by vessels requesting port entry

1. Intended port of call
2. Port State
3. Estimated date and time of arrival in military form (e.g. 0100 HRS for 1:00 AM, 1200 HRS for 12:00 noon, 1400 HRS for 2:00 PM, 2400 HRS for 12:00 midnight)
4. Purpose (s)
5. Port and date of last port call
6. Vessel accreditation number in the Philippines
7. Name of the vessel
8. Flag State
9. Type of vessel
10. International Radio Call Sign (IRCS)
11. Vessel contact information
12. Vessel owner(s)
13. Beneficial owner(s), if applicable
14. IMO ship ID, if available
15. Certificate of registry ID
16. External ID, if available
17. RFMO ID, if available
18. Vessel Monitoring System (National/RFMO?) and type
19. Gross tonnage and net tonnage
20. Length
21. Beam
22. Draft
23. Vessel master name and nationality
24. Complete crew list indicating the name and nationality of all crew on board
25. Relevant fishing authorization(s)
26. Relevant transshipment authorization(s)
27. Transshipment information concerning donor vessels
28. Total catch onboard
29. Catch to be offloaded
30. Nature of sickness and/or injuries of crew, if there is any, and
31. Emergency or security assistance, if needed

ANNEX II

Boarding and Inspection Procedures

1) BFAR - Pre Boarding Preparations and Analysis

- a) BFAR to take stock of foreign-flagged fishing vessels scheduled to arrive at the designated port in the next days and conduct risk analysis in order to define composition and requirements of the Board and Inspect Team (BAIT). This is to include:
 - i) determining if the above-mentioned fishing vessels:
 - (a) have submitted the required Advance Request for Entry to Port (AREP) ;
 - (b) have been listed in relevant RFMO's:
 - (i) authorized record of fishing vessels; and/or
 - (ii) IUU Fishing vessel list;
 - ii) checking other databases such as the FAO Global Record, as well as other recognized systems such as IMO Global Information Shipping Information System, Electronic Quality Shipping Information System, in order to assess the fishing vessels' history.
- b) BFAR to prioritize order to board and inspect foreign-flagged fishing vessels in port, in accordance with Section 15.
 - i) in determining the prioritization, BFAR is to consider:
 - (a) the number of foreign-flagged vessels requiring inspection;
 - (b) the reasons for the call (landing, repairs, etc);
 - (c) the levels of inspections required; and
 - (d) the availability of inspectors.
- c) BFAR is to prepare deployment of BAIT by:
 - (a) determining the precise composition of the BAIT;
 - (b) according to availabilities, constitute teams, and designate team leaders;
 - (c) coordinate the date, time and location of port inspections, tasking teams with targets;
 - (d) prepare logistics (facilitate use of interpreters, vehicles, radios, etc); and
- d) On the day, BFAR is to:
 - i) brief BAIT leaders and deploy BAITs to the port to conduct inspections;
 - ii) inform foreign-flagged vessel which have not been cleared that masters are not authorized to use any kind of port facilities before authorization is provided by PFDA. This may entail waiting for other inspections to be completed, but all possible efforts should be made to avoid unduly delaying the fishing vessel, to minimize interference and inconvenience.

2) BAIT - Pre Boarding Planning and Preparations

- a) BAIT Leader to conduct a pre-boarding briefing to:
 - i) inform on the background of the foreign-flagged fishing vessel:
 - (a) crew characteristics;
 - (b) recent fishing activities including Vessel Monitoring System (VMS) plots;
 - (c) AREP information; and
 - (d) security and safety risks.
 - ii) discuss the boarding plan including:
 - (a) level of inspection; and
 - (b) assignment of duties to each BAIT member.
- b) Conduct communications and equipment checks.

3) Boarding Procedures

- a) BAIT Leader to proceed to foreign-flagged fishing vessel's bridge to:
 - i) provide credentials to vessel's master, explaining the reason for the boarding (e.g. all foreign-flagged fishing vessels are subject to inspection in accordance with the Port State Measures Agreement).
 - ii) inform master that no landing will be authorized until the BAIT has performed its inspection; and
 - iii) consider informing the master if the crew should muster in a specified area on deck.
 - b) During the course of the boarding, designated photographer to capture important elements of the fishing vessel, after informing the Master, including:
 - i) vessel name and external markings;
 - ii) gear and its location in the vessel;
 - iii) documentation; and
 - iv) catch.
 - c) BAIT Leader to commence fishing vessel documentation check, in order to verify validity, originality and authenticity:
 - i) Crew documentation to verify:
 - (a) Master's name and nationality;
 - (b) Master fisher's name and nationality;
 - (c) Names and nationalities of the crew; and
 - (d) Vessel agent's name and contact information.
 - ii) Fishing vessel documentation to verify that all the markings are consistent with the ship documentation including:
 - (a) International Maritime Organization (IMO) ship identification number;
 - (b) International Radio Call Sign (IRCS); and
 - (c) RFMO identification number.
 - iii) Verify documentation of ownership and ownership interest.
 - (a) RFMO records;
 - (b) vessel documents e.g. certificate of registry.
 - (c) fishing/ transshipment authorization documents;
 - (d) corporate documents; and
 - (e) information on joint ventures and companies with an interest in the vessel or license or permits.

NB - note and verify that the owner information is consistent on all documents.

 - iv) Other relevant documentation including:
 - (a) Master's notebook/journal;
 - (b) Fish master's journal:
 - (i) draw a line under the last logbook entry, sign and date the log.
 - (c) Fish Aggregating Device (FAD) Logs;
 - (d) Engine room log;
 - (e) Freezer log;
 - (f) Bunker receipts;
 - (g) Mate's receipts;
 - (h) Radio log;
 - (i) Crew bonus log; and
 - (j) Wastewater log.
 - v) Fishing authorization/permits.
 - vi) Analyze logbook data and verify position against electronic data.
- d) Examine electronic equipment including VMS, electronic logbook and GPS.
- e) Inspect catch by:

- i) comparing catch with the records/logbook, and fishing permit; and
- ii) determining the total catch using the fishing catch log and transshipment log (received catch).

During the course of the inspection, every action should be avoided that would adversely affect the quality of the fish and/or fishery products on board;

- f) Examine fishing gear and vessel spaces.
 - g) Interview the foreign-flagged fishing vessel master and compare latter's statements with information acquired from the Pre boarding Planning Phase, AREP, vessel documentation, GPS, fishing logbook, VMS plotted positions, catch, etc.
 - h) Interview observer, if on board, to verify master's statement.
 - i) Tag and secure the evidence where it can be guarded or secured against tampering.
- 4) Pre Disembarkation
- a) Boarding team to debrief on inspection in secure location.
 - b) Conclude whether the foreign-flagged fishing vessel is in compliance with applicable laws, regulations and CMMs such as, but not limited, to:
 - i) fishing authorizations/permit;
 - ii) transshipment permits/record;
 - iii) VMS;
 - iv) vessel markings and identification;
 - v) daily catch and reporting requirement;
 - vi) data buoys;
 - vii) FAD closure and catch retention requirements;
 - viii) regional Observation Program requirements;
 - ix) CMMs addressing the impact of purse seine activity on cetacean-dolphin, whales and porpoises; and
 - x) protection of whale sharks from purse seine operation.
 - c) If foreign-flagged fishing vessel appears to be operating in accordance with national laws and regulations or regional or international obligations, thank master for cooperation, informing master of outcome of inspection.
 - d) If foreign-flagged fishing vessel is suspected of violating applicable laws, regulations or CMMs:
 - i) inform master of the suspected violation;
 - ii) inform master whether landing is authorized, after receiving authority from BFAR.
 - iii) if landing is authorized, follow the whole landing (on board, on the wharf, and in the cold store);
 - iv) after the landing is finished, BAIT to conduct a second debriefing to finalize the inspection report and decide upon subsequent measures.
 - e) Irrespective of whether c) or d) above:
 - i) obtain the master's signature on the inspection report (Note: this is just for confirmation of receipt); and
 - ii) provide a copy of the inspection report and relevant pictures to the vessel master (or agent).

5) Post Boarding Activities

- a) In case of violation of applicable laws, regulations or CMMs:
 - i) BAIT Leader to ensure:
 - (a) BAIT statements are collected;
 - (b) evidence is collected and clearly marked in preparation for court proceedings; and

- (c) notes consolidated in preparation for submission of full report to prosecutor.
- ii) BFAR is to:
- (1) direct BAIT Leader whether:
 - (a) foreign-flagged fishing vessel is to be seized;
 - (b) crew is to be arrested/detained and if so, where to accommodate; and
 - (c) catch is to be preserved/disposed;
 - (2) indicate to PFDA whether fishing vessel shall be allowed use of port facilities.
 - (3) Commence legal/administrative proceedings.
 - (4) notify:
 - (a) national law enforcement entities;
 - (b) flag State of foreign vessel;
 - (c) state of which the vessel's master is a national;
 - (d) relevant RFMOs; and
 - (e) FAO and other relevant organizations.
- b) In case the foreign-flagged fishing vessel is operating in compliance with applicable laws, regulations and CMMs:
- (1) notify:
 - (a) national law enforcement entities;
 - (b) flag State of foreign fishing vessel;
 - (c) relevant RFMOs; and
 - (d) FAO and other relevant organizations;
 - (2) Update inspection report and statements into relevant databases.

ANNEX III
Prescribed Format of Boarding and Inspection Report

BOARDING AND INSPECTION REPORT

1. BAI Report No.	2. Port State:	
3. Inspecting Authority:		
4. Name of Inspector/s:		ID No/s.
5. Port of Inspection:	6. Date of Inspection Started: (MM/DD/YYYY HHHH)	7. Date of Inspection Completed: (MM/DD/YYYY HHHH)
8. Advanced Notification Received? <input type="checkbox"/> YES <input type="checkbox"/> NO	9. Name of Port and State of last port call:	10. Date of last port call (MM/DD/YYYY):
11. Fishing Vessel Name:		12. Flag:
13. Type of Fishing Vessel:	14. International Radio Call Sign (IRCS):	15. Registry Number/ID:
16. IMO ID, if available:	17. External ID, if available:	18. Port of Registry:
19. Fishing Vessel Owner:		
20. Owner Address:		

21. Name of Local Agent in the Philippines:		
22. Name of Master/Captain of Fishing Vessel:	<i>Nationality:</i>	
23. Name of Fishing Master:	<i>Nationality:</i>	
24. Vessel Monitoring System:	<i>Transponder ID:</i>	<i>RFMOs:</i>

Instruction to the Inspector: USE ONLY GREEN BALLPEN OR SIGN PEN IN FILLING UP THE BOARDING AND INSPECTION REPORT.

BAI Report No. _____ *Continued*

25. Status in Regional Fisheries Management Organization areas where fishing or fishing-related activities have been undertaken, including any IUU vessel listing:

<i>RFMO</i>	<i>Fishing Vessel Registry No./IMO No.</i>	<i>Flag State Status</i>	<i>Fishing Vessel on Authorized Vessel List/Registry? (Yes/No)</i>	<i>Fishing Vessel on IUU Vessel List? (Yes/No)</i>

26. Relevant Fishing License(s), Permit(s), or Authorization(s):

<i>Fishing License or Permit or Authorization No.</i>	<i>Issued by</i>	<i>Validity Period</i>	<i>Fishing Area/Species</i>	<i>Gear</i>

27. Relevant Transshipment-At-Sea Authorization(s):

<i>Transshipment-At-Sea Authorization No.</i>	<i>Issued by:</i>	<i>Validity Period:</i>

28. Transshipment-At-Sea Information Concerning Donor/Transferring Vessels:

<i>Name of Transferring Vessel</i>	<i>Flag</i>	<i>IRCS</i>	<i>Species Transshipped-At-Sea</i>	<i>Quantity (MT)</i>	<i>Transshipment-At-Sea Position</i>	
					<i>Latitude</i>	<i>Longitude</i>

29. Estimated Catch to be Landed:			30. Estimated Catch Retained on Board:		
<i>Species</i>	<i>Form</i>	<i>Quantity (MT)</i>	<i>Species</i>	<i>Form</i>	<i>Quantity (MT)</i>
31. Examination of Logbooks and Other Documentation(s)?:		<i>Yes/No</i>	32. Compliance with Applicable Catch Documentation Scheme(s)?:		<i>Yes/No</i>
<i>Comments:</i>			<i>Comments:</i>		
1. BAI Report No:					

33. Findings of the Inspector(s):

34. Apparent infringement(s) noted including reference to relevant legal instrument(s):

35. Documents Checked and Gathered:

36. Comments of the Fishing Vessel Master/Captain:

37. Port Services Sought (*check appropriate box*): Landing Transshipment Refueling Resupplying Food Water Bait Ice Gear Supplies Others
 Packaging Processing

38. Action(s) Taken:

Inspected by:

Printed Name, Signature and Seal
of BFAR Lead Fisheries Inspector

Concurred:

Printed Name, Signature and Seal
of Fishing Vessel Master/Captain

Noted by:

Printed Name, Signature and Seal
of PFDA