



Republic of the Philippines
OFFICE OF THE SECRETARY
Elliptical Road, Diliman
1100 Quezon City

**FISHERIES ADMINISTRATIVE
ORDER NO. 266 :**
(Series of 2020)

SUBJECT: RULES AND REGULATIONS ON THE IMPLEMENTATION OF VESSEL MONITORING MEASURES (VMM) AND ELECTRONIC REPORTING SYSTEM (ERS) FOR COMMERCIAL PHILIPPINE FLAGGED FISHING VESSELS AMENDING FAO 260 SERIES OF 2018

WHEREAS, SEC. 119 of Republic Act No. 8550 as amended by Republic Act No. 10654, entitled "An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Amending Republic Act No. 8550, Otherwise Known as the Philippine Fisheries Code of 1998 and for Other Purposes", provides that no municipal, commercial or distant water fishing vessel shall engage in fishing activity without complying with the vessel monitoring measures promulgated by the Department of Agriculture- Bureau of Fisheries and Aquatic Resources (DA-BFAR) in coordination with the Local Government Units.

WHEREAS, in accordance with Section 14 of the Fisheries Code, as amended, the DA-BFAR is mandated to establish a Monitoring, Control and Surveillance (MCS) system in coordination with the LGUs, FARMCs, the private sector and other agencies concerned to ensure that the fisheries and aquatic resources are judiciously and wisely utilized and managed on a sustainable basis and conserved for the benefit and enjoyment exclusively of Filipino citizens.

WHEREAS, the Philippines is a signatory to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and is a party to various Regional Fisheries Management Organizations (RFMOs), Western Central Pacific Fisheries Commission (WCPFC), Island Overseas Transport Corporation / Indian Ocean Tuna Commission (IOTC) and International Commission for the Conservation of Atlantic Tunas (ICCAT) and other Tuna RFMOs, as such, the Philippines must implement management measures such as vessel monitoring systems in accordance with the Convention and resolutions issued of the RFMOs.

WHEREFORE, the Department in consultation with the NFARMC hereby promulgates the rules and regulation on the vessel monitoring measures) the importance of vessel monitoring measures as an MCS tool to achieve the conservation and management of fisheries and aquatic resources in the Philippines and pursuant to the foregoing laws, the Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (DA-BFAR) hereby promulgate and implement the following rules and regulations, in accordance with Republic Act No. 8550 as amended by Republic Act No. 10654, for compliance of all concerned.

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CHAPTER I General Provisions

Section 1. Objectives - This order has the following objectives:

- a. To enhance monitoring of fishing operations for fisheries management through the implementation of vessel monitoring measures.
- b. To enhance law enforcement to regulate the capture fisheries sector towards achieving long term resource sustainability.
- c. To implement vessel monitoring measures to track fishing behavior for scientific research and data.
- d. To establish a system that will facilitate law enforcement and aid in case building and prosecution of fisheries law violations.
- e. To gather data on fishing effort and catch data by means of an electronic reporting system which will serve as basis for fisheries management measures.
- f. To aid in the seafood traceability and catch documentary requirements of the government.
- g. To ensure safety for fishers thru a tracking device that would monitor the vessels' location during accidents and disasters.
- h. To implement policies embodied in Republic Act 8550, as amended by RA 10654 and its implementing rules and regulations, relating to the vessel monitoring requirements of fishing vessels

Section 2. Definition of Terms

For purposes of this Order, the following terms as used herein shall mean and shall be construed as follows:

- a. **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 radio data communications to transmit information concerning the Philippine flagged fishing vessels positions, fishing activities, and any other activity of the vessel as may be required.
- b. **Catcher vessel** - a type of fishing vessel with fishing gear on board and does the actual catching of fish.
- c. **Commercial Fishing** - the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:
 - i. **Small scale commercial fishing** – fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) gross tons,



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- ii. **Medium scale commercial fishing** – fishing utilizing active gears and vessels above 20 GT up to one hundred fifty (150) GT, and
 - iii. **Large scale commercial fishing** – fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.
- d. **Commercial Fishing Vessel License (CFVL)** - Refers to a permit to operate specific types of fishing vessel for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources
 - e. **Commercial Fishing Gear License (CFGL)** - Refers to a permit to operate specific types of fishing gear for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources
 - f. **Department** -the Department of Agriculture
 - g. **Director** -the Director of the Bureau of Fisheries and Aquatic Resources
 - h. **Bureau** – Bureau of Fisheries and Aquatic Resources (BFAR).
 - i. **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.
 - j. **Electronic Reporting System (ERS)** – is used to record, report, process, store and send fisheries data (catch, landing, and transshipment).
 - k. **High Seas** – the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
 - l. **IRR** – Implementing Rules and Regulations of the Fisheries Code, as amended (RA 8550, as amended by RA 10654).
 - m. **IUUF** – Illegal, Unregulated and Unreported Fishing.
 - n. **Fish Aggregating Devices (FADs)** – any man-made structures deployed in fishing grounds, either anchored or drifting, which is used mainly for the purpose of aggregating fish.
 - o. **Fisheries Monitoring Center (FMC)** - serves as a land-based component for fisheries monitoring control and surveillance which operates and maintains the Vessel Monitoring Measures either at a national or regional level.
 - p. **FMC Software / VMS / VMM Software** – refers to the Software acquired by the BFAR that has the ability to monitor/track and manage all registered and licensed Philippine Flagged Vessels operating within the Philippine waters and areas beyond national jurisdiction.



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- q. **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.
- r. **Marine Protected Areas (MPAs)** – a defined area of the sea established and set aside by law, administrative regulation, or any other effective means in order to conserve and protect a part of or the entire enclosed environment through the establishment of management guidelines. It is considered a generic term that includes all declared areas governed by specific rules or guidelines in order to protect and manage activities within the enclosed area.
- s. **Philippine waters** – include all bodies of water within the Philippine territory such as lakes, rivers streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays, seas and other bodies of water now existing or which may here after exist in the provinces, cities, municipalities, and barangays, and 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.
- t. **Regional Fisheries Management Organizations (RFMOs)** – regional organizations that implement conservation and management measures in tuna such as IOTC, ICCAT, CCSBT and WCPFC in which the Philippines is a member or cooperating non-member.
- u. **Sensitive Technical Information** – all data from the vessel monitoring system or vessel monitoring measure and other related data arising therefrom shall be considered as sensitive technical information.
- v. **Vessel Monitoring Measures (VMM)** – a method or a system used to track and monitor the position, course and speed of the vessels at any given time for the purpose of management of fishing effort and fisheries resources and for traceability. This shall cover VMS and other measures.
- w. **Vessel Monitoring System (VMS)** - a system that tracks, monitors and manages fishing vessels.

Section 3. Scope

All commercial catcher fishing vessels operating in Philippine waters and all fishing vessels in distant waters shall not engage in fishing activity without the vessel monitoring measures as established in FAO 260 and herein.



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The VMS shall apply to all licensed Philippine flagged commercial fishing 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.

However, all catcher fishing vessels operating within Philippine waters which includes the Exclusive Economic Zone (EEZ), the VMS shall be implemented in phases as follows:

Vessel Tonnage	Schedule of Implementation
Above 200 GT	Immediate
150 to 200 GT	Immediate
100 to below 150 GT	Immediate
50 to below 100 GT	Immediate
30 to below 50 GT	Immediate
3.1 to below 30 GT	Within 1 year from the effectivity of this FAO

Section 4. Electronic Reporting System (ERS)

ERS shall be used to record and report catch data to the DA-BFAR for all vessels subject to VMM.

All catcher vessels 30 GT and above operating either in the high seas or with access rights to fish in other coastal states and/or fishing in the Philippine EEZ shall have an installed Electronic Reporting System which can connect to the VMS transceiver to send fishery information to BFAR.

For all other vessels, a combination of onboard and port ERS systems shall be implemented to electronically capture and report catch information.

The ERS must be able to provide BFAR with the following minimum information:

1. Species and volume of fish caught
2. Position of the vessel where the fish was caught
3. Date and Time
4. Vessel activity
5. Port of Origin and Arrival
6. Tracking and reporting devices used
7. Margin of tolerance and weight for catch reporting
8. Data manual reporting in case of operational failure



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CHAPTER II Implementation of Vessel Monitoring Measures

Section 5. Fisheries Monitoring Center (FMC)

The National Fisheries Monitoring Center shall host the monitoring system of all Philippine flagged fishing vessels within Philippine waters which includes the EEZ, the high seas and other countries' exclusive economic zones for the purpose of conservation and management of fisheries resources.

The FMC, located at the DA-BFAR Central Office in Quezon City, shall be the main center for monitoring and gathering data for the purpose of this Order.

Section 6. Regional Fisheries Monitoring Center

This shall be established in the Regional Offices of the DA-BFAR to have the capability to access the data/ software at the FMC thru a secured network. The FMC has the full authority to control and grant access to the network of the Regional Offices of the DA-BFAR, which shall have data access to the VMS in all regions.

Section 7. Data Access

Data access shall be in accordance with the provisions of Section 127 of the Fisheries Code as amended by RA 10654 and Rule 127.1 of its IRR.

Section 8. Data Access by Vessel Operators

Vessel operators shall have access to data generated by VMS via the ERS interfaces. The DA-BFAR shall grant access of the VMS data to the fishing vessel owner/ operator who acquired and installed the ALC and ERS to their own fishing vessel. The VMS data that the commercial fishing vessel owner/operator can access is only as regards their own fishing vessels.

Section 9. Vessel Monitoring Measures in Marine Protected Areas

In coordination with the DA-BFAR, Protected Area Offices of each MPA shall have access to VMS data within their areas of jurisdiction in accordance with Section 127 of the Fisheries Code, as amended by RA 10654, and Rule 24.1 and Rule 127.1 of its IRR.

In such case, the DA-BFAR shall transmit pertinent data to the Protected Area Offices under national laws and Executive Orders, local government units involved, and to concerned authorities such as the Philippine Coast Guard (PCG) and the Philippine National Police (PNP) as may be necessary and appropriate.



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Section 10. VMM Requirement for Registration or License Renewal

As a prerequisite for registration or license renewal, all commercial fishing vessels must secure a certification confirming that:

- a. An accredited ALC has been installed and verified as fully operational by DA-BFAR.
- b. The ALC unit deployed has been accredited and certified as meeting the minimum standards set by the DA-BFAR.

Each ALC shall contain the vessel name, fishing gear, fishing ground and other parameters contained in the vessel registration. The DA-BFAR shall only register the commercial fishing vessel to the VMS upon successful registration or renewal license with the corresponding certification attached.

Section 11. Certification

The certification mentioned above shall be secured from the DA-BFAR Regional Office which either has jurisdiction over the homeport of the fishing vessel or the principal address of the owner, following verification of correctly installed and operating ALC.

CHAPTER III

Operational Requirements for Vessel Monitoring Measures

Section 12. Minimum Data Requirements

The DA-BFAR shall establish the following minimum data requirements for each vessel to be accredited under each vessel license:

- a. Unique vessel identifier
- b. Vessel name
- c. Allowed fishing gear and activity
- d. Allowed fishing ground

The foregoing requirements do not preclude the inclusion of other advanced data features such as activity monitoring (e.g. fishing, transshipping, searching, etc.) and catch (e.g. electronic logbook) provided that it complies with the minimum data requirements.

Section 13. Approved Type

The ALC to be installed on-board registered and licensed vessels must be in accordance with the approved type and minimum standards which is set by the DA-BFAR FMC (See Appendix 1: FIMC Rules on ALC). All approved types must also



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be registered and accredited by the DICT-National Telecommunications Commission (NTC).

Section 14. Accredited Data Systems

The VMS system shall be open to various ALC communication systems provided that such ALC delivers the required functionalities.

Provided that, all licensed Philippine flagged commercial fishing 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 shall be installed with a certified ALC.

Section 15. Accreditation of Data Systems

All data systems that shall be used must first be accredited with the FMC vessel monitoring system for compatibility before it may be deployed for use in fishing vessels. If there is any future technology that may be developed for vessel monitoring purposes, such developer/supplier shall apply for accreditation under the DA-BFAR which shall issue a certification to that effect.

Section 16. Accreditation of Service Provider

Private service providers may apply for accreditation with the DA-BFAR to supply ALC and ERS devices for fishing vessels. Such provider shall have the following qualifications:

- a. Legal entity must be duly registered or recognized under Philippine laws.
- b. Must not have any past or pending criminal or fisheries administrative cases.

Such Private Service Providers shall execute a non-disclosure agreement with the DA-BFAR containing standards of encryption and storage to protect sensitive information and VMS data as well as other technical safeguards that may be required. The agreement must also contain an accountability clause of the private service provider in case of breach of terms, unauthorized disclosure and failure or malfunctioning of the ALC devices, among others.

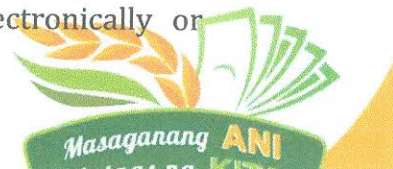
All accredited service providers shall ensure that their ALC and ERS units must comply with the operational requirements provided herein as a prerequisite of its accreditation.

Section 17. Tamper Proof Requirement

The DA-BFAR shall ensure accredited ALC are tamper-proof i.e. are of a type and configuration that prevent the input or output of false positions, and that are not capable of being over-ridden, whether manually, electronically or



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otherwise. As such, Owners/ Operators cannot disconnect, hack or transmit false information through the ALC.

Furthermore, all ALC equipment shall be sealed units and benefit from anti-tamper functionality which prevents and reports unauthorized physical removal and/or tampering to ensure the integrity of the VMS data.

Section 18. Distress Signal

All ALC shall have a distress alert button which when activated will trigger an emergency transmission to alert and locate the vessel.

Such distress signal shall be transmitted simultaneously and must be picked up by the Philippine Coast Guard (PCG) as well as other concerned government agencies, as well as other vessels in the area which can pick up the frequency of the distressed vessel.

Section 19. Transmission of Data

All ALC and ERS devices shall be turned on at all times and automatically activate when the vessel is active.

Each ALC shall transmit through either satellite or terrestrial systems to the FMC the identity, position, course, speed and status of the vessels at any given time, as well as any emergency distress signals that might originate and other information required by the DA-BFAR.

All standard transmissions from ALC shall be encrypted to ensure data integrity – SOS transmissions shall not be encrypted.

Section 20. Frequency of Reporting

Fishing vessels shall keep their ALC activated at all times and shall be required to transmit a status report to the FMC a minimum of 24 times per day. Vessels equipped with ERS shall be required to transmit a minimum of one catch report per day.

Section 21. Operational Performance

All units deployed must be certified as meeting the minimum standards set by the DA-BFAR. For this purpose, all ALC units shall be accredited by the DA-BFAR and must be inspected upon registration/ renewal of license to ensure operational performance and installation in accordance with Section 11.



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Section 22. Inoperability of Units

In the event of a technical failure or non-functioning of the ALC on board the fishing vessel, the Master or Operator shall communicate this immediately to the FMC within five (5) days from return to port.

In the interim upon technical failure/non-functioning until return to port, the Master or Operator is required to conduct manual reporting every 4 hours by transmitting their positions through other communication channels (e.g. radio, phone, email, etc.) until the fishing vessel is docked and the failure reported to the DA-BFAR.

The unit must be replaced with an accredited ALC device which must be certified and attested to by the DA-BFAR technical inspector within one month from return to port.

Section 23. Confidentiality and Authorized Disclosure of Sensitive Technical Information

VMS data from the vessel monitoring system or vessel monitoring measure and other related data arising therefrom shall be considered as sensitive technical information, except in the following instances of authorized disclosure, provided the affected party is informed of such disclosure:

- a. When officially requested by a government agency to be used as evidence for the prosecution of fishery or other offense;
- b. When requested by the flag coastal or port state for its own investigation or traceability; or
- c. Other analogous circumstances.

Any unauthorized disclosure of VMS data by any person shall be penalized with imprisonment of six (6) months and one day to six (6) years, removal from office and forfeiture of all retirement benefits, where applicable.

The DA-BFAR shall take such measures as may be necessary to protect sensitive technical information, when disclosure of such information will injure the competitiveness or viability of domestic fisheries.

CHAPTER IV Penalties

Section 24. Non-compliance with Vessel Monitoring Measures

No commercial or distant water fishing vessel shall engage in fishing activity without complying with the vessel monitoring measures and electronic



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reporting system set herein. It shall also be unlawful to intentionally tamper with, switch off or disable the vessel monitoring system.

Any violation of this section shall be dealt with in accordance with Section 119 of the Fisheries Code, as amended by RA 10654.

CHAPTER V Miscellaneous Provisions

Section 25. Repealing Cause

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

Section 26. Effectivity

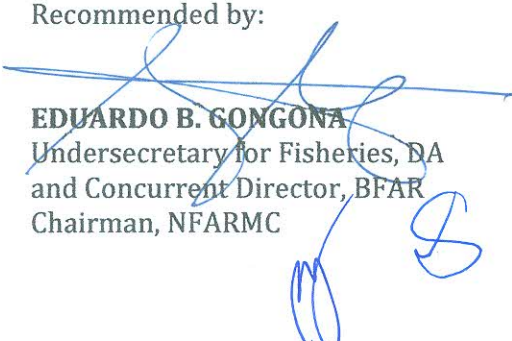
This Order shall take effect fifteen (15) days after publication in one (1) newspaper of general circulation and upon filing with the Office of the National Administrative Register.

Issued this ____ day of **OCT 12 2020** in Quezon City, Philippines



WILLIAM D. DAR, PH.D.
Secretary
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Recommended by:



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