



**PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS**  
(National Headquarters Philippine Coast Guard)  
139 25<sup>th</sup> St., Port Area  
1018 Manila

**NHQ-PCG/CG-14**

**11 February 2019**

**STANDARD OPERATING PROCEDURES**  
**NUMBER.....03-19**

**IMPLEMENTING GUIDELINES OF PORT STATE MEASURES AGREEMENT  
AGAINST ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING**

**I. AUTHORITY**

1. Republic Act 9993
2. Implementing Rules and Regulations of RA 9993

**II. REFERENCES:**

1. Republic Act 8550 (Philippine Fisheries Code of 1998) as amended by Republic Act Nr. 10654 "An Act to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing"
2. Port State Measures Agreement for IUU Fishing
3. Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fishing
4. 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
5. FAO Fisheries and Aquaculture Circular No. 1074
6. Voluntary Guidelines on Flag State Performance, Food and Agriculture Organization of the United Nations

**III. SCOPE:**

This Standard Operating Procedure (SOP) shall apply only to all types of foreign-flagged fishing vessels and its crew engaged or known to have engaged in Illegal, Unreported and Unregulated (IUU) fishing or fishing related activities in support of IUU fishing, seeking entry into, or in a port to which the Philippine has jurisdiction.

#### **IV. PURPOSE AND OBJECTIVES:**

##### **Objectives:**

1. To rationalize, strengthen, and ensure more effective implementation and enforcement of fisheries law, rules and regulations against IUU fishing, the provisions of Port State Measures Agreement (PSMA) and other related international laws, convention, rules and regulations, treaties and instruments; and
2. To assist PCG personnel in the detection of fishing vessels engaged or known to have engaged in the aforementioned acts.

##### **Purpose:**

1. Provides basic guidelines for PCG personnel in the implementation of Port State Measures Agreement and in the conduct of management and control of IUU fishing or fishing related activities in support of IUU fishing in accordance with PSMA;
2. Prescribes the procedures in the conduct of boarding and inspection by PCG personnel to determine whether a foreign-flagged fishing vessel is engaged in IUU fishing or fishing related activities in support of IUU fishing; and
3. Outlines the responsibilities and the appropriate actions to be taken by the concerned PCG personnel.

This Standard Operating Procedure (SOP) is intended to provide basic guidance for Philippine Coast Guard personnel in the conduct of management and control of illegal, unreported and unregulated illegal fishing in the country in accordance with the provisions in the Port State Measures Agreement (PSMA). It is also the goal of this SOP to assist PCG personnel in the detection of fishing vessels engaged in the aforementioned acts.

#### **V. DEFINITION OF TERMS:**

1. **BFAR** – Bureau of Fisheries and Aquatic Resources
2. **BI** – Bureau of Immigration
3. **BOC** – Bureau of Customs
4. **BOQ** – Bureau of Quarantine
5. **LITTORAL STATE** – the State or country which has jurisdiction over the fishing ground where a particular vessel conducted fishing activities.
6. **FISH** – means all species of living marine resources, whether processed or in its natural habitat.

7. **FISHERY PRODUCTS** – includes fish and other aquatic species in any forms.
8. **FISHING** – means searching for attracting, locating, catching, taking or harvesting or any activity that can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish;
9. **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 provisioning of personnel, fuel, gear and other supplies at sea.
10. **FISHING VESSEL** – any boat or 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, transportation and/or processing.
11. **FLAG STATE** – the State or Country where the fishing vessel is registered, or flagged, is responsible for monitoring the activity of its vessels wherever they are.
12. **FOREIGN FISHING OPERATOR** – a person or entity who/which 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.
13. **ILLEGAL FISHING** – refers to activities conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations; activities 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 thereof; or activities in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

14. **LOCAL AGENT** – any person, partnership or corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines who/which acts as the legal agent or representative of the foreign fishing operator intending to avail/seek port entry into the Philippines.
15. **PCG LET** – Philippine Coast Guard Law Enforcement Team
16. **PFDA** – Philippine Fisheries Development Authority
17. **PPA** – Philippine Ports Authority
18. **PHILIPPINE WATERS** – include all bodies of water within the Philippine territory including waters under its jurisdiction 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.
19. **PORT** – a land-based or offshore facility that serves as the point of entry for vessels seeking to avail for basic services such as landing or product/goods, transshipment, packaging, processing, refueling, resupplying, maintenance, dry-docking and other basic port services.
20. **PORT STATE** – the State or Country which has jurisdiction over the port where a particular fishing vessel seeks to enter and avail basic port services.
21. **PSCO** – Port State Control Officer
22. **PSMA** – Port State Measure Agreement was adopted on 22 November 2009 by the Conference of the United Nations Food and Agriculture Organization to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA). The PSMA entered into force on 5 June 2016 after the threshold needed – ratification by 25 governments – was surpassed.
23. **RFMO** – Regional Fisheries Management Organization.
24. **TRANSSHIPMENT** – refers to the transfer of all or any fish or fishery product from one vessel to another.

25. **UNREPORTED FISHING** – refers to the fishing activities which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or fishing activities 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 and further elaborated by regulations to be promulgated by the Department of Agriculture.
26. **UNREGULATED FISHING** – refers to fishing activities in the area of application of a relevant 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 fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or fishing activities in areas or for fish stocks in relation to which there are no such fishing activities that are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international laws.
27. **VESSEL** – means any vessel, ship of another type or boat used for, equipped for, equipped to be used for, or intended to be used for, fishing or fishing related activities.

**VI. RESPONSIBILITIES:**

**1. District Commander**

- a) Shall monitor the operation of Stations under his command relative to the entry of foreign fishing vessels to ensure that the same has the necessary accreditation from BFAR and not engage in illegal, unreported and unregulated fishing;
- b) Shall ensure proper coordination with BFAR of all the operations to be conducted by PCG Law Enforcement Team prior to the actual operations;
- c) Shall expedite the submission of reports required hereunder;

- d) Shall record, keep and maintain list of foreign-flagged fishing vessels engaged in IUU fishing or fishing related activities in support of IUU fishing for future reference and information and copy furnish the concerned PCG units;
- e) Shall cause to recommend to BFAR the subject foreign-flagged fishing vessel to be included in the IUU fishing vessel list, deny of entry and other port services including blacklisting;
- f) Shall ensure that the provisions of this SOP are properly implemented and observed.

## **2. Station Commander**

- a) Shall monitor all ports under his AOR including the designated landing ports for specially regulated types of fish;
- b) Shall monitor all the foreign fishing vessels calling the ports to ensure if said vessel has the necessary documentation of accreditation with BFAR;
- c) Shall properly coordinate with the Philippine Ports Authority in case of public ports and the owner of private ports of operations to be conducted inside the said ports relative to the implementation of this SOP;
- d) Shall create PCG Law Enforcement Team with appropriate order;
- e) Shall supervise the **Inspection Team** composed of PCG Law Enforcement Team and BFAR Inspector, in the conduct of inspection and operation at the ports relative to the implementation of this SOP;
- f) Shall record, keep and maintain list of foreign-flagged fishing vessels engaged in the afore-cited acts and copy furnish the District Commander.

## **3. PCG Law Enforcement Team (PCG-LET)**

- a) Shall properly conduct inspection on the foreign fishing vessel together and in coordination with Fisheries Inspectors from BFAR;
- b) Shall ensure that the foreign fishing vessels have the proper documentation; and

- c) In case of detention, shall immediately inform CPCG (Attn: CG-14/CGAC) and respective District Commanders.

**4. DCCGS for Maritime Security Service, CG-14**

- a) Shall transmit inspection report and information on measures taken after inspection to the Flag State and, as appropriate, other relevant States, RFMO, the FAO and other relevant international organization;
- b) Shall consolidate all reports and records on file relative to the conduct of boarding and inspection.

- 5. The Director, Coast Guard Action Center (D, CGAC) shall monitor the status of the foreign fishing vessel until released, as the case may be.**

**VII. PROCEDURES:**

**1. Entry into Ports**

The Inspection Team shall:

- a) Inspect all foreign fishing vessels calling at ports particularly those that did not notify of their arrival as being required by Philippine Fishery Law;
- b) Immediately require the master/captain to submit the Pre-Arrival documents/requirements, to wit:
  - 1. Name, registry and accreditation number of fishing vessel;
  - 2. Outward manifest of fishing vessel's Last Port of Call
  - 3. Complete crew list indicating the name and nationality of the crew on board
  - 4. Copy of catch log sheet which indicates the volume and species of fish caught, date, time as well as coordinates of the fishing ground;
  - 5. Copy of applicable fishing license from Coastal State or applicable RFMO;
  - 6. Seaman's Book and Passport of crew;
  - 7. Cargo manifest
  - 8. Vessel Logbook
  - 9. Original copy of vessel's registration documents and fishing license
  - 10. Vessel Monitoring System;
  - 11. Other necessary documents



- c) If the foreign fishing vessel does not have a valid authorization from the flag state or the coastal state to engage in fishing or fishing-related activities or no valid accreditation, and found to have violated IUU fishing provisions, the same shall be subject to detention, its fishing equipment, fishing gear and fish catch shall be confiscated in accordance with Philippine Fishery laws, rules and regulations with proper inventory and photographs. Disposition of fish catch shall be with the BFAR;
- d) Only foreign fishing vessels which have accreditation and cleared to enter port shall be allowed to enter the port for refueling, resupplying, maintenance and dry-dock as the case may be.
- e) Foreign fishing vessels shall be allowed to enter port when in distress or in case of force majeure, or if the safety of the crew or the vessel or the health of the crew is at risk or allow entry exclusively for the purpose of inspecting the vessel and taking other appropriate actions.

## **2. Priorities in Boarding and Inspection**

The Inspection Team shall conduct the boarding and inspection formalities in accordance with the following priorities:

- a) Fishing vessels which have been previously denied entry or use of port in the Philippines or in other Port States.
- b) Fishing vessels which have been requested by a particular State and/or RFMO to be inspected, particularly where such request are supported by clear evidence that the subject fishing vessel has engaged in IUU fishing or fishing-related activities that supported IUU fishing;
- c) Fishing vessel which has clear grounds for suspecting that it has engaged in IUU fishing or fishing-related activities in support to IUU fishing; and
- d) Issuance of Boarding Certificate upon completion of inspection.



### **3. Inspection Proper**

The Inspection Team shall:

- a) Upon boarding, notify or inform the master or in his absence, the senior deck officer, of its intention, purpose and authority to inspect the subject fishing vessel;
- b) Thoroughly examine all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices and verify its conformity with the conditions of the authorization;
- c) Check fishing gear to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- d) Determine whether the fish on board was harvested in accordance with the applicable authorizations;
- e) Examine the fish (BFAR Fish Inspector), including sampling, to determine its quantity and composition including the fish which have been pre-packed to ascertain the integrity of the fish holds;
- f) Evaluate whether there is clear evidence or reasonable grounds to believe that a vessel has been engaged in IUU fishing or fishing related activities in support of such fishing; and
- g) Furnish the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master.

### **4. Results of Boarding and Inspection**

The Inspection Team shall submit a written report containing the results of each and every boarding and inspection formalities conducted in a prescribed format together with the attachments as may be required.

## **5. Actions Following Inspection**

When there are clear grounds to believe that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the Inspection Team shall:

- a) Promptly notify the Flag State, through appropriate channels and, as warranted, relevant coastal States, regional fisheries management organizations and other international organizations, and the State of which the vessel's master is a national of its findings;
- b) Deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have been previously landed and for other port services, including, *inter alia*, refueling and resupplying, maintenance and dry-docking, if these actions have not been taken in respect of the vessel, in manner consistent with PSMA.

## **VIII. GENERAL GUIDELINES:**

1. The Inspection Team shall always be guided by the PSMA Flowchart to ensure the effective implementation of this SOP;
2. Port State Measure on Illegal, Unreported and Unregulated Fishing shall be integrated or coordinated to Port State Control System and shall be carried out properly with PCG Port State Control Officers (PSCO) taking the lead in the inspection of the vessel in accordance with the provisions of SOLAS 1974 and BFAR Fish Inspector taking the lead on fish catch/fishing gear inspection;
3. The Customs, Immigration, Quarantine and Security (CIQS) inspection shall be carried out by Bureau of Customs, Bureau of Immigration, Bureau of Quarantine and Philippine Coast Guard personnel carrying out the inspection to ensure the proper documentation, sanitary/health requirements of the vessel and crew as well as to ensure security;



4. Where inspection and port state control are carried out on the foreign fishing vessel, whatever findings obtained shall be put on record in the form of written report and shall be immediately shared and transmitted to the flag State, coastal States and RFMOs to ensure notification to the possible next port of call of the action taken by the port State;
5. The Inspection shall follow the "Check List" provided to obtain all the relevant information of the vessel, crew and activities. Report of the results of inspection format shall also be followed for easy evaluation and recommendation *(Please see Annex A, B, C, D, E, F, G, H, I and J)*;
6. Nothing herein shall be construed to limit, restrict or deny the rights of the Flag State/s guaranteed under United Nations Convention on the Law of the Sea (UNLOS);
7. Filing of criminal cases, if necessary, and imposition of administrative fine/penalty shall be in accordance with Philippine fishery law and its implementing rules and regulations;
8. Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security. The PCG-LET shall issue the necessary certificate of release, record the same and copy furnish the master/captain;
9. In cases of arrest and detention of foreign vessels the coastal State shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed;
10. Where inspection and port state control are carried out on the subject foreign fishing vessel, any findings obtained in the course thereof shall be put on record in a written form. Such written report shall be immediately shared and transmitted to the Flag State, coast State and RFMOs to ensure prompt

notification to the possible next port of call of the action/s undertaken by the port State.

**IX. EFFECTIVITY**

This SOP shall take effect immediately upon approval and publication.

**BY COMMAND OF ADMIRAL HERMOGINO:**

**EDUARDO D FABRICANTE**  
**COMMO** **PCG**  
Chief of Coast Guard Staff

OFFICIAL:

  
**LIEZEL B BAUTISTA**  
**CDR** **PCG**  
Coast Guard Adjutant

*Liezel B Bautista*

*BB*