



**BFAR ADMINISTRATIVE
CIRCULAR NO. 238-1 :
Series of 2013**

**SUBJECT : Amending several provisions of Fisheries Administrative
Order No. 238, series of 2012**

Pursuant to Section 107 of Republic Act 8550 or the Philippine Fisheries Code of 1998, FAO 238 on the Rules and Regulations Governing the Implementation of Council Regulation (EC) No. 1005/2008 on the Catch Certification Scheme is hereby amended as follows:

Section 1. Objectives. – Section 1 is hereby amended to further clarify item 2 and to include the following objectives:

“2. Ensure **full** traceability of fishery products derived from legal, reported and regulated fishing activities in the Philippines, at all stages from harvesting and processing to marketing;”

5. Update and revise as necessary, procedures on the catch documentation scheme to conform to developments in international markets;

6. Ensure continued global market access of Philippine fish and fishery products;”

Section 2. Application. – Section 3 of FAO 238 is hereby amended to clarify the scope of application of this regulation, as follows:

“This Order shall apply to all foreign or Philippine flagged fishing vessels that supply raw materials to canneries, processors or exporters for processing prior to the export of the processed fishery products to EU-member countries, and to Philippine flagged fishing vessels directly exporting raw materials to EU-member countries. This Order shall also apply to canneries, processors, and exporters which are exporting fishery products to EU- member countries.”

Section 3. Declaration of Catch Landing and Transshipment. – Section 4 item (a) of FAO 238 is hereby revised as follows:

“ a.) Landing of catches shall be verified and certified by authorized BFAR personnel in a Catch Origin Landing Declaration (COLD) described in Section 13 and Annex 6 of this Administrative Order;”

Section 4. Regular Catch Certificate. – Section 8 on the classification of regular catch certificate and Section 12 on Consignment Catch Certificate of FAO 238 are hereby deleted. For purpose of catch documentation scheme, the mother catch certificate and

consignment catch certificate will no longer be issued. Only regular catch certificate will be issued.

Section 5. Requirements. – Section 9 items (2) and (4) of FAO 238 on the requirements for the issuance of a Regular Catch Certificate is hereby modified as follows:

*“2. Copy of the Commercial Fishing Vessel/Gear License (CFVGL), and Certificate of Ownership (CO) and Certificate of **Philippine** Registry (CPR),*

*4. **Catch Origin Landing Declaration (COLD)** submitted by the Captain or master of the fishing vessel or his representative and verified by the concerned BFAR Regional Office”*

Section 6. The Catch Origin Landing Declaration (COLD). – Section 13 of FAO 238 is revised, renaming the Catch Validation Certificate (CVC) to Catch Origin Landing Declaration (COLD), which is described as follows:

“The Catch Origin Landing Declaration is a document submitted to BFAR by the Captain or Master of a fishing vessel or his representative upon arrival. It shall contain at least the following information:

- a. the name of the catcher and/or carrier vessel/s, flag, registration number and fishing license number;*
- b. the FAO alpha-3 code of each species;*
- c. catch description, whether fresh/chilled or frozen;*
- d. the port and date landed;*
- e. the quantities of each species in metric tons or, where appropriate, the number of individuals.*

BFAR shall validate/verify the species and weight of fish landed by a fishing vessel in a particular fish port in the Philippines. Since most catches are unloaded by carrier vessels that consolidate catch from one or more catcher vessels, the COLD shall also indicate the species and volume of fish per catcher vessel. For this purpose, the carrier vessel must provide to BFAR a Transshipment Certificate and Stowage Plan **certified by the captain/master**. The species and weight indicated in the COLD shall be the basis of the weight that will be indicated under the box “Verified weight landed (kg) where appropriate”. Annex 1 of this Order contains the format of the COLD.

Section 7. Procedures in Securing the RCC. – Section 14 of FAO 238 is hereby revised as follows:

“

- 1. The fishing company shall properly accomplish the RCC in triplicate, in one page only (A4 size; back-to-back), in accordance with the aforementioned instructions and shall submit these to BFAR together with the documentary requirements.*

2. *The BFAR shall evaluate and verify the documents and the information contained therein and if satisfied of the completeness, truthfulness and correctness of the data and the RCC's exhaustiveness and accuracy, as well as compliance with applicable management and conservation measures, the authorized signatory shall **assign and write the document number in the RCC** and accomplish, sign, and affix the official dry and wet seal in Section 9 of the RCC. Otherwise, the RCC shall not be validated and the same together with the documentary requirements shall be returned to the fishing company, which shall be informed of the lacking requirement/s or reason for the rejection.*
3. *Two (2) sets of the validated RCC shall be released to the fishing company within three (3) working days from the date of application. One (1) set shall be retained by BFAR for record purposes.*
4. *The fishing company shall furnish the cannery or processor that purchased the catch with one (1) set of the validated RCC and retain the other set for record purposes.*
5. *The cannery or processor shall use the validated RCC to accompany the consignment."*

Section 8. Procedures in Accomplishing the SCC. – Section 23 item 2 of FAO 238 is hereby amended as follows:

*" 2. The BFAR shall evaluate and verify the documents and the information contained therein and if satisfied on the completeness, truthfulness and correctness of the data, and the SCC's exhaustiveness and accuracy, as well as compliance with applicable management and conservation measures, the authorized signatory shall **assign and write the document number in the SCC** and shall accomplish, sign, and apply the dry seal/stamp. Otherwise, the SCC shall not be validated and the same together with the documentary requirements shall be returned to the fishing company, which shall be informed of the lacking requirement/s or reason for the rejection."*

Section 9. Official Reply. – Section 31 of FAO 238 is hereby modified as follows:

*"The BFAR Signatory who validated the CC shall address the query or request for clarification or confirmation or any issues raised as soon as possible, in consultation with the fishing company, cannery, processor or exporter concerned and the reply shall be sent to the requesting party **within fifteen (15) days from the receipt thereof**, copy furnished the BFAR FRQD and the Office of the BFAR Director. For this purpose, each cannery or processing plant shall designate one permanent liaison officer who shall be the direct contact person for any information on official replies."*

Section 10. Traceability. Pending the promulgation of a separate Fisheries Administrative Order establishing an automated traceability system, all EU-accredited canneries and processors shall, in the meantime, establish an internal traceability system to ensure full traceability and monitoring of quantities (input and output) based

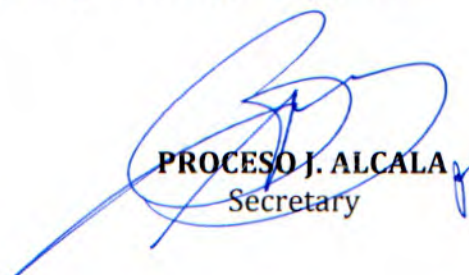
on actual weight or a standard rate with variance which shall form the basis for endorsement of Annex IV or Processing Statements. BFAR shall check the internal traceability system established by canneries and processors to determine whether complete traceability is in place. Internal traceability system/procedures that ensure complete traceability shall be accredited by BFAR.

Section 11. Mandatory Monitoring of Production/Processing Activities. Risk-based monitoring of processing activities of raw materials intended for export to EU shall be undertaken by authorized BFAR personnel to ensure that accredited traceability system/procedures described in the preceding section are strictly followed and therefore ensuring full traceability of fishery products inside the processing plants.

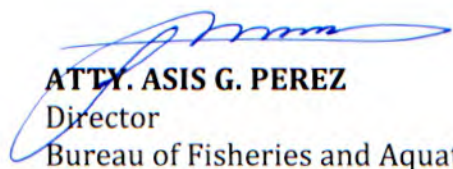
Section 12. Repealing Clause. All orders, rules and regulations or parts thereof which are inconsistent with this Order are hereby repealed or modified accordingly.

Section 13. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon registration with the National Administrative Register.

Issued this 10 day of OCTOBER 2013 at Quezon City, Philippines.


PROCESO J. ALCALA
Secretary

Recommending approval:


ATTY. ASIS G. PEREZ
Director
Bureau of Fisheries and Aquatic Resources

PUBLISHED: Nov. 15, 2013
Phil. Daily Inquirer

Jan. 08, 2014
U.P. Law Center-ONAR

DEPARTMENT OF AGRICULTURE

in replying pls cite this code
For Signature: S-12-11-0151
Received: 12/12/2011 02:37 PM



CATCH ORIGIN LANDING DECLARATION
(formerly CVC as amended by Sec. 6 of FAO 238-1, s. 2013)

COLD No. _____

Name of Landing Vessel:		Registration Number and Fishing License No:					
Owner:		Flag:					
Vessel Type:		Port/Place Landed:					
Source of Catch (Name of Catcher/Carrier Vessel)	Species (use codes below)	Catch Description (frozen or fresh/chilled)	Date Landed	Verified Weight Landed (in kilograms)		Buyer/Destination (indicate name of cannery/entity/cold storage)	Received by: (Name & Signature)
				Estimated	Actual		
FAO Alpha-3 Species Codes: SKJ – Skipjack tuna BET – Bigeye tuna FRI – Frigate tuna BLT – Bullet tuna YFT – Yellowfin tuna MSD – Mackerel scad SAM – <i>Bali sardines</i> (Sardinella lemuru) IOC – Indian sardines (Sardinella longiceps)		Unloaded by: _____ Name, Signature and Seal of Master of Landing Catcher/Carrier Vessel or Company Representative		Validated/Verified by: _____ Name, Signature and Seal of BFAR Fisheries Officer			

NOTE: All quantities or weights are monitored/validated using a heavy-duty weighing scale or truck scale, whichever is applicable.