



Gard Alert: Philippines - transit charges for vessels sailing through Zambales waters

Shipowners have been charged a “Provincial Coastwatch Environmental Monitoring System User Fee” after their vessels have passed through the territorial waters of or docking at any port in the province of Zambales, Philippines.

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The Zambales authorities started imposing transit charges on vessels sailing through Zambales waters at the beginning of August 2015. [Ordinance No. 28 Series 2015](#) authorises the collection of a “Provincial Coastwatch Environmental Monitoring System User Fee” which appears to be aimed at monitoring the entry of foreign vessels in these congested areas and to prevent dumping of waste in Philippine waters. The fee appears to apply to both international and domestic vessels and is intended to prevent casualties and monitor/enforce environmental laws.

According to the proponents of the ordinance, it applies both to vessels docking at a Zambales port and vessels passing through its provincial territorial waters. If indeed it applies to the latter, the ordinance may conflict with the right of innocent passage under international laws and conventions. We understand that the International Chamber of Shipping (ICS) has raised the matter with the Filipino Shipowners Association (FSA) and that it will be discussed at a national level in the Philippines and a Congressional hearing is expected to be held within a week.

Gard’s correspondent in the Philippines, Del Rosario Pandipphil Inc, is currently looking into the matter. In the meantime, Members and clients are advised to avoid Zambales provincial territorial waters, if possible. The Zambales provision territorial waters extend from 15 km to 100 km from the baseline of the province as provided in the Ordinance. Members and clients who have been charged a “Provincial Coastwatch Environmental Monitoring System User Fee”, due to innocent passage of their vessel through Zambales provincial territorial waters, are advised to protest the charges on the grounds that they are in contravention of Art 26 of UNCLOS. We recommend that Members and client seek further appropriate legal advice before approaching the Filipino national government.

Gard will monitor the situation and provide further information and guidance as appropriate.

We would like to thank Del Rosario Pandipphil, Inc. in the Philippines for assistance in preparing this information.