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Department of Agriculture
BUREAU OF FISHERIES AND AQUATIC RESOURCES
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**FISHERIES ADMINISTRATIVE
ORDER NO. 254:
Series of 2014**

SUBJECT: Regulation and Implementing Guidelines on Group Handline Fishing Operations in the High Seas of the WCPFC Convention Area

WHEREAS, the Philippines signed the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and its Annexes on September 5, 2000, which was subsequently ratified by the Senate on 2005;

WHEREAS, the Philippines is a member of the regional fisheries management organization, the Western and Central Pacific Fisheries Commission (WCPFC);

WHEREAS, in December 2013, the Commission adopted Conservation and Management Measures for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean (CMM 2013-01) which aims to maintain:

General

1. Compatible measure for the high seas and exclusive economic zones (EEZs) are implemented so that bigeye, yellowfin and skipjack tuna stocks are, at a minimum maintained at levels capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of developing States in the Convention Area as expressed by article 5 of the Convention. The Commission will amend, or replace the objectives with target reference points after their adoption.

Skipjack

2. The Fishing Mortality Rate (F) for skipjack will be maintained at a level no greater than F_{msy} , i.e. $F/F_{msy} \leq 1$.

Bigeye

3. The fishing mortality rate for bigeye tuna will be reduced to a level no greater than F_{msy} , i.e. $F/F_{msy} \leq 1$. This objective shall be achieved through step by step approach through 2017 in accordance with this Measure.

Yellowfin

4. The fishing mortality rate is not greater than F_{msy} , i.e. $F/F_{msy} \leq 1$.

WHEREAS, this policy is designed as a conservation measure primarily to reduce effort in Philippine waters which is a spawning ground;

WHEREAS, Pursuant to Republic Act (RA) 9379, “An Act Defining Handline Fishing, Providing Effective Regulations Therefore and For Other Purposes”, otherwise known as “The Handline Fishing Law of 2007”;

WHEREAS, Section 2 of RA 9379 stresses the need to support the development of the handline fishing industry, promote its competitiveness, sustainability and social development;

WHEREFORE, in view of these premises, the Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (BFAR) hereby promulgates the following regulations and implementing guidelines.

Section 1. Definition of Terms. For purposes of this Order, the following terms as used herein shall mean and shall be construed as follows:

1. Automatic Location Communicator (ALC) or Mobile Tracking-Transceiver Unit- a two way automatic tracking device WCPFC-approved device to be installed on fishing vessels that utilizes a satellite navigation and communication system for the purpose of transmitting information concerning the Philippines flagged fishing vessels’ positions, fishing activities, and any other activity of the vessels as may be required.
2. Bureau/BFAR- Bureau of Fisheries and Aquatic Resources
3. Vessel Monitoring System (VMS) – Refers to a system used to track and monitor the position, time and course and speed of commercial fishing vessels in the territorial waters, EEZ and the high seas for purposes of conservation and management of fisheries resources.
4. Commercial Fishing Vessel/Gear License (CFVGL)- authorization granted by BFAR to fishing vessel operators to fish within commercial waters (>15 km from the shoreline)of the Philippines pursuant to Sec. 26 of R.A. 8550.
5. Exclusive Economic Zone (EEZ) - an area beyond and adjacent to the territorial sea of a country as defined under the United Nations Convention on the Law of the Sea and their respective existing laws.
6. Fish Aggregating Devices (FAD) - devices that shall include drifting logs, other drifting objects and anchored FADs.
7. Fisheries Monitoring Center (FMC) - serves as a land-based component for BFAR fisheries monitoring control and surveillance which operates and maintains the Vessel Monitoring System
8. Handline Fishing - refers to a traditional fishing method that uses the hook and line, a passive fishing gear with a single vertical line carrying one hook, and used by simply dropping the line into the water and waiting for the fish to bite.

9. Handline Fishing Boat - refers to a fishing boat with or without outrigger, with or without auxiliary small boats on board that exclusively utilizes the handline fishing method with or without the aid of a carrier operating as a group.
10. Pakura or Sirisan – is an auxiliary small boat, less than three (3) gross tons locally known as “pakura” or “sirisan” made of wood, fiberglass or any other material, with or without outrigger, propelled by a suitable engine and carried onboard a handline fishing boat for use in handline fishing operations beyond municipal waters.
11. High Seas (HS) - the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
12. HSP-1 - High Seas Pocket 1 as referred to in CMM 2013-01 (see Annex A)
13. IFP- International Fishing Permit (IFP)- authorization granted by BFAR to licensed Philippine flagged vessels to fish in waters of other coastal states and high seas where the Philippines has access agreements.
14. Regional Fisheries Observer- Personnel duly authorized by the Commission’s Regional Observer Program to collect and record fisheries scientific data on fishing activities and monitor/report vessel compliance on the various CMMs by the Commission, other RFMOs and by the Bureau’s compatible measures.
15. Regional Fisheries Management Organizations (RFMOs) - Organizations that implements conservation and management measures on tuna such as IOTC (Indian Ocean Tuna Commission), ICCAT (International Commission for the Conservation of Atlantic Tuna), and WCPFC in which the Philippines is a member and the CCSBT (Commission on the Conservation of Southern Bluefin Tuna) in which Philippines is cooperating non-member.
16. WCPFC- Western and Central Pacific Fisheries Commission

Section 2. Scope and Application

- A. This Administrative Order covers Philippine registered handline fishing boats issued with International Fishing Permits and Special Permit to operate in the high seas of WCPFC Convention Area, registered in the WCPFC Records of Fishing Vessels.
- B. This Administrative Order applies only to high seas in the WCPFC Convention Area (See Annex A.), which is the area of the high seas bounded by the EEZs of the Federated States of Micronesia to the north and east, Republic of Palau to the west, Indonesia and Papua New Guinea to the south with exact coordinates as used by WCPFC Vessel Monitoring System.

Section 3. Allocation of Fishing Access

A. **Criteria in Qualifying for Fishing Access.** Any person, corporation or entity who signifies to engage in handline fishing operation in the high seas of WCPFC Convention Area shall be prequalified based on the following criteria:

1. The Handline fishing boats are Philippine-registered with valid Commercial Fishing Vessel and Gear License (CFVGL), International Fishing Permit and Special Permit to operate in the high seas of WCPFC Convention Area, subject to annual renewal, and have paid an annual fee at the rate of USD 300 for handline fishing boats of 40 gross tonnage and below, and USD 600 for over 40 gross tonnage;
2. The Handline fishing boats must be compliant with Philippine Coast Guard and Maritime Industry Authority (MARINA) rules and regulations;
3. The Handline fishing boats must be Catch Documentary Scheme compliant;
4. The Handline fishing boats must not have involved in any administrative or criminal offense for engaging in fishing activities in the Convention Area in violation of any conservation and management measures adopted by the WCPFC;
5. The Handline fishing boats shall be registered with WCPFC;
6. The Handline fishing boats shall be equipped with two-way Vessel Monitoring System;
7. Each handline fishing boat shall commit to deploy no more than 2 FADs;
8. The boat owner and three highest ranking officers of the boat must have attended the orientation to be conducted by the Bureau prior to operation;

B. Procedure in the Allocation of Fishing Access.

1. **Letter of Intent.** All interested persons, corporations or entities shall submit a formal letter of Intent (LOI) addressed to the Director of the Bureau indicating the handline fishing boat details such as registered name, gross tonnage, and gear.
2. **Evaluation.** Those who have submitted LOI will be evaluated on the basis of their compliance to the criteria and their history of fishing operations.

Section 4. Vessel Monitoring System. All handline fishing boats and corresponding carrier boats shall be equipped with and shall operate a two-way Automatic Location Communicator in accordance to FAO 241 Series of 2012 on *Regulations in the Implementation of the Vessel Monitoring System (VMS) in the High Seas*, CMM 2011-02 and CMM 2013-01. The FMC shall provide continuous real-time VMS information to the adjacent coastal States/Territories for monitoring purposes. Access to VMS and other

data shall be in accordance with WCPFC's Rules and Procedures for the Protection, Access to and Dissemination of High Seas Non-Public Domain Data and Information Compiled by WCPFC for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and Access to and Dissemination of High Seas VMS for Scientific Purposes.

Section 5. Reporting.

- A. Handline fishing boats, carrier vessels and fishing companies shall notify BFAR through electronic or any other means at least 24 hours prior to entry and no more than 6 hours prior to exiting the fishing ground. Likewise, this information shall be transmitted to the adjacent coastal States/Territories and WCPFC.
- B. Report should be in the following format: "VID/entry or Exit: Date/Time; Lat/Long."
- C. Handline fishing boats operating in high seas should report sightings of any fishing vessel to BFAR and WCPFC Secretariat. Such information shall include vessel type, date, time, position, markings, heading and speed.

Section 6. Vessel Listing. The Bureau shall maintain an updated list of all handline fishing boats operating in the high seas based on vessel's entry and exit reports submitted to WCPFC. The list will be submitted to WCPFC and will be made available to WCPFC members and other concerned stakeholders through dedicated website, www.bfar.gov.ph.

Section 7. Monitoring of Port Landings. All landings of handline fishing boats operating in the high seas of WCPFC Convention Area shall be made at authorized ports operated by the Philippine Fisheries Development Authority and/or other ports as approved by BFAR. Catch logsheet to include catch and effort data shall be accomplished and submitted by each handline vessel to the Bureau every month to ensure timely processing and analysis.

Section 8. Effort Limit. In accordance with applicable WCPFC CMM.

Section 9. Use of Fish Aggregating Device (FAD). Each handline fishing boat shall deploy not more than 2 FADs. Its design, deployment, replacement, reporting of FADs coordinates shall be in accordance with existing policies.

Section 10. Research. BFAR observers shall be accommodated by handline fishing boats for purposes of scientific studies in aid of fishery management.

Section 11. Nature of Access Right. Any transfer of access right or replacement of vessel covered by this Order shall be subjected to the prior approval of the Bureau and shall be based on the same conditions and criteria as provided herein, otherwise the transfer shall be considered void.

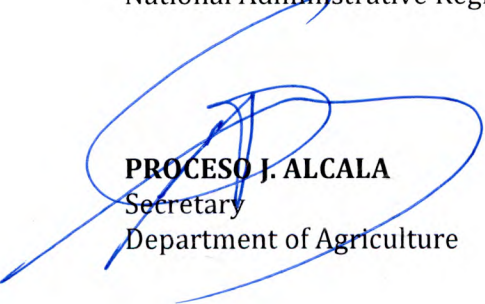
Section 12. Penalties. Any violations of the provisions of this Fisheries Administrative Order shall be penalized as follows:

1. Intentional non-reporting of position manually every six (6) hours after having been notified by BFAR FMC that the VMS ALC is not transmitting as required, shall be penalized with an administrative fine of Php 50,000.00 for the first offense, and Php 100,000.00 with revocation of Special Permit for High Seas of WCPO for the second offense;
2. Failure to report or notify BFAR as required in Section 5 hereof shall be penalized with an administrative fine of Php 50,000.00 for the first offense, and Php 100,000.00 for the succeeding offenses;
3. Intentional non-submission of catch logsheets as required under Section 7 hereof, shall be penalized with Php 50,000.00 for the first offense, and Php 100,000.00 for the succeeding offenses;
4. Deployment of FADs in excess of 2 as provided in Section 9 hereof shall be penalized with administrative fine of Php 50,000.00 per excess FAD and confiscation of the excess FAD;
5. Unauthorized transfer of access right or replacement of handline fishing boat as provided under Section 11 hereof shall be penalized with Php 100,000.00 at first offense, and Php 200,000.00 as well as revocation of Special Permit to operate in the high seas of WCPFC Convention Area for the second offense;
6. Fishing outside High Seas of WCPO Convention Area shall be penalized with Php 100,000.00 for the first offense and Php 200,000.00 as well as revocation of Special Permit to operate in the high seas of WCPFC Convention Area at second offense except in Philippine waters when authorized by BFAR;
7. Unloading in unauthorized ports and landings shall be penalized with Php 100,000.00 at first offense, Php 200,000.00 as well as revocation of Special Permit to operate in the high seas of WCPFC Convention Area at second offense.

Section 13. Separability Clause. If this Order or any part hereof is declared unconstitutional or invalid, the remaining sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

Section 14. Repealing Clause. All existing administrative order, rules and regulations which are inconsistent with the provisions this Order is hereby repealed or modified.

Section 15. Effectivity. This Order shall take effect fifteen (15) days after publication in any newspaper of general circulation and upon registration with the Office of the National Administrative Register and shall remain in effect until 31 December 2017 .

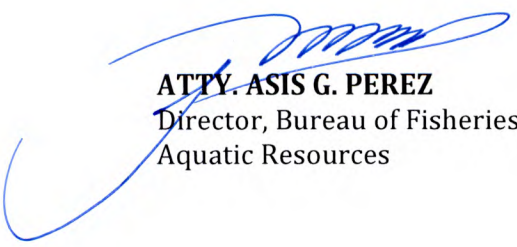


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