



Republic of the Philippines
Department of Agriculture

Bureau of Fisheries and Aquatic Resources

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FISHERIES ADMINISTRATIVE

ORDER NO. 236-5

Series of 2018

SUBJECT: EXTENSION OF FAO 236-4 SERIES OF 2015 ON THE RULES AND REGULATIONS ON THE OPERATIONS OF PURSE SEINE AND RING NET VESSELS USING FISH AGGREGATING DEVICES (FADS) LOCALLY KNOWN AS PAYAOS DURING THE FAD CLOSURE PERIOD AS COMPATIBLE MEASURES TO WCPFC CMM 2017-01.

WHEREAS, the Western and Central Pacific Fisheries Commission (WCPFC) adopted CMM 2017-01 entitled "Conservation and Management Measure for Bigeye, Yellowfin and Skipjack in the Western and Central Pacific Ocean".

1. Paragraph 16 states that "A three-month (July, August and September) prohibition of deploying, servicing or setting on FADs shall be placed between 0001 hours UTC on 1 July and 2359 hours UTC on 30 September each year for all purse seine vessels, tender vessels, and any other vessels operating in support of purse seine vessels fishing in the exclusive economic zones and the high seas in the area between 20°N and 20°S."
2. Paragraph 17 states that "In addition to the three-month FAD closure in paragraph 16, except for those vessels flying the Kiribati flag in the high seas adjacent to the Kiribati exclusive economic zone, and Philippine vessels operating in HSP1 in accordance with attachment 2, it shall be prohibited to deploy, service or set on FADs in the high seas for two additional sequential months of the year. Each CCM shall decide which two sequential months (either April - May or November- December) shall be closed to setting on FADs by their fleets in the high seas for 2018, and notify the secretariat of that decision by March 1, 2018."
3. Paragraph 25 states that "Coastal CCMs within the Convention Area shall restrict purse seine effort and/or catch of skipjack, yellowfin and bigeye tuna within their EEZs in accordance with the effort limits established and notified to the Commission and set out in Table 1 of Attachment 1. Those coastal CCMs that have yet to notify limits to the Commission shall do so by 31 December 2018".

WHEREAS, FAO 236, FAO 236-1, FAO 236-2, and FAO 236-3 and FAO 236-4 were enacted as compatible measures to CMMs 2008-01, 2011-01, 2012-01, 2013-01, 2014-01, 2015-01 and 2016-01, respectively.

WHEREAS, in view of the adoption and implementation of CMM 2017-01, there is a need to establish the FAD closure period within the EEZ of the Philippines on July, August and September as a compatible measure to CMM 2017-01.

NOW THEREFORE, the following provisions of this Order are hereby adopted and implemented:

Section 1. FAD Closure Period. The FAD closure period under FAO 236-5 shall take effect for the period of three (3) months starting from July 1 to September 30, 2018.

Section 2. Net Inspection/Accreditation. The BFAR shall conduct annual inspection/re-inspection and marking of purse seine and ring net fishing gears to ensure compliance to the reduced net depth established under FAO 236 which is 115 fathoms.

Section 3. Monitor/Observer Coverage. All purse seine and ringnet catcher vessels fishing on FADs during the FAD closure period shall carry onboard accredited Monitors/Fisheries Observers who shall gather data and recommend further improvements during the aforementioned period.

Section 4. Prohibitions. The following acts shall be prohibited under this FAO:

1. Setting on FADs without annual inspection/re-inspection of nets;
2. Using unauthorized nets during FAD closure period (authorized/allowed reduced net depth shall be 115 fathoms and below as established in FAO 236), and;
3. Setting on FADs without Observers as they are required.

Section 5. Sanctions. Any fishing company or individual who commits any of the above prohibited acts shall be subjected to a fine of One hundred thousand pesos (Php 100,000.00) to Three hundred thousand pesos (Php 300,000.00) for small-scale commercial fishing, Four hundred thousand pesos (Php 400,000.00) to Seven hundred thousand pesos (700,000.00) for medium-scale commercial fishing, and Eight hundred thousand pesos (800,000.00) to One million pesos (1,000,000.00) for large scale commercial fishing. The minimum fine shall be imposed for the first-time offenders. However, BFAR may impose the maximum fine for the fishing company who violated for the fourth time, including confiscation of catch and cancellation of CFVGL.

Section 6. Effectivity. This Order shall take effect fifteen (15) days after the publication in the Official Gazette and/or in two (2) newspapers of general circulation and upon registration with the National Administrative Register and shall be deemed coterminous with CMM 2017-01.

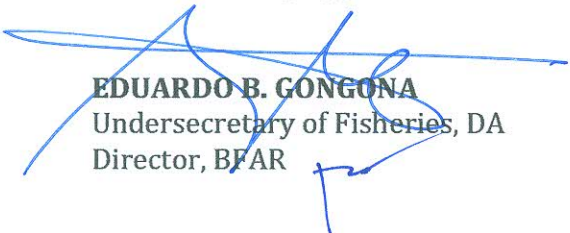
Issued this 6th day of July 2018 at Quezon City, Metro Manila, Philippines

EMMANUEL F. PIÑOL
Secretary

DEPARTMENT OF AGRICULTURE

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