



(First Draft)

FISHERIES ADMINISTRATIVE)

ORDER NO. _____:

(Series of 2018)

SUBJECT : Rules and Regulations on Fisheries Observer Program (FOP) in the Philippines and in distant water fishing

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 and was subsequently ratified by the Senate under Resolution No. 28 of the Thirteenth Congress on 2005;

WHEREAS, on December 2007 the WCPFC has adopted Conservation and Management Measure 2007-01 that provides for the establishment of Regional Observer Program in accordance with Article 28 of the Convention;

WHEREAS, the Philippines as a Party to the Convention and to other Tuna RFMOs must execute compatible measures for implementation of conservation and management measures.

WHEREAS, Republic Act 10654 amending Republic Act 8550 entitled "*An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*" states that the State shall ensure the attainment of the following objectives of the fishery sectors such as; Conservation, protection and sustained management of the country's fishery and aquatic resources and the optimal utilization of offshore and deep-sea resources;

FURTHERMORE, Section 116 of Republic Act 10654 provides for the deployment of fisheries observers to Philippine distant water fishing vessel and commercial fishing vessels in compliance with the rules and regulations promulgated by the Department.

RECOGNIZING the importance of Fisheries Observers in the conservation and management of fisheries and aquatic resources in the Philippines and in compliance to RFMOs and pursuant to the foregoing regulations, the Department through the Bureau of Fisheries and Aquatic Resources (BFAR) hereby promulgate and implement the following rules and regulations.

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

- a.) Bureau – Bureau of Fisheries and Aquatic Resources (BFAR)
- b.) Commission ROP – The Regional Observer Program of the WCPFC which was established under CMM 2007-01.
- c.) Exclusive Economic Zone (EEZ) – an area beyond and adjacent to the territorial sea which shall not extend beyond 200 nautical miles from the Philippine baselines as defined in Republic Act 9522.
- d.) Fish Aggregating Device (FAD) or *payao* – any man-made structures deployed in fishing grounds, either anchored or drifting, which is used mainly for the purpose of aggregating fish.
- e.) Fisheries Observers – are personnel duly authorized by the BFAR Director and/or Commission ROP to collect data and other scientific and additional information related to fishing as required by the Bureau and other relevant RFMOs and/or concerned fisheries agencies in the Philippines.
- f.) Fishing vessel – any boat, 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, transhipping, transportation and/or processing.
- g.) FOPMO – Fisheries Observer Program Management Office
- h.) HSP1-SMA – High Seas Pocket Number 1-Special Management Area
- i.) High Seas - the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
- j.) CMM – Conservation and Management Measures
- k.) NFOP – National Fisheries Observer Program
- l.) Longline - is a fishing technique that uses a long line, called the main line, with baited hooks attached at intervals by means of branch lines using a swivel, with the hook at the other end.
- m.) Purse Seine - a classification of fishing gear which surrounds a school of fish attracted by *payao*, lights and /or from free school or drifting logs using a rectangular net with

floats at the upper portion and purse rings at the lower section where the purse rope or cable passes through to close the net bottom during fishing operations. The net is either hauled manually or through a mechanical or hydraulic net hauler/power block.

- n.) RFMOs – refers to the Regional Fisheries Management Organizations that implements conservation and management measure in tuna such as IOTC (Indian Ocean Tuna Commission), ICCAT (International Commission for the Conservation of Atlantic Tuna), and WCPFC (Western and Central Pacific Fisheries Commission) in which the Philippines is a member, or the CCSBT (Commission on the Conservation of Southern Blue fin Tuna) in which Philippines is cooperating non-member.
- o.) Ring Net – a surrounding net which targets pelagic fish; uses ring at the lower edge of the net and using a purse line to close it under the fish (pursing), there is a central bunt and hauling is done manually by pulling simultaneously both sides of the net.

Section 2. Creation of National Fisheries Observer Program (NFOP). There is hereby created a National Fisheries Observer Program (NFOP) under the DA-Bureau of Fisheries and Aquatic Resources which shall be the source of fisheries observers in the Philippines.

A Fisheries Observer Program Management Office (FOPMO) shall be established to implement the activities of the program including training, certification, authorization and deployment of fisheries observers to collect scientific data and other information related to fishing on board fishing vessels operating within the Philippine waters including the Exclusive Economic Zone (EEZ), or in the high seas and in the waters of other countries in coordination with the RFMOs ROP and to perform such other related functions as mandated by the Fisheries Code and Fisheries Administrative Orders, and RFMO CMMs.

Section 3. Coverage and Observer Fees. Fisheries Observers shall cover all commercial fishing vessels more than 200 GT operating within Philippine water with the following schedule and observer rates:

Vessel Tonnage	Schedule from the effectivity of the IRR	Observer Fees
500 GT and Above	Within six (6) months	1200/day
300 to 499 GT	After one (1) year	1000/day
200.01 to 299 GT	After two (2) years	1000/day
Domestic Purse Seine and Ring Net Catcher Vessels primarily catching tuna and tuna like species (During the FAD Fishing Closure)	During FAD Fishing Closure Period	1200/day

All Philippine flagged fishing vessels operating in the high seas or in the waters of other coastal states where they have been licensed to conduct fishing activities are required 100% coverage.

All commercial fishing vessels not covered by the above schedule operating within the Philippine waters which includes the Exclusive Economic Zone (EEZ), the fisheries observer coverage shall be implemented in phases as follows:

Vessel Tonnage	Schedule of Implementation from Effectivity of the IRR
150-200	Within one (1) year
100-149	Within two (2) years
50-99	Within three (3) years
30-49	Within four (4) years

If in case there is a development in technology that could perform the functions of an observer, such as the use of an Electronic Monitoring, then such technology may be utilized in lieu of an observer.

Section 4. Restrictions in the High Seas. All purse seine, longline and transshipment vessels which intend to operate in the high seas shall not engage in fishing without a duly authorized fisheries observer onboard required or provided by the WCPFC-ROP, other RFMOs Observer Program or by the Philippine Fisheries Observer Program unless allowed by the coastal state or of the RFMO.

Section 5. Restrictions in Philippine Waters. All fishing vessels targeting tuna and tuna like species which intend to operate within the Philippine waters including the EEZ shall not engage in FAD fishing during the closure period specified by the DA-BFAR and RFMOs other fisheries management measures imposed by other RFMOs and other National Fisheries Administrative Orders/Measures without a duly authorized fisheries observer on board provided by the National Fisheries Observer Program.

Section 6. Commercial Fishing Vessel Operators and Fisheries Observers shall strictly observe and follow the guidelines stipulated in Annex 1 and Annex 2 of this Order or the Mechanics of Implementation and Terms of Reference of the Fisheries Observer Program in the Philippines.

Section 7. Fisheries Observers shall strictly observe and follow the Code of Conduct Stipulated in Annex 3 of this Order or the BFAR Fisheries Observer Program: Code of Conduct for Observers the Mechanics of Implementation and Terms of Reference of the Fisheries Observer Program in the Philippines.

Section 8. Penalties. Fishing vessels covered in this Order caught violating shall be fined five hundred thousand pesos (Php 500,000.00), forfeiture of the catch and gear and will be prosecuted administratively by the Bureau. Upon conviction of law, the offender shall be

punished with imprisonment of one (1) month and one (1) day to six (6) months and fine of twice the amount of the administrative fine, confiscation of catch and suspension or cancellation of license.

Section 9. Repealing Clause. All existing administrative orders, rules and regulations which are inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

Section 10. Effectivity. This Order shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation and/or the Official Gazette, and upon registration with the Office of the National Administrative Register.

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