



Republic of the Philippines
Department of Agriculture
OFFICE OF THE SECRETARY
Elliptical Road, Diliman
Quezon City, 1100 Philippines

**FISHERIES ADMINISTRATIVE
ORDER NO. _____
Series of 2022**

SUBJECT: REGULATIONS AND IMPLEMENTING GUIDELINES ON TUNA PURSE SEINE/RING NET OPERATIONS IN THE PHILIPPINE EXCLUSIVE ECONOMIC ZONE [EEZ]

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 March 17, 2005;

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

WHEREAS, the WCPFC within its framework has developed resolutions and conservation and management measures relevant to fishing operations in the EEZ and High Seas;

WHEREAS, the WCPFC has established a zone-based purse seine effort control under paragraph 24 of CMM 2021-01

24. 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 2022

WHEREAS, in compliance to the above paragraph, the Philippines submitted its purse seine effort control by submitting its chosen manner in December 2018 by indicating its limits at one hundred and fifty units of purse seine/ring net fishing vessels; and amended its submission in 2019 indicating its limits at 42,000 vessel fishing days;

WHEREAS, the Philippines in its delegation paper during the WCPFC 4th Regular Session in Guam, stated operation of purse seiners and ring netters in the high seas east of the Philippines.

WHEREAS, during its recent 18th Regular Session of the Commission, the Philippines declared that its submission in 2019 during the 16th Regular Session with a total of

42,000 vessel fishing days as purse seine EEZ limit includes its purse seine effort in its adjacent high seas where some vessels in its traditionally have straddles these areas;

WHEREAS, the WCPFC has advised/directed PH that limits for EEZ and high seas should be separated and informed the Philippines to recalibrate its purse seine limits accordingly;

WHEREAS, the inventory was conducted to determine the number of Purse Seine and Ringnet vessels operating in t Pacific EEZ and adjacent high seas

WHEREAS, FAO 263, defines the Philippine Pacific EEZ as part of the FMA1 and FMA2;

WHEREAS, a Fisheries Administrative Order is necessary to provide the regulations and implementing guidelines of such purse seine limits both in its Pacific EEZ and its adjacent high seas;

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 approved by the Bureau to be installed on the fishing vessels that utilizes a satellite navigation and/or any other communication system for the purpose of transmitting information concerning the Philippine-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) **BFAR Vessel Monitoring Measure (VMM)** – refers to the vessel tracking measures established and operated by the Bureau through its National Fisheries Monitoring Center which is 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 the purpose of conservation and management of fisheries resources.
- 4) **CFVL** – Commercial Fishing Vessel/Gear License
- 5) **DWFP** – Distant Water Fishing Permit
- 6) **Exclusive Economic Zone (EEZ)** – an area beyond and adjacent to the territorial sea of a country as defined under the United National Convention on the Law of the Seas and their respective existing laws.
- 7) **Fish Aggregating Devices (FAD)** – Any man-made structure deployed in fishing grounds, either anchored or drifting, which is used mainly for the purpose of aggregating fish
- 8) **Fisheries Monitoring Center (FMC)** - serves as a land base component for fisheries monitoring control and surveillance which operates and maintains the

Vessel Monitoring Measure System.

- 9) **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, transportation and/or processing.
- 10) **Group Seine** – purse seine/ring net boats operating as a group, consisting of a catcher boat without fishhold capacity and its support vessels, such as carrier boats, ranger and light boats.
- 11) **High Seas (HS)** - the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
- 12) **Mati-matihan** – High Seas Pocket adjacent to the East of Philippines' Exclusive Economic Zone (EEZ), South the Japanese EEZ and North of the Palau's EEZ.
- 13) **Purse Seine/Ring Net** - a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or pair of boats around the school of fish. The bottom of the net is pulled closed with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag.
- 14) **Regional Fisheries Observer** – Qualified personnel trained by the Bureau and the WCPFC 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 WCPFC, IOTC and ICCAT by the Bureau's compatible measures.
- 15) **SOLAS** – Safety of Life at Sea
- 16) **WCPFC** – Western and Central Pacific Fisheries Commission

Section 2. Scope and Application. This Administrative Order covers the Philippine registered purse seine/ring net catcher fishing vessels more than 30GT targeting tuna with valid Commercial Fishing Vessel License (CFGL), and their corresponding support vessels operating in the Philippine EEZ and listed in the WCPFC.

Section 3. Applicable Rules. All relevant provisions of Fisheries Administrative Orders shall be applicable as regards the regulation of fishing operations in the Philippine EEZ in the Pacific Seaboard (FMA1 and FMA2)

- 1) FAO 263(2019)
- 2) FAO 261 (2018)
- 3) FAO 260 (2018)
- 4) FAO 244 (2012)
- 5) FAO 236-1/5 (2010-2018)

Section 4. Criteria in Qualifying for Fishing Access in Philippine EEZ. Any person, corporation or entity who are covered or compliant to Section 2 and 3 shall be included in the authorized vessels to operate in the Philippines EEZ and shall be listed in the WCPFC List of Fishing Vessels, with the following requirements:

1. The fishing vessels are Philippine-registered, with valid Commercial Fishing in Vessel License (CF VGL);
2. The fishing vessels must be SOLAS compliant.
3. The fishing vessels must be Catch Documentary Scheme compliant;
4. The fishing vessels does not have any pending administrative or criminal cases for engaging in any IUU fishing activities before the Bureau or any court or is not in the WCPFC IUU List;
5. The fishing vessels shall be registered with WCPFC;
6. The fishing vessels shall be equipped with two-way Vessel Monitoring Measure ALC and Electronic Reporting System;
7. The fishing vessels shall have on board an accredited Regional Fisheries Observer;
8. Each tuna purse seine/ring net catcher vessel shall not deploy more than 40 FADs per catcher vessel;
9. The boat owner and three highest ranking officers of the boat must have attended the orientation to be conducted by the Bureau prior to operations;

Section 5: Fishing Days Limit. The total allocation for fishing vessel days for purse seine and ringnet operating in the Philippine EEZ (FMA1 and FMA2) shall not be more than 36,600 days. This limit shall be annually reviewed.

Option 1: Fishing Days=Days at EEZ

- 6) 135 catcher vessels in Philippine Pacific EEZ for 9 months
- 7) 122 for 10 months
- 8) 111 for 11 months
- 9) 102 for 12 months

The 42,000 days shall be divided into Philippine EEZ and Adjacent High Seas (Matimatihan) with the ratio of 36,600: 5400 or equivalent to 135 catcher vessels in Philippine Pacific EEZ and 20 catcher vessels in Matimatihan in a 9-month operation. This limit shall be annually reviewed and in accordance with the Philippines' commitment to WCPFC.

Option 2: Fishing Days=Total Set days at EEZ

- 1) 406 catcher vessels in Philippine Pacific EEZ for 9 months
- 2) 366 for 10 months
- 3) 332 for 11 months
- 4) 305 for 12 months

The 42,000 days shall be divided into Philippine EEZ and Adjacent High Seas (Matimatihan) with the ratio of 36,600: 5400 fishing days and 20 catcher vessels in Matimatihan in a 9-month operation. This limit shall be annually reviewed and in

accordance with the Philippines' commitment to WCPFC.

Each vessel shall be allocated with 273 fishing days and shall be monitored with the IMEMS. The vessel shall be advised when it reached 90% of its vessel days allocation and ordered to return to port before it reaches its fishing days allocation.

Section 6: FAD Closure. All purse seine and ringnet catcher vessels, authorized to operate in the Philippine Pacific EEZ shall observe the FAD s Fishin Closure Closure starting from July 1-September 30 of each year in accordance to WCPFC Conservation and Management Measures.

Section 7. Observer Coverage. All catcher vessels operating in the Philippine EEZ shall have 100% regional observer coverage in accordance to FAO 261 Series of 2018 and CMM 2021-01.

Section 8. Vessel Monitoring Measure and Electronic Reporting System. All catcher vessels and their support vessels shall be equipped with and shall operate a two-way Automatic Location Communicator and e-reporting in accordance to FAO 260 Series of 2018.

Section 9. Reporting

- 1) The vessels or the fishing company shall notify BFAR through electronic or any other means at least 24 hours prior to departure from their homeport and no more than 6 hours prior to exiting the fishing ground going to homeport. Notice from their respective home office to the duly designated BFAR focal office through actual delivery, eMail or regular mail shall suffice.
- 2) The report should be in the following format: "VID/Entry or Exit: Date/Time; Lat/Long."
- 3) The vessels operating in Philippine EEZ should report sightings of any fishing vessel to the BFAR. Such information shall include vessel type, date, time, position, markings, heading and speed.

Section 10. Vessel Listing. Section 7. Vessel Listing. The Bureau shall maintain an updated list of all fishing vessels operating in the Philippine.

Section 11. Monitoring of Port Landings. All landings of vessels operating in the Philippine EEZ shall be made at the duly designated fishports operated by the Philippine Fisheries Development Authority [PFDA], landing centers covered by the National Stock Assessment Program [NSAP] or fishports operated by local government units.

Section 12. Catch Logsheet. Corresponding catch logsheet shall be accomplished and timely submitted to the Bureau to make certain that reliable catch data by species are collected for processing and analysis in accordance with FAO 198-1 Series of 2018.

Section 13. Use of Fish Aggregating Device (FAD). Each group tuna purse seine/ring net operation shall deploy not more than 40 FADs per catcher vessel. Location

coordinates of FADs should be submitted to the Bureau.

Section 14. Nature of Access Right. Any transfer of access right or replacement of vessel covered by this Order shall be subject 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 15. Penalties. Any violations of the provisions of this Fisheries Administrative Order shall be penalized with the following fines and penalties:

1. Violation of this administrative orders shall subject the offender to a fine of One hundred thousand pesos (P100,000.00) to Five million pesos (P5,000,000.00), depending on the socioeconomic impact and seriousness of the violation, volume and value of the fisheries product, damage to the environment due to the violation, and the habituality of the offender.
2. Sailing from the home port on the way to Philippine EEZ area without an on-board observer as required by Section 3 hereof shall be penalized with an administrative fine of ofof Php 100,000.00 for the first offense, and Php 500,000.00 and revocation of their Special Fishing Permit for the Philippine EEZ for the second offense; and forfeiture of catch and gear.
3. Intentionally non-reporting of position manually every four hours after having been notified by BFAR FMC that the VMM ALC is not transmitting as required shall be penalized with an administrative fine of Php 500,000.00 for the first offense, and Php 1,000,000.00 with revocation of DWFP CFVL for the Philippine EEZ for the second offense;
4. Failure to report or notify BFAR as required in Section 5 hereof, shall be penalized with an administrative fine of Php 500,000.00 for the first offense, and Php 1,000,000 for the succeeding offenses;
5. Intentional non-submission of catch logsheets as required under Section 7 hereof, shall be penalized with Php 500,000 for the first offense, and Php 1,000,000 for the succeeding offenses;
6. Deployment of FADs in excess of 40 as provided in Section 11 hereof shall be penalized with administrative fine of Php 50,000 per excess FAD and confiscation of the excess FADS;
7. Unauthorized transfer of access right or replacement of vessel as provided under Section 12 hereof shall be penalized with Php1,00,000 at first offense, Php 5,000,000 as well as revocation of CFVL at second offense.

Section 16. Separability Clause. If any section or provision of Order or part thereof, is declared unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

Section 17. Repealing Clause. All existing administrative orders, rules and regulations which are inconsistent with the provisions of this Order are hereby repealed or modified.

Section 18. 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.

Issued this ____ day of _____, 2022 at Quezon City, Metro Manila, Philippines.

WILLIAM D. DAR, Ph. D.
Secretary
Department of Agriculture

Recommending Approval

EDUARDO B. GONGONA
BFAR National Director