



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: RULES AND REGULATIONS AND IMPLEMENTING GUIDELINES ON THE OPERATIONS OF PHILIPPINE FLAGGED VESSELS IN HIGH SEAS

WHEREAS, the Philippines is a member of Regional Fisheries Management Organizations (RFMOs) particularly the Western and Central Pacific Fisheries Commission (WCPFC), Indian Ocean Tuna Commission (IOTC) and International Commission for the Conservation of Atlantic Tunas (ICCAT).

WHEREAS, these RFMOs have adopted resolutions, conservation and management measures for fishing operations in the High Seas in their respective areas of jurisdiction;

WHEREAS, the Philippines, as member of these RFMOs, with good standing, and as a responsible fishing nation, is obligated to cooperate and implement such measures including adoption of national implementing rules and regulations for its flagged fishing vessels authorized to operate in the high seas;

WHEREFORE, in view of the above 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) **Handline** – A simple fishing method consist of a primary mainline, hook and sinker.
- 12) **High Seas (HS)** - the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
- 13) **ICCAT**-International Commission for the Conservation of Atlantic Tuna
- 14) **IOTC** -Indian Ocean Tuna Commission
- 15) **International Maritime Organization (IMO) Number** - is a unique number assigned to propelled vessels
- 16) **Longline** – a type of deep-sea fishing gear consisting of a long main line anchored to the bottom to which shorter lines with baited hooks are fastened at intervals.
- 17) **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.
- 18) **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.
- 19) **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.
- 20) **SFP** - Special Fishing Permit
- 21) **SOLAS** – Safety of Life at Sea

22) **WCPFC** – Western and Central Pacific Fisheries Commission

Section 2. Scope and Application. This Administrative Order covers all Philippine registered catcher fishing vessels and their corresponding support vessels granted with Distant Water Fishing Permit to operate in the high seas areas in the WCPFC, IOTC and ICCAT.

Section 3. Measures in the WCPFC High Seas

1) Group seine (purse seine and ringnet) High Seas Pocket No. 1. (HSP1)

The measure to apply for group seining in HSP1 shall be in accordance with the attachment 2 of CMM 2021-01 and FAO 245-4 series of 2018

2) Group seine (purse seine and ringnet) in the High Seas Adjacent to Philippine Pacific EEZ (Matimatihan)

a) Effort shall be limited to the 5400 fishing days (based on the agreement which is a portion of the total 42,000 PS EEZ limit)

1. Total fishing days (5400 fishing days) shall be equally allocated among authorized vessels, or equivalent to 20 vessels @270 days each;
2. Priority for the allocation shall be given to vessels that are currently active in the area, followed by vessels with historical record of operations but are actively registered with BFAR;
3. Any available slot thereafter shall be on first come-first served basis until the limit is met;
4. Allocated fishing days is transferable

b) The following FAOs shall also apply:

1. FAO 244;
2. FAO 261;
3. FAO 260;
4. FAO 198-1
5. HS Entry-Exit reporting requirement to BFAR and WCPFC;
5. Mesh Size according to FAO 245;

c) Listed in the WCPFC.

3) Longline

a) The measure for longline shall be in accordance with paragraph 40 of CMM 2021-01, as follows :

Each Member that caught less than 2,000 tonnes in 2004 shall ensure that its

bigeye catch does not exceed 2,000 tonnes annually

- b) The limit to includes catch in the PH EEZ;
- c) The number of total longline vessels to be allowed based on the above bigeye catch limit is 8 vessels, or a catch limit of 250t per vessel;
 - 1. Subject vessel shall be notified when 200t bigeye catch has been met;
 - 2. Subject vessel shall be ordered to return port when 249 tons catch has been met;
- d) The following FAOs shall also apply:
 - 1. FAO 261;
 - 2. FAO 260;
 - 3. FAO 198-1
 - 4. HS Entry-Exit reporting requirement to BFAR and WCPFC;

4) Handline

- a) The measure to apply for handline shall be in accordance with paragraph 47 of CMM 2021-01, as follows:

CCMs shall take necessary measures to ensure that the total catch of their respective other commercial tuna fisheries for bigeye, yellowfin or skipjack tuna, but excluding those fisheries taking less than 2,000 tonnes of tropical tunas (bigeye, yellowfin and skipjack), shall not exceed either the average level for the period 2001-2004 or the level of 2004

Baseline limit for 2004 is 13,343 MT yellowfin , bigeye, skipjack catch. This WCPFC compliance for this limit shall be assess as the catch of Large Fish Handline which are vessels more than 30GT operating beyond 12NM in EEZ of FMA 1 and FMA2 (see WCPFC-SC17-2021/ST IP-08)

- 1. Limit shall be based on the unutilized catch limit from current catch level from the FMA1 and FMA2, which stands annual average of 1,500mt (2016-2020, see WCPFC-SC17-2021/ST IP-08)
 - 2. Catch shall be monitored based on Electronic Reporting System (ERS);
 - 3. All vessels shall be notified when 80% of the catch limit has been met;
 - 4. All vessel shall be ordered to return to port when 95% of the catch limit has been attained.
- e) The following FAOs shall also apply:
 - 1. FAO 244;
 - 2. FAO 254-1
 - 3. FAO 260

4. FAO 198-1

- f) HS Entry-Exit reporting requirement to BFAR and WCPFC;

Section 4. Measures for all fishing gears in the high seas of the IOTC and ICCAT

- a) The measure for all vessels in the IOTC shall be in accordance with paragraphs 8 and 9 of IOTC Resolution 21-01, that provides for limits on Yellowfin Tuna.
1. Limits shall be allocated on first-come-first-served basis
- b) The measure for all vessels in the ICCAT shall be in accordance with paragraph 4 of ICCAT Recommendation 19-02, that provides for limits on Bigeye and Yellowfin Tuna.
1. Limits shall be allocated on first-come-first served basis
- c) The following FAOs shall also apply:
1. FAO 244;
 2. FAO 260
 3. FAO 261
 4. FAO 254-1
 5. FAO 198-1

Section 7. Procedure in the Allocation of Fishing Access in the high seas

- 1) Allocation will be based on limits provided for in RFMO Resolution and Conservation and Management measures (catch, fishing days)
- 2) Current and historical fishing operations in the subject high seas
- 3) Letter of Intent. All interested persons, corporations or entities shall submit a formal Letter of Intent (LOI) addressed to the Director of the Bureau upon effectivity of this FAO indicating the details of the fishing vessels and their support vessels such as registered name, gross tonnage, and gear.
- 4) Allocation of fishing opportunity shall be provided in a separate document after a series of consultations.
- 5) A Notice of Acceptance shall be sent to the applicant and the date of receipt shall be the reckoning point of the three-month period. Failure to comply with all of the criteria within the three-month period shall result to revocation of the slot thus making it open for raffle to others in the preliminary list.

Section 5. Observer Coverage. All catcher vessels operating in the High seas area shall have 100% Regional Observer coverage in accordance to FAO 261 Series of 2018 and

CMM 2018-01.

Section 6. 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 7. Entry/exit Notification.

- 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 High seas area. Likewise, this information shall be transmitted to the adjacent coastal States/Territories and concerned RFMOs..
- 2) The report should be in the following format: “VID/Entry or Exit: Date/Time; Lat/Long.”
- 3) The vessels operating in the High seas area should report sightings of any fishing vessel to the BFAR and BFAR shall transmit the same to the WCPFC/concerned RFMOs Secretariat. Such information shall include vessel type, date, time, position, markings, heading and speed.

Section 8. Vessel Listing. The Bureau shall maintain an updated list of all fishing vessels operating in the High Seas area based on the issuance of the DWFP to be submitted to the concerned RFMOs and will be made available to members and other concerned stakeholders through a dedicated website, www.bfar.da.gov.ph.

Section 9. Monitoring of Port Landings. All landings of vessels operating in the Matimihan area 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 the local government units. Corresponding catch logsheet shall be accomplished and submitted to the Bureau to make certain that reliable catch data by species are collected for processing and analysis.

Section 10. Purse seine and Ringnet Mesh Size. All purse seine and ringnet fishing vessels covered by this Order shall use net mesh size of not less than 3.5 inches starting at the mid body to the entire wing for purse seine, while mesh size of not less than 3.5 inches at both wings for ring net and for purse seine or ringnet with symmetrical net design, the mesh size of the lower half of the net shall not be less than 3.5 inches.

Section 11. Use of Fish Aggregating Device (FAD). The use of FADs shall be governed by the provisions of FAO 244. In the WCPFC, except HSP1, there shall be five months' FADs closure, the timing of which shall be in consultation with stakeholders but in compliance with WCPFC CMM 2021-01.

Section 12. Nature of Access Right. Any transfer of access right or replacement of vessel covered by this Order shall be subject to the prior notification and approval of the Bureau and shall be based on the same conditions and criteria as provided herein, otherwise the transfer shall be considered void. Transfer or sale of an existing vessel operating legally

in the area shall include the right to fish, except when the buyer is not qualified under any existing law or regulation.

Section 13. Penalties.

- 1) Violations in the catch or effort limit shall be subject the offender to a fine amounting to one hundred thousand pesos (P100,000.00 to five million pesos (P5,000,000.00) depending on the socio-economic 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) All other penalties as provided in the above-cited FAOs.

Section 14. 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 15. Repealing Clause. All existing administrative orders, rules and regulations which are inconsistent with the provisions of this Order are hereby repealed or modified.

Section 16. 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