



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 FOR THE CONSERVATION AND MANAGEMENT OF SHARKS FOR PHILIPPINE FLAGGED FISHING VESSELS

WHEREAS, Article 194 (5) of the United Nations Convention on the Law of the Sea (UNCLOS) specifically requires States, in taking measures to prevent, reduce and control pollution of marine environment “shall include those [measures] necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other form of marine life”;

WHEREAS, the UNCLOS the United Nations Food and Agriculture Organization (FAO) International Plan of Action for the Conservation and Management of Sharks calls on FAO members, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view to ensuring the sustainability of shark stocks;

WHEREAS, the FAO Code of Conduct for Responsible Fisheries (CCRF) specifically addresses biodiversity issues and conservation of endangered species and calls for the catch of non-target species, both fish and non-fish species, to be minimized. Article 7.2.2d of the CCRF also calls for the sustainable use of aquatic ecosystems and requires that fishing be conducted with due regard for the environment. The CCRF also promotes the maintenance, safeguarding and conservation of biodiversity by minimizing fisheries impacts on non-target species and the ecosystem in general;

WHEREAS, the Philippines is a contracting party of the Convention on the Conservation and Management of High Migratory Fish Stocks in the Western and Central Pacific Ocean and member of the Western and Central Pacific Fisheries Commission (WCPFC) which is the Regional Fisheries Management Organization of the Western and Central Pacific Ocean mandated to manage straddling and highly migratory species, including tropical tunas, billfishes, sharks, marine mammal and sea turtles;

WHEREAS, as a party of the Convention and a member of the WCPFC, the Philippines is mandated to observe and implement Conservation and Management Measures (CMM) adopted by the Commission;

WHEREAS, Articles 5(d) and (e) of the Convention on the Conservation and Management of High Migratory Fish Stocks in the Western and Central Pacific Ocean, required to adopt management arrangements for cetaceans as non-target and associated or dependent species, as they are incidentally caught by purse-seine fisheries in the WCPO.

WHEREAS, the WCPFC adopted Conservation and Management Measure (CMM) 2019-04 on the Conservation and Management for Sharks;

WHEREAS, sharks are caught as bycatch in various fisheries in the country;

WHEREAS, the Philippines in 2009 prepared the National Plan of Action for the Conservation and Management of Sharks (NPOA Sharks) which was harmonized and updated in 2017;

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

SECTION 1. Definition. - The terms used herein shall be construed as follows:

- 1) Shark – generic term for all sharks and shark-like species under the Class Chondrichthyes, as applied by UN-FAO in IPOA-Sharks;
- 2) Oceanic Whitetip Shark – Scientific name *Carcharhinus longimanus*, is a type of [shark](#) of the genus *Carcharhinus*, family *Carcharhinidae*. It is large and has a stocky build and distinctive pattern of mottled white markings on the tips of the dorsal, pectoral, and tail fins. Its dorsal fin is rounded and its pectoral fins are long and paddle-like.
- 3) Silky shark – Scientific name *Carcharhinus falciformis*, is a type of [shark](#) of the genus *Carcharhinus*, family *Carcharhinidae*. It is a large, slim and has a fairly stretched rounded snout, a relatively slanting first dorsal fin with a blunt top that is located behind the edges of the pectoral fins, a small second dorsal fin with an extremely long free rear tip (more than two times the height), and a low interdorsal ridge (ridge between the dorsal fins). Its pectoral fins are long and slim and have dusky-colored tips.
- 4) Full utilization - retention by the fishing vessel of all parts of the shark excepting head, guts, and skins, to the point of first landing or transshipment.

SECTION 2. Prohibitions

- 1) Fishing using any method or gear that is targeting any species of shark.
- 2) Oceanic white tip shark and silky shark are prohibited to be retained on board, transshipped, stored on a fishing vessel, or landed, in whole or in part.
- 3) Landing of sharks with removed or unattached fins.

- 4) Retaining on board, transshipping, landing, or trading any fins of any species harvested in violation of Section 3 (5) and other provisions of this Order.

SECTION 3. Sharks bycatch retention and utilization

- 1) Fisheries that are not directed at sharks shall release all species of live sharks that are caught incidentally and are not used for food or other purposes, except oceanic white tip and silky sharks which shall not be retained for any purpose, whether it is caught alive or dead.
- 2) All vessels shall release any live shark that is caught as soon as possible after the shark is brought alongside the vessel, and to do so in a manner that results in as little harm to the shark as possible
- 3) All retained sharks shall be fully utilized.
- 4) All fishing vessels shall have on board fins that total no more than 5% of the weight of sharks on board up to the first point of landing
- 5) Alternatively to Sec 3 (2), vessels may land sharks with fins attached to the carcass or that fins not be landed without the corresponding carcass.

SECTION 4. Bycatch reporting

1. All commercial fishing vessels shall record in their Catch Logsheets and submit to the BFAR as required by FAO 198-1, all bycatch of sharks species, whether released alive or dead, or retained or discarded.

Section 5. Sanctions.

- 1) Any fishing company or individual who commits any of the above prohibited acts under Section 2, 3 and 4 of this Order 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 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 WCPFC CMM 2021-01.

ISSUED this ___ day of ___, 2022 at Quezon City, Metro Manila, Philippines

WILLIAM D. DAR, PhD
Secretary

Recommending Approval:

EDUARDO B. GONGONA
BFAR National Director

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