



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

FISHERIES ADMINISTRATIVE
ORDER NO. 270
Series of 2023

**SUBJECT: RULES AND REGULATIONS ON THE OPERATIONS OF PHILIPPINE
FLAGGED FISHING VESSELS OPERATING IN DISTANT WATERS
(BEYOND NATIONAL JURISDICTION)**

WHEREAS, Section 32 of Republic Act No. 8550, as amended by Republic Act 10654, provides for the conditions before fishing vessels of Philippine registry may be allowed to engage in distant water fishing;

WHEREAS, the *National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*, as adopted by Executive Order No. 154, series of 2013, requires the implementation of flag State responsibilities, such as ensuring that Philippine-flagged fishing vessels do not engage in illegal, unreported and unregulated fishing and the undertaking of comprehensive and effective Monitoring, Control and Surveillance (MCS) of fishing from its commencement, through the point of landing, to final destination;

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 and implemented Resolutions and Conservation and Management Measures (CMMs) for fishing operations in the High Seas and Coastal States;

WHEREAS, as member in good standing of the said RFMOs, the Philippines as a responsible fishing nation, is obligated to cooperate as well as to implement such measures including the adoption of national implementing rules and regulations for its flagged fishing vessels authorized to operate in the High Seas and other Coastal States;

WHEREAS, members, cooperating non-members and participating territories of these RFMOs have the obligation to implement such Resolutions and Conservation and Management Measures (CMMs) within their respective jurisdictions and the entire area of these RFMOs;

WHEREAS, domestic regulations of Coastal States in their respective areas of jurisdiction are fully recognized;

WHEREAS, there are Philippine-flagged vessels that fish or operate in the High Seas and in waters of other Coastal States under the RFMOs, access agreements and other arrangements with the concerned Coastal States;

WHEREAS, the Philippines as a Flag State has the responsibility to ensure that vessels flying its flag fishing on the High Seas and in waters of other Coastal States, comply with the Conservation and Management Measures (CMMs) and do not undermine the effectiveness of those measures at sub-regional, regional and in waters of other Coastal States;

WHEREAS, the Philippines is a party to the Port State Measures Agreement (PSMA) and promulgated Fisheries Administrative Order (FAO) 267 as its implementing rules and regulations;

WHEREAS, Fisheries Administrative Order (FAO) 245-4 Series of 2018 provides for the Regulations and Implementing Guidelines on Group Tuna Purse Seine Operations in High Seas Pocket Number 1 as a Special Management Area;

WHEREAS, Fisheries Administrative Order (FAO) 254-1, Series of 2018 provides for the Regulations and Implementing Guidelines on Group Handline Fishing Operations in the High Seas of the WCPFC Convention Area;

WHEREAS, the High Seas adjacent to the Philippine Exclusive Economic Zone in the Pacific Seaboard, locally referred to as “Matimatihan”, is a traditional fishing ground for Filipino Fisherfolk; and that during the 18th Regular Session of the WCPFC in 2021, the Philippines manifested that the purse seine EEZ limit of 42,000 fishing days submitted during the 16th Regular Session in 2019 includes its purse seine effort in “Matimatihan”;

WHEREAS, BFAR Administrative Circular (BAC) 252-1 provides the Amended Rules and Regulations Governing Distant Water Fishing by Philippine Flagged Fishing Vessels operating in Other Coastal States;

WHEREAS, in order to rationalize and improve the flag state control vessels operating beyond national jurisdiction, a comprehensive and consolidated measures is necessary.

WHEREFORE, in view thereof, the Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (BFAR) hereby adopts and promulgates the following rules and regulations on distant-water fishing by Philippine-flagged fishing vessels for the information, guidance and compliance of all concerned.

CHAPTER I GENERAL PROVISIONS

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

- 1) **Automatic Location Communicator (ALC) or Mobile Tracking Transceiver Unit (MTU)**- a two-way automatic tracking device approved by BFAR to be installed

on 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) **BFAR Vessel Monitoring Measure (VMM)** – refers to the vessel tracking measures established and operated by BFAR 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.
- 3) **Carrier-** a type of fishing vessel designed for the purpose of carrying and transporting fish and other supplies to and from the fishing ground.
- 4) **Catcher-** a type of fishing vessel used solely to catch or harvest fish from the marine environment.
- 5) **Coastal State-** the State where a fishing vessel conducts its fishing operations.
- 6) **Commercial Fishing Vessel License (CFVL)** – refers to the permit to operate specific types of fishing vessel for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources.
- 7) **Designated Port for Fish Landing** – the port designated by the Port State;
- 8) **Distant Water Fishing** – means fishing in waters beyond Philippine National Jurisdiction (i.e. in the High Seas or in waters of other states).
- 9) **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.
- 10) **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.
- 11) **Fisheries Monitoring Center (FMC)** – a land base component for fisheries monitoring control and surveillance which operates and maintains the Vessel Monitoring Measure System.
- 12) **Fishing days** – the number of days at sea spent by the vessel in the fishing ground which excludes the time for navigation from homeport to fishing ground and vice versa.
- 13) **Flag State** – the State which entitles the fishing vessel to fly its flag and records that fishing vessel in its registry of ships.

- 14) **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.
- 15) **Group Seine** – purse seine/ring net boats operating as a group, consisting of a catcher boat without fish hold capacity and its support vessels, such as carrier boats, ranger and light boats.
- 16) **High Seas (HS)** - the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
- 17) **International Maritime Organization (IMO) Number** - is a unique number assigned to propelled vessels.
- 18) **Landing Declaration** – a document filled-out and signed by the Master of the Philippine-flagged fishing vessel that contains information pertaining to fishing activity, such as, but not limited to, name of landing vessel, date/s of landing, name of port, species and quantity of fish catch.
- 19) **Longline** – refers to a drift longline targeting tuna and other large pelagic species. It is a type of hook-and-line gear where hooks are connected to branch lines which are then attached to a long horizontal mainline at certain intervals.
- 20) **Matimatihan** – refers to the High Seas adjacent to the Philippines' Pacific Exclusive Economic Zone (EEZ), South of the Japanese EEZ and North of the Palau's EEZ.
- 21) **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.
- 22) **Regional Fisheries Observer** – qualified personnel trained by BFAR 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 and by BFAR's compatible measures.
- 23) **Special Fishing Permit (SFP)** - authorization granted by BFAR to fishing vessels to conduct fishing operation in High Seas as Special Management Area.

Section 2. Scope and Application. This Administrative Order covers all Philippine-flagged fishing vessels engaged in distant water fishing regardless of type.

Section 3. Compliance. Philippines-flagged vessels fishing in High Seas and waters of other Coastal States shall comply with the monitoring, control and surveillance requirements, conservation and management measures, and fishing access condition of the Department, the RFMO, and the Coastal states where they intend to operate.

Section 4. Vessel Listing. BFAR shall maintain an updated list of all fishing vessels operating in the High Seas area based on the issuance of the Distant Water Fishing Permit (DWFP) to be submitted to the concerned RFMOs Records of Fishing Vessel and will be made available to members and other concerned stakeholders through a dedicated website, www.bfar.da.gov.ph.

Section 5. Vessel Marking and Specifications. Fishing vessels operating in the High Seas or international waters shall comply with the vessel marking and specification requirements of the RFMO that governs that area. Fishing vessels operating in the waters of other Coastal States shall comply with the vessel marking and specification requirements of that Coastal State. However, the International Radio Call Sign, as stated in the Ship Station License issued by the Philippine competent authority, shall be marked on the fishing vessel in accordance with the standards of the Food and Agriculture Organization.

Section 6. Observer Coverage. All catcher vessels operating in the High Seas area shall have 100% Regional Observer coverage in accordance with FAO 261, Series of 2018 and WCPFC CMM 2021-01 or its replacement measure. Fishing vessels operating in waters of other Coastal States shall comply with the observer coverage requirement of that Coastal State.

Section 7. Vessel Monitoring Measure and Electronic Reporting System. All catcher and carrier vessels shall be equipped with and shall operate a two-way Automatic Location Communicator and e-reporting in accordance with FAO 260, Series of 2018. Lightboats shall also be equipped with a one-way ALC or as maybe required by the Coastal States.

Section 8. Timely Reporting of Catch and Entry/Exit Notification.

- 1) The Master of the catcher vessel shall record its catches in the prescribed logsheet and shall submit it to BFAR on a monthly basis. The owner or authorized representatives shall ensure the accuracy and timeliness of the submission of the logsheet to BFAR.
- 2) The owner or authorized representative of the vessel shall notify BFAR through electronic or any other means at least 24 hours prior to departure from their homeport, 24 hours prior to entry and no more than 6 hours prior to exiting the High Seas area and other Coastal States wherever applicable. Likewise, as maybe applicable, transmission of this information to concerned adjacent Coastal States/Territories and concerned RFMOs shall be required when transiting in their respective area of jurisdiction.

- 3) The report should be in the following format: "VID/Entry or Exit: Date/Time; Lat/Long."
- 4) The vessels operating in the High Seas area should report sightings of any fishing vessel to BFAR who shall transmit the same to the WCPFC/concerned RFMOs Secretariat. Such information shall include vessel type, date, time, position, markings, heading and speed.

Section 9. 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 BFAR 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 where applicable, except when the buyer is not qualified under any existing law or regulation.

CHAPTER II MEASURES FOR HIGH SEAS

Section 10. Measures in the WCPFC High Seas

1) Measures for Group Seine

a) Group seine (purse seine and ringnet) in 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 or its replacement measure, which provides for the operation of 36 Philippine registered group seine fishing vessels granted access to the High Seas Pocket No. 1 Special Management Area, having gross tonnage of not more than 250 GT issued with Distant Water Fishing Permits, Special Fishing Permit and listed in the WCPFC Record of Fishing Vessels.

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

i) Fishing effort in Matimatihan shall be limited to 5,460 fishing days which is a portion of the total 42,000 fishing days purse seine/ringnet limit in the Philippines Pacific EEZ and Adjacent High Seas.

(1) Total fishing days (5,460 fishing days) shall be allocated among authorized vessels;

(2) Allocation shall be given to vessels with valid DWFP in the area;

(3) Each of the authorized vessel shall be monitored with the BFAR IMEMS. The vessels shall be advised when 90% of the total fishing days have been

used and shall be directed to return to port before the total fishing days are consumed.

ii) The following measures shall also apply:

- (1) FAO 261, Series of 2018- Rules and Regulations on Fisheries Observer Program (FOP) in the Philippines and in Distant Water Fishing Targeting Straddling and Highly Migratory Stocks;
- (2) FAO 260, Series of 2018- Rules and Regulations on the Implementation of Vessel Monitoring Measures (VMM) and Electronic Reporting System (ERS) for Commercial Flagged Fishing Vessels Targeting Straddling and Highly Migratory Fish Stocks;
- (3) FAO 244, Series of 2012- National Tuna Fish Aggregating Device (FAD) Management Policy; and
- (4) FAO 198-1, Series of 2018- Amended Rules and Regulations on Registration and Licensing of Commercial Fishing Vessels, Fishing Gears and Fishworkers.

iii) Vessels are listed in the WCPFC Record of Fishing Vessel.

- c) **Use of Fish Aggregating Device (FAD).** The use of FADs shall be governed by the provisions of FAO 244 on National Tuna Fish Aggregating Device (FAD) Management Policy. FAD Closure shall be consistent with Attachment 2 of CMM 2021-01 or its succeeding CMM when available.
- d) **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. Provided, however, that the remaining parts of the net shall comply with the provisions of FAO 155-1 on Regulating the use of fine meshed nets in fishing.

2) Longline

- a) The measure for longline shall be in accordance with paragraph 40 of CMM 2021-01 or its replacement measure, 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 includes catch in the Philippine EEZ;
- c) This limit shall be proportionately allocated to the qualified vessels;

- d) Each subject vessel shall be notified when 90% of the allocated bigeye tuna catch has been met; and shall be ordered to return port when 99% of its limit has been reached; and
- e) The following measures shall also apply:
 - i) FAO 261, Series of 2018- Rules and Regulations on Fisheries Observer Program (FOP) in the Philippines and in Distant Water Fishing Targeting Straddling and Highly Migratory Stocks;
 - ii) FAO 260, Series of 2018- Rules and Regulations on the Implementation of Vessel Monitoring Measures (VMM) and Electronic Reporting System (ERS) for Commercial Flagged Fishing Vessels Targeting Straddling and Highly Migratory Fish Stocks;
 - iii) FAO 198-1, Series of 2018- Amended Rules and Regulations on Registration and Licensing of Commercial Fishing Vessels, Fishing Gears and Fishworkers; and
 - iv) High Seas Entry-Exit reporting requirement to BFAR and WCPFC.

3) Handline

- a) The measure to apply for handline shall be in accordance with paragraph 47 of CMM 2021-01 or its replacement measure, 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”.

- i) The limits for the Philippines shall be consistent with the baseline as provided for in “Other Fisheries” of the relevant WCPFC CMM;
- ii) The limit in the High Seas shall be based on the balance or unutilized catch from the Philippine EEZ in the Pacific Seaboard;
- iii) Catch shall be monitored based on Electronic Reporting System (ERS);
- iv) All vessels shall be notified when 80% of the catch limit has been met; and,
- v) All vessels shall be ordered to return to port when 95% of the catch limit has been attained.

b) The following measure shall also apply:

- i) FAO 260, Series of 2018- Rules and Regulations on the Implementation of Vessel Monitoring Measures (VMM) and Electronic Reporting System (ERS) for Commercial Flagged Fishing Vessels Targeting Straddling and Highly Migratory Fish Stocks;
- ii) FAO 244, Series of 2012- National Tuna Fish Aggregating Device (FAD) Management Policy; and
- iii) FAO 198-1, Series of 2018- Amended Rules and Regulations on Registration and Licensing of Commercial Fishing Vessels, Fishing Gears and Fishworkers.

c) High Seas Entry-Exit reporting requirement to BFAR and WCPFC.

Section 11. Measures for all fishing gears in the High Seas of the IOTC, ICCAT and other RFMOs

- 1) 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.
 - a) Limits shall be allocated on a first-come-first-serve basis;
 - b) This limit shall be proportionately allocated to the qualified vessels; and
 - c) Each subject vessel shall be notified when 90% of the allocated yellowfin tuna catch has been met; and shall be ordered to return port when 99% of its limit has been reached.
- 2) The measure for all vessels in the ICCAT shall be in accordance with paragraph 4 of ICCAT Recommendation 21-01, that provides for limits on bigeye and yellowfin tuna.
 - a) Limits shall be allocated on a first-come-first-serve basis;
 - b) This limit shall be proportionately allocated to the qualified vessels; and
 - c) Each subject vessel shall be notified when 90% of the allocated bigeye and yellowfin tuna catch has been met; and shall be ordered to return port when 99% of its limit has been reached.
- 3) The following FAOs shall also apply:
 - a) FAO 261, Series of 2018- Rules and Regulations on Fisheries Observer Program (FOP) in the Philippines and in Distant Water Fishing Targeting Straddling and Highly Migratory Stocks;

- b) FAO 260, Series of 2018- Rules and Regulations on the Implementation of Vessel Monitoring Measures (VMM) and Electronic Reporting System (ERS) for Commercial Flagged Fishing Vessels Targeting Straddling and Highly Migratory Fish Stocks;
- c) FAO 244, Series of 2012- National Tuna Fish Aggregating Device (FAD) Management Policy; and
- d) FAO 198-1, Series of 2018- Amended Rules and Regulations on Registration and Licensing of Commercial Fishing Vessels, Fishing Gears and Fishworkers.

Section 12. Criteria and Procedure in the Allocation of Fishing Access in the High Seas

- 1) Allocation will be based on limits provided for in the relevant RFMO Resolution and Conservation and Management Measures (catch, fishing days);
- 2) The current and historical fishing operations in the subject High Seas shall be one of the criteria in the allocation;
- 3) All interested persons, corporations or entities shall submit a formal Letter of Intent (LOI) addressed to the BFAR National Director upon the 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 consultation;
- 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 within which to comply with the requirements herein; and
- 6) Failure to comply with all of the requirements within the said three-month period shall result to the forfeiture of the slot thus making it available to be raffled off to the other applicants in the preliminary list.

Section 13. Monitoring of Port Landings. All landings of vessels operating in the High Seas 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 (LGUs). Unloading in private ports can only be allowed when warranted and under exceptional circumstances (e.g. Fishport Closure). Corresponding catch logsheet shall be accomplished and submitted to BFAR to ensure that reliable catch data by species are collected for processing and analysis.

CHAPTER III
MEASURES FOR VESSELS OPERATING IN WATERS OF OTHER COASTAL STATES

Section 14. Requirements for Distant-Water Fishing. Fishing vessels of Philippine registry with valid Commercial Fishing Vessel License may engage in distant-water fishing provided:

- 1) That the fishing vessel is registered with the RFMO and, where relevant, licensed by the Coastal State;
- 2) That the fishing vessel is compliant with the rules and regulations of the RFMO and/or Arrangements and, where relevant, the Coastal State which has jurisdiction over the waters where it operates;
- 3) That the fishing vessel is compliant with the safety, manning and other requirements of MARINA and other concerned agencies;
- 4) That the fishing vessel holds a valid Distant Water Fishing Permit (DWFP) and fishing authorization from the Coastal State; and
- 5) That the owner of the fishing vessel has provided the BFAR a copy of the authorization/permit/license of the Coastal State if the same has already been issued. Provided that, if the authorization has not been granted yet, a copy of such authorization shall be submitted to BFAR within thirty (30) days from its issuance.

The DWFP shall be issued by the BFAR National Director and shall be valid for a period of three (3) years provided that, the revocation, cancellation, and non-renewal for cause of any of the abovementioned requirements may be a ground to cancel or terminate the DWFP provided further, that any fish caught by such vessels shall be considered as caught in Philippine waters.

Section 15. Documentary Requirements for the issuance of a Distant Water Fishing Permit (DWFP).

- 1) A valid CFVL;
- 2) Duly accomplished DWFP application form;
- 3) Copy of the Coastal State authorization;
- 4) Ship Station License;
- 5) Payment of application fee of P3,000.00; and
- 6) Payment of permit fee of P5,000.00.

Section 16. Vessel Days Scheme Monitoring Form (VDSMF). The fishing companies shall submit to BFAR once a year the VDSMF which shall contain the following:

- 1) Names of the vessels operating in the WCPO;
- 2) VDS purchased by the fishing company from the Coastal States for every vessel

- for the immediately incoming fishing season;
- 3) VDS already used by the fishing company for every vessel from the immediately preceding fishing season;
 - 4) Specific fishing grounds for the operation of the fishing vessels; and
 - 5) Other restrictions imposed on the VDS purchased, if applicable.

BFAR shall closely monitor the number of VDS purchased by the fishing companies from the Coastal States and ensure that such allocations are not exceeded, and the accompanying restrictions are complied with.

BFAR shall ensure that the data derived from the VDSMF shall be considered sensitive technical information and shall remain confidential, except otherwise ordered by the BFAR-Adjudication Committee or any competent Philippine Court of Law.

Section 17. Bilateral cooperation with Other Coastal or Port State. To ensure effective monitoring of landing and transshipment at sea or at port, BFAR shall coordinate and cooperate with other Coastal or Port State in sharing information and documents related to landing and transshipment of catch by Philippine-flagged fishing vessels in waters or ports of that Coastal or Port State, which may, as far as practicable, include information on vessel days, observer reports, and reports of inspection during the conduct of transshipment/landing.

Section 18. Inspection and Monitoring of Landings in Domestic Ports. Catches of distant water fishing vessels shall be landed only in designated fishports under the jurisdiction of the PFDA; provided that, unloading of catches shall only be made in the presence of a Fish Inspector who shall validate the information stated in the landing declaration and other relevant documents pertaining to the fishing activities, including fishing permit/authorization, transshipment declaration, stowage plans, and logsheets. To ensure traceability, landings shall be inspected and monitored by BFAR, in coordination with the PFDA.

Provided further that in cases of congestion and other relevant emergencies, the PFDA and BFAR may authorize in writing the landing in PFDA-authorized extension ports.

Towards this end, the PFDA and BFAR shall formulate the procedure and determine the criteria in the accreditation of PFDA-authorized extension ports taking into account the provision of Section 32 of RA 8550, as amended, and the relevant food safety standards.

Provided furthermore, that the same authorization shall be subject to the same rules and regulations as if the same is landed in PFDA ports.

Section 19. Inspection and Monitoring in Other Coastal States. Philippine-flagged distant water fishing vessels conducting transshipment and/or landing in other Coastal States shall be subjected to risk-based monitoring and inspection by authorized BFAR Officers to check for compliance with traceability and food safety requirements and other existing applicable fishery laws, rules and regulations.

To ensure effective implementation of this requirement, government and private stakeholders shall enter into a cost-sharing arrangement. BFAR shall shoulder the salary and expenses of authorized BFAR Officers who will conduct the risk-based monitoring and inspection while the private stakeholders shall shoulder the per diems, travelling expenses and other incidental expenses for inspection requested by the concerned company.

BFAR shall formulate the standard operating procedure for the conduct of monitoring and inspection of transshipment and/or landing of Philippine-flagged fishing vessels in other Port States.

Section 20. Declaration of Landing in Foreign Ports. Philippine-flagged fishing vessels authorized to engage in distant-water fishing may land their catch in ports designated by the Port States subject to the following conditions:

- 1) Fishing companies shall notify BFAR of any landing in a foreign port, in writing by attaching a scanned copy of the signed document as well as submitting the following information to be sent through electronic means within twenty-four (24) hours before the scheduled landing date:
 - a) Name, registration number, and call sign of the fishing vessel;
 - b) Specific name of port;
 - c) Port State (if landing in foreign ports);
 - d) Scheduled date of landing;
 - e) Estimated quantity/volume of fish to be landed; and
 - f) Buyer, if applicable.
- 2) All landing of catches outside the Philippines must be conducted in ports designated by the port authority and must be covered by a Landing Declaration duly signed by the Master. The subject Landing Declaration where applicable shall be submitted to BFAR within forty-eight (48) hours after the completion of the landing.
- 3) Each transshipment in a foreign port shall be recorded by means of a declaration of transshipment which shall contain the following:
 - a) Name and flag of the transshipping vessel;
 - b) Name and flag of the receiving vessel;
 - c) Volume and Species of fish transshipped;
 - d) Date of transshipment; and
 - e) Name of Port

The declaration of transshipment shall be prepared by the Master of the fishing vessel. Both the Master of the transshipping vessel and the Master of receiving vessel shall sign such declaration.

Section 21. Advance Notification. Fishing companies shall notify BFAR when transshipment occurs at port and request authorization when transshipment occurs at sea in accordance with the Conservation and Management Measure (CMM) of the RFMOs and shall submit the following information twenty-four (24) hours before the scheduled transshipment:

- 1) Name, registration number and other identification of the transshipping vessel;
- 2) Name, registration number and other identification of the receiving vessel;
- 3) Transshipment date;
- 4) Specific name of transshipment port and Port State; and
- 5) Estimated quantity/volume and species of fish to be transshipped.

The request for authorization shall be deemed approved if within twelve (12) hours from notice no response is received.

The Master/Captain of the Philippine-flagged vessel shall provide BFAR a copy of Transshipment Declaration within forty-eight (48) hours after completion of the transshipment operation.

CHAPTER IV PROHIBITED ACTS AND PENALTIES

Section 22. Prohibitions and Penalties. Fishing vessels found to have committed the following prohibited acts shall be imposed with the corresponding penalties stated herein.

- 1) For the purpose of this Order, the following are considered serious violations:
 - a) Engaging in distant-water fishing without Distant Water Fishing Permit;
 - b) Engaging in distant-water fishing in a Coastal State without authorization from that Coastal State;
 - c) Engaging in distant-water fishing without Fisheries Observer onboard as required by the RFMO or the Coastal State;
 - d) Engaging in distant-water fishing with no functional ALC/MTU;
 - e) Intentionally switching off, disabling or tampering the ALC/MTU;
 - f) Intentional failure to report the catch or misreporting of catch;
 - g) Assaulting, resisting, intimidating, harassing, seriously interfering with, or unduly obstructing or delaying a fisheries law enforcer, authorized inspector or observer, or other duly authorized government officer;
 - h) Employing Unlicensed Fisherfolk, Fishworker or Crew;
 - i) Transshipment in the High Seas or transshipment in violation of the laws or regulations of the Philippines or the Coastal State;
 - j) Transshipment or landing of fish catch without permission from BFAR;
 - k) Non-compliance with applicable FAD Management Regulations;
 - l) Fishing with the use of prohibited or unauthorized gear;
 - m) Intentional setting despite the known presence of a Whale Shark or

intentionally fishing species prohibited by either the concerned RFMO or the Coastal State; and

- n) Landing in unauthorized ports or landing sites.

For violations from letters a to h, they shall be imposed with the penalties provided in the applicable provision of R.A. 10654 and the relevant above-cited FAOs.

For other violations stated above the imposable penalty, in addition to the immediate cancellation of Distant Water Fishing Permit, shall include payment of fine in the amount equivalent to five (5) times the value of the catch or the amount provided below, whichever is higher:

- a) Two hundred fifty thousand pesos (P250,000.00) to five hundred thousand pesos (P500,000.00) for small-scale commercial fishing;
 - b) Seven hundred fifty thousand pesos (P750,000.00) to one million pesos (P1,000,000.00) for medium-scale commercial fishing; and
 - c) One million two hundred thousand pesos (P1,200,000.00) to three million pesos (P3,000,000.00) for large-scale commercial fishing.
- 2) The following acts not covered by the immediately preceding paragraphs shall also be punishable under this Order:
- a) Failure to submit Landing Declaration;
 - b) Failure to comply with prescribed vessel marking including marking of international call sign per FAO standards; and
 - c) Violation of prior notification requirement stated in Sections 10 and 12 of this Order.

For said violations, the following penalties shall be imposed:

- i) One hundred thousand pesos (P100,000.00) to two hundred thousand pesos (P200,000.00) for small-scale commercial fishing;
- ii) Two hundred thousand pesos (P200,000.00) to four hundred thousand pesos (P400,000.00) for medium-scale commercial fishing; and
- iii) Four hundred thousand pesos (P400,000.00) to six hundred thousand pesos (P600,000.00) for large-scale commercial fishing.

CHAPTER V MISCELLANEOUS PROVISIONS

Section 23. Creation of IUUF List of Vessels and Philippine nationals found to have supported IUUF. An IUUF List of Vessels and Philippine nationals found to have supported IUUF is hereby established. A Philippine-flagged fishing vessel or Philippine national found to have committed a prohibited act/s under this Order for three (3) times shall be listed in the said List. Such List shall be posted in the BFAR website and shall be made accessible to the public.

Section 24. Annual Review. This measure or any part thereof shall be subject to annual review resulting from changes to the WCPFC Tropical Tuna Conservation and Management Measure or as maybe necessary.

Section 25. Separability Clause. If any section or provision of this 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 26. Repealing Clause. All existing administrative orders, rules and regulations which are inconsistent with the provisions of this Order are hereby repealed or modified.

Section 27. Transitory Provision. This Order shall take effect three (3) months after publication in any newspaper of general circulation and upon registration with the Office of the National Administrative Register (ONAR).

Issued this 27th day of January, 2023 at Quezon City, Metro Manila, Philippines.

DOMINGO F. PANGANIBAN
Senior Undersecretary
Department of Agriculture



DA-CO-OSEC-AO20230127-00002

Annex A

List of Acronyms

1. **BFAR** –Bureau of Fisheries and Aquatic Resources
2. **DWFP**-Distant Water Fishing Permit
3. **ICCAT**-International Commission for the Conservation of Atlantic Tuna
4. **IOTC** -Indian Ocean Tuna Commission
5. **SOLAS** – Safety of Life at Sea
6. **WCPFC** – Western and Central Pacific Fisheries Commission