

Republic of the Philippines  
Department of Agriculture  
Office of the Secretary  
Elliptical Road, Diliman, Quezon City

FISHERIES ADMINISTRATIVE

ORDER No. 240

Series of 2012

**SUBJECT: Rules and Regulations in the Implementation of Fisheries Observer Program in the High Seas**

**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**, in 2004 the Western and Central Pacific Fisheries Commission (WCPFC) was established as provided in the Convention to implement its conservation and management measures;

**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**, on December 2008 the WCPFC has adopted Conservation and Management Measure 2008-01 that provides for the Conservation and Management of Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean;

**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.

Recognizing the importance of Fisheries Observers in the conservation and management of fisheries and aquatic resources in the Philippines and in the High Seas 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 the purpose of this Order, the following terms, words and phrases as used herein shall mean and shall be construed as follows:

1. Bureau - Bureau of Fisheries and Aquatic Resources (BFAR).
2. CCSBT - Commission for the Conservation of Southern Bluefin Tuna.
3. Convention - Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.
4. Commission ROP - The Regional Observer Program of the WCPFC which was established under CMM 2007-01.
5. 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 under Republic Act 9522.

6. 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.
7. 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.
8. Fishing Vessel - any boat, ship or other water watercraft equipped to be used for taking if 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, transshipping, transportation and/or processing.
9. High Seas - the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
10. HMFS - Highly Migratory Fish Stocks as listed in Annex I of the 1982 Convention on the Law of the Sea.
11. ICCAT - International Commission for the Conservation of Atlantic Tunas.
12. IFP - International Fishing Permit.
13. IOTC - Indian Ocean Tuna Commission.
14. 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 other end.
15. NFOP - National Fisheries Observer Program.
16. PFOPMO - Philippine Fisheries Observer Program.
17. 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.
18. RFMO - refers to the Regional Fisheries Management Organizations that implements conservation and management measures in tuna.
19. Ring Net - a surrounding net which targets pelagic fish; uses at the lower edge of the next 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 next.
20. Transshipment - the unloading of all or any of the fish on board a fishing vessel to another fishing vessel either as sea or port.
21. WCPFC - Western and Central Pacific Fisheries Commission.

**Section 2. Creation of National Fisheries Observer Program (NFOP).** There is hereby created a National Fisheries Observer Program (NFOP) under the Bureau of Fisheries and Aquatic Resources which shall be the source of fisheries observers in the Philippines. A Philippine Fisheries Observer Program Management Office (PFOPMO) 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 200 mile Exclusive Economic Zone (EEZ), or in the high seas and in the waters of other countries in coordination with the Commission ROP and to perform such other related functions as mandated by the Fisheries Code and Fisheries Administrative Orders.

**Section 3. Coverage.** NFOP shall cover all commercial fishing boats/catcher boats the targets tuna species (i.e. skipjack, yellowfin and bigeye) operating with a major fishing gears and transshipment vessels in the High Seas. Fishing vessels may choose to have a Filipino Observer from the BFAR NFOP or from other RFMOs to board their vessels. Level of coverage shall be in compliance with the applicable WCPFC, IOTC, ICCAT, or CCSBT requirements or from country that granted fishing access - for all Philippine flagged vessels operating in the high seas or in the waters of other states where these have been licensed to conduct fishing activities.

**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 on board as required or provided ny WCPFC ROP, other RFMOs Observer Program or by the Philippine Fisheries Observer Program.

**Section 5. Commercial Fishing Vessel Operators and Fisheries Observers.** shall be strictly observe and follow the guidelines stipulated in FOP Annex 1-Mechanics of Implementation and FOP Annex 2 - Terms of Reference of the Fisheries Observer Program in the Philippines of this Order.

**Section 6. Fisheries Observers.** shall strictly observe and follow the Code of Conduct Stipulated in FOP Annex 3 of this Order or the BFAR Fisheries Observer Program: Code of Conduct for Observers Program in the Philippines.

**Section 7. Fisheries Observers Fees and Accommodations.** The following shall be provided by the Fishing Vessel Owner/Operators for the Deployed Observers during the FAD Fishing Closure and conduct of fishing operations in the high seas:

1. Daily subsistence allowance to be paid to the FOP Observer upon deployment to the vessel which will commence on the scheduled port departure date and arrival of the vessel.

- USD 40/day if deployed in the high seas and other countries/CCMs EEZ or the existing rates adopted by the ROP or other CCM for their observer program.

2. Accommodation, medical facilities, and adequate sanitary amenities of a reasonable standard.

3. Medical and Accident Insurance coverage for the duration of the observer's time onboard the vessel.

4. Reimbursement of travelling expenses (taxi, airfare, bus tickets etc) of Observer origin to the Port of Embarkation and vice-versa.

**Section 8. Sanctions.** Fishing Vessels covered in this Order found engaging in fishing operation in the High Seas or under the jurisdiction of other countries without a fisheries observer onboard or during the FAD closure periods shall be considered as having violated Section 86 of the Fisheries Code and will required to return to homeport. An administrative fine of Php 100,000.00 shall be imposed to those who failed to comply and will be a ground for suspension of Commercial Fishing Vessel/Gear License (CFVGL) in the case of a first offense and cancellation or revocation of CFVGL and exclusion from the WCPFC Register of Vessels in case of a subsequent offense.

**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.

**PROCESO J. ALCALA**

Secretary

Recommending Approval:

**ATTY. ASIS G. PEREZ**

Director

Bureau of Fisheries and Aquatic Resources

**SALVADOR S. SALACUP**

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