



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

FISHERIES ADMINISTRATIVE
ORDER NO. 269
Series of 2023

SUBJECT: RULES AND REGULATIONS ON TUNA PURSE SEINE/RING NET OPERATIONS IN THE PACIFIC SEABOARD OF THE PHILIPPINE EXCLUSIVE ECONOMIC ZONE (EEZ)

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

WHEREAS, the Philippines is a signatory to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) and its Annexes signed on September 5, 2000, which was subsequently ratified by the Senate of the Philippines on March 17, 2005;

WHEREAS, the WCPFC within its framework has issued resolutions and Conservation and Management Measures (CMM) relevant to fishing operations within the EEZ and High Seas;

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

“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 with paragraph 24 of CMM 2021-01, the Philippines submitted its purse seine effort control in December 2018 wherein it indicated its chosen manner and the limit of one hundred fifty (150) units of purse seine/ring net fishing vessels. In 2019 it submitted an amendment indicating a limit of forty-two thousand (42,000) fishing days;

WHEREAS, in its delegation paper submitted during the WCPFC 4th Regular Session in Guam in 2007, the Philippines stated that Philippine purse seiners and ring netters have been operating in the High Seas east of the Philippines;

WHEREAS, 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 purse seine effort in its adjacent High Seas due to the fact that some vessels traditionally straddle between the Philippines Pacific EEZ and its adjacent High Seas;

WHEREAS, the WCPFC has advised the Philippines that the limits for purse seine and ringnet in its EEZ and the adjacent High Seas should be separated and recalibrated accordingly;

WHEREAS, an inventory has been conducted to determine the number of purse seine and ringnet vessels operating within the Pacific EEZ and adjacent High Seas;

WHEREAS, in view of the limits established, a Fisheries Administrative Order is necessary to provide the rules and regulations on the operations of purse seine and ringnet in the Pacific EEZ and its adjacent High Seas;

WHEREFORE, considering these premises, the Department of Agriculture (DA), through the Bureau of Fisheries and Aquatic Resources (BFAR) hereby promulgates the following rules and regulations.

Section 1. Definition of Terms. For purposes of this Order, the following terms and acronyms 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 BFAR 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) **BFAR** – Bureau of Fisheries and Aquatic Resources
- 3) **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.
- 4) **CFVL** – Commercial Fishing Vessel 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 Nations 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 days**- the number of sea days spent by vessel in the fishing ground which exclude the navigation from homeport to fishing ground and vice versa.
- 10) **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.
- 11) **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.
- 12) **High Seas (HS)** - the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
- 13) **IMEMS**-means Integrated Marine Environment Monitoring System. It is the system implemented by BFAR that primarily aims to significantly improve and extend its existing Vessel Monitoring System (VMS) capabilities and operationalize a single integrated national marine environment monitoring system.
- 14) **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.
- 15) **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.
- 16) **SOLAS** – Safety of Life at Sea.
- 17) **WCPFC** – Western and Central Pacific Fisheries Commission.

Section 2. Scope and Application. This Administrative Order covers Philippine registered purse seine and ringnet catcher fishing vessels of more than thirty (30) Gross Tons (GT) targeting tuna with valid Commercial Fishing Vessel License (CFVL) and their corresponding support vessels operating within the Pacific Seaboard of the Philippine EEZ and listed in the WCPFC Records of Fishing Vessels.

Section 3. Applicable Rules. All relevant laws, and provisions of existing Fisheries Administrative Orders shall be applicable in the regulation of fishing operations in the Pacific Seaboard of the Philippine EEZ.

Section 4. Fishing Days Limit. The total allocation for vessel fishing days for purse seine and ringnet operating in the Philippine Pacific EEZ shall not be more than 36,540 days, which is a part of the 42,000 fishing days allocated for Philippine Pacific EEZ and its adjacent High Seas.

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 directed to return to port before the total fishing days are consumed.

Allocation shall be given to vessels that are currently active in the area. Vessels operating in territorial seas and archipelagic waters may be given-allocation when the total fishing limit has not been reached.

Section 5: Criteria to Qualify for Fishing Access in Philippine Pacific EEZ. Any person, corporation or entity who is covered under Section 2 and compliant with Section 3 shall be authorized to operate within the Philippines Pacific EEZ and shall be listed in the WCPFC List of Fishing Vessels, subject to the following requirements:

- 1) The fishing vessel:
 - a. must be Philippine registered;
 - b. must have a valid Commercial Fishing Vessel License (CFVL);
 - c. must be SOLAS compliant;
 - d. must be compliant with Catch Documentary Scheme;
 - e. do not have any pending administrative or criminal cases for engaging in any IUU fishing activities before BFAR or any court or is not in the WCPFC IUUF List;
 - f. shall be registered with WCPFC;
 - g. shall be equipped with two-way Vessel Monitoring Measure ALC and Electronic Reporting System;
 - h. shall have on board an accredited National/Regional Fisheries Observer;
- 2) Each tuna purse seine/ring net catcher vessel shall not deploy more than the FAD limit provided under FAO 244 Series of 2012;
- 3) The boat owner and three highest ranking officers of the boat must have attended the orientation to be conducted by BFAR prior to operations.

Section 6. Observer Coverage. Tuna catcher vessels operating in the Philippine Pacific EEZ shall have 100% regional observer coverage in accordance with FAO 261 Series of 2018 and CMM 2021-01 or its replacement measure.

Section 7. 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 with FAO 260 Series of 2018.

Section 8. Reporting

- 1) The vessels or the fishing company shall notify BFAR through electronic or any other means within 24 hours upon departure from their homeport and when 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 Pacific EEZ should report sightings of any fishing vessel to BFAR. Such information shall include vessel type, date, time, position, markings, heading and speed.

Section 9. Vessel Listing. BFAR shall maintain an updated list of all fishing vessels operating in the Philippines and shall be made available to the concerned stakeholders through the BFAR website.

Section 10. Monitoring of Port Landings. All landings of vessels operating in the Philippine Pacific 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. Unloading in private ports can only be allowed when warranted and under exceptional circumstances (e.g. Fishport Closure).

Section 11. Catch Logsheet. Corresponding catch logsheets shall be accomplished and timely submitted to BFAR to ensure that reliable catch data by species are collected for processing and analysis in accordance with FAO 198-1 Series of 2018.

Section 12. Use of Fish Aggregating Device (FAD). Each group tuna purse seine/ring net operation shall limit the number of FADs deployed in accordance to the limits identified in FAO 244 Series of 2012. Location coordinates of FADs shall be submitted to the BFAR.

Section 13. 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 BFAR and shall be based on the same conditions and criteria as provided herein, otherwise the transfer shall be

considered void. Access rights shall also automatically be transferred to the new owner once the vessel is sold.

Section 14. Penalties. Any violation of the provisions of this Order shall be subject to the following fines and penalties:

- 1) Violation of fishing days limit as provided in Section 4 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 in accordance with Section 128 of R.A. 8550 as amended by R.A. 10654;
- 2) Sailing from the home port on the way to the Philippine EEZ area without an on-board observer as required by Section 6 hereof shall be penalized under Section 116 of R.A. 8550 as amended by R.A. 10654, and FAO 261 Series of 2018;
- 3) Failure to report the vessel's position manually every four hours after having been notified by BFAR FMC that the VMM ALC is not transmitting in relation to Section 119 of R.A.10654 and FAO 260 Series of 2018 shall be punished with the penalties provided under Section 119 of R.A. 10654;
- 4) Failure to report or notify BFAR as required in Section 8 hereof shall be penalized with an administrative fine of One hundred thousand pesos (P100,000.00) to Five million pesos (P5,000,000.00) in accordance with Section 128 of R.A. 8550 as amended by R.A. 10654;
- 5) Intentional non-submission of catch logsheets as required under Section 11 hereof, shall be penalized in accordance with Section 89 of R.A. 8550 as amended by R.A. 10654;
- 6) Deployment of FADs in excess as provided in Section 12 hereof shall be penalized in accordance with FAO 244 series of 2012 with administrative fine of Fifty thousand pesos (P50,000.00) per excess FAD and confiscation of the excess FADs;
- 7) Unauthorized transfer of access right or replacement of vessel as provided under Section 13 hereof shall be penalized with an administrative fine of One hundred thousand pesos (100,000.00) to Five million pesos (P5,000,000.00) in accordance with Section 128 of R.A. 8550 as amended by R.A. 10654.

Section 15. Review. This measure or any part thereof shall be subject to periodic review consistent with the relevant Conservation and Management Measure (CMM) of the WCPFC or as maybe necessary.

Section 16. 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 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 27th day of January, 2023 at Quezon City, Metro Manila, Philippines.

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