

## **IOTC Agreement – Article X**

### **Report of Implementation for the year 2015**

**DEADLINE FOR SUBMISSION OF THE REPORT 16 MARCH 2016**

Reporting CPC: Philippines

Date of submission: 18/04/2016

*Please NOTE: this document is composed of 3 sections to report on the implementation of IOTC Resolutions*

**Part A.** *Describe the actions taken, under national legislation, in the previous year to implement conservation and management measures adopted by the Commission at its Nineteenth Session.*

- Resolution 15/11 On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating Non-Contracting Parties. <sup>a</sup>

Section 128 of Republic Act Number 8550 provides for a moratorium on the issuance of commercial fishing vessels licenses. Pursuant to that provision, BFAR promulgated BFAR Fisheries Administrative order Number 223 which provided for a moratorium on the issuance of new commercial fishing vessel licenses in December 2004. Pursuant to the same provision and in compliance to science recommendation and RFMOs conservation and management measures Circular Number 253 was promulgated providing for another moratorium.

Further to this, on February 27, 2015, Republic Act 10654 became effective. This is the new law amending Republic Act 8550, otherwise known as the Fisheries Code of 1998.

Under the amended Section 32, all distant water fishing vessels shall comply with the conservation and management measures of regional Fisheries Management Organization where they are conducting fishing fishing. The provisions reads as follows:

“SEC. 32. Distant Water Fishing. – Fishing vessels of Philippine registry may engage in distant water fishing as defined in this Code: Provided, That they comply with the safety, manning and other requirements of the Philippine Coast Guard, Maritime Industry Authority and other agencies concerned: Provided, however, That they secure a fishing permit, gear license and other clearances from the Department: Provided, further, That the fish caught by such vessels shall be considered as caught in Philippine waters and therefore not subject to all import duties and taxes only when the same is landed in duly designated fish landings and fish ports in the Philippines: Provided, furthermore, That landing ports established by canneries, seafood processors and all fish landing sites established prior to the effectivity of this Code shall be considered authorized landing sites: Provided, finally, That fishworkers on board Philippine registered fishing vessels conducting fishing activities beyond the Philippine Exclusive Economic Zone are not considered as overseas Filipino workers. Distant water fishing vessels shall comply with the monitoring, control and surveillance requirements, conservation and management measures, and fishing access conditions of the Department, the RFMO, or other coastal states.”

The Implementing Rules and Regulations to this new law was promulgated on September 22, 2015.

- Resolution 15/10 On target and limit reference points and a decision framework.

Click here In Section 7 of the same law above mentioned, the Philippines is set to apply harvest control rules. The said section reads as follows:

"SEC. 7. Access to Fishery Resources. – The Department shall issue such number of licenses and permits for the conduct of fishery activities subject to harvest control rules and reference points as determined by scientific studies or best available evidence. Preference shall be given to resource users in the local communities adjacent or nearest to the municipal waters".

The implementing rules and regulations [IRR] states the following:



"Rule 7.1. Determination of Number of licenses. – The number of licenses and permits for the conduct of fishery activities shall be determined in accordance with Rule 65.2 and the reference points and harvest control rules to be established under Section 8 of this Code."

The succeeding section and its corresponding IRR also provisions for the following:

SEC.8. Harvest Control Rules and Reference Points. – The Secretary may establish reference points and harvest control rules in a fishery management area or for a fishery; Provided, however, That in municipal waters and fishery management areas, and waters under the jurisdiction of special agencies, Harvest Control Rules and Reference Points may be established upon the concurrence and approval or recommendation of such special agency and the concerned LGU in consultation with the FARMC for conservation or ecological purposes. (aa)

Rule 8.1. Reference Points.– Within one (1) year from the effectivity of this IRR, the DA- BFAR shall determine the Target Reference Points (TRP) and the Limit Reference Points (LRP), and the Harvest Control Rules (HCR) to achieve TRP and to avoid LRP in all fishing grounds or fishery management areas, based on the results of national stock assessments, the precautionary principle and the process stated in Rule 65.2, among others.

Rule 8.2. Harvest Control Rules for Limit Reference Points. – Once the LRP is reached, the following HCR shall be implemented after compliance with Rule 65.2:

- a) Limitation on fishing effort. – The fishing effort per fishing ground or fishery management area shall be maintained at existing levels and no additional new licenses shall be issued;
- b) Determination of priority access for renewal of licenses. – Licensees of CFVL who have been timely and consistently submitting catch reports shall have priority access to the fishing ground through the renewal of their licenses. However, licenses shall not be renewed if the licensees have been found guilty by a court of a serious violation as defined in this Code;
- c) Declaration of a closed season. – A closed season, either spatial, temporal or by gear or fishing method, may be declared as appropriate;
- d) Reduction by attrition. – As an extreme measure when the resource is at its critical level, decommissioned vessels shall not be replaced; and,
- e) Other measures. – Other measures may be adopted when necessary.

Rule 8.3. Review. – The reference points shall be regularly reviewed to determine the necessity of revising the HCR.

Rule 8.4. Harvest Control Rules in Municipal Waters. – The DA-BFAR shall assist the LGUs and special agencies in establishing HCR in municipal waters and waters under the jurisdiction of special agencies.

- Resolution 15/09 On a fish aggregating devices (FADs) working group.

The Philippines does not have any active pruse sein fishing vessel in the IOTC Convention area. However, should there be any, the Philippines will be actively participating in this working group.

- Resolution 15/08 Procedures on fish aggregating devices (FADs) management plan, including a limitation on the number of FADs, more detailed specifications of catch reporting from FAD sets, and the development of improved FAD designs to reduce the incidence of entanglement of non-target species. <sup>a</sup>

The Philippines does not have any active purse seine fishing vessel in the IOTC Convention area. However, should there be any, the Philippines will be actively providing for the necessary information. The Philippines has an existing FAD management plan and an existing FAD management rule designed to avoid the catch of juveniles Bigeye tunas.

- Resolution 15/07 On the use of artificial lights to attract fish to drifting fish aggregating devices.  
The Philippines does not have any active purse seine fishing vessel in the IOTC Convention area. However, should there be any, the Philippines will be actively providing for the necessary information.



The Philippines has an existing FAD management plan and an existing FAD management rule designed to avoid the catch of juveniles Bigeye tunas.

- Resolution 15/06 On a ban on discards of bigeye tuna, skipjack tuna, yellowfin tuna, and a recommendation for non-targeted species caught by purse seine vessels in the IOTC area of competence. The Philippines does not have any active purse seine fishing vessel in the IOTC Convention area. However, should there be any, the Philippines will be actively providing for the necessary information. The Philippines has an existing FAD management plan and an existing FAD management rule designed to avoid the catch of juveniles Bigeye tunas. [Click here to enter text](#)
- Resolution 15/05 On conservation measures for striped marlin, black marlin and blue marlin.  
The Philippines did not have any active fishing vessels in the IOTC convention area. As regards, adoption of the legal framework, the above mentioned RA 8550 as amended by the new RA 10654 and its IRR, these have provided the regulation on the application of this Resolution 15/05.
- Resolution 15/04 Concerning the IOTC record of vessels authorised to operate in the IOTC Area of Competence.  
a

The Philippines did not have any active fishing vessels in the IOTC convention area. As regards, adoption of the legal framework, the above mentioned RA 8550 as amended by the new RA 10654 and its IRR, these have provided the regulation on the application of this Resolution 15/05. However, the matter of the IMO number is still being worked out through the consultative process under section 65.2 of the IRR of RA 10654.

**Reporting on IMO number:**

To allow the necessary time for CPCs to obtain an IMO number for eligible vessels that do not already have one, paragraph 2.b on IMO number is effective as of 1 January 2016. As of this date, CPCs shall ensure that all their fishing vessels that are registered on the IOTC Record of fishing vessels have IMO numbers issued to them. Paragraph 2.b on IMO number does not apply to vessels which are not eligible to receive IMO numbers.

In assessing compliance with the paragraph above, the Commission shall take into account exceptional circumstances in which a vessel owner is not able to obtain an IMO number despite following the appropriate procedures. **Flag CPCs shall report any such exceptional situations** to the IOTC Secretariat.

**The report on exceptional situations has already been provided to the IOTC Secretariat:**

Yes       **Date of reporting (DD/MM/YYYY):** [Click here to enter text](#)  
No  ; **if no report exceptional situations below:**

There are no active Philippine flagged fishing vessel in the convention area.

- Resolution 15/03 On the vessel monitoring system (VMS) Programme. <sup>a</sup>  
Already put in place.
- Resolution 15/02 On mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs).

Reports have been submitted as this is covered by the said RA 8550 as amended by RA 10654 and its corresponding IRR.



- Resolution 15/01 On the recording of catch and effort data by fishing vessels in the IOTC Area of Competence.

Reports have been submitted as this is covered by the said RA 8550 as amended by RA 10654 and its corresponding IRR.

Note: <sup>a</sup> indicate that a template report exists for some of the requirements and can be downloaded at <http://www.iotc.org/compliance/reporting-templates>

**Part B.** *Describe the actions taken, under national legislation, to implement conservation and management measures adopted by the Commission in previous Sessions, and which have not been reported previously.*

Republic Act Number 8550 otherwise known as the Philippine Fisheries Code of 1998 had been amended RA 10654. Its IRR have been promulgated on September 22, 2015.

Under the amended Section 32, all distant water fishing vessels shall comply with the conservation and management measures of regional Fisheries Management Organization where they are conducting fishing. The provision reads as follows:

“SEC. 32. Distant Water Fishing. – Fishing vessels of Philippine registry may engage in distant water fishing as defined in this Code: Provided, That they comply with the safety, manning and other requirements of the Philippine Coast Guard, Maritime Industry Authority and other agencies concerned: Provided, however, That they secure a fishing permit, gear license and other clearances from the Department: Provided, further, That the fish caught by such vessels shall be considered as caught in Philippine waters and therefore not subject to all import duties and taxes only when the same is landed in duly designated fish landings and fish ports in the Philippines: Provided, furthermore, That landing ports established by canneries, seafood processors and all fish landing sites established prior to the effectivity of this Code shall be considered authorized landing sites: Provided, finally, That fishworkers on board Philippine registered fishing vessels conducting fishing activities beyond the Philippine Exclusive Economic Zone are not considered as overseas Filipino workers. Distant water fishing vessels shall comply with the monitoring, control and surveillance requirements, conservation and management measures, and fishing access conditions of the Department, the RFMO, or other coastal states.”

This provides for the legal framework by which the Philippines can now conduct public consultations on the transposition of the adopted conservation and management measures of the IOTC.

Some of the measures that we have yet to adopt are for the prohibition of a fishing gear that the Philippines has never been using such as large scale drift net. With the new law, there is now more authority and more clarity on the part of the Philippines to transpose the adopted conservation and management measures.

On the issue of failure to transpose the prohibition on thresher sharks of all the species of the family Alopiidae into domestic legislation, as required by Resolution 12/09 and of oceanic whitetip sharks (*Carcharhinus longimanus*) into domestic legislation, as required by Resolution 13/06, we will await the election of a new set of legislators as these were the subject of proposals from the National Congress.

Nevertheless, the Department of Agriculture-Bureau of Fisheries and Aquatic Resources had issued BFAR Circular Number 252 Series of 2014 entitled “Rules and Regulations Governing Distant Water Fishing by Philippine Flagged Fishing Vessels”. This is an elaboration of BFAR Fisheries Administrative Order Number 198 Series of 2000 entitled “Rules and Regulations on Commercial Fishing”

There were no active fishing vessels of any nature in the convention area for the year 2015. Hence, the provisions of Resolutions 12/04, 12/13 and 11/04 were not implemented.

**Part C.** Data and information reporting requirements for CPCs to be included in this report (please refer to the section "Implementation Report due by 16 March 2016" of the *Guide on data and information reporting requirements for Members and Cooperating Non-contracting Parties*, available for download at <http://www.iotc.org/compliance/reporting-templates>).

- Resolution 01/06 Concerning the IOTC bigeye tuna statistical document programme  
CPCs which export bigeye tuna shall examine export data upon receiving the import data from the Secretary, and report the results to the Commission annually [A template report exists].

**Nil report, specify the reason:**       **No large scale longline vessels on the IOTC RAV**  
 **Do not export frozen big eye tuna**

**The report has already been provided to the IOTC Secretariat:**

**Yes**       **Date of reporting (DD/MM/YYYY):** [Click here to enter text.](#)  
**No**

**The report is attached to the implementation report:**

**Yes**       **No**

Additional information:  
[Click here to enter text.](#)

- Recommendation 05/07 Concerning a management standard for the tuna fishing vessels  
The CPC flag States which issues licenses to their AFVs should report annually to the Commission all measures taken to meet the minimum management standards when they issue fishing licenses to their "authorised fishing vessels".

a. Management in the fishing grounds (of flag vessels).

	<b>Scientific Observer boarding</b>	<b>Satellite-based vessel monitoring system</b>	<b>Daily or required periodic catch report</b>	<b>Entry/Exit report</b>
<b>Yes, No?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Note</b>	% There were no active fishing vessels in the convention area.	% or number of vessels There were no active fishing vessel in the convention area.	Method Catches are reported daily in logbook, reporting is monthly catches. However, there were no active fishing vessels in the convention area.	Method VMS is the method of monitoring entry/exit from convention area.

b. Management of transshipment (from the fishing grounds to the landing ports; of flag vessels)

	<b>Transshipment report</b>	<b>Port inspection</b>	<b>Statistical document program</b>
<b>Yes, No?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Note</b>	Method No active fishing vessel in the convention area.	Method Not a coastal state in the convention area.	No active fishing vessel in the convention area.

c. Management at landing ports (of flag vessels).



	<b>Landing inspection</b>	<b>Landing reporting</b>	<b>Cooperation with other Parties</b>
<b>Yes, No?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Note</b>	Method Not a coastal state in the convention area.	Method Not a coastal state in the convention area.	Click here to enter text.

Additional information:  
Click here to enter text.

- Resolution 10/10 Concerning market related measures  
For CPCs that import tuna and tuna-like fish products, or in whose ports those products are landed or transhipped, should report a range of information (e.g. information on vessels / owners, product data (species, weight), point of export) annually. [A template report exists].

**Nil report, specify the reason(s):**     No landing from foreign vessels in national ports  
 No transhipment by foreign vessels in national ports  
 Do not import tuna and tuna-like fish products

**The report on import, landing or transhipment of tuna and tuna-like fish products landed or transhipped in port in 2015 have already been provided to the IOTC Secretariat:**

Yes                       **Date of reporting (DD/MM/YYYY):** Click here to enter text.  
No

**The report on import, landing or transhipment of tuna and tuna-like fish products landed or transhipped in port in 2015 is attached to the implementation report:**

Yes                       No

Additional information:  
Click here to enter text.

- Resolution 11/02 Prohibition of fishing on data buoys

CPCs are to notify the IOTC Secretariat of all reports of observations of damaged data buoys.

Nil Report

**The report has already been provided to the IOTC Secretariat:**

Yes                       **Date of reporting (DD/MM/YYYY):** Click here to enter text.  
No

**The report is attached to the implementation report:**

Yes                       No

Additional information:  
there are no active purse seine fishing vessel in the convention area.

- Resolution 11/04 On a Regional observer scheme  
CPCs shall provide to the Executive Secretary and the Scientific Committee annually a report of the number of vessels monitored and the coverage achieved by gear type in accordance with the provisions of this Resolution.

Type of gear	No of vessels monitored in 2014	Coverage in 2014 (%)
Purse seine	0	0
Longline	4	0

<b>Gillnet</b>	0	0
<b>Bait Boat</b>	0	0
<b>Hand line</b>	0	0
Insert other gear type <a href="#">Click here to enter text.</a>	0	0
Insert other gear type <a href="#">Click here to enter text.</a>	0	0
Insert other gear type <a href="#">Click here to enter text.</a>	0	0
Insert other gear type <a href="#">Click here to enter text.</a>	0	0

Additional information:

List of active vessels in 2014 were submitted to the IOTC Secretariat on February 9, 2015.

- Resolution 12/04 On marine turtles  
CPCs shall report to the Commission, in accordance with Article X of the IOTC Agreement, their progress of implementation of the FAO Guidelines and this Resolution.

The above activities are merely an extension of the existing Pawikan Conservation Project, though this is mostly done within Philippine jurisdiction. By virtue of Executive Order No. 542, signed on 26 June 1979, the Task Force Pawikan (Marine Turtle Task Force as Pawikan is a local term for sea turtles), now referred to as the Pawikan Conservation Project (PCP), became the Philippine government's urgent response to conserve and manage the dwindling marine turtle resources of the country. The PCP is responsible for the development and implementation of conservation and protection policies, management and propagation schemes, and public information and education programs to ensure the survival and growth of the country's remaining marine turtle populations. At present, the project is attached to the Wildlife Division of the Protected Areas and Wildlife Bureau now renamed the Biodiversity Management Bureau of the Department of Environment and Natural Resources (DENR). The project has a nationwide scope with pilot sites in the Turtle Island Group in Tawi-Tawi and El Nido (Bacuit Bay in Northwestern Palawan).

In order to achieve its objectives, the project has instituted three major programs:

- Resource Management and Protection,
- Research and Investigation, and
- Information and Education.

Additional activities are need to be put in place in order to extend the Philippines activities on the protection of marine turtles in the Indian Ocean.

- Resolution 12 /06 On Reducing the Incidental Bycatch of Seabirds in Longline Fisheries

CPCs shall provide to the Commission, as part of their annual reports, information on how they are implementing this measure and all available information on interactions with seabirds, including bycatch by fishing vessels carrying their flag or authorised to fish by them. This is to include details of species where available to enable the Scientific Committee to annually estimate seabird mortality in all fisheries within the IOTC Area of Competence.

There were no active Philippine longline fishing vessels nor any other fishing vessel in the convention area. Nevertheless, the rules as adopted by the IOTC are implemented by the Philippine flagged fishing fleet because of BFAR Circular 252 Series of 2014 entitled "Rules and Regulations Governing Distant Water Fishing by Philippine Flagged Fishing Vessels", all fishing vessels operating within the RFMO convention area must comply with all the rules and regulations of that RFMO. By virtue of this provision [Section 3.3.2], all Philippine flagged fishing vessels operating on the convention area are required to comply with the conservation and management measures adopted by and RFMO to which the Philippines is a member of a cooperating non-member.



- Resolution 12/12 To Prohibit the use of large-scale driftnets on the high seas in the IOTC Area  
CPCs shall include in their Annual Report a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing on the high seas in the IOTC area of competence.

This is not yet adopted. The Philippines focused on the passage of the amendments to the Philippine Fisheries Code of 1998. This became Republic Act Number 10654 where there is more authority and clarity in the transposition of IOTC adopted conservation and management measures. Furthermore, the Philippines had never used large scale drift nets in the IOTC convention area.

- Resolution 13/04 On the conservation of cetaceans  
CPCs shall report, in accordance with Article X of the IOTC Agreement, any instances in which cetaceans have been encircled by the purse seine nets of their flagged vessels.

**Not applicable (No PS vessels on the IOTC RAV in 2015);**

**No encirclement reported by flag vessels in 2015,**

**Encirclement reported by flag vessels in 2015 (Complete the table below):**

Name of the species	Number of instances of encirclement
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
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Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.

Additional information:  
Click here to enter text.

- Resolution 13/05 On the conservation of whale sharks (*Rhincodon typus*)  
CPCs shall report, in accordance with Article X of the IOTC Agreement, any instances in which whale sharks have been encircled by the purse seine nets of their flagged vessels.

**Not applicable (No PS vessels on the IOTC RAV in 2015);**

**No encirclement reported by flag vessels in 2015,**

**Encirclement reported by flag vessels in 2015 (Complete the table below):**

Name of the species	Number of instances of encirclement
<b>Whale sharks (<i>Rhincodon typus</i>)</b>	Click here to enter text.

Additional information:  
Click here to enter text.

- Resolution 14/05 Concerning A Record Of Licensed Foreign Vessels Fishing For IOTC Species In The IOTC Area Of Competence And Access Agreement Information  
For Government to Government access agreement in existence prior to the entry into force of this resolution, where coastal CPCs allow foreign-flagged vessels to fish in waters in their EEZ in the IOTC Area for species managed by IOTC through a CPC-to-CPC agreement, CPCs involved in the referred agreement:

- Shall submit copy of the access agreement,





- ensure, to the extent possible under domestic law, that the owners and operators of their AFVs on the IOTC Record are not engaged in or associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence;

Describe the measures:

There are several measures applicable such as BFAR Circular Number 252 Series of 2014 and the newer RA 10654, its IRR, amending the Philippine Fisheries Code of 1998.

There are more stringent penalties for IUU fishing activities in RA 10654.

- take measures to ensure, to the extent possible under domestic law, that the owners of the AFVs on the IOTC Record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them;

Describe the measures:

There are several measures applicable such as BFAR Circular Number 252 Series of 2014 and the newer RA 10654, its IRR, amending the Philippine Fisheries Code of 1998.

There are more stringent penalties for IUU fishing activities in RA 10654. The penalties include fines of up to Php 45,000,000.00 and imprisonment.