

IOTC Agreement – Article X

Report of Implementation for the year 2016

DEADLINE FOR SUBMISSION OF THE REPORT 17 MARCH 2017

Reporting CPC: Philippines

Date of submission: 03/17/2017

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 Twentieth Session.*

- Resolution 16/01 On an Interim Plan for Rebuilding the Indian Ocean Yellowfin tuna Stock in the IOTC area of competence

Click here to enter text

The report on methods for achieving the YFT catch reductions has already been provided to the IOTC Secretariat:

Yes ☐

Date of reporting (DD/MM/YYYY): Click here to enter text

No ☒

Additional information:

The Philippines is not covered by paragraph 3 of this resolution as there are no purse seine fishing vessels operating in the area in the year prior to 2014 as well for the years 2015/2016. The Resolutions covers CPCs whose Purse seine catches of Yellowfin reported for 2014 were above 5000 MT. These CPCs are required to reduce their Purse seine catches of Yellowfin by 15 % from the 2014 levels. Since, there were no active purse seine fishing vessels, the Philippines did not pass a specific rule on how to reduce the catches by 15%. Secondly, the catches of the Philippine fleet in previous years never exceeded 5000 MT.

There were active Philippine flagged longline fishing vessels up till 2014 the catches of which never exceeded 2000 MT in any year. Also, there were no active Philippine flagged longline fishing vessels operating in the Convention area in the years 2015/2016. Therefore the Philippines is not covered by paragraph 5 of this resolution. This being the case, there were no specific measures put in place to limit the catches as of the moment.

However, the Philippines intends to send at least two fishing vessels within the year to the Convention area. There has been already put in place the legal framework to respond to this Resolution passed in 2014 and reinforced in 2015.

- Resolution 16/02 On harvest control rules for Skipjack tuna in the IOTC area of competence.
The Philippines has adopted the Harvest Control Rules as a measure by which we issue licenses. This is covered by Section 7 of Republic Act Number 8550 as amended by Republic Act Number 10654. This amendment took effect in February 27, 2015. The implementing rules and regulations was signed into law on September 22, 2015. The particular provision 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. (aa)

The latest amendments to the Philippine Fisheries Code of 1998 also contains provisions that include compliance to the conservation and management measures adopted by the RFMO where the Philippines is a member. 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:

x xx

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 Philippines also promulgated through the Bureau of Fisheries and Aquatic Resources Administrative Circular Number 252 Series of 2014. Section 14 covers the observance of the catch allocation of each RFMO.

The provision reads as follows:

Section 11. Catch Allocation. - BFAR shall closely monitor the catch quota allocated by the concerned RFMO and/or vessel days allocated by PNA-member countries and ensure that allocation is not exceeded. For this purpose, BFAR shall require owners to provide information to the BFAR Director and BFAR personnel authorized to monitor the catch allocation, who shall keep the information confidential.

The data on catches is crucial on this question of catch allocation and compliance to catch limits if put in place. The Philippines is committed to submit the correct catch data as the submission is covered by Section of the Philippines Fisheries Code [RA 8550 as amended by RA 10654] to wit:

SEC. 89. Unreported Fishing. – It shall be unlawful for any person to engage in unreported fishing or to fail to comply with the reportorial requirements in Section 38 of this Code.

- Resolution 16/03 On the second performance review follow-up

The Philippines has passed legislation which compels her to participate in the international arena on fisheries management and comply with its obligations thereto.

This is covered by amendments to Section 2 paragraph c which reads:

“SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State:

(a) xxx

x xx

(c) To ensure the rational and sustainable development, management and conservation of the fishery and aquatic resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment. The Philippines shall pursue its commitment to international conventions and cooperate with other states and international bodies, in order to conserve and manage threatened, aquatic species, straddling and highly migratory fish stocks and other living marine resources;

- Resolution 16/04 On the implementation of a Pilot project in view of promoting the Regional observer scheme of IOTC

This is legally covered by Section 116 of the amended Fisheries Code of 1998 [RA 8550 as amended by RA 10654]. When a Philippine flagged purse sein fishing vessel operates in the IOTC Convention area, the same shall carry a Filipino fisheries observer in compliance with existing legislation. Said provision reads as follows:

SEC. 116. Non-Compliance with Fisheries Observer Coverage.– (a) It shall be unlawful for Philippine distant water fishing vessel to sail without a fisheries observer on board as required by RFMO conservation and management measures.

- Resolution 16/05 On vessels without nationality

This Resolution is covered by Section 90 of Philippines Fisheries Code [RA 8550 as amended by RA 10654] which became effective on February 27, 2015. The provision reads as follows:

SEC. 90 Unregulated Fishing. – It shall be unlawful for any person to engage in unregulated fishing in waters within and beyond national jurisdiction.

Unregulated fishing is defined by paragraph 87 of Section 4, to wit:

87. Unregulated Fishing –refers to fishing activities conducted by:

(a) Vessels without nationality but operated by Filipino and/or Filipino corporation;

(b) Philippine flagged fishing vessels operating in areas managed by RFMOs to which the Philippines is not a party to; or

(c) Philippine flagged fishing vessels operating in areas or fish stocks where there are no applicable conservation and management measures.(n)

- Resolution 16/06 On measures applicable in case of non fulfilment of reporting obligations in the IOTC

“NOTING that incomplete reporting or no data reporting and that, despite the adoption of numerous measures intended to address the matter, lack of compliance with reporting obligations is still a problem for the Scientific Committee and for the Commission;”

Actions taken to implement their reporting obligations for all IOTC fisheries (in terms of Resolutions 15/01 and 15/02), including shark species caught in association with IOTC fisheries, and in particular the steps taken to improve their data collection for direct and incidental catches.

Note: where applicable, please report actions separately for artisanal (coastal), and industrial IOTC fisheries:

- **Action(s) to improve data collection that facilitate improvements in compliance in terms of IOTC mandatory reporting obligations (e.g. development or improvements in the implementation of logbooks, port-based sampling or related fisheries surveys, national observer scheme, vessel registry, electronic data capture, VMS, or on-board electronic monitoring):**

The Philippines had already enacted legislation to improve data collection. This Resolution is covered by Section 38 of Philippines Fisheries Code [RA 8550 as amended by RA 10654] which became effective on February 27, 2015. The provision reads as follows:

SEC. 38. Reportorial Requirements. – Each commercial fishing vessel shall keep a daily record of fish catch and spoilage, landing points, and quantity and value of fish caught, and off-loaded for transshipment, sale and/ or other disposal. Detailed information shall be duly certified by the vessel's captain and transmitted to BFAR within the period prescribed in the implementing rules and regulations promulgated by the Department. Failure to comply shall result to administrative and penal sanctions.

- **Action(s) to improve data processing and reporting systems that facilitate submission of data to the IOTC Secretariat (e.g., development of fisheries databases and data dissemination systems, development of automated routines to process and extract IOTC data submissions, steps to minimise data entry errors):**

The Bureau of Fisheries and Aquatic Resources has been undergoing the process of reorganization of all its personnel to modernize its system.

Also the Philippines has passed legislation which compels her to participate in the international arena on fisheries management and comply with its obligations thereto.

This is covered by amendments to Section 2 paragraph c which reads:

“SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State:

(a) xxx

x xx

(c) To ensure the rational and sustainable development, management and conservation of the fishery and aquatic resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment. The Philippines shall pursue its commitment to international conventions and cooperate with other states and international bodies, in order to conserve and manage threatened, aquatic species, straddling and highly migratory fish stocks and other living marine resources;

- **Action(s) to improve the quality and accuracy of data submitted to the IOTC Secretariat (e.g., steps to improvedata validation, improvements in sampling coverage, frame surveys, etc.; coherence of data with alternative fisheries datasets, comparability of data from previous years):**

The Philippines has passed legislation which compels her to participate in the international arena on fisheries management and comply with its obligations thereto.

This is covered by amendments to Section 2 paragraph c which reads:

“SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State:

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x xx

(c) To ensure the rational and sustainable development, management and conservation of the fishery and aquatic resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment. The Philippines shall pursue its commitment to international conventions and cooperate with other states and international bodies, in order to conserve and manage threatened, aquatic species, straddling and highly migratory fish stocks and other living marine resources;Click here to enter text

Additional information:

[Click here to enter text.](#)

- Resolution 16/07 On the use of artificial lights to attract fish

There are no active purse seine fishing vessels in the convention area. However, the specific legal regulation is still in process of crafting. As a temporal measures, the Philippines has enacted BFAR Circular Number 252 which contains the following provisions, to wit:

Section 3. Fishing on the High Seas or International Waters or waters of Other

Coastal States. -Fishing vessels of Philippine registry with valid Commercial Fishing

Vessel License may engage in distant water fishing provided:

3.1. That the fishing vessel is registered with the RFMO or the Coastal State that allows fishing by foreign-flagged fishing vessels;

3.2. That the fishing vessel will comply with the rules and regulations of the RFMO which has jurisdiction over the high seas pocket or the Coastal State which has jurisdiction over the waters where they operate;

- Resolution 16/08 On the prohibition of the use of aircrafts and unmanned aerial vehicles as fishing aids

There are not active fishing vessels operating in the convention area. The specific legal regulation is still in process of crafting. As a temporal measures, the Philippines has enacted BFAR Circular Number 252 which contains the following provisions, to wit:

Section 3. Fishing on the High Seas or International Waters or waters of Other

Coastal States. -Fishing vessels of Philippine registry with valid Commercial Fishing

Vessel License may engage in distant water fishing provided:

3.1. That the fishing vessel is registered with the RFMO or the Coastal State that allows fishing by foreign-flagged fishing vessels;

3.2. That the fishing vessel will comply with the rules and regulations of the RFMO which has jurisdiction over the high seas pocket or the Coastal State which has jurisdiction over the waters where they operate;

- Resolution 16/09 On establishing a Technical Committee on Management Procedures
The Philippines has passed legislation which compels her to participate in the international arena on fisheries management and comply with its obligations thereto.

This is covered by amendments to Section 2 paragraph c which reads:

“SEC. 2.Declaration of Policy. – It is hereby declared the policy of the State:

(a) xxx

x xx

(c) To ensure the rational and sustainable development, management and conservation of the fishery and aquatic resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment. The Philippines shall pursue its commitment to international conventions and cooperate with other states and international bodies, in order to conserve and manage threatened, aquatic species, straddling and highly migratory fish stocks and other living marine resources;

Therefore the Philippines is duty bound to participate whenever it can.

- Resolution 16/10 To promote implementation of IOTC Conservation and Management Measures

The Philippines has passed legislation which compels her to participate in the international arena on fisheries management and comply with its obligations thereto.

This is covered by amendments to Section 2 paragraph c which reads:

“SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State:

(a) xxx

x xx

(c) To ensure the rational and sustainable development, management and conservation of the fishery and aquatic resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment. The Philippines shall pursue its commitment to international conventions and cooperate with other states and international bodies, in order to conserve and manage threatened, aquatic species, straddling and highly migratory fish stocks and other living marine resources;

- Resolution 16/11 On Port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing

The Philippines has recently passed amendments to its Fisheries Code of 1998 [RA 8550] with the passage of RA 10654. Its contained amendments that will authorized the Department of Agriculture to implement port state measures. The provision reads as follows:

“SEC. 42. Port State Measures. – The Department is authorized to adopt port state measures that must be complied with by foreign fishing vessels. These measures shall include: prior notification of port entry; use of designated ports; restrictions on port entry and landing or transshipment of fish;

restrictions on supplies and services; catch and other documentation requirements; port inspections; and other related measures.

Transshipment by Philippine Flagged Fishing Vessels shall be regulated by the Department in a manner consistent with the Philippines' commitment to conventions and international agreements.”

The Philippines is now therefore conducting its legal process to amend Fisheries Administrative Order Number 199 for this purpose.

- Resolution 16/12 Working Party on the Implementation of Conservation and Management Measures (WPICMM)

The Philippines has passed legislation which compels her to participate in the international arena on fisheries management and comply with its obligations thereto.

This is covered by amendments to Section 2 paragraph c which reads:

“SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State:

(a) xxx

x xx

(c) To ensure the rational and sustainable development, management and conservation of the fishery and aquatic resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment. The Philippines shall pursue its commitment to international conventions and cooperate with other states and international bodies, in order to conserve and manage threatened, aquatic species, straddling and highly migratory fish stocks and other living marine resources;

Note: ^a 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.*

The Philippines has passed legislation which compels her to participate in the international arena on fisheries management and comply with its obligations thereto. This is Republic Act 10654 which amended many provisions of the Philippine Fisheries Code of 1998. This new law provided the authority to better adopt all conservation and management measures approved and implemented by regional fisheries management organization where the Philippines is a member.

This also includes and is covered by amendments to Section 2 paragraph c which reads:

“SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State:

(a) xxx

x xx

(c) To ensure the rational and sustainable development, management and conservation of the fishery and aquatic resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment. The Philippines shall pursue its commitment to international conventions and cooperate with other states and international bodies, in order to conserve and manage threatened, aquatic species, straddling and highly migratory fish stocks and other living marine resources;

Part C. Data and information reporting requirements for CPCs to be included in this report (please refer to the section “Implementation Report due by 17 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).

	<i>Scientific Observer boarding</i>	<i>Satellite-based vessel monitoring system</i>	<i>Daily or required periodic catch report</i>	<i>Entry/Exit report</i>
Yes, No?	Yes ☒ No ☐	Yes ☒ No ☐	Yes ☒ No ☐	Yes ☒ No ☐
Note	% No active FVs in convention area. However, FAO 252 requires presence of Fisheries Observer on board the percentage of	% or number of vessels All catcher and carrier FVs shall have a two way VMS as required by FAO 252	Method Daily catch reports are required. Submission is on a monthly basis. However, the Philippines is conducting an experiment	Method FAO 252 requires the transmission of entry and exit report to and from the high seas.

	which shall be based on RFMO requirements [Section 6 FAO 252].		where daily catches are reporting near real time as part of the VMS signal.	
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b. Management of transshipment (from the fishing grounds to the landing ports; of flag vessels)

	<i>Transshipment report</i>	<i>Port inspection</i>	<i>Statistical document program</i>
Yes, No?	Yes ☒ No ☐	Yes ☒ No ☐	Yes ☒ No ☐
Note	Method Section 12 of FAO 252 requires the transmission of a notice at least 7 days before the transshipment date with the time/place of transshipment.	Method Section 10 of FAO 252 requires advance notice of to Philippine authorities as well as to the port authorities on the prospective landing of Philippine catches in foreign ports. As regards landings of foreign catches to Philippine ports, Section 42 of RA 10654 requires application of port state measures.	Section 38 of RA 10654 requires all Philippine flagged vessel to report status of all catches from the moment of catch to the moment of unloading. FAO 238 sets up the traceability documentation.

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

	<i>Landing inspection</i>	<i>Landing reporting</i>	<i>Cooperation with other Parties</i>
Yes, No?	Yes ☒ No ☐	Yes ☒ No ☐	Yes ☒ No ☐
Note	Method Section 42 of RA 10654 authorizes the Philippines to apply port state measures.	Method Section 42 of RA 10654 authorizes the Philippines to apply port state measures.	Section 42 of RA 10654 authorizes the Philippines to apply port state measures. The Philippines has passed legislation which compels her to participate in the international arena on fisheries management and comply with its obligations

			thereto. This is covered by amendments to Section 2 paragraph c which reads: “SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State: (a) x xx x xx (c) To ensure the rational and sustainable development, management and conservation of the fishery and aquatic resources in Philippine waters including the Exclusive Economic Zone (EEZ) and in the adjacent high seas, consistent with the primordial objective of maintaining a sound ecological balance, protecting and enhancing the quality of the environment. The Philippines shall pursue its commitment to international conventions and cooperate with other states and international bodies, in order to conserve and manage threatened, aquatic species, straddling and highly migratory fish stocks and other living marine resources;
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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 transshipment by foreign vessels in national ports
☐ Do not import tuna and tuna-like fish products

The report on import, landing or transshipment of tuna and tuna-like fish products landed or transhipped in port in 2016 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 transshipment of tuna and tuna-like fish products landed or transhipped in port in 2016 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:
[Click here to enter text.](#)

- 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	Coverage in 2015 (%)
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	2015	
Purse seine	There were no active Philippine flagged fishing vessel in the convention area.	Click here to enter text.
Longline	There were no active Philippine flagged vessels in the convention area.	Click here to enter text.
Gillnet	There were no active Philippine flagged vessels in the convention area.	Click here to enter text.
Bait Boat	There were no active Philippine flagged vessels in the convention area.	Click here to enter text.
Hand line	There were no active Philippine flagged vessels in the convention area.	Click here to enter text.
Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.
Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.
Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.
Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.

Additional information:

- 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.

Philippines mainstream use of circle hooks for longline fishing operations to reduce sea turtle bycatch is part of the Coral Triangle Initiative [CTI] initiative. This began as part of the Philippines of the Operations Guide for Filipino Fishermen that details their obligations in compliance to WCPFC requirements and obligations which include sea turtle bycatch mitigation.

Though there are no existing Fisheries Administrative Order that particularly addresses the provisions of this resolution for all type of fisheries, all sea turtles are considered as protected species under various laws including the Philippine Fisheries Code and five of

- 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.

- 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.

- 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.

☐ Encirclement reported by flag vessels in 2016 (Complete the table below):

[illegible]

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 2016);**

☐ **No encirclement reported by flag vessels in 2016,**

☐ **Encirclement reported by flag vessels in 2016 (Complete the table below):**

Name of the species	Number of instances of encirclement
Whale sharks (<i>Rhincodon typus</i>)	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,
- Shall submit information concerning these agreements (paragraphs 3a, b, c, d, e, f, g),

A report template exists and can be requested at secretariat@iotc.org

Additional information:

This not applicable to the Philippines as it is not a coastal state in the convention area.

- Resolution 14/06 On establishing a programme for transshipment by large-scale fishing vessels
(Report of flag vessels transshipping in foreign ports)

Each flag CPC of the LSTV shall include in its annual report each year to IOTC the details on the transshipments in ports by its vessels (Name of LSTV, IOTC Number, name of carrier vessel, species and quantity transhipped, date and location of transshipment). *[A template report exists]*.

Nil report, specify the reason(s): ☒ **No LSTVs on the RAV**

☐ **Flag LSTVs do not tranship in foreign ports**

The details on transshipment in ports for 2016 have already been provided to the IOTC Secretariat:

Yes ☐

Date of reporting (DD/MM/YYYY): [Click here to enter text.](#)

No ☐

The details on transshipment in ports for 2016 are attached to the implementation report:

Yes ☐

No ☐

Additional information:

[Click here to enter text.](#)

- Resolution 15/04 Concerning the IOTC record of vessels authorised to operate in the IOTC Area of Competence.

CPCs shall review their own internal actions and measures taken pursuant to paragraph 7, including punitive actions and sanctions and, in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission annually. In consideration of the results of such review, the Commission shall, if appropriate, request the flag CPCs of AFVs on the IOTC Record to take further action to enhance compliance by those vessels with IOTC Conservation and Management Measures.

The flag CPCs of the vessels on the record shall:

- take measures to ensure that their AFVs comply with all the relevant IOTC Conservation and Management Measures;

Describe the measures:

BFAR Administrative Circular Number 252 Series of 2014 entitled "Rules and Regulations Governing Distant-water Fishing by Philippine-flagged Fishing Vessels" contains the rules on how the Philippines manages its fleet of fishing vessels.

The relevant provision reads as follows:

Section 3. Fishing on the High Seas or International Waters or waters of Other

Coastal States. -Fishing vessels of Philippine registry with valid Commercial Fishing

Vessel License may engage in distant water fishing provided:

3.1. That the fishing vessel is registered with the RFMO or the Coastal State that allows fishing by foreign-flagged fishing vessels;

3.2. That the fishing vessel will comply with the rules and regulations of the RFMO which has jurisdiction over the high seas pocket or the Coastal State which has jurisdiction over the waters where they operate;

3.3. That the fishing vessel shall comply with the safety, manning and other requirements of MARINA and other requirements of concerned agencies;

3.4. That the fishing vessel shall secure an International Fishing Permit (IFP) Special Fishing Permit (SFP), Certificate of Clearance from the Bureau or license or authorization from the Coastal State and that the fish caught by such vessels shall be considered as caught in Philippine waters and are not subject to all import duties and taxes only when the same are landed in duly designated fish landings and fish ports in the Philippines;

3.5. That the owner of the fishing vessel shall provide to the BFAR Director and BFAR officials authorized to monitor the fishing effort, information on its fishing access conditions, which shall be kept confidential.

The International Fishing Permit (IFP) and Special Fishing Permit shall be issued by the BFAR National Director. The IFP shall be valid for a period of three (3) years to commence from the date of payment of permit fees unless suspended, revoked, terminated or cancelled sooner for cause.

This circular is an implementation of Executive Order No. 154, series of 2013 adopting the "National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing" which required the implementation of Flag State responsibilities such as ensuring that Philippine flagged fishing vessels do not engage in illegal, unreported and unregulated fishing and undertaking comprehensive and effective monitoring, control and surveillance (MCS) offishing from its commencement, through the point of landing, to final destination. This is also resulted into the passage in early 2015 of Republic Act Number 10654 which are amendments to the Philippine Fisheries Code of 1998 [RA 8550]. These amendments reflects similar provisions as that of BFAR Circular Number 252.

- take measures to ensure that their AFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;
Describe the measures:

Section 16 of Fisheries Administrative Order Number 198 Series of 2000 requires that the original or certified true copy of the commercial fishing vessel ad gear license of a fishing vessel be displayed in conspicuous places aboard the fishing vessel. This provision reads as follows:

SEC. 16. Display of the CFVGL. - The original/certified true copies of the CFVGL shall be framed and exhibited in conspicuous places aboard the fishing boat, ready for each inspection by fishery law enforcers. An additional duplicate copy of the original CFVGL shall henceforth, be issued as the owner's copy.

Further to this rule is Section 32 in RA 8550 as amended by RA 10654 which 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.”

- ensure that their AFVs on the IOTC Record have no history of IUU fishing activities or that, if those vessels have such a history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels; the parties of the IUU incident have officially resolved the matter and sanctions have been completed; or that having taken into account all relevant facts, their AFVs are not engaged in or associated with IUU fishing;

Describe the measures:

Under the aforementioned BFAR Circular 252 Series of 2014 is a provision which implements IOTC Resolution Number 15/04. This is Section 17 which reads as follows:

Section 17.Creation of IUUF List of Vessels and Philippine Nationals found to have supported IUUF. - There is hereby created an IUUF List of Vessels and Philippine Nationals, which is a list of fishing vessels and Philippine Nationals found to have engaged in or supported illegal, unreported and unregulated fishing activities. A Philippine national or Philippine flagged fishing vessel found to have committed three prohibited acts under this Circular shall be listed in the IUUF List.

- 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:

The deterrence is described in the above portion of this report.

- 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:

This commitment is secured by the provisions of Section of RA 8550 as amended by RA 10654. This provision reads as follows:

SEC. 27. Persons Eligible for Commercial Fishing Vessel License. – No commercial fishing vessel license shall be issued except to citizens of the Philippines, partnerships or to associations,

cooperatives or corporations duly registered in the Philippines at least sixty percent (60%) of the capital stock of which is owned by Filipino citizens. No person to whom a license has been issued shall sell, transfer or assign, directly or indirectly, his stock or interest therein to any person not qualified to hold a license. Any such transfer, sale or assignment shall be null and void and shall not be registered in the books of the association, cooperative or corporation.

For purposes of commercial fishing, fishing vessels owned by citizens of the Philippines, partnerships, corporations, cooperatives or associations qualified under this section shall

secure Certificates of Philippine Registry and such other documents as are necessary for fishing operations from the concerned agencies: Provided, That the commercial fishing vessel

license shall be valid for a period to be determined by the Department.

Because these stockholders have an controlling interest, the Philippine legal framework is within reach of these citizens which will suffer the penalties of paying fines in case of violations.

Furthermore, in the amendments to RA 8550, specifically RA 10654, the persons to be charged for violations of the fisheries code are the three highest officials onboard the fishing vessels.

- Resolution 15/08 Procedures on a 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

From 2015 on, CPCs shall submit to the Commission, 60 days before the Annual Meeting, a report on the progress of the management plans of FADs, including reviews of the initially submitted Management Plans, and including reviews of the application of the principles set out in Annex III.

☒ **Not applicable (No PS vessels on the IOTC RAV in 2016);**

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:

The Philippines has an existing FAD Management Plan Policy which is covered by Fisheries Administrative Order Number 244 Series of 2012.