



FISHERIES ADMINISTRATIVE)

ORDER NO. 236-2 :
Series 2013)

SUBJECT : Extension of FAO 236 series of 2010 or the Rules and Regulations on the Operation of Purse Seine and Ring Net Vessels Using Fish Aggregating Devices (FADs) locally known as *Payao* during the FAD Closure Period as Compatible Measure to WCPFC Conservation and Management Measure 2012-01

WHEREAS, the Western and Central Pacific Fisheries Commission (WCPFC) adopted **Conservation and Management Measure (CMM) 2012-01** entitled "*Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean*".

1. Paragraph 10 states that, "A three (3) month (July, August and September) prohibition of setting on FADs shall be in place for all purse seine vessels fishing in EEZs and high seas between 20N and 20S in the Convention Area".

x x x

2. Paragraph 11 states that, "In addition to Paragraph 10, for additional reduction of FAD sets, flag CCMs shall implement one of the following two options;

- (i) prohibition of setting on FADs in October, or
- (ii) annual limit of FAD sets to 8/12 of the average number of annual FAD sets between 2001-2011 for the CCM (Attachment A), or for a SIDS CCM, 8/9 of the three years average (2009-2011) of the CCM, in accordance with the guidelines in Attachment B.3"

x x x

3. Paragraph 13 states that, "Other coastal States with effort in their EEZs exceeding 1,000 days annually over the period of 2006-2010 shall limit effort in their EEZs to 2001-04 average or 2010 levels."

WHEREAS, FAO 236 and FAO 236-1 was enacted as compatible measures to CMM 2008-01 and CMM 2011-01;

WHEREAS, in view of the adoption and implementation of CMM 2012-01, there is a need to re-establish and extend the FAD closure period within the EEZ of the Philippines on July, August, September and October as a compatible measure to CMM 2012-01.

NOTING the absence of penalties/sanctions provided in FAO 236, there is a need to establish penalties/sanctions to fishing companies as a deterrent in violating any provision of this Order.

NOW THEREFORE, the following provisions of this Order are hereby adopted and implemented:

Section 1. Extended FAD Closure Period. The FAD closure period under FAO 236 shall be extended for the period of four (4) months starting from **July 1 to October 31, 2013**.

Section 2. Net Inspection/Accreditation. The BFAR shall conduct inspection/re-inspection and marking of purse seine and ring net fishing gears to ensure compliance to the reduced net depth established under FAO 236 which is 115 fathoms.

Section 3. Observer Coverage. All purse seine and ring net catcher vessels fishing on FADs during the FAD closure period shall carry on board accredited Fisheries Observers who shall gather data and recommend further improvements during the aforementioned period.

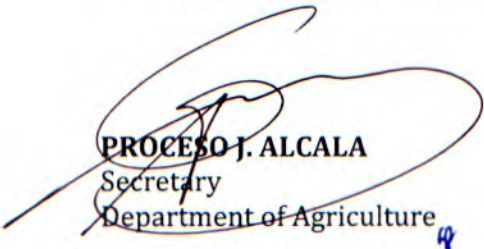
Section 4. Prohibitions. The following acts shall be prohibited under this FAO:

1. Setting on FADs without annual inspection/re-inspection during FAD Closure Period,
2. Using unauthorized nets during the FAD Closure Period, and
3. Setting up FADs without observers.

In relation to authorized nets, the allowed reduced net depth as established under FAO 236 shall be 115 fathoms and below.

Section 5. Sanctions. Any fishing company or individual who commits any of the above prohibited acts shall be subjected to a fine of One hundred thousand pesos (Php 100,000) to Three hundred thousand pesos (Php 300,000) for small-scale commercial fishing¹, Four hundred thousand pesos (Php 400,000) to Seven hundred thousand pesos (Php700,000) for medium-scale commercial fishing, and Eight hundred thousand pesos (Php800,000) to One million pesos (Php1,000,000) for large scale commercial fishing. The minimum fine shall be imposed for first-time offenders. However, BFAR may impose the maximum fine for the fishing company who violated for the fourth time, including confiscation of catch and cancellation of CFVGL.

Section 6. Effectivity. This Order shall take effect fifteen (15) days after the publication in the Official Gazette and/or in two (2) newspapers of general circulation and upon registration with the National Administrative Register.

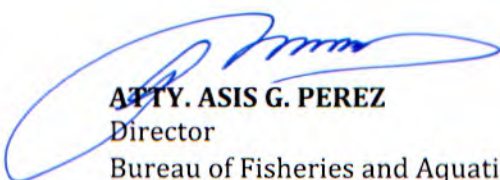


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¹ Small-scale-, medium-scale, and large-scale commercial fishing as defined in RA 8550.