

**COMPARATIVE MATRIX OF WCPFC MEMBER OBLIGATIONS
WITH PHILIPPINE POLICY/LAW/INSTITUTIONAL ARRANGEMENTS**

Revised as at 29 May 2012

WCPFC MEMBER OBLIGATIONS	PHILIPPINE LAW/POLICY / PRACTICE	REMARKS
1. THE WCPFC CONVENTION		
1.1 In General		
<p>a. promptly implement Conv and CMMs agreed upon (Art. 23.1)</p> <p>b. inform the Comm on matters required for management of the Conv Area</p> <p>c. Submit annual reports as required, particularly (Art. 23.2)</p> <p>-- statistical, biological, other data and information</p> <p>-- information on its fishing activities, including the fishing areas and vessels</p> <p>-- information on steps taken to implement CMMs</p> <p>d. Inform the Comm of measures adopted for conservation and management of HMS in areas of national jurisdiction within the Conv Area (Art. 23.3)</p> <p>e. Inform the Comm of flag State control measures to regulate fishing vessels under its flag in the Conv Area (Art. 23.4)</p>	<p>BFAR Annual Report II</p> <p>BFAR Annual Report I EU 1005-2008 compliance can provide species, volume, vessel; NFRDI WPEA Project Catch Certificate information BFAR Annual Report I</p> <p>BFAR Annual Report II</p> <p>(same)</p> <p>(same)</p>	<p>general obligation</p> <p>internal (to BFAR)</p>
1.2. "Soft" Obligations		
<p>a. to greatest extent possible, ensure its nationals and fishing vessels owned by its nationals comply with the Conv (Art. 23.5)</p> <p>b. to greatest extent possible, at request of any other</p>	<p>Rev. Admi. Code of 1987, administrative remedies (for sanctions vs fishing vessels)</p> <p>(same)</p>	

Member w/ relevant information, investigate any alleged violation by its nationals/their fishing vessels of either the Conv or CMMs (Art. 23.5)		
1.3 Compliance and Enforcement Obligations		
1.3.1. Generally, to enforce the provisions of Conv and CMMs (Art. 25.1)		General obligation
1.3.2. Participation in /compliance with the Regional Observer Programme (Art. 28.6, in relation to CMM 07-01) a. ensure fishing vessels fishing in the high seas of the Conv Area are prepared to accept an observer from the Comm ROP if required (CMM 07-01, s. 7) b. meet the level of observer coverage set by Comm (Ibid., s. 8) c. source observers for their vessels as determined by Comm (CMM 07-01, s. 9) d. explain to the vessel captain the observer's duties relevant to Comm CMMs (CMM 07-01, s. 10)	FAO 240 on National Fisheries Observer Program, s 2012; completed audit, trained 135 observers (same) 100% coverage on the high seas. Conducted training debrief for 30 observers FAO 240, s 2012 (same)	Continuous observer training program Manual for operators to be developed and will include information on the observer program Fishing industry training for captains and crew on observer program (and other requirements) will be a prerequisite for the commencement of any fishing operation.
1.3.3. In re. Boarding and inspection a. ensure vessels accept duly authorized boarding inspectors in accordance with procedures established by the Comm (Art. 26.3) b. in case of "serious violations" (s. 32-38) -- inspecting authority: immediately notify authorities of fishing vessel, directly as well as thru Comm (s. 32) -- flag State: investigate and take enforcement action, notify authority of inspecting vessel and Comm; and authorize complete	At present, the vessel and/or master's license/permit may include condition to accept boarding and inspection. The Philippine Coast Guard has the authority to board and inspect vessels on the high seas suspected of piracy. If the vessel in question is flagged under the Philippines, the PCG can board the vessel for other reasons apart from piracy (i.e. illegal fishing). If other states intend to board the vessel on the high seas,	Existing draft FAO on high seas fishing will be further reviewed to incorporate WCPF Convention provision and CMM on high seas boarding and inspection. A new FAO on the matter may also be formulated. Need to prepare high seas boarding and inspection flash cards to be followed by foreign authorities in boarding Philippine-flagged vessels. Training on high seas

<p>investigation (s. 33)</p>	<p>consent from the Philippines is required.</p> <p>BFAR, MARINA, Philippine Navy, and Philippine Coast Guard have jurisdiction</p>	<p>boarding and inspection procedures will be made prerequisite for the commencement of any fishing operation.</p>
<p>1.3.5 In re. Investigation</p> <p>a. fully investigate any alleged violation of fishing vessels flying its flag, at request of any other Member (Art 25.2)</p> <p>b. if satisfied that sufficient evidence is available re alleged violation, refer the cases to its authorities for proceedings without delay, and detain the vessel concerned (Art. 25.3)</p> <p>c. carry out all investigations and judicial proceedings expeditiously (Art. 25.7)</p> <p>d. if warranted, impose effective sanctions that discourage violations, deprive offenders of the benefits of illegal activities, without prejudice to other sanctions (Art. 25.7)</p> <p>e. where there are reasonable grounds to believe that a flag vessel has engaged in unauthorized fishing in national jurisdiction, fully investigate the matter at request of Member concerned (Art. 25.6)</p> <p>f. if there is reasonable ground to believe that a flag vessel of another State is engaged in activity undermining effectiveness of CMM, draw attention of the flag State and the Comm (Art. 25.10)</p>	<p>General investigation proceedings follow EO 292</p> <p>(same)</p> <p>Judicial and administrative proceedings follow mandated timeframe based on EO 292</p> <p>General investigation proceedings follow EO 292</p> <p>(same)</p>	<p>There is a need for a formal administrative investigation procedure in cases involving foreign witnesses.</p> <p>Proposed FAO on high seas fishing impose hefty fines compared to administrative fines set in other FAOs.</p>
<p>1.3.5. In re. Punishment</p> <p>a. if a vessel is found guilty of a serious violation, ensure that such vessel ceases fishing activities and does not engage</p>	<p>Depending on the type of violation, sanctions include cancellation of license (e.g. CFVGL and IFP)</p>	<p>A proposed memorandum of agreement is currently being discussed between BFAR and other agencies such as PCG</p>

in activities until all outstanding sanctions have been complied with (Art. 25.4) including those of State in whose waters the violation was committed	BFAR, in collaboration with PFDA may cease landing of fish and confiscate catch and fishing gears.	and PFDA to increase cooperation in addressing fisheries violations.
1.3.6 In re. Information on compliance a. State shall transmit to Comm annual statement of compliance measures, including of sanctions imposed for violations (Art. 25.8)	BFAR Annual Report II	
1.4. As flag States (Art. 24)		
1.4.1. Flag fishing vessels comply with the Conv/CMMs	Issuance of International Fishing Permits	Draft FAO on high seas fishing contains provisions that will help ensure that fishing vessels comply with relevant regional measures
1.4.2. Flag fishing vessels do not conduct unauthorized fishing in areas under national jurisdiction of any Member (Art. 24.1)	RA8550, s. 32 requires that separate consent of other State must be secured in order to fish in others' waters	Amendment of FAO 198 is in progress
1.4.3. Not allow fishing vessels flying its flag to fish for HMS in areas beyond national jurisdiction unless authorized to do so (Art. 24.2)	Issuance of IFP Various FAOs provide for the requirement to comply with various CMMs (e.g. VMP, ROP) before any activity is conducted.	Draft FAO on high seas fishing and proposed amendments to FAO 198 further emphasize this provision.
1.4.4. Allow fishing only where it is able to exercise effectively its responsibilities in respect of such vessels	same	
1.4.5 Require fishing vessels to use near real-time satellite position-fixing transmitters while in high seas Conv Area (Art 24.8) or when operating in areas under national jurisdiction within Conv Area (Art 24.9)	FAO 241 on VMS in place for all fishing vessels fishing in the high seas	VMS for vessels fishing in Philippine waters is under consultation with stakeholders.
1.4.6. Ensure that the effectiveness of CMMs are not undermined a. ensure that fishing vessels flying it flag do not engage in	Regular monitoring of fishing vessels	

<p>activity which undermines effectiveness of CMMs (Art. 24.1)</p> <p>b. ensure compatibility between national and high seas VMS (Art. 24.10)</p>	<p>FAO 241 on VMS in place for all fishing vessels fishing in the high seas</p>	<p>VMS for vessels fishing in Philippine waters is under consultation with stakeholders.</p>
<p>1.4.7. Record data and inform the Comm</p> <p>a. maintain record of fishing vessels entitled to fly its flag and authorized to be used for fishing in the Conv Area, and ensure such vessels entered in the record (Art. 24.4)</p> <p>b. provide annually to Comm, information under Annex IV regarding each fishing vessel (Art. 24.5) as well as addition, deletions, and reasons therefor (Art. 24.6)</p>	<p>BFAR Annual Report II</p> <p>Continuous communication between BFAR staff and WCPFC</p> <p>same</p>	<p>Only a single record of active fishing vessels needs to be published for use by relevant authorities such as MARINA and BFAR.</p> <p>These authorities should work towards a simplified or harmonized unique vessel identifier system for fishing vessels.</p>
<p>1.5 As Port States</p>		
<p>1.5.1 Take measures to promote effectiveness of subregional, regional and global conservation and management measures (Art. 27.1)</p>	<p>FAO 199 provides the requirement to land fish in designated port and other requirements</p> <p>PFDA, PCG, and BFAR have authority to implement port State control measures.</p>	<p>Review of FAO 199 necessary in light of legal developments</p> <p>Accession to FAO Port State Measures Agreement recommended.</p> <p>Upon accession to the FAO Port State Measures Agreement, the Philippines would need to notify other Parties to the Tokyo MOU on Port State Control to enable uniform implementation of port State measures with respect to the safety of vessels, labour standards, and inspection of fishing vessels.</p> <p>The Philippines may note the relevant provisions in the Maritime Labor Convention which may be used to develop a framework for port State control and</p>

		<p>inspection for fishing vessels.</p> <p>Accession to other agreements may be considered such as the Work in Fishing Convention. BFAR will need to work with DFA, The Senate, DOLE and other agencies for accession to conventions.</p> <p>Port State requirements in various CMMs should also be examined to determine action points for relevant authorities.</p>
1.6 Co-operating Non-Members (CMM 2009-11)		not applicable
2. CONSERVATION AND MANAGEMENT MEASURES (to date)		
2.1 Fishing Vessel Regulations		
<p>2.1.1. Marking and identification of fishing vessels (CMM 2004-03)</p> <p>a. implementation of FAO Standard Specifications (s. 1.1.1)</p> <p>b. require operators to mark vessels for ID with radio call signs (s.2.1.1), which becomes the WCPFC Identification Number (WIN) (s.2.1.2)</p> <p>c. all WIN entered into WCPFC Record of Fishing Vessels (s.3.1)</p> <p>d. require that WIN is painted on hull or superstructure, aside from vessel name, ID mark, and port (s.2.1.3.a), per specifications (s. 2.2)</p> <p>e. penalize certain offenses under national legislation (s.2.1.3.c)</p>	FAO 198	<p>Consultations amongst relevant agencies being held for the revision of FAO 198.</p> <p>The revised FAO 198 will contain elements of CMM 2004-03.</p> <p>Relevant authorities should work towards a simplified or harmonized unique vessel identifier system for fishing vessels. One option for the implementation of vessel marking is the adoption of a Joint Administrative Order.</p>
<p>2.1.2. IUU Vessel Listing (CMM 2010-06)</p> <p>a. transmit to Exec. Director a</p>	The Philippine follows the procedure under this CMM	Review of this measure is required to ensure that transmission of required

<p>list of vessels presumed to be carrying out IUU activities in the Conv Area, accompanied by documentation, at least 120 days before annual meeting of TCC (s. 4)</p> <p>b. notify the flag State of vessel's inclusion in list either directly or through Exec. Director</p> <p>c. flag State to promptly acknowledge receipt of notification (s. 5)</p> <p>d. closely monitor vessels in the Exec. Director's draft list prepared at least 90 days prior to TCC meeting in order to follow their activities (s. 8)</p> <p>e. transmit, if the CCM's vessel/s on list, at least 30 days prior to meeting of TCC, comments and info showing vessels did not violate Conv or CMMs (s. 9); they may submit additional info at any time</p> <p>f. take all non-discriminatory measures against IUU vessels under applicable law or international law (22)</p> <ul style="list-style-type: none"> - ensure vessel does not participate in transshipment or joint fishing operations -- ensure vessels that enter ports voluntarily are not authorized to land, transship, refuel, or resupply but are inspected upon entry -- prohibit chartering of vessel -- refuse to grant their flag such vessels -- prohibit commercial transactions, imports, landings or transshipment -- encourage traders, importers, transporters, etc. to refrain from transactions with/transshipment of species from IUU vessels -- collect, exchange information with other CCMs to search, 	<p>Existing judicial and administrative proceedings for fisheries violations deal with elements of this CMM</p>	<p>information is done within specific timeframes</p> <p>One of the key revisions proposed in FAO 199 is to include provisions on denial of port entry of IUU vessel</p> <p>A Joint Administrative Order between BFAR, MARINA, PFDA, and PCG may be developed to harmonize sanctions imposed on IUU vessels.</p> <p>The Philippines shall ensure that all measures imposed on IUU vessels are consistent with WCPFC CMMs and WTO obligations.</p>
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<p>control, prevent false import/export certificates for species from IUU vessels</p> <p>g. CCMs shall not take unilateral trade measures or other sanctions against vessels on draft List, or that have been removed from the list (s. 24)</p> <p>h. submit suitably documented information 70 days before the annual meeting of the TCC, demonstrating that the fishing vessels they wish to nominate under para 3(j) meet the criteria (Annex, s 6)</p> <p>i. Flag States with para 3(i) vessels on the WCPFC IUU Vessel list may transmit, at least 20 days before the TCC annual meeting, but may submit at any time, to the Executive Director suitably documented information showing the 3j vessels do not meet the criteria outlined in the procedures (Annex, s 13)</p>		
<p>2.1.3. Comm VMS (CMM 2011-02)</p> <p>a. Ensure fishing vessels in high seas comply with requirements of Comm and are equipped with ALCs (s. 9.a)</p> <p>b. Member States shall cooperate to ensure compatibility between national and high seas VMS (s. 9.b)</p>	<p>FAO 241</p>	<p>BFAR to hold discussions with NTC on the VMS/ALC requirements for commercial vessels.</p> <p>VMS for vessels fishing in Philippine waters is under consultation with stakeholders.</p>
<p>2.1.4. Record and Authorization (CMM 2009-01)</p> <p>2.1.4.1. In re. Authorization to Fish</p> <p>a. Authorize its vessels to fish only where it is able to exercise effectively its responsibilities in respect of such vessels (s. A.1)</p> <p>b. Review own internal</p>	<p>FAO 198, s. 2000 (CFVGL and IFP)</p>	<p>FAO 1982 is currently under review</p>

<p>actions and measures and report annually to Comm (s. 15)</p> <p>c. No member shall allow its flag vessel to be used for fishing in Conv Area beyond areas of national jurisdiction unless authorized to do so by appropriate authority/authorities (s. 3)</p> <p>d. Formal requirements in authorization (s. 4)</p> <ul style="list-style-type: none"> -- specific area, species, time periods -- permitted activities -- prohibition of fishing, retention on board, transshipment or landing by vessel in waters under national jurisdiction of another State, except when licensed -- requirement that vessel keep authorization onboard -- other specific conditions to give effect to Conv and CMMs <p>e. Ensure that its flag vessel fishes in waters under the national jurisdiction of another State only where it holds required license, permit or authorization (s. A.d)</p> <p>f. Ensure vessels comply with CMMs (s. A.2)</p> <p>g. Ensure fishing for HMS is conducted only by vessels of CCMs (s. A.c)</p> <p>h. Manage the number of authorizations to fish and level of fishing effort commensurate with the fishing opportunities available to that member (s. A.e)</p> <p>i. Ensure that no authorization to fish in Conv Area is issued to a vessel with a history of IUU fishing (s. A.f), subject to certain exceptions</p> <p>j. Withdraw authorization to</p>	<p>BFAR Annual Report II</p> <p>FAO 198, s. 2000 (CFVGL and IFP)</p> <p>(same)</p> <p>BFAR has adopted compatible measures to implement CMM 2008-01 and 2011-01</p> <p>FAO 223 s. 2003 / 223-1 s. 2004</p> <p>Included in various FAOs (eg. 198, 240, 241)</p> <p>Rev Admi Code of 1987</p>	<p>FAO 198 is being revised to take into account these license conditions</p> <p>The policy direction of the country is leaning towards a catch limit; any future limitation on capacity/effort will be based on science-based and agreed reference point.</p>
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<p>2.1.4.2. Commission Records</p> <p>a. Vessel not included in Comm Record shall be deemed not authorized to fish, retain onboard, tranship or land HMS in Conv Area beyond national jurisdiction.</p> <p>b. Each Member shall prohibit fishing retaining onboard, transshipping, or landing HMS by any such flag vessels; treated as a serious violation (s. 16)</p> <p>c. Each Member shall prohibit landing in its ports or transshipment by flag vessels not entered in the Record/Register (s. 17)</p> <p>d. CCM should notify Exec. Director of any information showing reasonable grounds that unregistered vessel is engaged in fishing of transshipment (s. 18)</p> <p>e. CCMs and Comm to communicate with each other to develop/implement measures to establish records to help avoid adverse effects of fishery on oceans (s. 22)</p>	<p>BFAR has a list of vessels with valid CFVGL and IFP. Such list is also available on the BFAR website</p> <p>Currently done.</p> <p>Currently done.</p> <p>BFAR Annual Report II</p> <p>Currently done.</p>	<p>It is recognized that updating of the Commission record of fishing vessels may not be done in a timely manner; hence confirmation with the national record is required before any action is taken against a vessel believed to be not part of the regional record. This may also require confirmation with other State's record of fishing vessels.</p>
<p>2.1.4.3 Charter Notification Scheme (CMM 2011-05)</p>	<p>This is already done between BFAR and MARINA, although under an internal office memo only.</p> <p>Charter arrangements are also reported to the Commission.</p>	<p>BFAR needs to coordinate closely with fishing companies whose vessels are under chartering arrangements.</p>
<p>2.1.4.4 Vessels without Nationality (CMM 2009-09)</p>		<p>This requires further study.</p>
<p>2.2. Fishing Operations Regulation</p>		
<p>2.2.1. Transshipment restrictions</p> <p>a. Convention Rules -- members shall encourage vessels, to the extent</p>	<p>FAO 199, FAO 200</p> <p>FAO 238 on catch certifications provides the requirement to complete</p>	<p>FAO 199 does not include transshipment at sea.</p> <p>Draft FAO on transshipment currently under consultation.</p>

<p>practicable, to conduct transshipment in port (Art. 29.1) -- transshipment in port or area within national waters shall take place in accordance with applicable laws (Art. 29.2) b. Regulations (CMM 2009-06) -- CMMs that tranship outside the Conv Area (but with fish taken from within Conv Area) shall provide information related to those activities -- Ensure that flag vessels comply with this measure (s. 6) -- Be responsible for reporting against their flag vessels (s. 7) -- Chartering CCMs and flag CCMs will cooperate for appropriate management of the vessel (s. 8) -- Report on all transshipment activities covered by this measure (including transshipment in ports or EEZs) as part of annual report (s. 11) -- Provide notices of transshipment to Exec. Director (s. 12) unless vessel/vessel operator authorized to provide notice directly -- Ensure vessels carry observers from the ROP to observe transshipments at sea (s. 13) -- HMS covered by Conv shall not be transhipped at sea by pursue seine vessels outside the Conv Area (s. 2) -- transshipment in port/waters under national jurisdiction shall take place in accordance with applicable national laws (s. 4) -- Vessel master responsible for reporting against carrier vessel flagged to non-CCM and included on Interim</p>	<p>transshipment declarations</p> <p>FAO 240 on observer program covers transshipment activities</p> <p>FAO 199, 200, 238, 240</p>	
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<p>Register (s. 9) -- WCPFC Transshipment Declaration to be completed by offloading and receiving vessel for each transshipment in Conv Area/transshipment of catch taken in Conv Area (s. 10) c. Observers monitor implementation of measure (s. 14) d. Non-CCM Vessels -- CCMs to take measures to ensure flag vessels do not transship to/from non-CCM flag (s. 20) though with exceptions -- non-CCM vessel shall not transship to/from non-authorized non-CCM vessel (even if in Interim Register) (s. 21) e. Special Regulations for Purse Seine Vessels</p>	<p>FAO 240</p> <p>Not applicable</p> <p>Conditions of IFP; Covered under PNG coastal State regulations</p>	
<p>2.2.2. Gear restrictions a. large scale driftnet ban (CMM 2008-04) -- Take all measures necessary to prohibit fishing vessels from using large scale driftnets in high seas of Conv Area (s. 2) -- Report in their annual report a summary of MCS actions relating to driftnets (s. 5) -- CCM may impose more stringent measures (s. 7) b. FAD Closure (CMM 2009-02) -- CCMs to take necessary measures to ensure purse seine flag vessels on HS comply with rules of CMM 2008-01 (s. 2) -- during FAD closure, no purse seine vessel conduct any part of a set within 1M of a FAD (s. 4) c. Catch Retention (CMM 2009-02)</p>	<p>FAO 236; compatible measures applied by the Philippines</p> <p>As a matter of practice, all catch is retained onboard by fishing vessels</p>	<p>Not applicable</p> <p>Draft FAD Management Plan in its final stages of consultation and revision.</p>

<p>2.2.5. No Fishing on Data Buoys (CMM 2009-05) a. Prohibit flag vessels from fishing within 1M of data buoy in HS of Conv Area (s. 1)</p>	<p>Notice to fishing companies</p>	<p>Need to determine the locations of data bouys on the high seas.</p> <p>There should also be a system for dissemination of such notices, including the location of bouys and other information (to address particular requirements under CMM 2005).</p>
<p>2.3. Species-specific Regulations</p>		
<p>2.3.1. South Pacific Albacore (CMM 2010-05) a. CCM shall not increase number of fishing vessels fishing for SP Albacore in Conv Area south of 20th degree South above 2005 levels or recent historical 2000-2004 levels (s.1) b. cooperate with other CCMS that actively fish for South Pacific Albacore, including collaboration on research to reduce uncertainty on stocks (s 3) c. Report annually to the Commission the catch levels of their fishing vessels that have taken South Pacific Albacore as a bycatch as well as the number and catch levels of vessels actively fishing for South Pacific albacore in the Convention area south of 20°S (s 4)</p>		<p>Not applicable</p>
<p>2.3.2. North Pacific Albacore (CMM 2005-03) b. CCM shall take necessary measures to ensure level of fishing effort by their vessels fishing for NPA in Conv Area is not increased beyond 2005 levels (s. 2) c. CCMs shall report all catches of NPA to Comm every 6 months, except for small coastal fisheries which shall be</p>		<p>not applicable The catch of NP Albacore is insignificant.</p>

<p>on an annual basis (s. 3); no later than 1 year after end of period</p> <p>d. CCMs to report annually all catches of albacore north of the equator and all fishing effort north of the equator in fisheries directed at albacore (s. 4)</p>	<p>BFAR Annual Report I</p>	
<p>2.3.3. Striped Marlin (CMM 2006-04)</p> <p>a. CCMs to limit number of fishing vessels fishing for striped marlin in Conv Area south of 15 degree S, to number in any year between 2000-04 (s. 1)</p> <p>b. CCMs to provide information to Comm on number of vessels that have fished for striped marlin in Conv Area south of 15 degree S during 2000-2004 (s. 4)</p> <p>c. CCMs to nominate maximum number of vessels that shall continue to be permitted to fish</p> <p>d. CCMs to report annually to Comm catch levels of vessels that have taken striped marlin as bycatch (s. 4)</p> <p>e. CCMs to report annually number and catch levels of vessels fishing for striped marlin in Conv Area south of 15 deg S (s. 4)</p>		<p>Not applicable</p>
<p>2.3.4. Bigeye and Yellowfin Tuna (CMM 2008-01)</p> <p>a. CCMs to ensure effectiveness of measures for purse seine fishery not undermined by transfer of effort in days fished into areas within Conv Area south of 20 deg N</p> <p>b. CCMs shall not transfer fishing effort in days fished in the purse seine fishery to areas within Conv Area north of 20 deg N</p>	<p>FAO236 s. 2010</p> <p>FAO 236 s. 2010</p>	<p>The application of FAO 236 will be extended for 2012.</p>

<p>c. CCMs shall take necessary measures to ensure level of purse seine fishing effort in days fished by vessels in high seas does not exceed 2004 levels or average from 2001-2004</p> <p>d. in EEZ, FFA/PNA members implement domestic legislation on time limits, FAD closures (s. 17)</p> <p>e. other CCMs shall implement compatible measures to reduce purse seine fishing mortality on BE in their EEZ (s. 17)</p> <p>f. in HS, purse seine in HS area bounded by 20 deg N and 20 deg S closed to fishing on FADs between 1 July and 30 Sept(s. 19)</p> <p>g. during this period, all purse seine vessels required to have observer; otherwise return to port (s. 19)</p> <p>h. CCMs to submit to Comm their Management Plans for use of FADS by 1 July 2009 (s. 23); includes marking and ID, electronic monitoring, registration, position reporting, limits to deployment</p> <p>i. CCMs independently or with industry, reporting thru SC and TCC, shall explore and evaluate mitigation measures for juvenile BE and YF taken around FADs</p> <p>j. Catch Retention: CCMs shall require purse seine vessels fishing in EEZ/HS within 20 deg N and 20 deg S from 1 Jan 2010, to retain onboard and land/tranship in port all BE, SJ, or YF tuna (s. 27)</p> <p>k. Monitoring: All purse seine vessels fishing in area 20 deg N and 20 deg S exclusively on HS, or in HS and waters under national jurisdiction, or in waters under national jurisdiction of 2 or more states,</p>	<p>FAO 236 s. 2010</p> <p>FAO 236 s. 2010</p> <p>FAO 240</p> <p>Compatible measure being applied by the Philippines</p> <p>Research on the matter being conducted by BFAAR</p> <p>As a matter of practice, all tuna catches are retained</p> <p>FAO 240, s 2012</p>	<p>Draft FAO on high seas fishing</p> <p>Not applicable</p> <p>The application of FAO 236 will be extended for 2012.</p> <p>Draft FAO on High Seas Fishing</p> <p>Draft FAO on High Seas Fishing.</p> <p>Draft FAD Management Plan is in its final stages of consultation and revision.</p> <p>Observers gather data on FAD fishing vessels</p>
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<p>shall carry observer from ROP, effective 1 Jan</p> <p>l. Longline fishery The total catch of BE by longline fishing gear to be reduced 70% of average 2001-2004 (s. 31); The total catch of YF is not to be increased in longline fishery from 2001-2004 (s. 31)</p> <p>m. Other Effort Restrictions CCMs shall take necessary measures to ensure total capacity for BE and YF, including purse seine but excluding artisanal fisheries and those taking less than 2000 tonnes of BE/YF, shall not exceed level of period for 2001-2004 (s. 39) CCMs shall provide SC with estimates of fishing effort for these and other fisheries or proposals for provision of effort data for 2009 and future years (s. 39) CCMs shall provide catch and effort data and species composition data for all fleets in format required by Comm (s. 40)</p> <p>n. Port Controls CCM shall prohibit landings, transshipment, and commercial transactions in tuna and tuna productions originating from activities contra to CMMs (s. 42); CCM to report annually to Comm, the outcomes of monitoring at landing and transshipment points to assess catch (s. 43)</p> <p>o. Reporting and review All CCMs will report at each regular session of TCC, on implementation of this measure for their fishing vessels (s. 45) CMM (para 6).</p>	<p>Draft FAO on high seas</p> <p>FAO 236, s 2010</p> <p>Regular port State measures</p> <p>BFAR Annual Report II</p> <p>BFAR Annual Report II</p>	<p>Insignificant catch in longline fishery.</p> <p>The application of FAO 236 will be extended for 2012.</p>
<p>2.3.5. Swordfish (CMM 2009-03)</p> <p>a. CCMs shall exercise</p>		<p>Not applicable</p>

<p>restraint through limiting number of vessels for swordfish in the Conv Area south of 20 deg S, to the number in one year between 2000-2005 (s. 1)</p> <p>b. CCMs shall exercise restraint through limiting amount of swordfish caught by flag fishing vessels in Conv Area south of 20 deg S, to amount caught in one year in 2000-2006 (s 2)</p> <p>c. CCMs shall not shift their fishing effort for swordfish to area north of 20 deg S (s. 3)</p> <p>d. CCMs shall cooperate to protect long-term sustainability and economic viability of the fisheries for swordfish in SW Pacific, particularly cooperate on research</p> <p>e. CCMs shall report annually total number of vessels that fished for swordfish and total catch of swordfish (s. 8)</p> <p>f. CCMs nominate maximum total catch of swordfish no later than 30 Apr 2010, not more than verified catch for any one year between 2000-2006 (.s 4)</p> <p>g. if Comm determines that CCM vessels exceed total catch specified for them, the CCM will be subject to reduction in catch limit equal to that exceeded amount, applicable following year (s. 9)</p>		
<p>2.3.6. Sharks (CMM 2010-07)</p> <p>a. Implement IPOA Sharks (s. 1)</p> <p>b. Advise Comm of implementation of IPOA Sharks, including assessment and status of NPOA (s. 2)</p> <p>c. Report should include measures to minimize waste and discards from shark catches and encourage live release of incidental catch</p>	<p>NPOA-Sharks has been approved and published. It contains elements of this CMM.</p> <p>Any shark catches are fully utilized.</p>	

<p>(s. 3)</p> <p>d. Report should include key shark species identified by SC in their annual reporting to Comm on annual catch and fishing effort statistics (s. 4)</p> <p>e. Require fishers to fully utilize any retained catches of sharks (s. 6)</p> <p>f. Require flag vessels to have on board fins that total no more than 5% of weight of sharks onboard up to first landing and transshipment (s. 6)</p> <p>g. Prohibit their fishing vessels from retaining onboard, transshipping, landing, or trading any fins harvested in contravention of this CMM (s. 9)</p> <p>h. Take measures to encourage the release of live sharks incidentally caught and not used for food or other purposes (s.10)</p> <p>i. Advise Comm in their annual report, on implementation of CMM and alternative measures if any (s. 12)</p>		
<p>2.3.7 North Pacific Striped Marlin (CMM 2010-01)</p> <p>a. phased reduction of catch of NPSM such that by 1 January 2013 the catch is [80%] of the levels caught in 2000 to 2003. (para 4)</p> <p>b. apply catch limits for NPSM for 2011 and beyond: 1) 2011 [10%] reduction of the highest catch between 2000 and 2003; 2) 2012 [15%] reduction of the highest catch between 2000 and 2003; 3) 2013 and beyond: [20%] reduction of the highest catch between 2000 and 2003 (para 5)</p> <p>c. adopt measures to ensure vessels operate under the catch limit, such as effort reductions, gear modification and spatial</p>		<p>Not applicable</p>

<p>management (para 6) d. report to the Commission by 30 April 2011 verifiable information regarding its catch of NPSM (para 7) e. report in the Part 2 annual reports implementation of this measure (para 8)</p>		
<p>2.3.8 Pacific Bluefin Tuna (CMM 2010-10)</p>		<p>Not applicable. The catch of Pacific Bluefin Tuna by Philippine vessels is insignificant.</p>
<p>2.3.9 Eastern High Seas Pocket Special Management Area a. report entry and exit (para 2) b. CCM shall encourage flag State to report sightings to the Commission (para 3) c. adjacent coastal states/territories shall receive continuous near real-time VMS data (para 4) d. Commission Secretariat to maintain a 'live list' of all fishing vessels present in the E-HSP, based on near-real time VMS information. (para 5) e. Any transshipment activities undertaken in the E-HSP shall be in accordance with applicable CMMs (para 7) f. Vessels to indicate to the Commission its intent to tranship (either unloading or receiving) in the E-HSP (para 7)</p>		<p>Not applicable</p>
<p>2.3.10 Temporary Extension of CMM 2008-01 a. The Philippines shall restrict their purse seine fishing in the western High Seas Pocket No 1 and shall not fish in High Seas Pocket No 2 (para 3). b. CCMs shall require all purse seine vessels fishing in the area between 20N to 20S to carry an observer on board (para 4) c. require concerned vessels to submit entry and exit reports to the Commission at least 24</p>	<p>FAO 240, s 2012 FAO 240, s 2012</p>	<p>Draft FAO on High seas fishing Vessels will submit entry and exit points to BFAR which will facilitate submission of</p>

<p>hours prior to entry and no more than 6 hours prior to exiting HSP-1 SMA. Information may be transmitted to adjacent coastal States (para 3)</p> <p>d. Philippines shall ensure that its flagged vessels operating in HSP-1 SMA report sightings of any fishing vessel to the Secretariat (para 4)</p> <p>e. use of regional observer on board during the whole duration of the fishing operation (para 5)</p> <p>f. covered fishing vessels shall be equipped with and operate an ALC in accordance with CMM 2007-02 or replacement</p> <p>g. CCMs shall ensure that all port landings of its vessels are monitored and accounted for (para 8)</p> <p>g. compliance with all CMMs (para 9)</p> <p>h. catch limit: shall not exceed equivalent to validated vessel days fished in the high seas (para 10)</p> <p>i. The Philippines shall limit its fleet to 36 fishing vessels (para 10)</p>	<p>FAO 240, s 2012</p> <p>FAO 241, 2 2012</p> <p>Regular port Stat measures Catch documentation scheme</p> <p>IFP</p>	<p>information to the Commission</p> <p>Draft FAO on High seas fishing</p> <p>Draft FAO on High seas fishing</p> <p>(same)</p> <p>(same)</p> <p>(same)</p> <p>(same)</p>
<p>2.3.11 Compliance Monitoring Scheme (CMM 2011-06)</p> <p>a. Executive Director to compile information through Part 1 and 2 of the Annual Reports (para 9)</p> <p>b. Upon receipt of the relevant section of the Draft Report, each CCM may reply to the Executive Director, if possible at least 12 days in advance of TCC, in order to: (i) provide additional information, clarifications, amendments or corrections necessary to resolve the potential compliance issues identified in the Draft Report or respond to any other information; (ii) identify any</p>	<p>BFAR Annual Report I and II</p> <p>BFAR Annual Report II</p>	

<p>particular causes of the potential compliance issues or difficulties with respect to implementation of the obligation in question, or circumstances which may mitigate the potential compliance issues (para 10)</p> <p>c. Each CCM shall include, in its Part 2 Annual Report, any actions it has taken to address its non-compliance in the previous year (para 21)</p>		
<p>2.3.12 Addressing Impact of Purse Seine Fishing Activity on Cetaceans (CMM-2011-03)</p> <p>a. Prohibit flagged vessels from setting a purse seine net on a school of tuna associated with a cetacean in the high seas and exclusive economic zones of the Convention Area, if the animal is sighted prior to commencement of the set (para 1).</p> <p>b. In the event that a cetacean is unintentionally encircled in the purse seine net, require the master of the vessel to:</p> <p style="padding-left: 20px;">b.1 ensure that all reasonable steps are taken to ensure its safe release, including stopping the net roll and not recommencing fishing operation until the animal has been released and is no longer at risk of recapture;</p> <p style="padding-left: 20px;">b.2 report the incident to the relevant authority of the flag State, including details of the species (if known) and number of individuals, location and date of such encirclement, steps taken to ensure safe release, and an assessment of the life status of the animal on release (including, if possible, whether the animal was released alive but subsequently died). (para 2)</p> <p>b.2 In applying steps under</p>	<p>FAO on Cetaceans prohibits harming, killing, harassing of cetaceans. This FAO contains elements of this CMM.</p> <p>Joint DA-DOT AO guidelines on tourism activities involving sightseeing of cetaceans.</p>	

<p>paragraphs 2(a) and 3, the safety of the crew shall remain paramount (para 3)</p> <p>c. Include in Part 1 Annual Report any instances in which cetaceans have been encircled by the purse seine nets of their flagged vessels (para 4)</p> <p>d. Report on the implementation of this conservation and management measure on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme (para 5)</p>		
<p>2.3.13 Oceanic White Tip Sharks (CMM-2011-04)</p> <p>a. Prohibit vessels flying their flag and vessels under charter arrangements from retaining on board, transshipping, storing on a fishing vessel, or landing any oceanic whitetip shark, in whole or in part, in the fisheries covered by the Convention (para 1).</p> <p>b. Require all vessels flying their flag and vessels under charter arrangements to release any oceanic whitetip shark that is caught as soon as possible after the shark is brought alongside the vessel, and to do so in a manner that results in as little harm to the shark as possible (para 2).</p> <p>c. Estimate, through data collected from observer programs and other means, the number of releases of oceanic whitetip shark, including the status upon release (dead or alive), and report this information to the WCPFC in Part 1 of their Annual Reports (para 3).</p> <p>d. With prior approval, allow observers to collect biological samples from oceanic white tip sharks that are dead on haulback in the WCPO,</p>	<p>Oceanic whitetip shark covered under NPOA shark.</p>	<p>A new FAO may need to be developed consistent with this CMM.</p>

provided that the samples are part of a research project approved by the Scientific Committee. (para 5)		
2.4. Soft obligations/ Resolutions		
2.4.1. Incidental catch of seabirds (Res 2005-01) a. CCMs shall, to extent possible, implement IPOA-Seabirds (s. 1) b. CCMs shall report to Comm on their implementation of IPOA-Seabirds, including national action plans (s. 2) c. CCMs to provide Comm all available info on interactions with seabirds (s. 3) to assist Scientific Committee		Development of FAO on seabirds may be necessary
2.4.2 Non-target Species (Reso 2005-03) a. CCMs to encourage their vessels operating in Conv Area to avoid to the extent possible, capture of all non-target fish species that are not to be retained (s. 1) b. CCMS to encourage their vessels to promptly release non-retained non-target species to water unharmed (s. 2)	Various FAOs and environmental legislation on non-target species	Strengthen IEC on non target species
2.4.3 Reduction of Overcapacity (Res 2005-02) a. CCMs to work together to ensure that beneficial owners reduce overcapacity by 31 Dec 2007, through reduction of equivalent fishing capacity of other fishing vessels operating in the Conv Area (s. 1) b. CCMs to ensure no adverse effect to coastal processing and transshipment facilities and associated vessels of SIDS/PTs, nor legal investments in FFA countries (s. 2)	FAO 223 s. 2003, FAO 223-1 s. 2004 (CFVGL moratorium)	
2.4.4 Aspirations of SIDS/PTs (Res 2008-01) a. CCMs shall cooperate to enhance ability of developing	The Philippines provides significant assistance to SIDS in terms of investment.	

<p>States, particularly least developed, to develop their own fisheries for HMS including but not limited to high seas in Conv Area (s.1)</p> <p>b. CCMs shall make concerted efforts and consider innovative options to reduce or restructure their fleet so as to accommodate SIDS/PTs (s. 2)</p> <p>c. Developed CCMs shall cooperate in investments in fishing vessels/activities/facilities in SIDS/PTs (s. 3)</p> <p>d. CCMs commit to ensure that by 2018, domestic fisheries and related industries of developing SIDS/PTs accounts for greater share of benefits than what is currently realized of total catch and value of HMS in Conv Area (s. 4)</p> <p>e. CCMs ensure measures do not result in transferring disproportionate burden of conservation action onto SIDS/PTs</p> <p>f. CCMs shall implement measures that enhance ability of SIDS/PTs to develop their own fisheries for HMS</p> <p>g. Developed CCMs shall ensure that CMMs shall not be implemented to constrain coastal processing and transshipment facilities/vessels of SIDS/PTs, nor undermine legitimate investment in FFA member countries (s. 6)</p>	<p>The country has fisheries cooperation with Pacific Island countries on food security, technical assistance and other arrangements.</p>	
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