

(Unofficial Translation)

Royal Ordinance on Fisheries

B.E. 2558 (A.D.2015)

And

Royal Ordinance on Fisheries (No.2)

B.E. 2560 (A.D.2017)

Royal Ordinance on Fisheries
B.E.2558 (A.D.2015)
and Royal Ordinance on Fisheries (No.2)
B.E. 2560 (A.D.2017)

Bhumibol Adulyadej, Rex
Given on 13 November B.E. 2558 (A.D.2015)
70th year of the current reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is deemed expedient to revise the laws on fisheries;

By virtue of the provision under Section 21 of the Constitution of the Kingdom of Thailand (Interim) B.E. 2557, be it therefore that the Royal Ordinance be enacted by His Majesty the King, as follows:

Section 1. This Royal Ordinance is called “the Royal Ordinance on Fisheries B.E. 2558 (A.D. 2015)

Section 2.¹ This Royal Ordinance shall come into force on the day following the date of its publication in the Government Gazette.

Section 3. The Fisheries Act B.E. 2558 shall be repealed.

Section 4. The provisions of this Royal Ordinance aim to reorganize fisheries in Thailand and in waters at large with a view to preventing IUU fishing in order to preserve aquatic animal resources as a sustainable source of food for humanity and preserve the environment in an appropriate state along the line of approaches, criteria and standards recognized internationally, as well as to protect the welfare of seamen and prevent all forms of forced labour in the fisheries sector, with due regard to the following objectives:

(1) achieving good governance in the management and conservation of aquatic resources and the fisheries sector, and ensuring that complete and accurate data thereof are collected;

¹ The Government Gazette No. 132/Section 108 A/ Page 1/ 13 November 2015

(2) protection of special interests of artisanal fisheries and local fisheries communities;

(3) fulfillment of Thailand's international obligations with regard to the conservation and management of aquatic resources;

(4) to provide effective means for preventing, deterring, and eliminating IUU fishing, as well as unlawful labour practices in the fisheries sector.

(5) use of best available scientific evidence to achieve long-term economic, social and environmental sustainability, in line with the ecosystem-based approach and the precautionary approach, to ensure that fisheries resources are maintained or restored to a level that can produce the maximum sustainable yield;

(6) prevent and eliminate overfishing and overcapacity and ensure that the level of fishing effort does not undermine the sustainability of fisheries resources;

(7) implementation of systematic measures for the application of this Royal Ordinance;

(8) cooperation with other states, private agencies, as well as international organizations, with a view to achieving the objectives under this Royal Ordinance;

(9) ensure legal working conditions and welfare of workers in all areas of the fisheries sector;

(10) ensuring effective monitoring, surveillance, and control of fishing activities;

(11) implementation of an effective traceability system from fishing operations to ultimate consumers;

(12) imposing proportional and deterrent administrative and criminal sanctions.

Section 5. In this Royal Ordinance:

“Aquatic animals” mean animals normally inhabiting water, amphibians, animals inhabiting inundated areas, animals partially inhabiting water, and animals having one part of their life cycles in water during a specific water-borne part of their life cycles. These also include aquatic animals’ eggs and spawns, sperms, marine algae, carcasses or any one part of those aquatic animals, as well as aquatic plants as specified by Notification of the Minister as well as residuals or any one part of such aquatic plants.

“Aquatic animal product” means a product resulting from an aquatic animal-processing procedure or a process whereby aquatic animals are used as raw materials.

“Aquatic animal processing” means any act undertaken to transform aquatic animals for use or consumption purposes, but does not include the mere packaging of aquatic animal without any transformation of the aquatic animal or transformation of the aquatic animal for immediate consumption of a consumer.

“Fisheries” means fishing operations, aquaculture, the caretaking of aquatic animals, or aquatic animal processing, including any operation in support of a fishing operation.

“Fishing” means to search, attract, catch, take or harvest fish or any activity which can reasonably be expected to result in the attracting, catching, taking or harvesting of fish at a fishing ground.

“Fishing ground” means a tract of land with still or running water, and any beach constituting public domain of State, including a forest and a ground which is naturally inundated, notwithstanding that it constitute a public domain of State or a tract of land privately owned, as well as seas.

“Seas” mean coastal seas, offshore seas, seas outside Thai waters and seas lying in the jurisdiction of another coastal state.

“Thai waters” mean inland waters, coastal seas and off-shore seas.

“Inland waters” mean fishing grounds lying within the Kingdom, excluding seas.

“Coastal seas” means the seas lying within the Kingdom extending up to three nautical miles from the baselines. In light of exigencies based on purposes related to aquatic resource management, a Ministerial Regulation may be issued to determine the expanse of coastal seas in any area to cover a distance starting from the baseline shorter or further than three nautical miles as appropriate. Any such adjustment shall not result in a distance off the baseline of less than one point five nautical miles nor of further than twelve nautical miles. In any such case, a map delineating the areas prescribed thereby shall be attached to any such Ministerial Regulation.

“Baseline” means a line where the sea meets land along a seashore and the outer limits of an island, specified as having a water depth line at zero meter on the navigation map of the Hydrographic Department, or the outer limits of reclaimed areas.

“Offshore seas” mean the seas located in the Kingdom beyond the coastal seas up to either the extreme bounds of the exclusive economic zones pursuant to the Notification on the exclusive economic zones of the Kingdom of Thailand or the extreme bounds of the continental shelves under the sovereignty of the Kingdom of Thailand, the further boundary of either being the line to prevail.

“Seas outside Thai waters” mean the high seas lying beyond the offshore seas and include the seas lying within the jurisdiction of a coastal state other than the Kingdom of Thailand.

“Seas lying within the jurisdiction of a coastal state” mean the seas subject to the jurisdiction of a coastal state or where the coastal state has exploitation rights as provided under international law.

“Coastal state” means a country, excluding Thailand, with boundaries immediately adjacent to the sea.

“Freshwater fishing” means fishing operations in fishing grounds lying in inland waters.

“Artisanal fishing” means fishing operations in coastal seas in which a fishing vessel is used or in which a fishing gear is used without a fishing vessel, but in any case does not include commercial fishing.

“Commercial fishing”² means fishing operations using a fishing vessel of a size from ten gross tonnage or with an engine of a horse power as prescribed by the Minister, or using a fishing vessel with or utilizing fishing gears of the types, methods, the number of workers used, or natures of fishing as prescribed by the Minister. It shall also include using such fishing vessel to operate an aquatic animal processing, whether or not any fishing has also been conducted.

“Aquaculture” means the culture of aquatic animals or aquatic animal species breeding by means of natural methods, artificial insemination methods or by any other method on an aquaculture ground in any stage of the life cycle of any such aquatic animal.

“Aquaculture ground” means a pond, enclosure, cage or an area used for agriculture of any other description notwithstanding that it is located on a tract on land owned privately or in public domain of State or in any fishing ground that the digger, the builder, the creator, the owner or the possessor thereof aims to use directly for aquaculture purposes.

“Caretaking of aquatic animals” means post-capture caretaking of aquatic animals prior to aquatic animal processing.

“Fishing gear” means a machine, tool, equipment, component, weapon, pole, and stake used in a fishing operation.

“Fishing vessel”³ means a vessel of any size used or intended for use for the

² “Commercial Fishing” was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

³ “Fishing vessel” was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

purposes of commercial exploitation of marine living resources and shall include a support vessel for fishing operation, transshipment or aquatic animal processing.

“Transshipment vessel”⁴ means a fishing vessel used specifically for transshipment, aquatic animal transport, aquatic animal processing or aquatic animal storage.

“Thai fishing vessel” means a fishing vessel registered as a Thai vessel pursuant to the law on Thai vessels.

“Point of reference” means a relative quantity of the fishing capacity and the natural capacity of aquatic animal production determined by a scientific process that take into account the quantities, sizes, birth and mortality rates, as well as and the different stages of aquatic animals for the purposes of determining the maximum sustainable yield.

“IUU fishing” means illegal fishing, unreported fishing and unregulated fishing.

“Illegal fishing” means:

(1) a fishing operation without legal authorization or that is against Thai laws or the laws of a coastal state;

(2) a fishing operation that is not in compliance with measures developed by a relevant international organisation for the purposes of fisheries conservation and management or a fishing operation that is against relevant international laws.

“Unreported fishing” means:

(1) a fishing operation that is not notified of or reported, or a fishing operation the particulars of which are incompletely reported as required by rules or procedures provided by law or ministerial regulations, notifications or directives issued pursuant to law; or a fishing operation the particulars of which are falsely reported;

(2) a fishing operation in an area under the jurisdiction of an international organisation to which any such fishing operation is neither notified of nor reported, or a fishing operation in any such area the particulars of which are incompletely reported as per the rules and procedures of any such organisation, or a fishing operation in any such area the particulars of which are falsely reported.

“Unregulated fishing” means:

(1) a fishing operation in a zone under the responsibility of an international organisation undertaken by the use any fishing vessel, be it with a designated nationality or a

⁴ “Transshipment vessel” was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

stateless vessel, in a manner that is not in compliance with or is in violation of fisheries conservation or management measures developed by any such international organisation;

(2) a fishing operation in a fishing ground in which no applicable fisheries conservation and management measures have been put in place, the manner of fishing of which is not in line with state responsibilities for the conservation of aquatic animal resource sources pursuant to the principles of international law.

“International organisation” means a Regional Fisheries Management Organisation (RFMO) established for the purposes of fisheries conservation and management.

“Stateless vessel”⁵ means a vessel that is not registered under the laws of any state, or a vessel with at least two designated nationalities, or a vessel that changes flag during navigation, but not including a Thai vessel undertaking artisanal fishing or freshwater fishing of a size prescribed by the Minister.

“Vessel registrar” means a vessel registrar pursuant to the law on Thai vessels.

“Owner of a vessel” means a person having the ownership or the right to possession of a fishing vessel.

“Master of a vessel” means a person having command or charge of a fishing vessel.

“Seaman” means a crew member or any person who is assigned with a position on board a vessel, excluding the master thereof.

“Factory”⁶ means a building, place, or vehicle, using an engine of the total of at least five horse powers or an equivalent of five horse powers, or using at least seven workers with or without any engine, to pack, process, preserve aquatic animals or to transfer processed or unprocessed aquatic animals for packaging, but not including any fishing vessel, cargo ship, and fish market enterprise under the law on fish market enterprises.

“Importation” means bringing or sending into the Kingdom.

“Exportation” means taking or sending out of the Kingdom.

“Transit” means bringing or sending through the Kingdom.

⁵ “Stateless vessel” was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

⁶ “Factory” was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

“Fishing port” means any place for the berthing of a fishing vessel or for the transshipment or landing of aquatic animals or aquatic animal products from a fishing vessel, regardless of whether such a place is situated onshore or offshore.

“Fish market enterprise” means an authorized fish market enterprise, or a fish pier designated as an authorized fish market enterprise pursuant to the law on fish market enterprises.

“Transshipment of aquatic animals” means the unloading of aquatic animals or aquatic animal products in all or in part from a fishing vessel onto another vessel.

“Observer” means a person having the knowledge and independence required for performing duties on board a fishing vessel.

“Licensee” means a person granted a license or a permit that authorizes him/her to undertake an action pursuant to this Royal Ordinance.

“Competent official” means an official appointed by the Minister to perform actions in accordance with this Royal Ordinance.

“Committee” means the National Fisheries Policy Committee.

“Director-General” means the Director-General of the Department of Fisheries.

“Minister” means the minister taking charge of the execution of this Royal Ordinance.

Section 6. The Minister of Agriculture and Cooperatives shall have charge of the execution of this Royal Ordinance, and shall have the power to issue Ministerial Regulations fixing the rates of duties and fees not exceeding those stipulated in the schedule annexed hereto, reducing or exempting duties and fees, as well as determining matters for the execution of this Royal Ordinance.

Any such Ministerial Regulation shall enter into force upon its publication in the Government Gazette.

Section 7. Requests for permission, filings for registration, grants of permission, acceptances of registration, issuances of licenses, renewals of licenses and the transfer of licenses pursuant to this Royal Ordinance shall be in accordance with the rules, procedures and conditions provided by Ministerial Regulation. Any such Ministerial Regulation may fix duties and fee rates not exceeding those stipulated in the schedule annexed to this Royal Ordinance.

A Ministerial Regulation for the determination of duties or fees issued pursuant to paragraph one may impose different rates, taking into consideration the types, kinds, sizes or

numbers of fishing vessels, or fishing gears, or the types, kinds, sizes, nature or forms of aquaculture enterprises or fishing operations.

Chapter 1

General Provisions

Section 8. For the purposes of compliance with obligations to which Thailand is committed to be bound by international organisations and conventions related to fisheries conservation and management to which Thailand is a state party, any wrongdoing pursuant to this Royal Ordinance or the laws of a coastal state or in accordance with criteria or measures based on relevant international laws, or the rules or measures of relevant international organisations related to fisheries conservation and management, whether being committed in Thai waters or outside Thai waters, and using a Thai fishing vessel, a non-Thai fishing vessel, or a stateless vessel, shall be regarded as a wrongdoing within the Kingdom, and shall be subject to a sanction prescribed in this Royal Ordinance. In this connection, Thai courts shall have the power to try and adjudicate any such case, and competent officials, inquiry officials and public prosecutors shall have the power to undertake relevant legal proceedings.

If any such offence occurs outside Thai waters and does not involve a Thai fishing vessel or a Thai national, proceedings pursuant to the provision under paragraph one shall be implemented after such authorities have been notified thereof by a foreign state in which any such wrongdoing has occurred or by a relevant international organisations related to any such wrongdoing.

It shall be the duty of the Director-General to collaborate with officers of a foreign state or those of international organisations in undertaking sanction proceedings against offenders pursuant to this Royal Ordinance.

Section 9. For the purposes of fisheries management, the Department of Fisheries shall undertake steps and process all the data collected from the granting of permission, the issuance of licenses, registration or as reported pursuant to this Royal Ordinance. The Department shall

prepare and submit up-to-date fisheries statistics to the Committee on a monthly basis or over a shorter period of time as prescribed by the Committee.

Where it is necessary for the purposes of verifying and collecting fisheries statistics, the Director-General shall have the power to determine a period of time and data to be collected and the areas designated for the purposes of data collection. A notification in this regard shall be displayed at the office of the local heads of the sub-districts and local administrative organisations concerned.

When any such notification pursuant to paragraph two has been issued, the competent official shall have the power to enter premises used for the practice of fisheries or premises related to fisheries during their respective working hours in the areas and during the period of time prescribed in any such notification. In this regard, persons practicing fisheries or persons concerned shall truthfully reply to the questions posed.

Section 10. No person shall use a stateless vessel in their fishing operations.

Section 10/1.⁷ Any person who wishes to conduct a factory operation shall notify a competent official before doing so, pursuant to the rules and procedures prescribed by the Director-General, unless such person has submitted a notification or received a license to conduct a factory operation under the law on factories.

When a competent official receives the notification under paragraph one, the competent official shall issue an acknowledgment letter to the person who notifies within three days from the date the notification is received.

Section 11.⁸ Any factory operator shall not employ or allow any foreign person who does not have a work permit under the law on work of foreign persons to work in the factory.

In the case where the competent official finds a violation of paragraph one has occurred, the Administrative Sanction Committee shall issue an order to suspend the factory operation for a period of at least ten days but not more than twenty days, except for the case where such foreign person has received a work permit and is in the process of renewal or correcting information regarding the nature of work or employer, the Director-General shall inform the Director-General of Department of Employment in order to expedite the renewal or correction.

The competent official shall give custody of the foreign person under paragraph

⁷ Section 10/1 was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

⁸ Section 11 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

one to an inquiry official in order to take legal proceedings under the law on work management of foreign persons or the law on immigration.

In the case where a competent official finds that a factory operator who has been ordered to suspend the factory operation violates paragraph one for the second time within three years from the date of the suspension order, the Administrative Sanctions Committee shall have the power to order a suspension of the factory operation for a period of at least fifteen days but not more than thirty days.

In the case where a competent official finds that a factory operator who has been ordered to suspend the factory operation violates paragraph one for the third time within three years from the date of the first suspension order, the Administrative Sanctions Committee shall have the power to order a close of the factory.

Any factory operator ordered to close the factory under paragraph five shall not operate a factory, whether or not the operator has a notification letter or a license under the law on factories. Any competent official or any person granting permissions under the law on factories shall not issue any acknowledgment letter or a license to operate a factory to such person to conduct a factory operation under this Royal Ordinance within ten years from the date of the closure of factory.

When issuing an order of suspension of factory operation or closure of a factory, the Department of Fisheries shall inform the Permanent Secretary of Ministry of Industry.”

Section 11/1.⁹ In the case where a factory operator violates Section 44, Section 49, Section 50, or Section 51 of the Act on Labour Protection B.E. 2551 (2008), the Administrative Sanctions Committee shall order a suspension of factory operation for a period of at least ten days but not more than twenty days.

In the case where a competent official finds that a factory operator who has been ordered to suspend its factory operation violates the law for the second or third time within three years from the date of the suspension of factory operation, the Administrative Sanctions Committee shall have the power to order a suspension or a closure of factory by applying Section 11, paragraphs four, five, six, and seven *mutatis mutandis*.

⁹ Section 11/1 was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

Chapter 2

Fisheries Management

Section 12. The provisions of this Chapter aim to provide for policies and oversight of fisheries management by way of promoting the participation of all stakeholders in the management and conservation of aquatic animal resources, as well as to establish a system of good governance in order to ensure sustainable use as determined by the examination of best scientific evidence and balanced by economic, social and environmental considerations, in line with the ecosystem based approach and precautionary approach, and also to ensure that fisheries resources are maintained or restored to a level that can produce the maximum sustainable yield, as well as to prevent and eliminate overfishing and overcapacity and ensure that the level of fishing effort does not undermine the sustainability of fisheries resources

Part 1

The National Fisheries Policy Committee

Section 13. A committee shall be established, called “The National Fisheries Policy Committee”, comprising Prime Minister as its chairperson, Minister of Agriculture and Cooperatives as its vice-chairperson, Permanent Secretary of the Ministry of Foreign Affairs, Permanent Secretary of the Ministry of Agriculture and Cooperatives, Permanent Secretary of the Ministry of Transport, Permanent Secretary of the Ministry of Natural Resources and the Environment, Permanent Secretary of the Ministry of Labour, Commander-in-Chief of the Royal Thai Navy, Commissioner General of the Royal Thai Police, Director-General of the Department of Provincial Administration, President of the National Farmers’ Council, President of the Thai Chamber of Commerce, President of the Federation of Thai Industries as committee members and not more than ten experts appointed by the Minister as committee members.

The Director-General shall serve as a committee member and secretary.

Section 14. Expert committee members pursuant to Section 13 shall be appointed from the following persons:

(1) one association representative in each of the following fields: coastal fisheries, offshore fisheries, fisheries outside Thai waters, inland fisheries, aquaculture and aquatic animal processing;

(2) not more than two persons having knowledge or operational experience in the field of natural resources and the environment;

(3) not more than two fisheries academics.

Section 15. A person appointed as an expert committee member must not have been imprisoned pursuant to a final court judgement on account of an offence pursuant to the law on fisheries.

Section 16. An expert committee member shall hold office for a term of two years.

During the time in which an expert committee member vacates his/her office for any reason whatsoever and no other expert committee member has been appointed in his/her place, the Committee shall comprise only the remaining Committee Members.

An expert committee member vacating office at the expiration of term may be reappointed, but may not hold office for more than two consecutive terms.

Section 17. Other than the expiration of term, an expert committee member shall vacate office upon:

(1) death;

(2) resignation;

(3) being removed as a representative of the association for which he/she is appointed, or being disqualified in relation to the qualification pursuant to Section 15;

(4) being removed by the Minister on account of his/her inefficient performance of duties, misconduct, or incompetence;

(5) becoming bankrupt;

(6) being an incompetent or quasi-incompetent person;

(7) being sentenced through a final court judgment to imprisonment.

Section 18. Procedures and conduct of meetings shall be as prescribed by the Committee.

Section 19. The Committee shall have the power and duty to determine fisheries policies and supervise fisheries management as follows:

(1) determining policies for the development of fisheries in Thai waters in line with aquatic animal resource stocks and the country's fishing capability based primarily on the points of reference;

(2) determining policies for the promotion, development and resolution of problems pertaining to fisheries outside of Thai waters;

(3) determining the country's aquaculture development policies;

(4) determining policies for the development of the country's related fisheries industries;

(5) determining control measures in order to achieve the policies under (1), (2), (3) and (4);

(6) determining the total allowable catch for fishing operations within Thai waters;

(7) determining approaches to and targets for the country's fisheries development in line with the conservation of aquatic animal resources and the environment;

(8) determining approaches to the management of aquatic animal resources to maintain appropriate conditions and sustainable fishing;

(9) preparing an annual performance report for submission to the Council of Ministers and dissemination to the general public;

(10) implementing any other matters prescribed by law as being within the duties and authority of the Committee or as assigned by the Cabinet.

Policies prepared pursuant to (1), (2), (3) and (4) shall be submitted to the Council of Ministers for deliberation and approval. Upon the approval thereof by the Council of Ministers, all state agencies shall implement any such policy and ensure that any such policy is undertaken as such.

Section 20. The Committee shall have the power to appoint *ad hoc* committees or sub-committees to carry out undertakings tasked by the Committee.

Ad hoc committee and sub-committees meetings shall be conducted as prescribed by the Committee.

Section 21. Measures issued pursuant to Section 19(1), (2), (3), (4), (5), (6) and (7) shall at least aim to achieve the following outcome:

(1) to conserve, preserve and prevent the extinction of aquatic animals, and to enable the exploitation of aquatic animal resources in a sustainable manner, which will culminate in the achievement of a balanced ecological system and biodiversity;

(2) to prevent and deter the support of IUU fishing, including personnel, fuel, fishing gear or any other form of support.

(3) to develop measures for the supervision and control of fishing operations in line with the international law and standards;

(4) to develop an approach to the development of fishing cooperation with other states and various international organisations in order to conserve and manage threats to aquatic animal resources, aquatic animals' migration or aquatic animals' habitats, pursuant to precautionary principles;

(5) to develop measures for the prevention of fishing operations that disturb or obstruct the natural process whereby sufficient time for reproduction and adequate restoration of reproductive capacity are to be attained; this is so designed in order to achieve fishing operations that are in line with the natural reproductive capacity, and the ability to achieve sustainable exploitation;

(6) to develop measures requiring all state agencies concerned to undertake steps to revise the laws, rules, procedures and conditions to be in line with the progress and developments involving criteria regulating fishing operations set forth by international organisations.

(7) to develop an approach requiring that persons practicing fisheries and other occupations related to fisheries participate in the conservation and protection of fisheries resource sources and aquatic animal resource sources such that they are in an appropriate state and are amenable to sustainable fishing operations.

Section 22. Approaches to the management of aquatic animal resources pursuant to Section 19(8) shall at least cover the following matters:

(1) an approach to the promotion of measures for conservation and management of sustainable fishing;

(2) an approach to the safeguard and protection of rights, as well as the development and promotion of occupations and livelihood of Thai fishermen;

(3) an approach to the prevention of excessive exploitation of aquatic animal resources;

(4) an approach to the prevention of IUU fishing operations;

(5) an approach to cooperation with international organisations, different nations as well as coastal states in the dissemination and exchange of statistical information on the catching of aquatic animals and any other data relating to fishing operations;

Section 23. In compliance with the policies pursuant to Section 19, the Department of Fisheries shall take actions to develop and submit a Fisheries Management Plan in line with such a policy to the Committee for deliberation. This plan shall subsequently be submitted to the Council of Ministers for approval and implementation by agencies concerned.

Section 24. The Fisheries Management Plan pursuant to Section 23 shall at least cover operational approaches to the following matters:

- (1) an approach to the issuance of fishing licenses in line with the fishing capacity and the maximum sustainable yield, using points of reference as the basis for determination;
- (2) an approach to the restoration of aquatic animal resources to their normal natural state;
- (3) an approach to a reduction in the fishing vessels engaged in commercial fishing operations;
- (4) an approach to the elimination of IUU fishing operations;
- (5) an approach to the resolution of conflicts of interests between artisanal and commercial fishing operations;
- (6) an approach to preventing the catching of aquatic animals of premature sizes;
- (7) an approach to the development of information related to fisheries;
- (8) an approach to the enhancement of fisheries management.

Section 25. In order to promote participation and provide support to local fishing communities in the management, maintenance, conservation, restoration and sustainable utilization of aquatic animal resources within fishing grounds in freshwater fishing zones or coastal seas, the Department of Fisheries shall take actions to provide assistance or support in the following matters:

- (1) promote participation on the part of local fishing communities in the development of the policy pursuant to Section 19(1);
- (2) encourage association and arranging for the registration of local fishing community organisations pursuant to the rules prescribed by the Director-General;
- (3) provide counsel to local fishing communities related to the management, maintenance, conservation, restoration and utilization of aquatic animal resources, as well as

provide assistance and support to the implementation of communities' work, projects or activities in such matters;

(4) disseminate knowledge or information on the management, maintenance, conservation, restoration and utilization of aquatic animal resources.

Part 2

Provincial Fisheries Committee

Section 26. There shall be a provincial fisheries committee in each of the provinces prescribed by the Minister. Any such provincial fisheries committee shall comprise the Provincial Governor as Chairperson, a representative of the Ministry of Natural Resources and the Environment, a representative of the Marine Department, the Provincial Chief Prosecutor in the capacity of the Head of the Provincial Chief Attorney's Office, the Provincial Commerce Officer, District Chiefs in districts where fisheries operations are undertaken, the Chief Executive of the Provincial Administrative Organisation, the President of the Provincial Farmers' Council as *ex officio* committee members, and not more than thirteen experts appointed by the Provincial Governor as committee members.

The Provincial Fisheries Officer shall serve as a committee member and secretary.

In any province having areas contiguous with marine waters or the Mekong River, a representative of the Royal Thai Navy shall be added as an *ex officio* member.

Section 27. Expert committee members pursuant to Section 26 shall be appointed from among the following persons:

(1) representatives of local fishing community organisations in the fields of coastal fisheries, offshore fisheries, freshwater fisheries, aquaculture or aquatic animal processing

who have been registered pursuant to Section 25(2) as deemed appropriate after due consideration of the fair and comprehensive distribution of the stakeholders;

(2) not more than three persons having knowledge or operational experience in the field of fisheries or in the fields of natural resources and the environment.

Section 28. The Provincial Fisheries Committee shall have the following powers and duties:

(1) compile recommendations and propose approaches to the promotion of the fishing profession, the management, maintenance, conservation, restoration and sustainable utilization of aquatic animal resources by local fishing community organisations in its jurisdiction and submitting them to the Committee for deliberation in the preparation of policies pursuant to Section 19(1);

(2) deliberate upon and make suggestions regarding approaches to the development of or the resolution of problems related to fisheries, or the management, maintenance, conservation, restoration and sustainable utilization thereof in fishing grounds in its jurisdiction to the Minister, the Committee or the Director-General;

(3) issue notifications pursuant to Section 56, Section 71, and Section 77 which are to be published in the Government Gazette;

(4) take any other action as assigned by the Minister or the Committee.

In the case of an emergency or where there is an incident of great exigency necessitating the issuance of a notification under Section 56 and Section 71, the Provincial Fisheries Committee shall have the power to issue notifications that take effect temporarily over a period of time not exceeding sixty days. In this respect, the Minister shall deliberate thereupon to the full fruition thereof within sixty days as from the date on which any such notification comes into force.

Where the Minister cannot complete the deliberation upon any such matter to full fruition within the specified timeframe pursuant to paragraph two, any such notification shall continue to take effect until the moment at which an order disapproving thereof is issued by the Minister.

Where a Provincial Fisheries Committee does not exist in any province, the powers and duties of the Provincial Fisheries Committee shall lie in the Provincial Fisheries Officer or a person assigned by the Director-General. In exercising such powers and duties, the Provincial Fisheries Officer shall consult the Provincial Governor and agencies concerned, and shall take into account the opinions of members of the public concerned.

Section 29. The provisions of Section 15, Section 16, Section 17, Section 18 and the provisions on the appointment of sub-committees and the conduct of sub-committee meetings pursuant to Section 20 shall apply to the Provincial Fisheries Committee *mutatis mutandis*.

Chapter 3

Fishing Operations in Thai Waters

Section 30. The provisions of this Chapter are aimed at the management, control and supervision of fishing operations, and the balance of interests between artisanal and commercial fishing. When exercising powers and duties under this Chapter, the parties concerned shall take into account the natural reproduction capacity as determined by best scientific methods in order to identify the points of reference which will allow fisheries undertakings to take place in a sustainable manner and enable the people to have access to an appropriate source of food.

Section 31. Any person wishing to undertake freshwater fishing in public domain of the State, by using a fishing gear prescribed by the Director-General must obtain a license issued by a competent official.

The provision under paragraph one shall not apply to fisheries in aquaculture grounds.

Section 32. Any person wishing to engage in artisanal fishing by using a fishing vessel or fishing gear of a size or description prescribed by the Director-General must obtain an artisanal fishing license issued by the Director-General or a person assigned by the Director-General, except where the fishing vessel or fishing gear is of the type prescribed by the Director-General.

The issuance of a license under paragraph one shall indicate the number and types of fishing gears permitted to use in fishing, the fishing areas, or any other necessary conditions, in order to be consistent with the Fisheries Management Plan. In case of fishing by a fishing vessel, a license shall be granted to the fishing vessel owner for each fishing vessel. Licenses shall not be granted to a person in excess of the number prescribed by the Minister.¹⁰

¹⁰ Section 32 paragraph two was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

Section 33. A person engaging in artisanal fishing shall comply with the rules and procedures for fishing prescribed by the Director-General.

For the purposes of monitoring, the Director-General may determine that a person engaging in artisanal fishing prepare a fishing logbook, which shall at least comprise information on the types and quantities of aquatic animals caught and the area(s) in which fishing grounds are located.

Any person engaging in artisanal fishing shall keep a fishing logbook under paragraph two and readily present it to the competent official upon the return of their fishing vessel to a port of entry.

Section 34.¹¹ Any person granted an artisanal fishing license shall not conduct any fishing in offshore seas, unless granted permission by the Director-General or a designated person. Such permission, the Director-General may be announced and applied generally, and any requirements under rules and conditions for fishing in offshore seas may also be imposed.

Section 35.¹² Have been repealed.

Section 36. Any person wishing to engage in commercial fishing must obtain a commercial fishing license issued by the Director-General or a person designated by the Director-General.

A license under paragraph one shall be issued specifically for a fishing vessel and the license must state the number and type of fishing gear permitted for use in a fishing operation, fishing ground, permitted catch limit, or permitted fishing period in line with the fishing capacity and maximum sustainable yield as stated in the Fisheries Management Plan. The number of licenses issued to a person shall not exceed the number prescribed by notification of the Minister.¹³

Section 37. A commercial fishing licensee must provide an occupational safety and hygiene system, as well as provide proper working conditions for seamen as prescribed by Ministerial Regulation.

Section 38. A commercial fishing licensee must not engage in a fishing operation in coastal seas.

¹¹ Section 34 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

¹² Section 35 was repealed by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

¹³ Section 36 paragraph two was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

Section 39. Any person requesting a license pursuant to Section 32, Section 35 and Section 36 must not be under any of the following prohibitions:

- (1) being convicted by a final court judgement due to a commission of any offence under Section 114, and a period of five years has not yet lapsed since the judgment day;
- (2) being a person whose fishing license is being suspended;
- (3) being a person subject to an order of the Director-General issued pursuant to Section 113(1) or (5) and a period of two years has not yet lapsed since the day of the order;
- (4) being a person subject to an order of the Director-General issued pursuant to Section 113(2) and the prohibition period has not yet expired;
- (5) being a person whose fishing license has been revoked and a period of five years has not yet lapsed since the revocation to the day of the license application;
- (6) a foreign state or international organisation has given written notice that a suspension of such person's fishing authorization has not yet expired or that fishing authorization has been revoked by the competent authority of such state or international organisation;
- (7) being a person whose fishing license has been revoked twice within a period of five years.

Section 40. A license pursuant to Section 31, Section 32, Section 35 and Section 36 shall be valid for two years as from the date of issue.

Section 41. A licensee pursuant to Section 31, Section 32, Section 35 and Section 36 shall affix and display the license on the fishing vessel or carry a substitute card to be used in lieu of the license issued by the Department of Fisheries for inspection.

It shall be the duty of the Department of Fisheries to issue a substitute card to be used in lieu of a license to a licensee. Any such substitute card shall be made of a water-proof material with particular details of the license as appropriate.

Section 42. No fishing licensee pursuant to Section 31, Section 32, Section 35 and Section 36 shall modify any fishing gear such that its characteristics are different from those specified in the license.

Section 43. No commercial fishing licensee shall engage in a fishing operation different from that specified in the license or as periodically prescribed by the Director-General. Any such prescription shall allow at least a fifteen-day preparation period in advance.

Section 44.¹⁴ A fishing license under Section 32 and Section 36 may be transferred in accordance with the following rules, procedures and conditions:

- (1) the person requesting to be transferred a license shall not have any prohibited qualifications as indicated in Section 39;
- (2) in the case where a fishing vessel in respect of which a license is to be transferred was used in the commission of an offence under the law on fisheries, the transferee must show evidence that the vessel owner, master or licensee of the vessel used for the commission of offence no longer has any direct or indirect beneficial or control of such fishing vessel;
- (3) the fishing vessel in respect of which a license is to be transferred is not subject to ongoing legal proceedings;
- (4) the transferee shall present evidence of ownership of the vessel as specified in the fishing license or in accordance with rules and conditions prescribed by Ministerial Regulation.

When transferring a license, the Director-General of the Department of Fisheries will issue a new license in lieu of the previous license within ten days as from the application. The new license shall state the same conditions as the previous license and upon issuance of the new license, the previous license shall become invalid.

Upon receiving a license, the transferee shall have the rights and duties as specified in the license.

Section 45. In the case where evidence based on a point of reference shows that the maximum aquatic animal reproductive capacity is not adequate for the attainment of sustainable fishing operations, the Minister shall issue a notification suspending the issuance of fishing licenses temporarily. With regard to the fishing licenses already issued, a meeting shall be held between the Department of Fisheries, agencies concerned and fishing licensees for the purposes of deliberating upon a reduction of the total allowable catch as necessary in a manner that does not cause those already issued with fishing licenses to sustain excessive losses. In the case where no conclusion is reached, the Minister shall have the power to reduce the total allowable catch as deemed fit or determine other measures for persons undertaking fishing to comply with within a timeframe prescribed. Where necessary, a proposition may also be made to the Committee for a

¹⁴ Section 44 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

determination of the appropriate maximum number of fishing vessels, as well as operational measures for the handling of fishing vessels in excess of the appropriate number thus prescribed.

Section 46. No State official pursuant to the law on Thai vessels and the law on navigation in Thai waters shall register or issue a use of vessel license for fishing purposes in the following cases:

(1) vessels used for fishing purposes have exceeded the number prescribed by the Committee;

(2) a vessel on a list of fishing vessels used in IUU fishing as notified by the Director-General;

(3) a vessel that has been registered as a fishing vessel in a foreign state and has a history of IUU fishing.

When determining whether a foreign fishing vessel has a history of IUU fishing, the competent authority under the law on Thai vessels and law on navigation in Thai waters shall seek verification from the flag State prior the vessel registration or issuance of the vessel license under sub-paragraph (3).

During the period of a notification by the Ministry to suspend the issuance of fishing licenses, or when the number of fishing vessels is high or equal to the maximum number as allowed and prescribed by the Committee under Section 45 and there is a case under sub-paragraph (1), the State official under paragraph one shall announce to the general public to be informed of the situation. The State official shall also suspend the receipt of request for a registration for fishing vessels until being informed by the Ministry or the Committee, as the case may be, to continue the receipt of requests. For those requests have been received but has not been registered, the request shall be returned to the person submitting the request, along with any expense or fees which have been paid.¹⁵

Chapter 4

Fishing Operations outside Thai Waters

¹⁵ Section 46 paragraph three was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

Section 47. The provisions of this Chapter aim to secure fulfillment of Thailand's international obligations with regard to the conservation and management of aquatic resources, cooperation with other states and private agencies, as well as international organisations, with a view to achieving the objectives under this Royal Ordinance.

Section 48. Any person wishing to use a Thai vessel for the purposes of fishing outside Thai waters shall submit an application for a license to fish outside Thai waters to the Director-General or a person designated by the Director-General.

The issuance of a license pursuant to paragraph one shall be executed specifically for a particular fishing vessel. The number and types of fishing gears authorized for the purposes of fishing operation shall also be specified on the license. If an applicant wishes to engage in a fishing operation in an area under the jurisdiction of coastal state, the Director-General or a person designated by the Director-General may accord authorization therefor only when the applicant is able to present proof of a right to engage in fishing operations in the waters of any such coastal state, and when there is clear evidence that the applicant for the license is in a position to comply with the laws, rules and measures of the coastal state or the international organisation concerned.

The provisions of Section 39 shall apply to a license application under this Section *mutatis mutandis*.

Section 49. In the case where the holder of a license for fishing outside Thai waters engages in a fishing operation in an area under the jurisdiction of a coastal state or in an area under the control and responsibility of an international organisation, apart from having to comply with this Royal Ordinance, the licensee shall have to comply with the laws, rules and standards of conservation and fisheries management of any such coastal state or international organisation.

Section 50. A holder of a license to engage in fishing outside Thai waters must have an observer stationed on board the fishing vessel in accordance with the rules prescribed by the coastal state or the international organisation having jurisdiction over the intended area of fishing operation, or as prescribed by the Director-General.

An observer shall not be a person already assigned to do any other duty on board a fishing vessel, and shall have other qualifications as prescribed by the Director-General.

The rules and procedures of training, as well as the registration of observers shall be as prescribed by the Director-General.

Section 51. An observer shall perform the following duties:

(1) observe the catching of aquatic animals, the selecting and processing thereof, as well as other activities concerned therewith, and record data found in the observations;

(2) compile and record biological information and collect specimen of the aquatic animals caught and any other data useful for the purposes of traceability;

(3) prepare a summary report of actions taken pursuant to (1) and (2), to be submitted to the competent official upon berthing of the fishing vessel at a fishing port or when the observer returns to the coast in accordance with the procedures and timeframe prescribed by the Director-General.

Section 52. A holder of a license for fishing outside Thai waters must not engage in a fishing operation in Thai waters unless he/she also holds a license pursuant to Section 36.

Section 53. The provisions under Section 37, Section 40, Section 41 and Section 42 shall also apply to fishing operations outside Thai waters *mutatis mutandis*.

Section 54. The owner of a Thai fishing vessel or the owner of a non-Thai fishing vessel with a master or a seaman or a passenger who is a Thai national utilizing or giving his/her consent to another to utilize his/her fishing vessel to undertake a fishing operation outside Thai waters which causes a violation of the law of a foreign state, and any such master, seaman or passenger on board is stranded abroad, shall be held responsible for all necessary advance expenses which the State has paid for the repatriation of any such person to the Kingdom within thirty days as from the date on which he/she receives a written notice from the Department of Fisheries.

In the case where the owner of the fishing vessel fails to reimburse the expenses within the period prescribed pursuant to paragraph one, the Department of Fisheries shall have the power to confiscate any such fishing vessel and have it sold by auction. After the sum of money to be reimbursed is deducted together with interest at seven and a half per cent per year payable as from the date on which the sum becomes due until the payment is made using the sum received through any such auction, the remainder shall be returned to the owner of the vessel.

Chapter 5

Conservation and Management Measures

Section 55. For the purposes of conservation and management designed to achieve a natural balance and the preservation of aquatic animal resources and the ecosystem in a sustainable manner based on a precautionary approach, persons engaging in fishing operations must comply with the provisions under this chapter.

Section 56. No person shall catch aquatic animals in an aquatic species sanctuary as prescribed by the Minister or by the provincial fisheries committee subject to the approval of the Minister, except for the purposes of academic advancement or for the purposes of the nurturing of aquatic animal breeds for which permission in writing has been granted by the Director-General or a person assigned by the Director-General.

There shall be attached to a notification determining any aquatic species sanctuary pursuant to paragraph one a map delineating the areas prescribed thereby.

Section 57. No person shall catch aquatic animals or take aquatic animals of a size that is smaller than that prescribed by the Minister on board a fishing vessel.

Section 58. No person shall engage in the following acts:

- (1) releasing, pouring, disposing of, discharging or causing the passage of hazardous matters as prescribed by the Minister into a fishing ground;
- (2) acting in whichever way to cause the intoxication of aquatic animals in a fishing ground;
- (3) releasing, pouring, disposing of, discharging or causing the passage of any particular thing into a fishing ground in a manner harmful to aquatic animals;
- (4) causing a fishing ground to be polluted such that it becomes harmful to aquatic animals.

Paragraph one shall not apply to any acts under sub-paragraph (2) for the benefit of research or reservation of aquatic animal resources conducted by the government which is approved in writing by the Director-General or his assignee. Such acts shall follow the conditions prescribed by the Director-General or the assignee, or any necessary and unavoidable act for the benefit of military public service.¹⁶

Section 59. Any person intentionally or through negligence causes a fishing ground to be polluted in a manner that may harm aquatic animals shall bear all the expenses incurred

¹⁶ Section 58 paragraph two was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

in rescuing or preventing the loss of aquatic animals' lives, and in restoring the fishing ground back to its natural state as prescribed by the Director-General.

Section 60. No person shall use electrical currents for fishing purposes or explosives in a fishing ground. Exemptions to the prohibition on the use of explosives in fishing grounds may be granted for the benefit of public service for which permission in writing must have been obtained from the Director-General, in which case preventive undertakings must have been implemented to preempt undue damage to the aquatic animals concerned.

The provision under paragraph one shall not apply to the use of explosives for the benefit of military public service.

Section 61. No person shall have in possession aquatic animals or aquatic animal products for commercial purposes knowing that these aquatic animals or aquatic animal products are acquired through wrongdoings pursuant to Section 58, Section 60, or acquired by a serious infringement under Section 114, or from a fishing vessel used in IUU fishing as per the list of fishing vessels prohibited from entering the Kingdom pursuant to Section 94, or as publicly listed under Section 116.

Section 62. No person shall make alterations to a fishing ground that is public domain of State such that it is different from what it originally is unless permission in writing has been obtained from the competent official.

Section 63. No person shall install, place or build a damn, weir, dyke, fence, built structure, tool fitted with nets or any other fishing tool in a fishing ground, and thereby blocking the passage of aquatic animals or preempting the natural growth of aquatic animals, unless permission in writing has been obtained from the competent official.

The provisions under paragraph one shall not apply to undertakings implemented for the purposes of public disaster prevention or for official purposes relating to irrigation.

Section 64. No person shall have in possession aquatic animals or aquatic products that may cause harm to the human body or to other aquatic animals, aquatic animals' environs, private assets, public domain property, or aquatic products that may be harmful to human health in accordance with the types, kinds, features, numbers or sizes prescribed in the Ministerial Regulations.

Any person having aquatic animals or aquatic products under paragraph one in possession shall hand over such aquatic animals or aquatic products to the competent official within

the period prescribed by the Minister. The competent official shall subsequently have any such aquatic animal or aquatic product destroyed without delay.

The provisions under paragraph one and paragraph two shall not apply to possession of aquatic animals or aquatic products by a public-sector entity for academic purposes.

Section 65. For the purposes of protecting rare aquatic animal species or preventing any harm to aquatic animals and the ecosystem, the Minister shall have the power to prohibit importation, exportation, transit, aquaculture, or having in possession of particular aquatic animals.¹⁷

No person shall import, export, bring in transit, breed or have in possession aquatic animals pursuant to paragraph one unless a license is obtained from the Director-General or a person designated by the Director-General.

Section 66. No person shall catch aquatic mammals, rare aquatic animals or aquatic animals near extinction as prescribed by the Minister or take any such aquatic animal on board a fishing vessel, except where it is necessary to do so in order to save the life thereof.

Section 67.¹⁸ No person shall use or have in possession for the purposes of using any of the following fishing gears:

(1) a set bag net, a *Rua Sai Man* bag net or *Kan Su Rua Sai Man* bag net, a *Li* bamboo trap, or any other tool exhibiting a similar character and requiring a similar method;

(2) a foldable trap or an elongated collapsible trap (*Ai Ngo*) with left and right inlets alternating on the sides for the purposes of trapping aquatic animals;

(3) a trawl net with a smaller size of the meshes round the bottom part than the prescribed by Notification of the Director-General;

(4) a push net attached to a motor vessel with the exception of a push net for the catching of krill.

Sub-paragraphs (1) and (3) shall not apply to any research conducted by the government for the benefit of finding an appropriate mesh size that people can use and is approved in writing by the Director-General or his assignee.

Paragraph one shall not apply to a person who conducts artisanal or freshwater

¹⁷ Section 65 paragraph one was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

¹⁸ Section 67 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

fishing and is permitted to use fishing gears in accordance with the form of gears, the size of vessel, the fishing method, the fishing area, and conditions prescribed by the Director-General.

An application for permission, a permission, and a period of permission shall be in accordance with the rules, procedures, and conditions as prescribed by the Minister.

Section 68. Any person using a push net for the catching of krill fitted to a motor fishing vessel shall comply with the conditions prescribed by the Minister regarding the formats of nets, vessel sizes, operation methods in fishing, fishing areas or fishing period.

Section 69. No person shall use a surrounding net with the size of the net meshes smaller than two point five centimeters to engage in a fishing operation at night.

Section 70.¹⁹ No person shall fish in the area and during the time period in which aquatic animals produce or lay eggs, raise their offspring, or during any other periods necessary for protection of aquatic animals as prescribed by the Director-General, unless the person uses the gears, applies the fishing method, and complies with other conditions as prescribed by the Director-General.

The Director-General may assign in writing his power under paragraph one to the provincial fisheries committee.

Section 71. The Minister or the provincial fisheries committee shall have the power to issue notifications regarding the following:

(1) fishing gears according to their forms, fishing methods, fishing areas, the size of fishing vessels used in fishing operation and other conditions that are prohibited from fishing operations in fishing grounds;

(2) requirements to be complied with in relation to bycatches;

(3) an area necessitating the use of a fishing gear that requires pegging down, pitching, tying, stretching, pulling, sinking or any other method to keep any such tool fixed during a fishing session.

A notifications pursuant to paragraph one shall not apply to any action undertaken for the purposes of research or aquatic animal resource conservation by a public agency for which permission has been granted in writing by the Director-General or a person designated by the Director-General. In a case in which any such notification is issued for enforcement in a particular area, there shall be attached to any such notification a map delineating the area prescribed thereby.

¹⁹ Section 70 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

Upon the approval of the Minister, the determination by the provincial fisheries committee shall apply to the areas under its responsibility and only to freshwater fisheries zones and coastal seas.

For the purposes of this Section, the Minister shall have the power to issue notifications determining areas under the responsibility of the provincial fisheries committees in coastal sea areas.

Section 72. Where the issuance of any notification pursuant to Section 71 involves overlapping areas in two or more provinces due to the geographical components or the natural ecosystem in that specific area, or for the purposes of achieving a systematic aquatic animal resource management system, the provincial fisheries committee shall propose to the Minister for the latter to exercise the power to determine any such matter in lieu of the provincial fisheries committee, and notify the provincial fisheries concerned thereof.

Chapter 6

Aquaculture Promotion

Section 73. The provisions of this Chapter aim to promote aquaculture as an alternative source of aquatic animal products in accordance with the overall objective of achieving long-term economic, social and environmental sustainability and ecosystem balance, whilst also ensuring the proper quality and hygienic standards for consumption.

Section 74. In order to ensure quality and safe consumption for the benefit of consumers of aquatic animals, an aquaculturist properly comply with the agricultural commodity standards prescribed by the Agricultural Commodity Standards Committee in accordance with the law on agricultural commodity standards.

It shall be a duty of the Department of Fisheries to promote, develop and provide guidance with respect to aquaculture in order to achieved standards pursuant to paragraph one without compromising the state of the ecological environment and the abundance of aquatic animal resources. The Department shall also issue a certificate certifying compliance to such standards on the part of an aquaculturist when requested.

Section 75. Any person wishing to request the certifying of aquaculture standard attainment prescribed under Section 74, or request that the Department of Fisheries inspect and certify kinds, features, quality or origin of any aquatic animal, or analyze specimens of soil, water, aquatic animals or factors of production in any specific individual's case, shall lodge a request therefor and pay expenses for the issuance of any such certificate or for a verification in accordance with the Regulations prescribed by the Director-General.

Section 76. For the purposes of supervising the quality of aquaculture and to prevent environmental consequences or hazards to consumers or others' enterprises, a Ministerial Regulation may be issued to determine the kinds of aquatic animals or aquatic animals' features or types, forms or sizes or the objectives of aquaculture enterprises to be classified as those under aquaculture control.

Section 77. Subject to Section 79, no person shall undertake an aquaculture enterprise under control outside the areas prescribed by the Provincial Fisheries Committee as aquaculture zones.

Section 78. The Director-General shall have the power to determine that an aquaculturist undertaking an aquaculture enterprise under control in aquaculture zones pursuant to Section 77 shall comply with the following requirements:

- (1) an aquaculture entrepreneur shall have to give notify the aquaculture undertaking to the competent official as per the procedure prescribed;
- (2) determining the origins of aquatic animals prohibited for use in aquaculture;
- (3) determining the types, features, and quality of aquatic animals' feed prohibited in aquaculture;
- (4) determining kinds and quantities of any drug, chemical or hazardous matter prohibited in aquaculture;
- (5) determining criteria and operational methods in the management of effluent water or solid waste from aquaculture farms;
- (6) determining rules and procedures for preventing leaks of water used in aquaculture from aquaculture grounds;
- (7) determining any further matter necessary for the prevention of impacts to the environment, or danger to consumers or to others' enterprises.

Section 79. No person shall undertake a form of aquaculture in a fishing ground that is a public domain of the State unless a license therefor is granted by the competent official.

The provision under Section 44 shall also apply to the transfer of any permit under paragraph one *mutatis mutandis*.

Chapter 7

Control, Surveillance, Traceability, and Inspection

Section 80. The provisions of this Chapter aim to achieve effective monitoring, surveillance and control of fishing activities and the implementation of an effective traceability system which enables the identification of the source of an aquatic animal or aquatic animal product at any stage from fishing operations to ultimate consumers.

In addition to the provisions in Chapter 3, Chapter 4, Chapter 5 and Chapter 9, the control, surveillance, traceability and inspection of the lawfulness of fishing operations shall be as provided in this Chapter.

Part 1

Control and Surveillance

Section 81.²⁰ An owner of a vessel registered under the law on Thai vessels for fishing purposes and has a size prescribed by notification of the Minister must undertake the following:

(1) install a vessel monitoring system and maintain the operability of such system at all times in accordance with rules and procedures prescribed by notification of the Director-General;

²⁰ Section 81 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

(2) prepare a fishing logbook which must at least consist of the date of departure from or arrival to a fishing port, type of fishing gear, area of fishing operation and vessel location while fishing, type and quantity of catch or catch discarded, transshipment of aquatic animals, catch landing at port, which must be verified by the master and must be reported and submitted to the Department of Fisheries in accordance with the rules and procedures prescribed by notification of the Director-General;

(3) report every port-in and port-out at the port-in port-out control center in accordance with rules and procedures prescribed by notification of the Director-General, and in the case of a port-in for transshipment of aquatic animals or landing of aquatic animals or aquatic animal products at a fishing vessel port, a copy of the fishing logbook and other evidence as prescribed by notification of the Director-General must also be submitted;

(4) affix a marking on the vessel in accordance with rules and procedures prescribed by notification of the Director-General;

(5) return to a fishing vessel port in accordance with rules and within the period prescribed by the Director-General.

Section 82. Prior to proceeding with the port-out procedure pursuant to Section 81, the owner or the master of a fishing vessel shall submit documents related to vessel registration, the vessel use permit, the fishing license, details of the number and a list of outgoing seamen on board, evidence of authorization, license and permit under Section 83, as well as evidence related to the provision of appropriate systems for ensuring occupational safety, hygiene and wellbeing of seamen as prescribed in the Ministerial Regulation to the competent official at the Port In-Port Out Controlling Centre in accordance with the rules and procedures prescribed by the Director-General.

In the case where the owner or the master of a fishing vessel fails to submit the documents and evidence pursuant to paragraph one, or the provision of a system for ensuring occupational safety, hygiene and wellbeing of seamen does not comply with the requirements stated in the Ministerial Regulation, the competent official shall order the detention of the fishing vessel at the fishing port or order the return of the fishing vessel to the fishing port.

Section 83. A seaman must hold a seaman document issued under the law on navigation in Thai waters. In the case of a seaman who is not a Thai national, a permit to remain in the Kingdom under the law on immigration and a work license under the law on working of aliens must also be obtained.

For the purposes of administrative facilitation, the Director-General shall have the same powers as the Harbour Master under the law on navigation in Thai waters, with respect to the issuance of seaman documents, the Commissioner General of the Royal Thai Police under the law on immigration, with respect to the issuance of a permit for temporary stay in the Kingdom for aliens working on fishing vessels, and the Registrar under the law on working of aliens, with respect to the licensing of aliens working on fishing vessels which engage in fishing operations at sea.

When granting a permit or license under paragraph two, the Director-General must comply with rules, procedures and conditions prescribed by the Council of Ministers. Upon issuance of a permit or license, the Marine Department, Royal Thai Police, and Department of Employment must be notified accordingly. The foregoing provisions, however, do not prejudice the rights of a seaman to apply for a seaman document under the law on navigation in Thai waters or to apply for a permit or license under the law on immigration and law on working of aliens.

The Director-General shall have the power to issue a seaman document and evidence of licensing or permission to a seaman in accordance with the form prescribed by the notification of the Director-General. The seaman shall keep such evidence with himself/herself or at a safe place in the fishing vessel in which he/she is stationed.

The seaman document, permit or license issued under paragraph two shall only be valid for working on board the fishing vessel specified in the evidence document, in the vicinity of the fishing port, and only during the period specified therein.

Section 83/1²¹. No owner or master of a fishing vessel shall accept any seaman of other vessels to work during its fishing operation in the seas except where necessary for safety reasons, provided that the Port-In Port-Out Controlling Center is notified within twenty-four hours after the seaman is accepted.

Section 84. Any person wishing to use his/her own port as a fishing port shall register any such port as a fishing port with the Department of Fisheries, except where such a port is already a part of a fish market enterprise.

Section 85. The owner of a fishing port pursuant to Section 84 or a fish market entrepreneur shall record data on every fishing vessel berthed at the port, or transshipment or landing of aquatic animals at the port. Such records shall be kept for inspection by the competent

²¹ Section 83/1 was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

official in accordance with the particulars, procedures and timeframe prescribed by the Director-General.

The owner of any such fishing port or fish market enterprise shall collect and submit such reports on port-in and port-out operations of vessels pursuant to Section 81 to the Port-In and Port-Out Control Centre in accordance with the procedures prescribed by the Director-General.

Section 85/1.²² No person shall use a fishing vessel to transship aquatic animals except where the vessel is registered as a transshipment vessel.

The provisions of Section 39 shall apply to registered transshipment vessels *mutatis mutandis*.

Section 86. Subject to Section 87, no fishing vessels engaged in commercial fishing shall transship aquatic animals, except for transshipments to fishing vessels registered as transshipment vessels. They shall not land aquatic animals or aquatic animal products at any fishing port other than a fishing port pursuant to Section 84 or at a site which is a fish market, as designated by Notification of the Director-General.²³

The Notification of the Director-General under paragraph one may also specify the fishing vessel size that is allowed to transship or land aquatic animals at particular ports.

The owner of a fishing port or a fish market enterprise pursuant to paragraph one shall prepare a marine catch purchasing document in accordance with the form and particulars prescribed by the Director-General. A copy thereof shall be submitted to the Department of Fisheries in accordance with the timeframe and procedures prescribed by the Director-General.

Section 87.²⁴ Transshipment at sea is prohibited, except for a transshipment to a vessel registered as a transshipment vessel. The vessel owner or master a vessel undertaking a fishing operation must receive authorization in writing or other similar means from a competent official prior to the transshipment of aquatic animals and a transshipment report verified by the master must be submitted to a competent official subsequent to the transshipment of aquatic animals.

Rules and time periods for requesting authorization, granting authorization and reporting aquatic animal transshipment shall be as prescribed by notification of the Director-

²² Section 85/1 was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

²³ Section 86 paragraph one was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

²⁴ Section 87 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

General.

In the interest of preventing unlawful fishing, the Director-General shall have the power to issue a notification to prohibit the transshipment of aquatic animals, which may specify the type and size of vessel, area or time period of aquatic animal transshipment prohibition.

Section 88.²⁵ The owner of a transshipment vessel having the size specified by notification of the Minister shall undertake the following:

(1) install a vessel monitoring system and maintain the operability of such system at all times in accordance with rules and procedures prescribed by notification of the Director-General;

(2) prepare an aquatic animal transshipment document verified by the master and submit a report to the Department of Fisheries within the time period and by means prescribed by notification of the Director-General;

(3) report every port-in and port-out at the port-in port-out control center in accordance with rules and procedures prescribed by notification of the Director-General;

(4) obtain approval of a transshipment plan from a competent official prior to port-out for transshipment of aquatic animals and submit a transshipment report verified by the master to the competent official in accordance with rules and procedures prescribed by notification of the Director-General;

(5) when undertaking a transshipment of aquatic animals outside Thai waters, an observer shall be present on the transshipment vessel in accordance with the rules of the coastal State or international organization having jurisdiction over the area which such transshipment vessel enters to transship, or rules prescribed by the Director-General;

(6) return to a fishing port in accordance with the rules and time period prescribed by the notification of Director-General;

(7) affix a marking on the transshipment vessel in accordance with rules and procedures prescribed by notification of the Director-General.

Section 89.²⁶ A vessel registered as a transshipment vessel must, in addition to complying with this Royal Ordinance, in the case of a transshipment of aquatic animals in the waters of a coastal State, must also comply with the laws, rules or regulations of such coastal State, and in

²⁵ Section 88 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

²⁶ Section 89 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

the case of a transshipment of aquatic animals in the high seas, must comply with the rules and regulations of the relevant international organisation.

Section 89/1.²⁷ In the interest of enhancing the efficiency of monitoring, control and surveillance of unlawful fishing, the Minister shall have the power to issue a Ministerial Regulation to prescribe rules, procedures and conditions to be complied by owners of vessel used for supporting fishing vessels or transshipment vessels.

For the purposes of controlling the quality of installation, transmission, and storage of data and securing a vessel monitoring system, the Director-General shall have the power to issue a Notification to prescribe rules, procedures and conditions to be complied by a telecommunications service provider providing the vessel monitoring system service.

Part 2

Evidence for the Purposes of Traceability

Section 90. For the purposes of traceability related to the lawfulness of aquatic animals or aquatic animal products obtained from fisheries activities, parties concerned shall collect and prepare evidence to be used for inspection in accordance with the following rules:

(1) the owner of a vessel or the master of a fishing vessel shall prepare a fishing logbook, and submit a report to the Department of Fisheries as prescribed under Section 81(2);

(2)²⁸ the owner or master of a transshipment vessel must prepare an aquatic animal transshipment document and submit a report to the Department of Fisheries as stated in Section 88(2);

(3) the owner or a fishing port or a fish market entrepreneur shall prepare a marine catch purchasing document for a buyer as per the form and particulars prescribed by the Director-

²⁷ Section 89/1 was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

²⁸ Section 90 (2) was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

General; a copy of such document shall be submitted to the Department of Fisheries as prescribed pursuant to Section 86 paragraph three;

(4) a buyer of aquatic animals from a fishing port or from a fish market entrepreneur pursuant to sub-Section (3) shall fill in data in a marine catch purchasing document pursuant to sub-Section (3) when selling or delivering aquatic animals to another person;

(5) a producer of aquatic animals or a processor of aquatic animals shall prepare evidence for traceability purposes in accordance with the rules and procedures prescribed by the Director-General;

(6) an importer, exporter, or person who brings in transit aquatic animals and aquatic animal products shall present a catch certificate, or any other document to prove that the aquatic animals and aquatic animal products are obtained from a lawful fishing operation as provided in Section 92.

Section 91. For the purposes of establishing the source of aquatic animals and aquatic animal products obtained from aquaculture, the Director-General shall have the power to prescribe that an entrepreneur of aquaculture under control pursuant to Section 76 shall prepare a marine catch purchasing document for his/her buyers in accordance with the form and particulars provided by the Director-General.

Each time a buyer of aquatic animals pursuant to paragraph one sells or delivers such aquatic animals to another person, relevant data shall be filled in the form as per paragraph one, with the name of the buyer or the person the aquatic animals are delivered to specified.

Section 92. Subject to Section 96, no person shall import aquatic animals and aquatic animal products unless permission is obtained from a competent official.

Any person wishing to export or bring in transit aquatic animals and aquatic animal products shall first produce a catch certificate or any other document which proves that such aquatic animals and aquatic animal products are obtained from a legal fishing operation to the competent official for inspection.

The granting of permission pursuant to paragraph one shall be executed only when a catch certificate or any other document is presented proving that such aquatic animals and aquatic animal products are obtained from a lawful fishing operation.

The requesting and granting of permission pursuant to paragraph one shall be in accordance with the rules, procedures and conditions prescribed by the Director-General.

The provision under paragraph one shall not apply to the bringing of aquatic animals caught by a Thai fishing vessel in a lawful fishing operation into the Kingdom. Any such case shall not be regarded as importation.

Section 93. Any exporter of aquatic animals and aquatic animal products wishing to request a catch certificate, or an aquatic animal product production or processing certificate, shall lodge such a request to the Department of Fisheries in accordance with the forms and procedures, and pay the fees for the issuance of any such certificate as prescribed by regulation issued by the Director-General.

Part 3

Inspection Measures

Section 94. No person shall bring a non-Thai fishing vessel that has undertaken IUU fishing into the Kingdom.

The Director-General shall have the power to publically issue a list of non-Thai fishing vessels that have undertaken IUU fishing based on the lists of IUU fishing vessels published by a foreign state or international organisation.

Section 95.²⁹ A non-Thai fishing vessel wishing to import aquatic animals or aquatic animal products into the Kingdom shall notify in advance the competent official by no less than the period prescribed by the Minister. However, the Minister may not issue a notification requiring such advance notification longer than ninety-six hours before the fishing vessel arrives at a port. Such fishing vessel shall notify the information and enter the port as prescribed by the Minister.

The competent official shall verify the data pursuant to paragraph one and notify the master of the vessel within the time period prescribed by the Minister, which shall be no longer than twenty-four hours after having been notified of the request for a berthing or before the vessel will enter the Kingdom, whichever is earlier.

A fishing vessel which has submitted a notification under paragraph one but has

²⁹ Section 95 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

not received a reply from a competent official under paragraph two shall be deemed permitted to enter a port.

In the case where a non-Thai vessel fails to comply with the rules under paragraph one, or where there is a cause for suspicion that the fishing vessel in question has undertaken an IUU fishing or has been involved in an IUU fishing, the competent official may deny the requested berthing or allow the requested berthing only in case of force majeure or distress relating to the safety of seamen or the fishing vessel, or for the purpose of inspecting the vessel and other taking actions to prevent and eliminate the IUU fishing at least as effective as denying the requested berthing.

Paragraphs one, two, three and four shall apply, *mutatis mutandis*, to fishing vessels which do not bring any aquatic animals or aquatic animal products into the Kingdom but wish to enter the Kingdom.

Section 96.³⁰ When a fishing vessel has been authorized to berth at a port pursuant to Section 95 and has completed berthing, a request for permission for the importation of aquatic animals or aquatic animal products shall be lodged. After such permission has been granted, aquatic animals or aquatic animal products may then be unloaded from the fishing vessel. Such permission shall be deemed a permission issued under the law on animals' epidemics and other laws under which permits are required for importation.

The competent official shall not permit any importation of aquatic animals or aquatic animal products under paragraph one unless the owner of the vessel or the master of the vessel can prove that:

(1) the fishing vessel has been granted a fishing license or a license for activities related to fisheries issued by a flag State or a coastal State;

(2) the fishing vessel can produce evidence to prove that it has not undertaken IUU fishing;

(3) the owner of the vessel or the master of the vessel certifies in writing that the flag State shall certify in due course that the aquatic animals are caught in accordance with the regulations of the international organizations concerned.

In a case in which the owner of the vessel or the master of the vessel cannot prove

³⁰ Section 96 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

as per paragraph two, the Director-General shall have the power to order that fishing vessel to leave the Kingdom within a period of time prescribed and notify the flag State or any other country concerned and international organizations thereof. In the case where the fishing vessel does not leave the Kingdom within the period of time prescribed or when there exists clear evidence that the fishing vessel has undertaken IUU fishing, or in a case in which the fishing vessel is a stateless vessel, the Director-General shall have the power to order that the fishing vessel and all the properties on board any such vessel be confiscated and put up for sale by auction or destroyed. The proceeds of sale by auction shall, after deduction of expenses related to that sale and other expenses, be seized by the Department of Fisheries until the owner of the vessel or master of the vessel is able to provide proof under paragraph two. If the owner of the vessel or master of the vessel is unable to provide such proof within one year of the sale by auction, the proceeds of sale shall vest in the State, unless otherwise ordered by the Court.

In the case where the competent official does not permit importation of aquatic animals or aquatic animal products and orders that vessel to leave the Kingdom, if such vessel leaves the Kingdom within the time period prescribed or in the case where the Director-General orders the destruction of aquatic animals or aquatic animal products or distribution under paragraph five, it shall be deemed that those aquatic animals or aquatic animal products have never been imported to the Kingdom under the customs law.

The sale by auction as per paragraph three shall not involve any aquatic animals or aquatic animal products. In this regard, the Director-General shall have the power to order the destruction thereof or have appropriate arrangements made with a view to distributing them to impoverished or underprivileged members of the public without any charge.

In a case in which a fishing vessel is unable to produce evidence pursuant to paragraph two, but there is no clear evidence to prove that it has undertaken IUU fishing prior to its berthing at the port, the competent official may allow access to fuel and food provisions or maintenance services as necessary.

Section 97. The Minister may issue a notification to prescribe that a fishing vessel of a flag State which shares a border with the Kingdom of Thailand undertaking artisanal fishing does not have to comply with all or certain provisions under Section 95 and Section 96. In this regard, the Minister shall also have the power to determine a guideline for such vessels to comply with in order to prevent IUU fishing.

Chapter 8

Hygiene Standards of Aquatic Animals or Aquatic Products

Section 98. It shall be a duty of the Department of Fisheries to develop hygiene standards relating to the catching, caretaking, and processing of aquatic animals, and the storage, transportation or transshipment of aquatic animals and animal products, which are to be promoted among fisheries entrepreneurs so that they apply such standards in their business operations in order to obtain aquatic animals and aquatic animal products that guarantees a quality level with respect to hygiene standards and safety for consumers.

The determination of standards pursuant to paragraph one shall be in line with international standards.

For the purposes of promoting and encouraging fisheries entrepreneurs to conform to standards pursuant to paragraph one, the Director-General or a person assigned by the Director-General shall issue a certificate to an applicant who has attained such standards as requested.

A request for a certificate pursuant to paragraph three shall be as prescribed by the Director-General. In this regard, expenses for the issuance of any such certificate may also be stipulated as required.

Section 99. For the purposes of complying with Thailand's existing international obligations, the Minister may issue a notification prescribing that entrepreneurs undertaking all forms of fisheries business or a certain form of fisheries business, or producers of all kinds of aquatic animal products or certain kinds of aquatic animal products must conform to the standards pursuant to Section 98.

Where a fisheries entrepreneur or a producer of aquatic animal products covered in a notification pursuant to paragraph one fails to conform to the standards, the competent official shall have the power to order that any such fisheries entrepreneur or producer of aquatic animal products rectify the matter or cease operation over a prescribed period of time as deemed fit.

Section 100. When it emerges that a particular fishing ground is faced with a state of pollution or contamination involving toxins or any other matter potentially harmful to human beings or to aquatic animals to a degree exceeding the standards prescribed by the competent

official, the Director-General shall have the power to prohibit fisheries operation in such a fishing ground over a period of time prescribed.

Chapter 9

Competent Officials

Section 101. The provisions of this Chapter aim to provide competent officials with sufficient powers for the implementation of this Royal Ordinance, in particular with regard to the exercise of effective monitoring, control and surveillance functions, as well as to ensure that complete and accurate data concerning fisheries activities are collected.

Section 102. When performing duties pursuant to this Royal Ordinance, the competent official shall have the following powers:

(1) issue a letter of summons to a licensee, company director, manager, person authorized to exercise managerial functions or the licensee's employee concerned, to give a statement or supply relevant documents or evidence for the deliberation of matters pursuant to this Royal Ordinance;

(2) enter enterprise premises or place related to the functioning of the licensee's enterprise or place related to the importation, exportation, transit, sale, production or processing of aquatic animals or aquatic animal products during working hours in order to exercise inspection and control to ensure compliance with this Royal Ordinance;

(3) enter enterprise premises or place related to the functioning of enterprises under control in accordance with Section 76 during their working hours in order to exercise inspection and control to ensure compliance with this Royal Ordinance;

(4) control a fishing vessel, stop a fishing vessel or a fishing or transshipment operation, or order a fishing vessel master to berth the fishing vessel at a port, or to embark a fishing vessel, or enter any fishing ground in order to exercise inspection and control to ensure compliance with this Royal Ordinance; where there is reasonable cause for suspicion that an offence under this Royal Ordinance has been committed;

(5) conduct a search pursuant to the Criminal Procedure Code between sunrise and sunset or during the working hours where there is reasonable cause for suspicion that an offence under this Royal Ordinance has been committed;

(6) seize or attach any document or evidence related to the commission of an offence under this Royal Ordinance for the purposes of an investigation or legal proceedings;

(7) collect specimens of aquatic animals or aquatic animal products or any matter for inspection or analysis in order to exercise inspection and control to ensure compliance with this Royal Ordinance;

(8) seize or attaching aquatic animals or aquatic animal products where there is reasonable cause for suspicion that they are aquatic animals or aquatic animal products the possession of which is subject to prohibition pursuant to Section 64 or Section 65;

(9) seize or attach drugs, chemicals or any other hazardous substance where there is reasonable cause for suspicion that that they are drugs, chemicals or any other hazardous substance used or to be used in aquaculture in violation of the proscription(s) pursuant to Section 78(4).

Where aquatic animals or aquatic animal products, drugs, chemicals or any hazardous substance seized or attached by the competent official pursuant to (8) or (9) are of conditions potentially harmful to the human body or to other aquatic animals or aquatic animals' environs or to private assets or public domain property, the Director-General shall have the power to have these destroyed or handled otherwise as deemed appropriate.

After having entered the premises and inspected matters pursuant to (2) or (3) or having conducted a search pursuant to (5), if any such undertaking has not been completed, the competent official may continue conducting such an undertaking into nighttime or outside the working hours of such an enterprise.

The Director-General shall have the power to set forth operational regulations pursuant to (2), (3), (4), (5), (6), (7), (8) and (9) for compliance by a competent official.

During the performance of duties by a competent official pursuant to paragraph one and paragraph two, the licensee or persons concerned shall cooperate with the competent official as appropriate.

Section 103. The competent official shall have the power to order that any person having installed a fishing gear, built structure, or anything in a fishing ground without authorisation, or where authorised, failing to correctly implement the authorized installation/structure, or having

implemented any such authorized installation/structure differently from the conditions prescribed in the license or permit, have any such installation/structure dismantled or rectified as per authorized within a stipulated period of time.

Where the person receiving any such order fails to comply with the order within the time period specified pursuant to paragraph one, the competent official shall have the power to make necessary arrangements for any such fishing gear, built structure or any such thing to be dismantled or destroyed. Expenses incurred in the course of any such undertaking shall be borne by the person receiving the order.

In the case where any person who installed the fishing gear, built structure, or any other objects in the fishing ground without permission is not found, the competent official shall have the power to dismantle them and shall keep the tools or items which have been dismantled for a period of thirty days. If the owner does not present himself to claim those tools and items, they shall vest in the State, and the competent official shall have the power to destroy, sell, or proceed in other manners according to the rules and procedures prescribed by the Director-General.³¹

Section 104. Subject to international law, and in fulfillment of all obligations or agreements which the Kingdom of Thailand has concluded with international organisations at all levels, the competent official shall, upon the request of the government official of a relevant State having jurisdiction or of an international organisation having control over fishing operation in an area concerned, have the power and enjoy immunity in order to get on board any stateless vessel or a fishing vessel found to be undertaking IUU fishing outside Thai waters for inspection and for the execution of his/her duties.

When boarding a fishing vessel for inspection pursuant to paragraph one, the competent official shall observe the rules prescribed by the Minister. Such rules shall take into account rules accepted as international guidelines and recognized by the United Nations. In this regard, the provision under Section 105(1) shall apply *mutatis mutandis*, and the flag state or international organisations concerned shall be notified accordingly.

Section 105. Where there is credible evidence that a fishing vessel or a fisheries entrepreneur has committed an offence or has been involved in an offence pursuant to this Royal Ordinance, the competent official shall take the following actions:

³¹ Section 103 paragraph three was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

(1) record data on the suspected violation in the inspection findings report, collect all evidence relating to the suspected violation, as well as submit the inspection findings report to the Director-General or a person designated by the Director-General;

(2) order the confiscation of fishing gears, aquatic animals or aquatic animal products held or obtained from an IUU fishing operation, or order the detention of the fishing vessel until the matter has been deliberated upon and an order thereon has been made pursuant to Chapter 10 or chapter 11.

When confiscating aquatic animals or aquatic animal products under subparagraph (2), the competent official may order the owner or master of the vessel to keep and maintain those aquatic animals and aquatic animal products in the same condition, and the owner or master of the vessel is responsible for the expenses incurred. However, the owner or master of the vessel has the right to request the competent official to put those aquatic animals or aquatic animal products up for a sale by auction. In this case, the competent official shall proceed with the sale by auction but the owner or master of the vessel shall not purchase or receive a transfer of those aquatic animals or aquatic animal products. The purchaser shall act in accordance with the conditions prescribed by the competent official. After the sale by auction, the competent official shall keep the proceeds from the sale by auction after expenses deducted instead of the aquatic animals or aquatic animal products.³²

Section 106. The Director-General shall have the power to appoint a member of a local fishing community organisation registered pursuant to Section 25(2) to assist in the performance of duties of the competent official pursuant to this Royal Ordinance.

The person appointed pursuant to paragraph one shall have the duty of assisting the competent official's performance of duties in accordance with this Royal Ordinance as requested or determined by the competent official.

The rules, procedures and conditions for the appointment, performance of duties and the identification card of a person appointed pursuant to paragraph one shall be as prescribed by the Director-General.

When performing duties, a person appointed under paragraph one shall present his/her identity card to parties concerned every time.

³² Section 105 paragraph two was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

Section 107. It shall be a duty of the Director-General to ensure that competent officials are available to perform their duties pursuant to Royal Ordinance at all times. In a case in which a person requests a service outside the official working hours or outside the normal office premises, any such person shall pay an additional fee and a special charge pursuant to the rate prescribed by the Director-General.

Section 108. When performing duties pursuant to this Royal Ordinance, the competent official shall present his/her identity card to the licensee or person concerned.

The competent official's identification card shall be in accordance with the form prescribed by the Minister.

Section 109. When performing duties pursuant to this Royal Ordinance, the competent official shall be officers pursuant to the Criminal Code.

For the purposes of making arrests of offenders pursuant to this Royal Ordinance, a competent official shall be regarded as an administrative officer or a police officer pursuant to the Criminal Procedure Code.

Chapter 10

Administrative Measures

Section 110. The provisions of this Chapter aim to provide adequate administrative measures to ensure expeditious and effective compliance with this Royal Ordinance as well as to supplement criminal sanctions that are provided in Chapter 11, and also to list, in line with international standards, those offenses that shall be considered severe infringements.

Section 111. If any licensee or permit holder violates or fails to comply with this Royal Ordinance, Ministerial Regulations, Notifications or Directives issued pursuant to the provisions in this Royal Ordinance or the conditions specified in the license or permit, the official authorized to issue any such license or permit shall have the power to issue an order that any such license be suspended or any such permission be ceased over a period of time not exceeding ninety days.

In a case in which a licensee or permit holder under Section 60, Section 62, Section 63 and Section 79 re-commits a violation of rules or conditions pursuant to paragraph one, the official authorized to issue any such license or permit shall have the power to issue an order that any such license or permission be revoked.

Section 112.³³ In the event that an owner of a fishing vessel port, fish market operator or owner of a vessel registered as a transshipment vessel who violates or fails to comply with this Royal Ordinance, Ministerial Regulation, Notification, or Regulation issued under this Royal Ordinance, the Director-General shall have the power to order the revocation of registration.

Section 112/1.³⁴ There shall be an Administrative Sanctions Committee consisting of the Director-General of the Department of Fisheries as Chairman, representative of the Department of Employment, representative of the Marine Department, representative of the Department of Industrial Works, representative of the Labour Protection and Welfare Department, representative of the Office of the Council of State, and representative of the Royal Thai Police as members.

A representative of the Department of Fisheries shall be a member and secretary.

The Committee shall have the power to consider and determine administrations under Section 11, Section 11/1 and Section 113.

Section 112/2.³⁵ A meeting of the Administrative Sanctions Committee must be attended by not less than one-half of all members to constitute a quorum.

In a meeting of the Committee, if the Chairman is absent or unable to perform duties, the meeting shall select one member to preside over the meeting.

A decision of the meeting shall be made by a majority of votes, one member shall have one vote, if there is an equality of votes, the presiding member shall cast an additional vote as an adjudicating vote.

Section 113.³⁶ The Administrative Sanctions Committee shall have the power to issue the following orders against any person engaging in a fishing operation which constitutes a serious infringement:

³³ Section 112 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

³⁴ Section 112/1 was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

³⁵ Section 112/2 was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

³⁶ Section 113 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

(1) seizure of the aquatic animals and aquatic animal products obtained from any such fishing operation or seizure of fishing gear;

(2) prohibition of any fishing activity until full compliance is achieved;

(3) suspension of fishing license for a period not exceeding ninety days each time; in this regard, an order may also be issued to prohibit the use of any such fishing vessel until the license suspension period expires;

(4) revocation of fishing license and publicly listing the fishing vessel as a vessel used in IUU fishing;

(5) detention of fishing vessel.

When issuing an order of seizure of fishing gear under (1) or detention of the vessel under (5), a vessel owner may provide guarantee in lieu of the sanction in accordance with rules and procedures prescribed by notification of the Director-General. However, if the fishing gear or fishing vessel is used to commit an unlawful fishing operation again, the guarantee shall vest in the State and no further guarantee can be accepted.

The provisions of Section 105 paragraph two shall apply *mutatis mutandis* to the seizure of aquatic animals or aquatic animal products under (1).

When issuing an order pursuant to paragraph one, the Administrative Sanctions Committee shall take into account the severity of the infringement, recidivism and the prevention of recidivism.

Section 114. The following acts shall be regarded as fishing operations constituting severe infringements pursuant to Section 113:

(1) use of a stateless vessel to engage in a fishing operation pursuant to Section 10;

(2)³⁷ undertaking a fishing operation without a fishing license or without a license to use a fishing gear under Section 31, Section 32, Section 36 or Section 48;

(3) failure to comply with Section 81;

(4) preparing a fishing logbook or reporting a fishing operation based on a false document or destroying a document or evidence related to the commission of an offence;

³⁷ Section 114 (2) was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

(5) fishing in excess of the quantities or the condition prescribed in Section 36, fishing in a prohibited area pursuant to Section 56, or fishing during a prohibited period pursuant to Section 70;

(6)³⁸ modification of a fishing gear under Section 42, undertaking a fishing operation which is inconsistent with the conditions set out in the fishing license under Section 43, or use of a prohibited fishing gear pursuant to Section 67, Section 68, Section 69 or Section 71(1);

(7) fishing in violation of rules prescribed by a coastal state or an international organisation pursuant to Section 49;

(8) catching aquatic animals or taking aquatic animals of a smaller size than that prescribed onto a fishing vessel pursuant to Section 57;

(9) catching aquatic animals or taking aquatic animals prescribed onto a fishing vessel pursuant to Section 66;

(10) transshipping aquatic animals and aquatic animal products in violation of the rules under Section 87, Section 88 or Section 89;

(11) falsifying, concealing or changing a vessel's mark or registration;

(12) obstructing the performance of duties by a competent official or observer, or concealing, tempering with or disposing of evidence relating to an investigation conducted by a competent official;

(13) participating in, providing support to or securing essential basics to a fishing vessel undertaking IUU fishing;

(14) committing more than three offences other than those stated under (1) to (13) above within any one-year period, regardless of whether or not the offences are identical.

Section 115. A licensee who disagrees with an order to suspend a license or to suspend an authorization or to revoke a license under Section 111 or to revoke a registration under Section 112 shall have the right to appeal to the following persons within thirty days as from receiving notice of the order:

(1) in the case where a competent official is the issuer of the order, an appeal shall be lodged with the Director-General;

(2) in the case where the Director-General is the issuer of the order, an appeal shall

³⁸ Section 114 (6) was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

be lodged with the Minister.³⁹

The Director-General or the Minister shall determine the appeal under paragraph one within sixty days as from the day the appeal is received.

An appeal against an order under paragraph one shall not constitute a stay of execution of the order with the exception of a case in which the Director-General or the Minister, as the case may be, issues an order for a temporary stay of execution thereof.

A decision of the Director-General or Minister shall be final.

Section 115/1.⁴⁰ When performing duties under this Royal Ordinance, Ministerial Regulation, Notification, or Regulation issued under this Royal Ordinance, there shall be a presumption that the person under duty has acted or performed duties honestly and shall receive protection for personal safety and financial assistance as well as other relevant assistance from the State in the event of being subject to legal proceedings in accordance with rules prescribed by notification of the Minister.

Section 116. The Minister shall publish the names of fishing vessels used in IUU fishing, and may also order that the vessel registrar under the law on Thai vessels have the fishing registration of any such vessel revoked. When the Minister publishes such list of fishing vessels or issues a registration revocation order, no person shall use any such listed vessel for fishing for a period of time as prescribed by the Minister, which shall last no less than two years as from the date on which the publication was made. During any such period, the owner of a fishing port or a fish market enterprise shall not allow any such fishing vessel to land aquatic animals at his/her fishing port or fish market.

Section 117. The notification of a list of fishing vessels pursuant to Section 116 shall at least contain the following particulars:

- (1) the current name and previous name of the fishing vessel;
- (2) the flag of the fishing vessel and the flag designating the previous nationality of the fishing vessel;
- (3) the owner of the vessel, the previous owner of the vessel concerned, and the beneficiary of the said vessel;

³⁹ Section 115 paragraph one was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

⁴⁰ Section 115/1 was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

(4) the vessel's registration number or designated number issued by a relevant international organisation and that issued by the Marine Department;

(5) a photo thereof;

(6) the date on which the vessel is included on the list of vessels;

(7) the offence causing the listing of the vessel;

(8) the period of time during which the registration of the vessel for fishing purposes is revoked.

Section 118.⁴¹ The Department of Fisheries shall notify the name list of non-Thai fishing vessels, announced by the Minister pursuant to Section 116, to the Food and Agriculture Organization of the United Nations and international organizations.

Section 119. The Minister may have the name of a vessel removed from the list of vessels undertaking IUU fishing when:

(1) the owner of the vessel has presented evidence to prove that the fishing vessel has not been involved in IUU fishing;

(2) the fishing vessel has capsized or has been destroyed;

(3) a period of not less than two years has lapsed since the fishing vessel was included in the list and no further report has been received that the fishing vessel has been involved in IUU fishing;

(4) the owner of the vessel has presented evidence proving that corrections have been made such that the vessel is capable of engaging in lawful fishing or has completely removed all unlawful components;

(5) the owner of the vessel has satisfactorily presented evidence that he/she has not had a part or has not been involved in IUU fishing in whatsoever way, and has put in place appropriate preventive measures.

Section 120. Where the license expires or where the licensee is subject to the revocation of his/her license or permit pursuant to 111 or Section 113, the licensee shall dismantle or destroy the fishing tool, structure or anything belonging to him/her in the fishing ground within thirty days as from the date on which the license expires or the date he/she is notified of the order

⁴¹ Section 118 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

revoking the license or permit, as the case may be. The provisions under paragraph two of Section 103 shall be applied *mutatis mutandis*.

Chapter 11

Sanctions

Section 121. The provisions of this Chapter aim to provide criminal sanctions which are adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and to deprive offenders of the benefits accruing from their illegal activities.

Section 122. A person engaged in a fishing occupation or a person involved in fisheries who violates Section 9 paragraph three shall be subject to a fine not exceeding two thousand baht.

Section 123. Any person violating Section 10 shall be subject to a fine of between ten thousand baht and one hundred thousand baht, or to a fine of three times the value of the aquatic animals obtained through the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from ten gross tonnage up to less than twenty gross tonnage shall be subject to a fine of between one hundred thousand baht and two hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from twenty gross tonnage up to less than sixty gross tonnage shall be subject to a fine of between two hundred thousand baht and six hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from sixty gross tonnage up to less than one hundred and fifty gross tonnage shall be subject to a fine of between six hundred thousand baht and five million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from one hundred and fifty gross tonnage onwards shall be subject to a fine of between five million baht and thirty

million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Section 123/1.⁴² Any person operating a factory without notifying the competent official under Section 10/1 shall be subject to a fine from ten thousand baht to one hundred thousand baht.

Section 124.⁴³ Any person operating a factory violates Section 11, paragraph one or Section 11/1, paragraph one, shall be subject to a fine no less than four hundred thousand baht per an employee or worker who has been illegally employed.

Any person operating a factory in violation of Section 11, paragraph two or six, or Section 11/1, paragraph two, shall be subject to a term of imprisonment not exceeding two years or a fine from two hundred thousand baht to two million baht or both. The person shall also be subject to an additional fine of one hundred thousand baht to five hundred thousand baht per day for the entire duration of the violation.

Any competent official or person who gives permission under the law on factories issues the notification receipt or permission in violation of Section 11, paragraph six shall be subject to a term of imprisonment not exceeding two years or a fine from two hundred thousand baht to two million baht or both.

Section 125. Any person violating Section 31 paragraph one or Section 32 paragraph one shall be subject to a fine of between ten thousand baht and one hundred thousand baht, or to a fine of three times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Section 125/1.⁴⁴ Any person who conducts artisanal fishing, fishes with the gears not consistent with the types permitted to fish, fishes outside the fishing area, or violates any other conditions as prescribed in the license/permit under Section 32 or Section 34, shall be subject to a fine from ten thousand baht to one hundred thousand baht or a fine three times of the value of aquatic animals caught in the fishing, whichever amount is higher.

Section 126. Any person undertaking artisanal fishing in violation of Section 33 shall be subject to a fine not exceeding five thousand baht.

⁴² Section 123/1 was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

⁴³ Section 124 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

⁴⁴ Section 125/1 was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

Section 127. Any person violating Section 34 shall be subject to a fine of between fifty thousand baht and five hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Section 128.⁴⁵ (Has been repealed)

Section 129. Any person violating Section 36 paragraph one shall be subject to a fine of between one hundred thousand baht and two hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from twenty gross tonnage up to less than sixty gross tonnage shall be subject to a fine of between two hundred thousand baht and six hundred thousand baht or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from sixty gross tonnage up to less than one hundred and fifty gross tonnage shall be subject to a fine of between six hundred thousand baht and six million baht or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from one hundred and fifty gross tonnage onwards shall be subject to a fine of six million baht to thirty million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Section 130. Any person violating Section 38, Section 43 or Section 52 shall be subject to a fine of between one hundred thousand baht and two hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from twenty gross tonnage up to less than sixty gross tonnage shall be subject to a fine of between two hundred thousand baht and six hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

⁴⁵ Section 128 was repealed by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

Any offender pursuant to paragraph one using a vessel of a size from sixty gross tonnage up to less than one hundred and fifty gross tonnage shall be subject to a fine of between six hundred thousand baht and six million baht or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from one hundred and fifty gross tonnage onwards shall be subject to a fine of six million baht to thirty million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Section 131. Any person violating Section 41 paragraph one shall be subject to a fine not exceeding one hundred thousand baht.

Section 132. Any person violating Section 42 shall be subject to a fine of between one hundred thousand baht and two hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from twenty gross tonnage up to less than sixty gross tonnage shall be subject to a fine of between two hundred thousand baht and six hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from sixty gross tonnage up to less than one hundred and fifty gross tonnage shall be subject to a fine of between six hundred thousand baht and six million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from one hundred and fifty gross tonnage onwards shall be subject to a fine of six million baht to thirty million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Section 133. Any person violating Section 48 paragraph one shall be subject to a fine of between two million baht and ten million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from sixty gross tonnage up to less than one hundred and fifty gross tonnage shall be subject to a fine of between

ten million baht and twenty million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from one hundred and fifty gross tonnage onwards shall be subject to a fine of between twenty million baht and thirty million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Section 134. Any person violating Section 49 shall be subject to a fine of between two million baht and ten million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from sixty gross tonnage up to less than one hundred and fifty gross tonnage shall be subject to a fine of between ten million baht and twenty million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from one hundred and fifty gross tonnage onwards shall be subject to a fine of between twenty million baht and thirty million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Section 135. Any person conducting fishing or transshipment and failing to comply with Section 50 or Section 88(5), shall be subject to a fine of one million baht.⁴⁶

Any offender pursuant to paragraph one using a vessel of a size from one hundred and fifty gross tonnage onwards shall be subject to a fine of two million baht.

Section 136. Any observer failing to perform their duties pursuant to Section 51 or committing malfeasance in order to cause damage to any other person shall be subject to a term of imprisonment of between one month and two years or to a fine of between one hundred thousand baht and two million baht, or both.

Section 137. The owner of a fishing vessel failing to reimburse the expenses pursuant to Section 54 shall be subject to a term of imprisonment not exceeding two years or to a fine of between two hundred thousand baht and two million baht or to a fine twice the amount of repatriation expenses under Section 54, in whichever case the higher fine shall apply, or both.

⁴⁶ Section 135 paragraph one was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

Section 138. Any person violating Section 56 or Section 70 shall be subject to a fine of between five thousand baht and fifty thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from ten gross tonnage up to less than twenty gross tonnage shall be subject to a fine of between fifty thousand baht and one hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from twenty gross tonnage up to less than sixty gross tonnage shall be subject to a fine of between one hundred thousand baht and five hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from sixty gross tonnage to one hundred and fifty gross tonnage shall be subject to a fine of between five hundred thousand baht and five million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from one hundred and fifty gross tonnage onwards shall be subject to a fine of five million baht to thirty million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Section 139. Any person violating Section 57 shall be subject to a fine of ten thousand baht to one hundred thousand baht or five times the value of the aquatic animals obtained from the fishing operation. In whichever case the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from ten gross tonnage up to less than twenty gross tonnage shall be subject to a fine of between one hundred thousand baht and two hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from twenty gross tonnage up to less than sixty gross tonnage shall be subject to a fine of between two hundred thousand baht and six hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from sixty gross tonnage to one hundred and fifty gross tonnage shall be subject to a fine of between six hundred thousand baht and five million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from one hundred and fifty gross tonnage onwards shall be subject to a fine of five million baht to thirty million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Section 140. Any person violating Section 58 shall be subject to a fine of between three hundred thousand baht and five hundred thousand baht.

Section 141. Any person violating Section 60 shall be subject to a fine of between two hundred thousand baht and one million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Section 142. Any person violating Section 61 shall be subject to a fine of two hundred thousand baht to one million baht or five times the value of the aquatic animals held in possession. In whichever case the higher fine shall apply.

Section 143. Any person violating Section 62 or Section 63 shall be subject to a fine of between ten thousand baht and one million baht and shall dismantle any such structure or fitting or restore the fishing ground back to its normal state, or pay the compensation expenses for the dismantling thereof or the restoration of the fishing ground back to the natural state to the State in the amount the State has actually paid therefor.

Section 144. Any person violating Section 64 or Section 65 paragraph two shall be subject to a term of imprisonment not exceeding one year, or to a fine not exceeding one million baht, or both.

An offender pursuant to paragraph one taking and releasing aquatic animals in a fishing ground shall be subject to a term of imprisonment not exceeding two years, or to a fine not exceeding two million baht, or both.

Section 145. Any person violating Section 66 shall be subject to a fine of between three hundred thousand baht and three million baht, or to a fine of five times the value of the aquatic animals caught or brought on board a fishing vessel concerned. In whichever case, the higher fine shall apply.

Section 146. Any person violating Section 67(1) shall be subject to a fine of between one hundred thousand baht and five hundred thousand, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Section 147. Any person violating Section 67(2), (3) or (4), Section 69 or Section 71 shall be subject to a fine of between ten thousand baht to one hundred thousand baht or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from ten gross tonnage up to less than twenty gross tonnage shall be subject to a fine of between one hundred thousand baht to two hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from twenty gross tonnage up to less than sixty gross tonnage shall be subject to a fine of between two hundred thousand baht to six hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from sixty gross tonnage to one hundred and fifty gross tonnage shall be subject to a fine of between six hundred thousand baht to six million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from one hundred and fifty gross tonnage onwards shall be subject to a fine of six million baht to thirty million baht, or to a fine of five times the value of the aquatic animals obtained from the fishing operation. In whichever case, the higher fine shall apply.

Section 148. Any person failing to comply with Section 68 shall be subject to a fine of three times the value of the aquatic animals obtained from the fishing operation.

Section 149. Any person violating Section 77 or Section 79, or failing to comply with Section 78(1), (5), (6) or (7) shall be subject to a fine of between ten thousand baht and one hundred thousand baht, and a daily fine of ten thousand baht throughout the time during which any such violation occurs, as well as undertake action to restore or pay for the restoration of the

fishing ground in question or the environment affected by any such undertaking back to its natural state.

Section 150. Any person violating Section 78(2), (3) or (4) shall be subject to a fine of between thirty thousand baht and three hundred thousand baht.

Section 151. Any person violating Section 81(1) or (4) or Section 88(1) or (7) shall be subject to a fine of twenty thousand baht.⁴⁷

Any offender pursuant to paragraph one using a vessel of a size from twenty gross tonnage up to less than sixty gross tonnage shall be subject to a fine of two hundred thousand baht.

Any offender pursuant to paragraph one using a vessel of a size from sixty gross tonnage up to less than one hundred and fifty gross tonnage shall be subject to a fine of one million baht.

Any offender pursuant to paragraph one using a vessel of a size from one hundred and fifty gross tonnage onwards shall be subject to a fine of four million baht.

Section 152. Any person conducting fishing or transshipment without reporting as required by the rules prescribed under Section 81(2) or (3), Section 82 or Section 88(2), (3) or (4) with false reporting, or without taking the vessel back to a fishing port under Section 81(5) or Section 88(6) shall be subject to a fine of ten thousand baht.⁴⁸

Any offender pursuant to paragraph one using a vessel of a size from twenty gross tonnage up to less than sixty gross tonnage shall be subject to a fine of one hundred thousand baht.

Any offender pursuant to paragraph one using a vessel of a size from sixty gross tonnage up to less than one hundred and fifty gross tonnage shall be subject to a fine of five hundred thousand baht.

Any offender pursuant to paragraph one using a vessel of a size from one hundred and fifty gross tonnage onwards shall be subject to a fine of two million baht.

Section 153.⁴⁹ Any owner of a fishing vessel using a seaman without a seaman document or without a license/permit under Section 83 or in violation of Section 83/1, shall be subject to a fine no less than four hundred thousand baht but not exceeding eight hundred thousand baht per one seaman of the case. The Director-General shall issue an order to withdraw the fishing

⁴⁷ Section 151 paragraph one was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

⁴⁸ Section 152 paragraph one was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

⁴⁹ Section 153 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

license/permit of the owner of the fishing vessel. The Director-General of the Marine Department shall also issue an order to withdraw the captain certification of the master of the vessel under the law on navigation in Thai waters.

Section 154. Any person failing to comply with Section 84 or Section 85 shall be subject to a fine from one hundred thousand baht to one million baht.

Section 155. Any person who violates Section 85/1, Section 86 paragraph one, Section 87 or fails to comply with Section 89 shall be liable to a fine from ten thousand baht to one hundred thousand baht, or a fine in the amount of five times the value of transshipped aquatic animal, whichever is the higher.⁵⁰

Any offender pursuant to paragraph one using a vessel of a size from twenty gross tonnage up to less than sixty gross tonnage shall be subject to a fine of between one hundred thousand baht and five hundred thousand baht, or to a fine of five times the value of the aquatic animals transshipped. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from sixty gross tonnage up to less than one hundred and fifty gross tonnage shall be subject to a fine of between five hundred thousand baht and five million baht, or to a fine of five times the value of the aquatic animals transshipped. In whichever case, the higher fine shall apply.

Any offender pursuant to paragraph one using a vessel of a size from hundred and fifty gross tonnage onwards shall be subject to a fine of between five million baht and twenty-five million baht, or to a fine of five times the value of the aquatic animals transshipped. In whichever case, the higher fine shall apply.

Section 155/1.⁵¹ Any person who violates or fails to comply with a Ministerial Regulation issued under Section 89/1 paragraph one shall be liable to a fine from ten thousand baht to fifty thousand baht for a vessel not exceeding ten gross tonnage, and an additional fine in proportion to the size of the vessel in excess of ten gross tonnage at a rate of ten thousand baht per gross tonnage.

A telecommunications service provider who violates or fails to comply with a Notification issued under Section 89/1 paragraph two shall be liable to a fine not exceeding one

⁵⁰ Section 155 paragraph one was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

⁵¹ Section 155/1 was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

million baht or a daily fine not exceeding one hundred thousand baht throughout the period of violation or non-compliance.

Section 156. The owner of a fishing port or a fish market entrepreneur, an entrepreneur of an aquaculture business under control, or a buyer buying aquatic animals from any such person, who fails to prepare a marine catch purchasing document or prepares a document or fills in data which is false shall be subject to a fine of between ten thousand baht and one million baht.

Section 157. Any producer or processor of aquatic animal product failing to prepare evidence for the purposes of traceability or prepare evidence for the purposes of traceability based on false data shall be subject to a fine of between one hundred thousand baht and two million baht.

Section 158. Any person violating Section 92 paragraph one or producing a false catch certificate or any other false document pursuant to Section 92 paragraph two shall be subject to a fine of five times the value of the animals imported, exported or transited.

Section 159. Any person violating Section 94 paragraph one or failing to comply with Section 96 shall be subject to a fine of between one million baht and thirty million baht, or a fine of five times the value of the aquatic animals or aquatic animal products. In whichever case, the higher fine shall apply.

Section 160. Any person failing to comply with the guidelines prescribed by the Minister pursuant to Section 97 shall be subject to a fine of between ten thousand baht and three hundred thousand baht, or to a fine of three times the value of the aquatic animals or aquatic animal products concerned. In whichever case, the higher fine shall apply.

Section 161. Any person violating Section 100 shall be subject to a term of imprisonment not exceeding one year, or to a fine not exceeding one million baht, or both.

Section 162.⁵² Any person failing to comply with a letter of summons issued by the competent official pursuant to Section 102(1) or the order of the competent official pursuant to Section 102(4) or Section 105(2), or failing to facilitate the competent official under Section 102, paragraph five, or violating an order issued by the Administrative Sanctions Committee pursuant to Section 113(2) or (5), shall be subject to a fine from ten thousand baht to fifty thousand baht.

An offender under paragraph one who is a juristic person shall be liable to a fine

⁵² Section 162 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

from one hundred thousand baht to one million baht.

In the case where a violation of an order under Section 105(2) or Section 113(2) or (5) involves the use of a vessel with a size of ten gross tonnage or greater, an additional fine shall be imposed in proportion to the size of the vessel in excess of ten gross tonnage at a rate of ten thousand baht per gross tonnage.

Section 162/1.⁵³ Any person purchasing aquatic animals or aquatic animal products from the sale by auction pursuant to Section 105, paragraph two or Section 113, paragraph three in violation of the conditions prescribed by the competent official, shall be subject to a fine five times of the value of aquatic animals or aquatic animal products which were on sale by auction.

Section 163. Any person obstructing the performance of duties by an observer shall be subject to a term of imprisonment between one month and one year, or to a fine between one hundred thousand baht and one million baht, or both.

Section 164. Any person disclosing to another person information obtained from a vessel monitoring system or a fishing log book which should normally be kept confidential, shall be subject to a term of imprisonment between one month and one year, or to a fine between one hundred thousand and one million baht, or both.

The provisions under paragraph one shall not apply to the disclosure of such information in the performance of official powers and duties or any disclosure made to the public service or to a domestic or foreign agency exercising functions relating to the monitoring and control of fishing operations.

Section 165. Any person falsifying, concealing or changing a fishing vessel's mark or registration shall be subject to a fine of between ten thousand baht and one hundred thousand baht.

Any offender pursuant to paragraph one using a vessel of a size from ten gross tonnage up to less than twenty gross tonnage shall be subject to a fine of between one hundred thousand baht and two hundred thousand baht.

Any offender pursuant to paragraph one using a vessel of a size from twenty gross tonnage up to less than sixty gross tonnage shall be subject to a fine of between two hundred thousand baht and six hundred thousand baht.

⁵³ Section 162/1 was included by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

Any offender pursuant to paragraph one using a vessel of a size from sixty gross tonnage up to less than one hundred and fifty gross tonnage shall be subject to a fine of between six hundred thousand baht and six million baht.

Any offender pursuant to paragraph one using a vessel of a size from one hundred and fifty gross tonnage onwards shall be subject to a fine of six million baht to thirty million baht.

Section 166.⁵⁴ A supporter or beneficiary in an offence under this Royal Ordinance shall be subject to the same penalty as that of the principal thereof, unless such conduct was undertaken by a seaman and the court is of an opinion that it was done according to an instruction of the owner or master of the vessel. In that case, the court may exempt that person from punishment or impose punishment at the level lower than that prescribed by the law for any amount.

Section 167. In a case where an offence constituting a serious infringement is re-committed within a period of five years, the penalty prescribed in each Section therefor shall be doubled.

Section 168. In a case where an offender under this Royal Ordinance is a juristic person, if the commission of any such offence by any such juristic person has been based on the order or act of any person, or his/her omission to give an order, or failure to perform his/her duties, any such person shall also be subject to the penalty for any such offence.

Section 169.⁵⁵ The fishing gears, aquatic animal, aquatic animal products, fishing vessels, or any other objects used in or received from the offense which is serious IUU fishing under Section 114, shall be completely forfeited, except for the case of depositing a guarantee instead of vessel detention, such guarantee, instead of the vessel, shall be forfeited.

Section 96, paragraph five shall apply, *mutatis mutandis*, to aquatic animals or aquatic animal products which the court orders to forfeit.

Section 170. The Fine Determination and Imposition Committee shall have the power to determine and impose fines in relation to all the offences pursuant to this Royal Ordinance.

⁵⁴ Section 166 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

⁵⁵ Section 169 was amended by the Royal Ordinance on Fisheries (No.2) B.E. 2560 (2017)

The Fine Determination and Imposition Committee pursuant to paragraph one shall comprise a representative of the Office of the Attorney General as chairperson, a representative of the Royal Thai Police as a committee member, and a representative of the Department of Fisheries as a committee member and secretary. There shall be such a committee in both Bangkok and regional areas as prescribed by the Minister as appropriate.

The rules and procedures for the deliberation of the Fine Determination and Imposition Committee shall be as prescribed by the Minister, based on the severity of the offence, recidivism and deterrence.

When the accused has paid the fine imposed within thirty days as from the date on which the fine was imposed and has transferred all the aquatic animals or aquatic animal products seized to the public service, the criminal proceeding of any such offence shall be discontinued in accordance with the Criminal Procedure Code.

The provision under Section 96 paragraph four shall also apply to the aquatic animals and aquatic animal products that the accused has transferred to the public service pursuant to paragraph four *mutatis mutandis*.

Transitory Provisions

Section 171. All Royal Decrees, Ministerial Regulations, Notifications, Directives or Orders issued pursuant to laws on fisheries in force on a date prior to the date on which this Royal Ordinance comes into force shall remain in force in as so far as they are not contrary to or inconsistent with this Royal Ordinance. This shall so remain up to a moment when a Ministerial Regulation, Notification, Directive or Order pursuant to this Royal Ordinance comes into force.

Section 172. All flora sanctuaries designated in the Notifications on a date prior to the date on which this Royal Ordinance comes into force shall be aquatic animal species sanctuaries areas pursuant to this Royal Ordinance.

Section 173. All concessions, fishing licenses, permissions or licenses already issued in accordance with the laws on fisheries prior to the date on which this Royal Ordinance comes into force shall still continue to remain valid up to the point they expire or are revoked.

Section 174. The Director-General may grant permission to any person engaged in artisanal fishing by the use of a vessel from ten gross tonnage to less than fifteen gross tonnage, provided that such vessel has been registered as a fishing vessel and a fishing gear license was issued prior to the effective date of this Royal Ordinance, to continue with the artisanal fishing until such person's cessation of fishing operations.

Section 175. Any person undertaking aquaculture in a public domain of State on a date prior to the date on which this Royal Ordinance comes into force shall submit a request to seek a permit pursuant to this Royal Ordinance within one hundred and eighty days as from the date on which this Royal Ordinance comes into force. After having submitted a request to seek such a permit, he/she may proceed with his/her aquaculture undertaking up to a point they are notified of an order to discontinue.

Section 176. The Department of Fisheries shall make arrangements to complete the registration of local fishing community organisations within thirty days as from the date on which this Royal Ordinance comes into force.

Countersigned by

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General Prayut Chan-o-cha

Prime Minister

Taxation Rates Schedule

Permits authorizing the use of classified fishing Gears

(1) Trawl nets	500 baht per metre
(2) Surrounding nets	20 baht per metre
(3) Lift nets or falling nets	30 baht per metre
(4) Gillnets or set gill nets	2 baht per metre
(5) Net fishing gears not specified	10 baht per metre
(6) Dredges	3,400 baht per unit
(7) Pound nets/set nets and barriers	4,000 baht per unit
(8) Traps	20 baht per unit
(9) Bug lift nets, <i>chon khan cho</i> dip nets, boat dip nets or raft dip nets fitted with a life part	600 baht per unit
(10) Fyke dip nets,fyke lift nets,or big lift nets/mullet lift nets	800 baht per unit
(11) <i>Chon</i> dip nets other than (9) and (10), 3.5 meters in width or over	200 baht per unit
(12) Baited set lines/Long-lines, 100 meters in length and over	80 baht per unit
(13) Cast nets/fishing nets, with a length of 3 meters or over	200 baht per unit
(14) Appliances/implements of other types	1,000 baht per unit

Fee rates

(1) A fishing license	10,000 baht per copy
(2) A permit authorizing an aquaculture undertaking in a fishing ground located on public domain of the State	5 baht per square metre
(3) A permit for the importation or exportation of aquatic animals or aquatic products	500 baht per copy
(4) Registration of transshipment vessel	10,000 baht per registration
(5) Work permit for work on board a fishing vessel	500 baht per copy
(6) Substitute license	100 baht per copy
(7) License assignment	100 baht per copy
(8) License renewal	Same as licensing fee per renewal

Note :- The reason for promulgating this Royal Ordinance is whereas the Fisheries Act B.E. 2558 still lacks measures to monitor, control and monitor fishing in Thai waters and outside Thai waters to prevent illegal fishing, including the lack of fisheries management in line with nature maximum yield to fishing sustainability. And if there is no urgent solution to the problem, it may have an impact on the fisheries of Thailand. Therefore, to increase measures to control, monitor, trace and inspect fisheries to prevent, deter, and eliminate illegal fishing in accordance with international standards and establish guidelines for the conservation and management of fishery and aquatic animal resources for sustainable use, and provided that such action must be completed by in order not to affect the export of aquatic animals and aquatic animal products in Thailand, which is an emergency which has an unavoidable urgent need to maintain the economic stability of the country Therefore, it is necessary to enact this Royal Ordinance.

Royal Ordinance on Fisheries (No. 2) B.E. 2560 (A.D.2017)

Section 2. This Royal Ordinance shall come into force on the day following the date of its publication in the Government Gazette.

Section 56. All Ministerial Regulations, Notifications or Orders issued under the Royal Ordinance on Fisheries B.E. 2558 in force on the day prior to the effective date of this Royal Ordinance shall remain effective to the extent that they are not inconsistent with or contrary to this Royal Ordinance, until a Ministerial Regulation, Notification or Order issued under the Royal Ordinance on Fisheries B.E. 2558 as amended by this Royal Ordinance comes into force.

Section 57. All authorization applications, license applications, license transfer applications, transshipment vessel or reefer registration applications filed under the Royal Ordinance on Fisheries B.E. 2558 and pending consideration shall be deemed to be permit applications, license applications, license transfer applications and registration applications under this Royal Ordinance *mutatis mutandis*, and further action shall be taken in accordance with rules, procedures and conditions provided under this Royal Ordinance.

Section 58. All authorizations, licenses or transshipment vessel or reefer registration certificates issued under the Royal Ordinance on Fisheries B.E. 2558 prior to the effective date of this Royal Ordinance shall remain in force until their expiration or revocation.

Section 59. All administrative sanctions pending consideration by the

Administrative Sanctions Committee under the Order of the Head of the National Council for Peace and Order No. 22/2560 Re: Resolution of Problems Pertaining to Illegal, Unreported and Unregulated Fishing, No. 4, dated 4th April B.E. 2560, on the effective date of this Royal Ordinance, shall continue to be considered by such Administrative Sanctions Committee until the Administrative Sanctions Committee under this Royal Ordinance takes office.

Section 60. The Minister of Agriculture and Cooperatives shall have charge and control of the execution of this Royal Ordinance.

Note :- The reason for promulgating this Royal Ordinance is that some provisions of the Royal Ordinance on Fisheries B.E. 2558 (2015) are inconsistent with the conditions of artisanal and commercial fishing. The criteria in the control and surveillance of fishing and transshipment, aquatic animals importation, and notification of non-Thai fishing vessels for Thai port entry are insufficient to prevent illegal fishing. Together with conservation and management measures, actions on fishing vessels, fishing gears, and fish or fish products that are used, possessed or obtained from illegal fishing and labor protection measures in the fisheries sector are not appropriate. It is expedient to revise such provisions which have the effect of restricting rights and personal liberty for the purpose of conservation and management of aquatic animal resources to be in an appropriate status and able to fish sustainably. Including setting up a committee on administrative measures which consisted of officials from relevant departments as defined offenses were related to Many laws, in order to consider and implement administrative measures to be prudent, fast, and efficient, and it is expedient to prescribe rules to protect the performance of officials, and improve the penalty provisions to be more appropriate. It is necessary to apply criminal fines to prevent, suppress and deter the offense as it is a serious offense that affects the security of aquatic animal resources, and the fulfillment of international obligations. This action is in case of an emergency that is urgently needed which cannot be avoided in order to maintain the security of the country's economy, therefore, it is necessary to enact this Royal Ordinance.