

เอกสารเผยแพร่ ฉบับที่ ๑/๒๕๖๐



Publication No. 1/2017

คู่มือ

การควบคุมตรวจสอบเรือประมงต่างประเทศ  
ตามมาตรการรัฐเจ้าของท่า (PSM)

Standard Operating Procedure  
Foreign Flags Vessel Control and Inspection  
under Port State Measures (PSM)

กองควบคุมการค้าสัตว์น้ำและปัจจัยการผลิต  
กรมประมง  
กระทรวงเกษตรและสหกรณ์

Fish Quarantine and Inspection Division  
Department of Fisheries  
Ministry of Agriculture and Cooperatives

เอกสารเผยแพร่ฉบับที่ ๑/๒๕๖๐



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Foreign Flags Vessel Control and Inspection  
under Port State Measures (PSM)

กลุ่มควบคุมเรือประมงและสินค้าประมงต่างประเทศ  
กองควบคุมการค้าสัตว์น้ำและปัจจัยการผลิต  
กรมประมง

Port State Measures Implementation Group  
Fish Quarantine and Inspection Division  
Department of Fisheries

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## INTRODUCTION

### Background

In the past decade, the whole world has realized and made the attempt to conserve world fisheries resource and environment. Therefore, in order to manage and utilize the marine fisheries resources sustainably, many international organizations have called for a concrete management regarding this matter. The Food and Agriculture Organization (FAO), one of these organizations, has seen the importance of this matter and developed the International Plan of Action (IPOA) for those of urgent matters. Whereas the IPOA to prevent, deter and eliminate the illegal, unreported and unregulated fishing (IPOA-IUU) is one of the action plan developed by FAO in B.E. 2544 for any country to implement. This particular action plan covers measures for Flag State, Port State, Coastal State and Market State related to international trade.

But the problem of the illegal, unreported and unregulated fishing (IUU-fishing) still exists, resulting in trading of fishery products derived from IUU-fishing all over the world. Regarding this, the European Commission established internationally marketing-related measures as a tool to control and prevent IUU-fishery products to enter the European Community which is one big market of world fishery products. The European Commission has announced the Council Regulation (EC) No. 1005/2008 dated on September 29, 2008 establishing a Community System to prevent, deter and eliminate illegal, unreported and unregulated fishing. This Regulation has been enforced on January 1, 2010 resulted in requirement of specific document or catch certificate to certify that fishery goods and fishery products being destined to EU are not derived from the IUU fishing.

On April 26, B.E 2554, Thailand has ratified the United Nations Convention on the Law of the Sea, 1982: UNCLOS, 1982 with the objectives to conserve the marine resources and to mainly prevent, deter and eliminate the problem of IUU fishing.

On April 21, B.E. 2558, the EU evaluation of IUU-fishing problem solution of Thailand showed that it was still non-complied with the Regulation to prevent, deter and eliminate the IUU-fishing of the EU and required Thailand to clear such problem within 6 months. Regarding this, Thai government give precedence to IUU fishing problem solution and see it as the national problem needed to be solved urgently. Regarding this, the National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing: NPOA-IUU has been established and met the cabinet approval leading to the announcement in the Government Gazette on November 3, B.E. 2558 (2015) including the announcement of the Royal Ordinance on Fisheries B.E. 2558 which came into force on November 13, B.E. 2558 and onward. Moreover, Thailand also lodged an accession to join the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated

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Fishing, in the order of 26<sup>th</sup>, on May 6, B.E. 2559 (2016) to show the intention to prevent foreign fishing vessels and fishery products involved in IUU-fishing to enter the Kingdom. As one of the important raw material importers, processors and exporters of fishery goods and fishery products of the world, especially products from tuna, Thailand is being watched by the trading partner countries including non-government organizations (NGOs) for whether the efficiency of controlling and inspecting foreign vessels and fishery products are in accordance with Thai Port State Measures or not. This is to ensure that fishery products from Thailand are not related to the IUU-fishing. If Thailand cannot manage, control and inspect as a good port state, the trading partner countries and the said organizations may rank Thailand to be IUU-fishing facilitating country resulting in serious impact on Thai fishery trading economics.

Therefore, the Department of Fisheries, by the Division of Fishery Trade and Production Input Control as an agency taking care of supervising, controlling and inspecting import-export and transferring of fishery goods and fishery products to be in accordance with the regulations, needs to urgently develop the system to inspect and control foreign vessels and fishery goods importing through port of Thailand according to Port State Measures (PSM). Whereas, such PSM needs to comply with international law in order to prevent using Thai port to transfer fishes derived from IUU-fishing to the market or to fish processing industry or sending those fishery goods to countries of destination. Moreover, those control and inspection regulations shall be accepted and complied with the international law where Thailand is member with approval signature.

### **Principle and Concept**

Thailand realizes that the IUU-fishing is an important problem in the global, regional and national levels. Therefore, the structure of Thai NPOA-IUU has been established based on FAO IPOA-IUU of the United Nations. The NPOA-IUU consisted of 5 dimensions. They are: (1) Responsibility as Port State; (2) Responsibility as Flag State; (3) Responsibility as Coastal State; (4) Measures as Port State of Thailand and (5) Measures related to international trade covering marine fisheries activities both inside Thai waters and outside Thai waters, in the exclusive economic zone of the Coastal State, and on high seas according to the fisheries law, policy and regulations of both domestic and international instrument and/or legal-binding convention. For Port State Measures, the Department of Fisheries has established rules, regulations and control followed the conditions and complied with the principles of the international law in order to efficiently prevent the IUU-fishing under the domestic sovereignty and law. At present, the Royal Ordinance on Fisheries B.E. 2558 and the secondary laws have come into force, resulting in IUU-fishing control and prevent are more effective. At present, Thailand has arranged special port for foreign vessels to dock and

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ask for cooperation from the owner and captain of vessels and let the officers inspect the vessels whenever landing at the port according to the measures of the Port State. Regarding this, the Department of Fisheries has specified ports and developed potentiality of state agencies to control the aquatic animals and fishery products imported from the foreign vessels following the international law and standards prescribed. Those agencies are consisted of Fish Quarantine and Inspection Regional Centres and Fish Inspection Offices working at various ports with total number of 10 including 27 ports for foreign fishing vessels in various provinces (Notification of the Ministry of Agriculture and Cooperatives on “Advance Request and Port Assignment for Non-Thai Fishing Vessels Wishing to Bring Aquatic Animals or Aquatic Animal Products into the Kingdom (No. 2) B.E. 2559, dated on March 7 B.E. 2559) including:

- 1) Fish Quarantine and Inspection Regional Centre Site 2: Responsible for 8 foreign vessel landing ports in the areas of Bangkok and Samut Prakhan provinces as follows:
  - Bangkok Province (3 ports) as follows:
    - Port Number 41: Go Dang Thai Fah Co., Ltd.
    - Port Number 33: KWC Logistics Co., Ltd.
    - Port Number 27A: Public Warehouse Organization
  - Samut Prakhan Province (5 ports) as follows:
    - Port Number 23: Thanapornchai Port Service Co., Ltd.
    - Port Number 21A: TJ Land Co., Ltd.
    - Port Number 11B: Subsritthai Co., Ltd.
    - Port Number 7C: Siam Gas and Petrochemicals Public Co., Ltd.
    - Port Number 7: BDS Terminal Co., Ltd.
- 2) Fish Inspection Office, Samut Sakorn Province: Responsible for 2 foreign vessel landing ports in the area of Samut Sakorn province as follows:
  - Chainavee Port
  - Thajeen Union Port Co. Ltd.
- 3) Fish Inspection Office, Chon Buri Province: Responsible for 1 foreign vessel landing port as follows:
  - Siam Seaport Terminal
- 4) Fish Inspection Office, Trat Province: Responsible for 3 foreign vessel landing ports (exclusively for fishing vessels which Cambodia is the Flag State with size not over 250 ton gross) in the area of Trat province as follows:
  - Ban Had Lek Port
  - Kallapungha Port
  - PorKasemsiri Port

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5) Fish Quarantine and Inspection Regional Centre Site 3: Responsible for 1 foreign vessel landing port in the area of Song Khla province as follows:

- Songkhla Deep Sea Port

6) Fish Inspection Office, Phuket Province: Responsible for 3 foreign vessel landing ports in the area of Phuket province as follows:

- Fish Market Organization Phuket Port
- Phuket Srithai Port
- Phuket Deep Sea Port

7) Fish Inspection Office, Ranong Province: Responsible for 6 foreign vessel landing ports only (exclusive for fishing vessels which Myanmar is the Flag State with the size less than 250 gross tonnage) in the area of Ranong province as follows:

- Port of Ranong Fish Market Organization
- Sak Pon Chai Port
- Siam Chai Port
- Thong Thai Dee Port
- Chok Pon Chai Port
- Wassana Adisorn Port

8) Fish Inspection Office, Satun Province: Responsible for 1 foreign vessel landing port (exclusive for fishing vessels which Malaysia is the Flag State with the size less than 250 gross tonnage) in the area of Satun province as follows:

- Satun Fish Market Organization Port

9) Fish Inspection Office, Narathiwat Province: Responsible for 2 foreign vessel landing ports (exclusive for fishing vessels which Malaysia is the Flag State with the size less than 250 gross tonnage) in the area of Narathiwat province as follows:

- Port or Narathiwat Fish Market Organization
- Tak Bai Pacific Port Co. Ltd.

With the above-mentioned measures, it is prescribed that every foreign fishing vessel including transshipment vessels shall ask permission in advance not less than 48 hrs and shall inform the detailed information concerning vessel operated fishing in this trip, kind and quantity of aquatic animals on-board the vessel together with other information or document. In case there are any reasonable causes to suspect that the foreign fishing vessels and transshipment vessels asking permission for landing might be related to IUU-fishing, other related information concerning such vessel shall be inspected before giving the port entry permission. If there is any reliable evidence showing that such vessel is related to IUU-fishing, it shall be denied for port entry. In case any foreign fishing vessels have been allowed to land at Thai port and after that been found involved in IUU-fishing, the unloading of the

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aquatic animals onto the port or other activities shall be denied and the flag State should also be informed regarding this matter. If there is any doubt that the said vessel has operated IUU-fishing in the waters of other States, or in the waters supervised by the Regional Fisheries Management Organizations (RFMOs), those relevant States and organizations shall also be informed with full cooperation to enforce other measures approved or requested by the Flag State on such vessel or entrepreneur. The operation process is shown in details as follows:

### 1. Notice of Access

IPOA-IUU recommends the Port State government to perform as follows:

- To allow the vessel to land according to the international law for the reasons of the followings: a force majeure, or in distress, or for providing assistance to persons, vessels or aircraft in danger or distress;
- To prescribe that fishing vessels or those supporting fishing activities seeking permission for port entry shall provide proper advance notice prior to port entry including a copy of authorization to fish/ fishing license, details of fishing trip and quantity of aquatic animals on board, with due regard to confidentiality requirements, in order to make sure that the vessels may have engaged in, or supported, the IUU-fishing.

In this, the foreign fishing vessels and transshipment vessels shall provide advance notice prior to port entry and have the vessels inspected by the officials according to related laws.

### 2. Inspection of fishing at port

IPOA-IUU recommends the Port State government to proceed as follows:

- To exercise the right of Port State to inspect the fishing vessels and collect relevant information to further send to the Flag State and relevant RFMOs.

The fishing activities inspection system at port shall be stipulated by preparation of the operation manual for inspecting foreign fishing vessels entering the ports in accordance with the measures, rules and procedures to prevent IUU-fishing. The relevant officials shall be trained on how to inspect the foreign fishing vessels as stipulated in the manual. Port State Measures of Thailand will also be publicized to partner nations.

### 3. Foreign vessels in port found to be IUU vessels

IPOA-IUU recommends Flag State to proceed as follows:

- Immediately inform any events related to engaging in or supporting IUU-fishing of the suspect vessels to the Flag States and if relevant, inform concerning Coastal States and RFMOs also. Port State may process other matters according to the consent or request of Flag States.

The officials shall inspect foreign fishing vessels according to the international laws and agreement with integrated operation among relevant agencies (*e.g.* the Harbor Department, the Customs Department and the Department of Fisheries) in order to prescribe the clear inspection guidelines completed with information exchange procedure between related state

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agencies, especially regarding the list of the IUU fishing vessels. There shall be the prescription of penalty provision if such fishing vessel violates Thai laws.

#### **4. Denial of port access**

IPOA-IUU recommends the Port State to proceed as follows:

- When there is clear evidence that any fishing vessels involve in IUU fishing activities, as a Port State, the access or unloading goods at port of such vessel is denied and the Flag State of such vessel shall be duly informed.

It is necessary that Thailand prescribes denial measures of port entry and using of facilities at port by stipulating inspection procedure in details in accordance with the international standards. The measures needed to be proceeded are establishment of regulations for foreign fishing vessels entering into Thai port.

#### **5. Cooperation with the Port State/RFMOs**

IPOA-IUU recommends the Port State as follows: appropriate

- The State should cooperate, as appropriate, bilaterally, multilaterally and among related RFMOs, in order to develop various consistent measures for Port State to control fishing vessels.
- The State should promote cooperation including remittance of related information regarding control process of the Port State to various States and between related RFMOs.

The Port State shall cooperate in enforcing any measures on such fishing vessel or entrepreneur in the consent or as a request of the Flag State whereby the Fish Inspection Office shall inspect fishery goods or foreign fishing vessels after receiving notification from the Flag State. The measures to be processed are the cooperation among Coastal States, Port States, related states and Regional Fisheries Management Organizations regarding the IUU-fishing.

#### **Objectives**

1. To develop foreign fishing vessel inspection and control system in accordance with the measures of Thailand as the Port State (PSM) in order to effectively prevent, deter and eliminate the illegal, unreported and unregulated fishing and to be in line with the prescribed international standards.
2. To use it as an operation guidelines for the officials of the Fish Inspection Office to control and inspect the foreign fishing boat and fishery goods and to be in line with the prescribed international standards.
3. To assure the partner nations that Thailand perform in accordance with minimum guidelines of the agreement on port state measure to prevent, deter and eliminate the IUU-fishing of the Food and Agriculture Organization of the United Nations.

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## Framework

To enforce the laws for control and inspection in order to effectively prevent foreign fishing vessels engaging in the illegal, unreported and unregulated fishing from bringing aquatic animals and aquatic animal products into the Kingdom or using Thai ports as a passage of aquatic animal commodity and aquatic animal products involved in IUU fishing to the countries of destination. To do this, Thailand has applied guidelines and code of practices which are in line with the international standards accepted by the partner nations together with the cooperation with the Flag States, Port States, Coastal States, related States and regional fisheries management organizations regarding the IUU fishing.

**INSPECTION CRITERIA**  
**BULK TRANSHIPMENT VESSELS**

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## **BULK TRANSSHIPMENT VESSEL**

This is the vessel used for transferring aquatic animals at sea or transferring at port with permission (from fishing vessel to transshipment vessels) but without landing at any countries' ports before. This can be noticed from the non-separated aquatic animals with no packing or no weighing for exact quantity.

### **Procedure Prior to Port Entry**

Shipping agent shall submit advance request including supporting document for port entry of foreign fishing vessels to the officials through the Processing Statement and Port State Measure (PSM) Linked System; PPS. In case the system is not working, the shipping agent can submit the document via electronic mail, facsimile or submit directly to the officials of the Fish Quarantine Station having the responsibility of aquatic animals import at that port not less than 48 hours prior to port entry date (Figure 1).

Supporting document for advance request for port entry (AREP) including:

1. Copy of valid transshipment vessel registration issued by the government agencies of the Flag State.
2. Copy of valid transshipment license issued by the government agencies of the Flag State and/or Coastal States and/or RFMOs or relevant agencies covering the area the aquatic animals are transhipped.
3. Copy of transshipment declaration specifying the following information: 1) Name of transshipment vessel 2) Name of vessel from which aquatic animals are transhipped. 3) Transshipment area or port of transshipment 4) Kind and quantity of aquatic animals 5) Transshipment duration prescribed and signed by the government agencies responsible for transshipment control at that port or the staff of RFMOs having control duty on that port. In case the transshipment is operated at sea, the observer on board the vessel shall be the person to sign for approval.
4. Copy of the stowage plan on board the vessel completed with information such as chart number or tonnage, kind and quantity of aquatic animals, name of transshipment vessel, invoice number and importer name.
5. Copy of the latest port clearance issued by the government agencies responsible for port control which specifies information of port name, the Port State, and departure date and time.
6. Copy of vessel master card of captain or vessel controller and/or certificate issued by responsible government agencies identifying that such person is captain or vessel controller of that vessel.
7. Copy of import permit of aquatic animals listed in CITES (CITES Permit) particularly the case of importing the aquatic animals listed in CITES Annex.
8. Copy of valid Registration Certificate of the fishing vessel, from which the transshipment vessel receive the aquatic animals, issued by agencies of the Flag State.

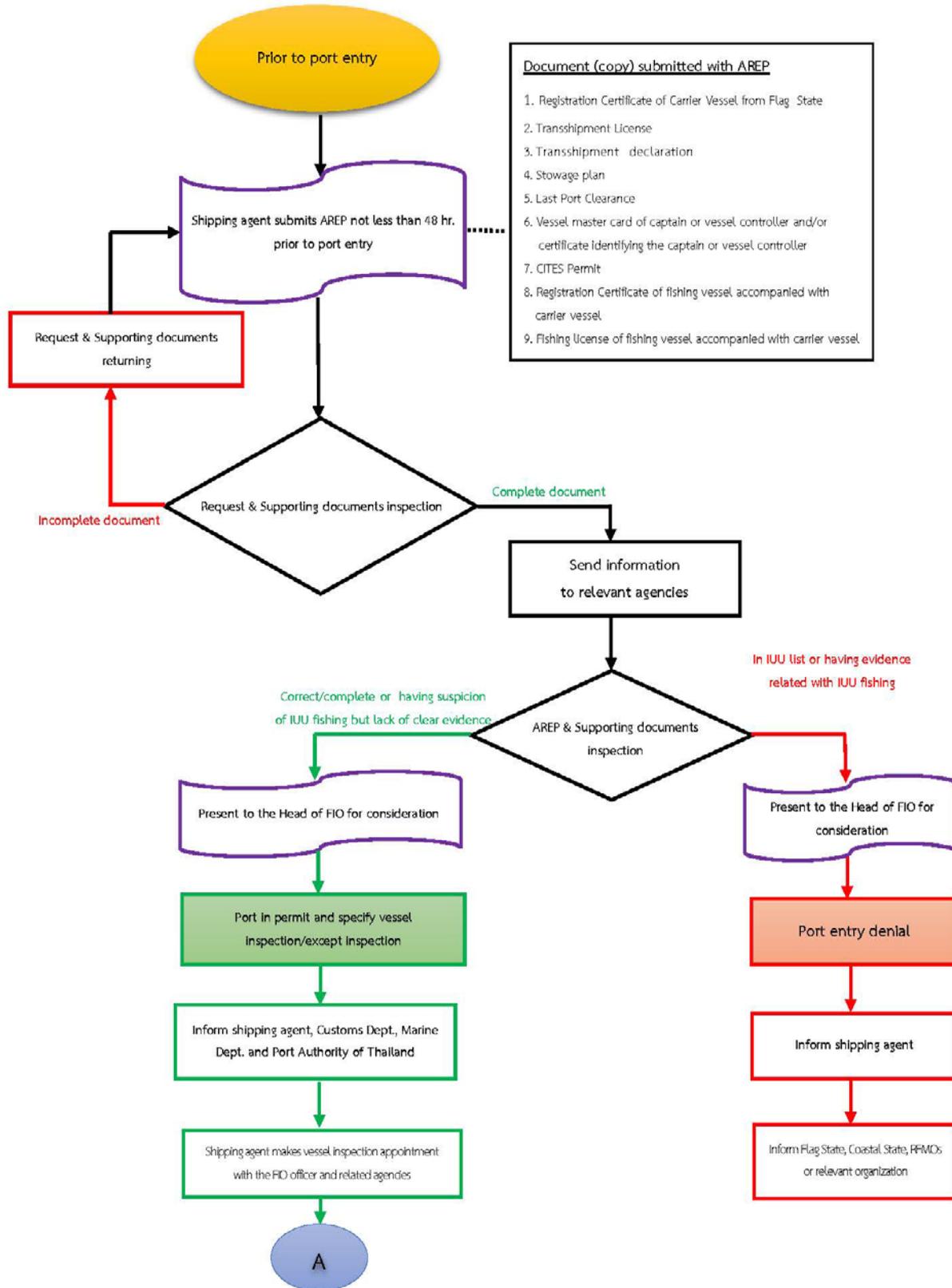


Figure 1 Flow chart showing document inspection procedures of bulk carrier vessel prior to entering port.

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9. Copy of valid Fishing License of the vessel from which the transshipment vessel receive the aquatic animals, issued by the Flag State and/or the Coastal State covering the fishing areas.

For all supporting document of the request, applicant shall completely sign and seal (if available).

### **Step 1 Consideration for AREP (Advance request for port entry)**

Once the shipping agent submits the AREP and supporting document, the officials shall inspect the information details in the request and supporting document to be accurately consistent.

In case the vessel owner or shipping agent cannot apply by themselves, the substitute shall have the accompanying power of attorney. In case of the company or juristic person, the authorized signature with company seal as specified in the company's registration certificate are required with revenue stamp (10 baht revenue stamp for one time authorizing and 30 baht revenue stamp for authorizing the whole year round). Other documents required are copies of identification card, house registration of both proxy and attorney with complete signatures.

### **Procedure**

#### **1.1 Correct and complete request**

In this case, the officials shall receive the request by clearly specifying date, time and name of receiving person at every time.

In case the period of AREP and supporting document submission and specified port in schedule do not reach 48 hr., it shall be the discretion of the Head of Fish Inspection Office to determine whether the document inspection can be processed in time or not. All this, the reason, necessity and the explanation made by the applicant or shipping agent are also taken into consideration.

#### **1.2 Incorrect or incomplete request**

In this case, the Fish Inspection Office official shall return the request to the applicant with the reason of not being able to accept such request, for examples incomplete document (specifying which one) or incompletely filling in the request, or inconsistent information with the attached document, or unclear attached-document or no company stamp or authorized person signature on the attached document etc. All this, the official shall specify all above information in an official memo (shorten version) completed with signature, date and time of such consideration.

In case of request returning as mentioned above, the officials shall make copies of such request and have the applicant signed every page of those copies including specifying date and time of taking back (in case of submitting by themselves), then the original of the request document shall be returned to the applicant for further correction. In case of

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submission via electronic mail and facsimile, the Head of Fish Inspection Office shall consider to proceed as appropriately and consistently with the above-mentioned principle.

In case submission through PPS system, there has already been system design to support the procedures of receiving or correction informing in place. The official only records reasons of request returning in the process of correction informing in the aforementioned system so it is not necessary to repeat such procedure in the document again.

## Step 2 Inspection of AREP and supporting document

In the process of AREP and supporting document inspection, the officials shall proceed as follows:

- 1) Check the names of transshipment vessel and fishing vessel which transfers the aquatic animal to the mentioned transshipment vessel with the Department of Fisheries Announcement on List of Non-Thai Fishing Vessel Engaging in IUU Fishing (No. 2) B.E. 2560 (2017) issued according to the Section 94, 2<sup>nd</sup> Paragraph of the Royal Ordinance on Fisheries B.E. 2558 (2015).
- 2) Check whether the names of transshipment vessels and fishing vessels which transfer the aquatic animals to the mentioned transshipment vessels are in the list of fishing vessels engaging in IUU fishing announced by the international organizations or various RFMOs such as EU, IOTC, ICCAT, IATTC, WCPFC and CCAMLR or not, from websites of the above-mentioned organizations as follows:
  - IOTC <http://www.iotc.org/vessels#iuu>
  - ICCAT <http://www.iccat.int/en/vesselsrecord.asp>
  - IATTC <https://www.iattc.org/VesselRegister/SearchVessel.aspx?Lang=ENG>
  - WCPFC <https://www.wcpfc.int/vessels#IUU>
  - CCAMLR <https://www.ccamlr.org/en/compliance/illegal-unreported-and-unregulated-iuu-fishing>
- 3) Inspect the registration documents of transshipment vessels and fishing vessels transferring the aquatic animals to the mentioned transshipment vessels, specified in the AREP, with the websites of the Flag States and/or RFMOs where transshipment or fishing taking place to see whether the name, registers, flag of the vessel including captain name are correct and still perfectly valid or not while operating transshipment or fishing in such areas. Those websites are as follows:
  - IOTC <http://www.iotc.org/vessels/date>
  - WCPFC <https://www.wcpfc.int/record-fishing-vessel-database>
  - ICCAT <http://www.iccat.int/en/vesselsrecord.asp>
  - IATTC <https://www.iattc.org/VesselRegister/VesselList.aspx?List=RegVessels&Lang=ENG>
- 4) Inspect whether the name of Flag State is in the list of countries non-cooperating in solving the problem of IUU fishing or not. At present, list of those countries

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announced are Cambodia, Comoros and Saint Vincent and the Grenadines (as of June 22<sup>nd</sup> B.E. 2560) which can be checked from website: <http://www.iuuwatch.eu/map-of-eu-carding-decisions/>. Regarding this, the officials of the Fish Inspection Office shall inspect every vessel of above-mentioned nationalities.

In case aquatic animal products intended for exporting to EU, check the names of fishery manufacturing or processing establishments whose standards have been approved according to EU regulations from the following website: <http://www.fisheries.go.th/quality/factories.php>.

Moreover, the vessel transshipping and/or processing such mentioned aquatic animals shall also be standard approved according to the above-mentioned regulations which can be checked from website: <http://www.fisheries.go.th/quality/factories.php> to support the consideration of matching the Catch Certificate (CC) with the Imported Aquatic Animal Movement Document (IMD).

- 6) Verify the supporting document to see whether there are scraping, erasing, crossing out and additional writing or not. Moreover, the document issuing format, authorized agency issuing such document in each country including name, signature and seal of authority of such agency are also verified by comparing with sample document to prevent document counterfeiting. In addition, the verifying officials should consider or take notice as follows:
- sequences and issuing dates of each document shall be consistent
  - verify agency name responsible for document issuing of each country
  - verify document sources by using websites of reliable agencies
  - the document shall be clear, valid and issued by the government agencies

In case rational doubt is found or document verification is required, the Port State Measures Implementation Group, Fish Quarantine and Inspection Division, is the focal point for operational coordination as stated in the Port State Measure (PSM) of Thailand which can be contacted by telephone/facsimile number 029406198 or through the following electronic mail address: [thaipsm.investigation@gmail.com](mailto:thaipsm.investigation@gmail.com).

In this connection, to prevent the delay of feedback from the country of destination or in case some Fish Inspection Offices want to verify those document by themselves, they can request for the electronic mail of contact point from the Port State Measures Implementation Group. In this case, the Fish Inspection Office shall also send the carbon copy of electronic mail (cc:) to the Port State Measures Implementation Group according to the Order of Fish Quarantine and Inspection Division, No. 0505.3/10 dated on January 6<sup>th</sup> B.E. 2560 (2017) in order to prevent repeating operation and for the unity of working in Thailand according to the aforementioned measures.

Other than document inspection to verify the vessel information, the Department of Fisheries has considered to increase the efficiency of foreign fishing vessel control by

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assigning the Fisheries Monitoring Center (FMC), Fishing and Fleets Management Division, to inspect and monitor the shipping route of the vessel requesting for port entry permission by automatic identification system (AIS). This system allows the official to see such request (AREP) passing through the Processing Statement and PSM linked System (PPS) and then the information in that AREP will be used for inspecting the shipping route, transshipment point and activities of the vessel concerned, to see whether there is any suspicion or any abnormality or not. If such suspicious activities are found, the Port State Measures Implementation Group and Fish Inspection Offices shall be informed for further investigation on that matter. In such case, the Head of Fish Inspection Office shall instruct the Vessel Inspection Team to further inspect and also inform inspection results to the Fish Quarantine and Inspection Division.

The criteria of vessel inspection can be considered from the risk assessment criteria (Annex B) but for the B.E. 2560 fiscal year, the Fish Quarantine and Inspection Division has prescribed the plan to inspect every bulk transshipment vessel submitting port entry request or 100%.

## Operation

2.1 In case of finding that the vessel submitting port entry request is in IUU list according to the Department of Fisheries Announcement on the List of Non-Thai Fishing Vessel Engaging in IUU Fishing (No. 2) B.E. 2560 (2017), or websites of international organizations or RFMOs, or having clear evidences of engaging in IUU fishing such as having law forbidding trawl fishing in areas of any Coastal States and later declaring the source of aquatic animals to be from trawling in such areas and *etc.*, it is prescribed that the official shall inform the Head of Fish Inspection Office for consideration of port entry denial. Such denial is in accordance with the Royal Ordinance on Fisheries B.E. 2558 (2015), Section 95, 3<sup>rd</sup> Paragraph. Moreover, the Head of concerning Fish Inspection Office shall also specify the reasons of port entry denial in the document of Notification to Fishing Vessel Following a Request to Enter Port of foreign fishing vessels and immediately inform the Port State Measures Implementation Group in order to further inform other Fish Inspection Offices, the above-mentioned Flag State, and related Coastal States, Port States and/or RFMOs, to monitor and not allow such vessel to enter the port for further unloading the aquatic animals derived from IUU fishing.

Except in the case of force majeure, *e.g.* sick person on board or disaster encounter, the Head of Fish Inspection Office shall consider taking action as appropriate such as giving port entry permission to drop sick person or to solve problems caused by such disaster according to humanitarian principle and *etc.* In this case, the Head of Fish Inspection Office shall inspect the vessel, forbid unloading the aquatic animals at port, forbid gasoline filling or doing any activities to enable such vessel to operate IUU fishing again, and inform the Port State Measures Implementation Group to further inform the Flag States, Coastal

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states, States that are the national origins of captain and crew, and related RFMOs, in order to join in the inspection and take further legal action.

2.2 In case of the information in AREP is completely correct and consistent with those in the supporting document, or in case having suspicion of engaging in IUU fishing but not having clear evidences to prove at that moment, e.g. travel time is not consistent with distance or aquatic animals quantity obtained is irrelevant to the period of transshipment specified in the report of transshipment (transshipment declaration), or kinds of aquatic animals specified are irrelevant to the fishing gears of such fishing vessel or fishing areas, and etc., it is therefore prescribed that the Head of the Fish Inspection Office can consider giving port entry permission for vessel inspection. In this case, the official can confirm with the original document or other related information which can be found in the logbook, shipping route or from interviewing captain or vessel controller, during vessel inspection, regarding the causes of suspicion or the inconsistency of document concerned.

In case of having any suspicion informed by FMC or the official has doubt that such vessel might conduct IUU fishing and suggests the Head of Fish Inspection Office to give port entry permission for vessel inspection. The Head of Fish Inspection Office shall have further instruction to have such vessel inspected. The inspecting officials shall then inspect and report results in writing using the port inspection report (PIR) according to causes or suspicion as follows:

- 1) Shipping route inspected by AIS of FMC is found to be inconsistent with the AREP
- 2) Travel time of transshipment vessel from the last port to Thailand is irrelevant or incorrect compared with average travel time in general
- 3) The quantity of aquatic animals the fishing vessels transshipped to and carried by the transshipment vessel is not consistent with the fishing period or those specified in the transshipment declaration.

### **Step 3 Notification of AREP consideration result**

It is prescribed in the Royal Ordinance on Fisheries B.E. 2558 (2015), Section 95, 2<sup>nd</sup> Paragraph, that the official shall finish inspecting the request and supporting document and inform the applicant or shipping agent who submitted the request, within 24 hr. counting from the time upon receiving of such request.

Therefore, once the Head of the Fish Inspection Office has considered signing permission for port entry or denial, the Notification to Fishing Vessel Following a Request to Enter Port shall be sent to the shipping agent, Customs Department, Marine Department and Port Authority of Thailand via PPS system automatically.

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In case that the system is nonfunctional or the request is submitted through other channels by shipping agent, the official is prescribed to directly send result to the applicant or shipping agent who submitted such request or through electronic mail or other communication channels which are fast and appropriate within specified time frame. In this case, there shall always have the evidence of document receiving in order to prevent the complaints of absent from duty, especially in case of port in denial.

#### **Step 4 Changes of information about landing port or port entry date**

In the case there are changes in landing port or port entry schedule or date for any reasons after receiving the Notification of Port In Permit, it is prescribed that the applicant or shipping agent shall submit request for changing those information through PPS system or inform in writing to the official of the Fish Inspection Office prior to landing the vessel at port not less than 24 hr. in order to enable the official to inform related agencies about the changes of vessel inspection appointment just in time.

After receiving the notification, it is prescribed that the official shall sign upon receiving and then submits it to the Head of Fish Inspection Office as soon as possible. After having permission from the Head of Fish Inspection Office, it is prescribed that the official shall correct the information in the PPS system and send them to the Head of Fish Inspection Office to consider granting permission again in the PPS system for further informing such information to the related agencies. It is also advised to confirm this matter with the related agencies by telephone once again.

#### **Step 5 Port entry permit notification to the port operator**

Permit holder or shipping agent has responsibility to inform about port in permit to the port operator by showing and giving the copy of port in permit to such port operator in order to confirm and specify the port in date once again (other than notifying through PPS system). This is to enable the port operator to prepare relevant matters such as record of port in date and time, kinds and quantity of landed aquatic animals including keeping port-in information for the official to inspect for 3 years according to the Department of Fisheries Announcement on Listing, information recording procedures and keeping time for the record of fishing vessels entering to use port services or to unload aquatic animals or aquatic animals products at port of the port owner or dock operator (No. 2) B.E. 2559 (2016).

Therefore, the official of the Fish Inspection Offices should arrange briefing meeting or publicize among port operators including supervising and controlling the port operators to operate in accordance with the regulations, otherwise they shall be deemed guilty. The legal punishment is prescribed in the Royal Ordinance on Fisheries B.E. 2558 (2015). In case of finding that there is ignorance or law violation and the official, working at that port or that area, does not report accusation of the port operator concerned, the official can be charged with absent from service.

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## Step 6 Vessel inspection appointments

After knowing the port-in time and schedule including already coordinating with the port operator, the shipping agent shall firstly confirm the port-in schedule with the official in order to enable making appointment for vessel inspection with related agencies. If the vessel inspection cannot be done on that day or the inspection date is postponed to be next day, it is prescribed that the Head of the Fish Inspection Office shall instruct the official to seal the ship's hold until finishing vessel inspection and/or having permission for unloading aquatic animals only.

Except in case that the Head of Fish Inspection Office has given permission for port entry and aquatic animals unloading (with no vessel inspection specified) which is in accordance with those specified in the risk assessment criteria, it is prescribed that the permit holder or shipping agent shall coordinate with the official of Fish Inspection Office for further controlling the unloading of aquatic animals. (In fiscal year of B.E. 2560, the Fish Quarantine and Inspection Division has prescribed that every bulk transshipment vessel shall be inspected or 100%).

## Vessel Inspection Procedure

For the vessel inspection, the officials operate by virtue of the Royal Ordinance on Fisheries B.E. 2558 (2015), Section 102(4). It is prescribed that the officials have authority to control and stop fishing vessel, stop fishing or transshipping aquatic animals, or order the fishing vessel controller to port, or board the vessel, or enter into fishing areas, to inspect and control related activities to be in line with this Royal Ordinance. Anyhow, when there is reasonable suspicion of violation according to this Royal Ordinance, the official should inspect the vessel when firstly porting in with steps and procedure as summarized in Figure 2. (Suggestion from the Director of Legal Affairs Division, Department of Fisheries)

### Step 1 Preparation

Prior to vessel inspection, the official should check the preparedness of the inspection official for working as follows:

- 1) Dressing
- 2) Identity card of official
- 3) Communication devices, camera and steel tape or measuring tape
- 4) Document and form for inspection record
- 5) Interpreter, in case the captain or crew cannot communicate by English
- 6) Weapon, in case of necessity

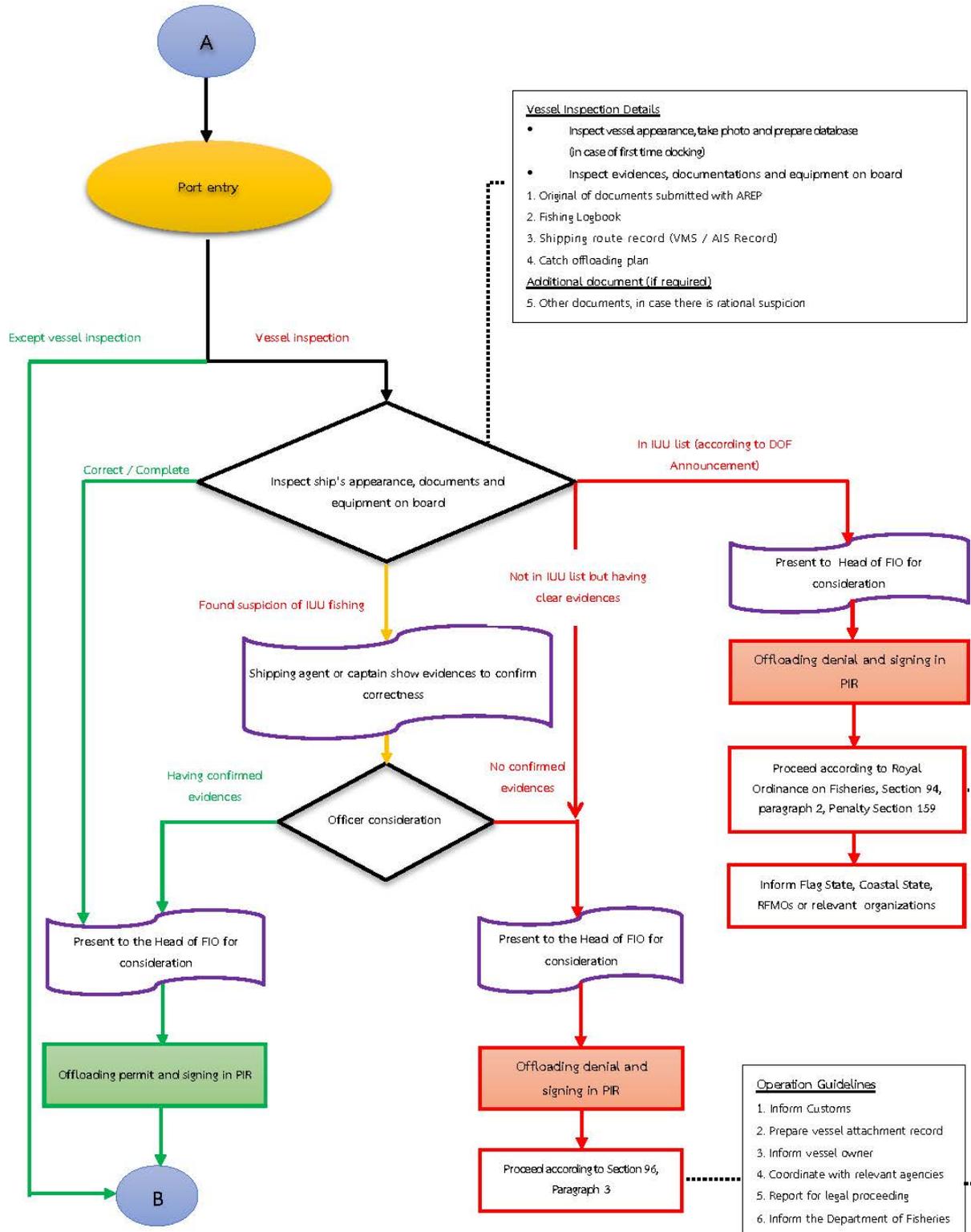


Figure 2 Flow chart showing vessel inspection procedures of bulk carrier vessel having entered port.

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Prior to vessel inspection, the Head of vessel inspection team should assess the work risk such as the situation on board and objectives of such inspection to see whether it is normal situation or not. Then work plan should be done with cautiousness, such as inspection team should have not less than 2 persons per team with specified job and inspecting area, should make appointment of time and places after finishing inspection for safety and quickness, should count altogether number of team members before leaving the vessel, and etc.

### **Step 2 Vessel appearance inspections**

Before going on board to inspect the vessel, the official can inspect the vessel appearances such as vessel name, flag, IMO code, Call sign, external code, ship's draft, and etc., to be sure that such vessel is the one that has been registered and port entry request has been submitted. This also can be done by comparing information of character and appearances of the vessel specified in data base or websites of the Flag States and/or related RFMOs. The photographs of vessel should also be taken and kept as evidences in order to prepare data base of foreign fishing vessels entering such port and to use as supporting material for risk assessment for the next vessel inspection (Annex B)

### **Step 3 Vessel inspection**

- 1) The official shall show up and inform the inspection objectives to the captain or vessel controller of inspecting official numbers, areas wishing to inspect and etc., in order to let the captain or vessel controller prepare personnel leading the inspection or facilitating inspection.

Regarding on board inspection, the objectives are to inspect document, evidences and equipment as specified in AREP and inspect the copy of submitted document compared with the original document kept on board. Others are the inspection of communication equipment, shipping route and activities operated on board which should be recorded in logbook as regulated. Moreover, the fishing tools, kinds and quantity of aquatic animals are also inspected. All this, including proving of suspicion regarding the issues of IUU fishing which cannot be summarized or decided at the step of AREP and supporting document inspection.

- 2) For target document inspection, it is prescribed that the captain or shipping agent shall show target document such as original document attached with AREP, document required additionally for vessel inspection and/or document called for by the official for more inspection if necessary or suspicious as follows:
  - 2.1) Supporting document submitted with AREP from no. 1-7 shall be original copies
  - 2.2) Logbook for recording activities, position and shipping route of transshipment vessel
  - 2.3) VMS/AIS record covering period of time obtaining fishery goods on board which is recorded at least every hour or as prescribed by the Flag State/ Coastal State/RFMOs/related agencies
  - 2.4) All aquatic animals transshipping plans specifying details, date and transshipping time, place of delivery or consignee, kinds and quantity of aquatic animals

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transshipped, name of fishing vessel accompanying transshipment vessel and ship's hold for storing such aquatic animals (Any changes that might occur shall be informed to officials within 24 hr.)

- 2.5) History document of set up or changing of the equipment for tracking location and shipping route recording (VMS/AIS), in case of suspicion, or finding of mistakes or modification.
- 2.6) Document showing transshipment details at port in advance, in case there is increasing or reducing of aquatic animal quantity transferred from port of loading
- 2.7) Document showing details of transshipment vessel and/or fishing vessel (ship's particular) in case of having suspicion on the size and tonnage of the transshipment vessel and/or fishing vessel
- 2.8) Shipping route of fishing vessel accompanying transshipment vessel covering the catch period in the form of soft copy or hard copy such as navigation logbook or VMS record or voyage date, in case of finding the suspicion on the source of aquatic animals
- 2.9) Document showing changing of vessel appearance, in case having some changes, the document shall specify the changing of vessel body, name and address of dockyard and period of time for such changing operation on vessel body
- 2.10) Document showing list of goods and prices (invoice)
- 2.11) Fishing logbook of fishing vessel accompanying the transshipment vessel which specifies details covering catching period and relating to the quantity of aquatic animals transshipped to transshipment vessel, in case having suspicion on the source of aquatic animals
- 2.12) Document certifying tuna fishing with dolphin responsibility according to the regulation of NOAA Fisheries, the United States of America or NOAA Form 370 (Fisheries Certificate of Origin) in case tuna purse seine vessel is bigger than 362.8 tons and operates fishing in the area of Eastern Tropical Pacific Ocean (ETP).

The official shall inspect transshipment vessel; document or informative evidences regarding kinds and quantity of aquatic animals; date, time, place of fishing vessel transshipping aquatic animals to transshipment vessel; area; shipping route; sequence of aquatic animals transshipment to be related and consistent with those stored in the ship's hold; and etc. in order to be able to prove and be sure that all aquatic animals are not from IUU fishing before give permit of unloading those aquatic animal at port.

All this, there is additional suggestion for consideration during inspection of document, evidences and equipments on board as follows:

- Original and copy submitted shall be the same one.

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- Information specified in transshipment declaration, logbook of transshipment vessel and shipping route record of transshipment vessel shall be consistent.
- Vessel entering port shall have fishing vessel tracking system (VMS unit or AIS unit or GPS) securely equipped on board, not easily relocated and completed with equipment number, vessel's registration number and name, dates of install and latest maintenance. Moreover, for ability proving, the information of vessel tracking route shall be shown to the officials. In case of the information cannot be shown, it is prescribed that the official shall check that from the logbook.
- Gross weight of goods shall be consistent with the gross tonnage of the vessel as specified in the ship's particulars.
- Inspect whether the captain possesses an international shipping license or not and whether the information in the document matches those specified or not.
- The appropriateness of the travel time and shipping route of the vessel

## Operation

3.1 In case the inspection results found that the information is completely correct, that is to say, the vessel entering the port shall have the document in accordance with the above-mentioned regulations and the information is completely consistent with the supporting document submitted with AREP. Moreover, the evidences and navigation equipments shall be also correct. So it is reliable that the aforementioned transshipment vessel really received the aquatic animals from the fishing vessel as declared.

It is prescribed that the official shall record the inspection results in English by specifying inspection results and findings in the port inspection report (PIR) completed with official signature, day, month and year of inspection before having the captain or vessel controller or shipping agent signed to acknowledge such inspection results as recorded in the above report. Then, the report shall be presented to the Head of Fish Inspection Office to consider signing the permission of aquatic animal transshipment under the supervision of the official of Fish Inspection Office. All this, the Fish Inspection Office shall make copy of port inspection report for vessel controller or shipping agent to keep for one set.

For the request submitted through PPS, once the Head of Fish Inspection Office has signed, the system will send the report to the applicant or shipping agent through this system. The mentioned report can be printed out from this system right away while the system will also record the acknowledgement of the applicant or shipping agent as evidence.

Once the importers have unloading permit, they can unload the aquatic animals from the vessel under the supervision of the official. All this, the importer shall have the import permit according to the related regulation and shall submit such document to the official of the Fish Inspection Office to apply for inspection or cargo checking for release prior to unloading. If the importer wants to unload the aquatic animal later, the official shall seal the ship's hold until receiving unloading notice.

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3.2 In case the inspection results showed or proved that such vessel is in the list of IUU fishing vessels according to the Department of Fisheries Announcement on the List of Non-Thai Fishing Vessel Engaging In IUU Fishing (No. 2) B.E. 2560 (2017). It is prescribed that the officials shall make record in the port inspection report and present it to the Head of Fish Inspection Office to consider transshipment denial together with the following procedures:

- 1) Inform the Customs that vessel detaining and fishery cargo attachment have been proceeded including the ship's hold sealing and forbidding of transferring or unloading the aquatic animals from the vessel. All this, it is in the charge and responsibility of vessel owner.
- 2) Prepare record of vessel detention and attachment of fishery cargo coming with such vessel in writing and then have captain or shipping agent signed for acknowledgement as evidence.
- 3) Prepare official letter attached with the aforementioned record of vessel detention and fishery cargo attachment and then inform the vessel owner or shipping agent.
- 4) Coordinate with related agencies to control such vessel
- 5) Collect information and bring the copy of evidence document to report the local police station to take further legal proceedings with the vessel owner or shipping agent requesting for port entry permit for the offense according to Section 94, 1<sup>st</sup> Paragraph of the Royal Ordinance on Fisheries B.E. 2558 (2015) with penalty according to Section 159.

Moreover, this matter shall be informed to the Port Measures Implementation Group immediately in order to further inform Flag state, Coastal State, RFMOs and other related organizations including urgently reporting in writing to the commander.

3.3 In case the vessel is found or proved to engage in IUU fishing but is not in the List according to Department of Fisheries Announcement on List of Non-Thai Fishing Vessel Engaging In IUU Fishing (No. 2) B.E. 2560 (2017), or is found to be IUU fishing vessel according to the IUU list of organization or related RFMOs, it is prescribed that the official shall record in the port inspection report and present to the Head of Fish Inspection Office to consider transshipment denial and proceed as the followings:

- 1) Inform the Customs that vessel detaining and fishery cargo attachment have been proceeded including the ship's hold sealing and forbidding of transferring or unloading the aquatic animals from the vessel. All this, it is in the charge and responsibility of vessel owner.
- 2) Prepare record of vessel detention and attachment of fishery cargo coming with such vessel in writing and then have captain or shipping agent signed for acknowledgement as evidence.

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- 3) Prepare official letter attached with the aforementioned record of vessel detention and fishery cargo attachment and then inform the vessel owner or shipping agent.
- 4) Coordinate with related agencies to control the vessel concerned
- 5) Collect information and bring the copy of evidence document to inform the local police station to record in daily report.

Moreover, this matter shall be informed to the Fish Quarantine and Inspection Division to present it to the Director-General for consideration according to the Royal Ordinance on Fisheries B.E. 2558 (2015), Section 96, 3<sup>rd</sup> Paragraph (to order such vessel to leave the Kingdom within specified time) and 4<sup>th</sup> Paragraph. In that case, the Department of Fisheries may send letter to the vessel owner or shipping agent to have them come with document as evidence for explanation and clearing the allegation. This process should be finished within specified time before considering taking further legal proceedings.

In this regards, the Port Measures Implementation Group will send notice to other Fish Inspection Offices and inform Flag State, Coastal State, RFMOs and other related organizations.

- 3.4 In case the information is incomplete and incorrect. That means after inspection, it is found that the information is not correct and not complete or having any suspicious causes that the aquatic animals on board the vessel are related to the IUU fishing. It is prescribed that the official shall ask for additional document from the shipping agent or vessel controller, in order to prove such suspicion. In this, the official shall record in the port inspection report and present it to the Head of Fish Inspection Office to consider attaching the fishery cargo carried by such vessel including sealing of the ship's hold.

In case there is no confirming evidence available or no ability to prove that the In aquatic animals on board are not related to the IUU fishing, it is prescribed that the Head of Fish Inspection Office shall proceed according to section 3.3.

And in case the vessel controller can find the evidence or prove that the aquatic animals on board are not related to the IUU fishing, it is prescribed that the Head of Vessel Inspection Team of such vessel shall consider making additional record in the port inspection report where erasing or modifying the original inspection results (in case of manual recording) are forbidden and then present it to the Head of Fish Inspection Office to further consider signing permission for unloading which shall be under the supervision of the official of the Fish Inspection Office later.

### **Control Procedures for Aquatic Animal Unloading**

The objectives of the control procedures for aquatic animals unloading are to prove the source of aquatic animals derived from transshipping from fishing vessel to transshipment

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vessel and to see whether kinds and quantity of such aquatic animals are real and consistent with fishing equipment or catch areas or fishing resources or not. Regarding this, the Flag State shall issue the Catch Certificate for each fishing trip later. Another objective is to ensure that the fish raw materials carried by such transshipment vessel and further processed in Thai processing establishments are not derived from IUU fishing.

The inspection of aquatic animal cargo transhipped to and carried by the transshipment vessel begins with each importer submits import permit request for aquatic animal and its product (DOF2) together with the license of animals or carcass importation into the Kingdom (R6) through the FSW system in advance, prior to port entry of such transshipment vessel.

After finishing all vessel inspection procedures and reporting results through PPS system, the information of Hold No., fishing vessel name, invoice, aquatic animal kinds and quantity, and name of importer will be used as default for verifying the source of aquatic animal cargo by connecting to the information in the approved permit through FSW system where the ship's hold number, fishing vessel name, importer name and invoice, should be consistently accurate (Annex H). While the number of the aquatic animal and its products import permit (DOF 2) will be used in the Import Entry of the Customs Department which enable the source inspection to link each other. Therefore, every time before starting to unload the aquatic animals, the entrepreneur or the importer or shipping shall submit the supporting documents for cargo examination to the official of the Fish Inspection Office to have those documents inspected for correctness.

Details of aquatic animals transhipping control procedures are shown in Figure 3.

### **Step 1 Supporting document verification for aquatic animals import**

The official of the Fish Inspection Office receiving the cargo examination informing, shall inspect correctness and completeness of the following supporting documents every time of aquatic animals importing:

- 1) Port Inspection Report form (PIR), except the request submitted through PPS system
- 2) Aquatic animal or aquatic animal product import permit (DOF 2) and the license for bringing animals or carcass passing through the Kingdom (R 6)
- 3) Import Entry
- 4) List of goods and price such as invoice
- 5) Bill of lading
- 6) Stowage plan identifying kind, quantity, fishing vessel name, importer name and invoice number

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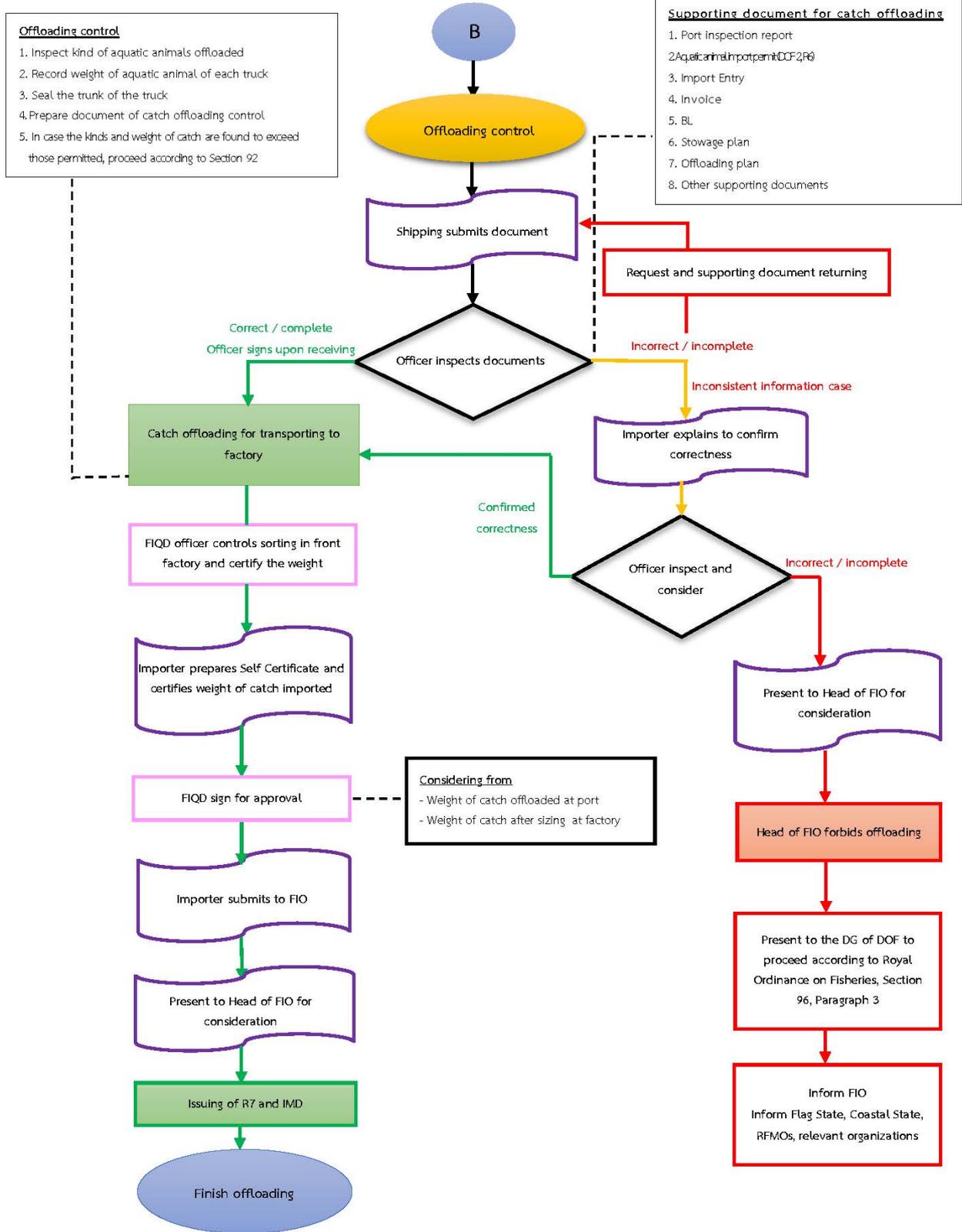


Figure 3 Flow chart showing inspection and control procedures for aquatic animal cargo offloading from bulk carrier vessel.

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- 7) Unloading plan for all aquatic animals
- 8) Certificate of Origin in case of yellow fin tuna
- 9) Certificate of yellow fin tuna (if available)
- 10) Catch Certificate (if available)
- 11) Other related supporting document

## Operation

- 1.1 Correct and complete document case, means after finding that the information is correct with complete and consistent document, the official of the Fish Inspection Office consider receiving such inform document for next step process. Therefore, if the importer is ready, the official of the Fish Inspection Office will inform the Customs official in order to give an order of ship's hold opening for aquatic animal inspection and to start the aquatic animal unloading control process.
- 1.2 Incorrect and incomplete document case, means after finding that the document is incorrect or having incomplete or inconsistent information, the official of the Fish Inspection Office shall return such document to the applicant immediately and can apply again after correction or submitting additional document required. After correction complete, the official then considers receiving the notice of examination of cargo for further proceeding.

In case it is found that the information about aquatic animal source declared by the importer is not consistent with the information the shipping agent has declared at the beginning, both parties shall give explanation for correctness. If such explanation cannot assure that the aquatic animal concerned is obtained from legal fishing, the Head of Fish Inspection Office shall consider forbidding unloading, shall attach such aquatic animal commodity and inform the Fish Quarantine and Inspection Division in order to consider presenting the matter to the Director-General to proceed according to the Royal Ordinance of Fisheries B.E. 2558 (2015), Section 96, 3<sup>rd</sup> Paragraph (to order such fishing vessel to leave the Kingdom within specified time). In that case, the Port State Measures Implementation Group shall notify other Fish Inspection Offices and report the Flag State, Coastal State, RFMOs and relevant organizations.

During import inspection or aquatic animal unloading control of each shipment, if there is any importer who cannot submit completely correct document, it is prescribed that the official of the Fish Inspection Office present this matter to the Head for consideration of unloading forbidding and ship's hold sealing until finishing such step. Then the official can continue unloading control furthermore.

## Step 2 Aquatic Animal Unloading Controls

During aquatic animal unloading control, the official shall inspect the following aspects:

- 1) Kinds of aquatic animals unloaded from the vessel shall be consistent with the kinds that the importer having the permission to import

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- 2) Check quantity of aquatic animals in every truck, seal the trunk of the truck, record the tonnage of transshipment vessel, name of fishing vessel, truck register number, seal number, departure time of truck, and weight of aquatic animals of each time of truck. All this information shall be recorded in the aquatic animal unloading control book completed with signature, date and time of every time. After that the truck driver will deliver such record to the official of the Fish Inspection and Quality Control Division (FIQD) which controls the sorting by kinds and quantity of aquatic animals at those establishments including collect information separately according to the import document for each invoice.
- 3) After arriving at the establishment, the FIQD official receives the record of aquatic animal unloading control, inspect and seal, record the weight of aquatic animals weighed in front of the establishment before sorting by species and weighing again prior to establishing lot number of commodity for storage in the temperature controlled room later.

## Operation

- 2.1 In case of finding import of animals that are in CITES list with no permission, it is prescribed that the official shall inform the Head of Fish Inspection Office to proceed according to the Wildlife Preservation and Protection Act B.E. 2535 (1972).
- 2.2 In case of finding the prohibited aquatic animals of RFMOs such as Oceanic white tip shark on the vessel without unloading at port, the official shall inform the Head of Fish Inspection Office in order to notify the Port State Measures Implementation Group to further report RFMOs and/or Flag State and/or Coastal State.  
**Note:** IOTC prescribes that there shall be shark fin not more than 5% of shark weight on board the vessel.
- 2.3 In case of finding the transshipment of aquatic animal species and quantity which are not permitted, the official shall inform the Head of Fish Inspection Office to advise the entrepreneur to operate according to the Royal Ordinance on Fisheries B.E. 2558, Section 92, 4<sup>th</sup> paragraph.
- 2.4 In case of finding the weight of aquatic animals of each fishing vessel transhipped to the transshipment vessel and specified in AREP, after comparing with those weighed and recorded in tally sheet at port, is different more than 10%, the transshipment vessel concerned shall be ranked in high risk level (which shall be undergone vessel inspection for the next port entry request).

Once the FIQD official finishing sorting and weighing control in front the establishment, the entrepreneur then prepares the Self Certificate for the FIQD official to sign. The self-certificate is further presented to the official of the Fish Inspection Office to consider proceeding examination of commodity by issuing the permission to

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bring animals or carcass into the Kingdom (R7) and the Imported Aquatic Animal Movement Document (IMD) for the entrepreneur or shipping through FSW system.

### **Step 3 Summary of aquatic animal unloading control**

After finishing aquatic animal unloading control, the official of Fish Inspection Office shall inspect the transshipment vessel and inventory of commodity in the vessel and record the estimated kinds and quantity of the aquatic animals left in the vessel after finishing unloading and inform the Head of the Fish Inspection Office in order to compare with those specified in AREP (in case specifying that there are aquatic animals left).

In case the information is inconsistent, the vessel controller or the shipping agent shall confirm that the kinds and quantity of aquatic animals left on board are not obtained from IUU fishing (in case quantity left is exceeding the actual amount), or are not unloaded more than those specified in the plan (in case the quantity left is less than the actual amount).

In case it is considered that the aquatic animals left on board are not from IUU fishing and the importer wishes to unload those at port, the importer shall apply for import permit according to the law (shipping agent submits request for tonnage increasing in the PPS system, the shipping submits request for Import Permit and prepares Import Entry) prior to further proceedings. In this case, the transshipment vessel concerned shall be ranked in the high risk level (to be monitored or inspected for the next time).

Once finishing the aquatic animal unloading, the Fish Inspection Office shall summarize results of the aquatic animal unloading control by comparing the kinds and quantity specified in AREP with actual import information of aquatic animal (after sorting) classified by fishing vessel for further analyses and using them to set the list of risk vessels. For example, if it is found that the deviation is 10%, when the vessel concerned requests for port entry permit next time, the Head of Fish Inspection Office shall specify to have such vessel inspected.

## **INSPECTION CRITERIA**

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### **FISHING VESSEL**

**(Except fishing vessel smaller than 10 gross tons with the  
Nationality of Cambodia, Federation of Malaysia and Myanmar)**

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### **FISHING VESSEL (except fishing vessel smaller than 10 gross tonnage having nationality of Cambodia, Malaysia and Myanmar)**

This means those fishing vessels operate fishing in the areas of Flag States or Coastal States with permission or on high seas or in the areas under management of RFMOs, without landing of aquatic animals in any countries before, or sorting or packing or no weighing to know exact quantity before.

In case fishing vessels smaller than 10 gross tonnage with Cambodia nationality wishing to import aquatic animals or aquatic animal products in to the Kingdom, it is not necessary to proceed according to the Section 95 of the Royal Ordinance on Fisheries B.E. 2558 by virtue of Section 97 of the Royal Ordinance on Fisheries B.E. 2558.

In case fishing vessels operating fishing of Malaysian nationality and Myanmar nationality, the Flag States do not allow landing for aquatic animal unloaded at other countries' ports, except in case of having fishing permit obtained from the Flag State to show e.g. in case of Malaysia.

**Note:** In case fishing vessel smaller than 10 gross tonnage of other nationalities such as Indonesia, there is still no specification of supporting document and guidelines, so there is going to have law improvement for more covering.

#### **Procedures Prior to Port Entry**

The shipping agent shall submit the request for port entry of foreign fishing vessel or AREP and supporting documents to the officials through PPS system. In case the system is not working, the shipping agent can submit those document through electronic mail, facsimile or directly submit to the official of the Fish Inspection Office having responsibility on aquatic animal import at that port not less than 48 hr. prior to the port entering day as shown in Figure 4. Supporting documents to be attached with the request for port entry permission of foreign fishing vessel (AREP) including:

- 1) Copy of valid vessel registration from the Flag State issued by the government agency
- 2) Copy of valid fishing license from the Flag State and/or Coastal State covering the areas of fishing operation
- 3) Copy of stowage plan on board specifying kind and quantity of aquatic animals, plan number, or tonnage, invoice number and name of buyer or importer of those aquatic animals.
- 4) Copy of latest port clearance issued by the government agency controlling such port specifying details such as port name, Flag State and port departure date

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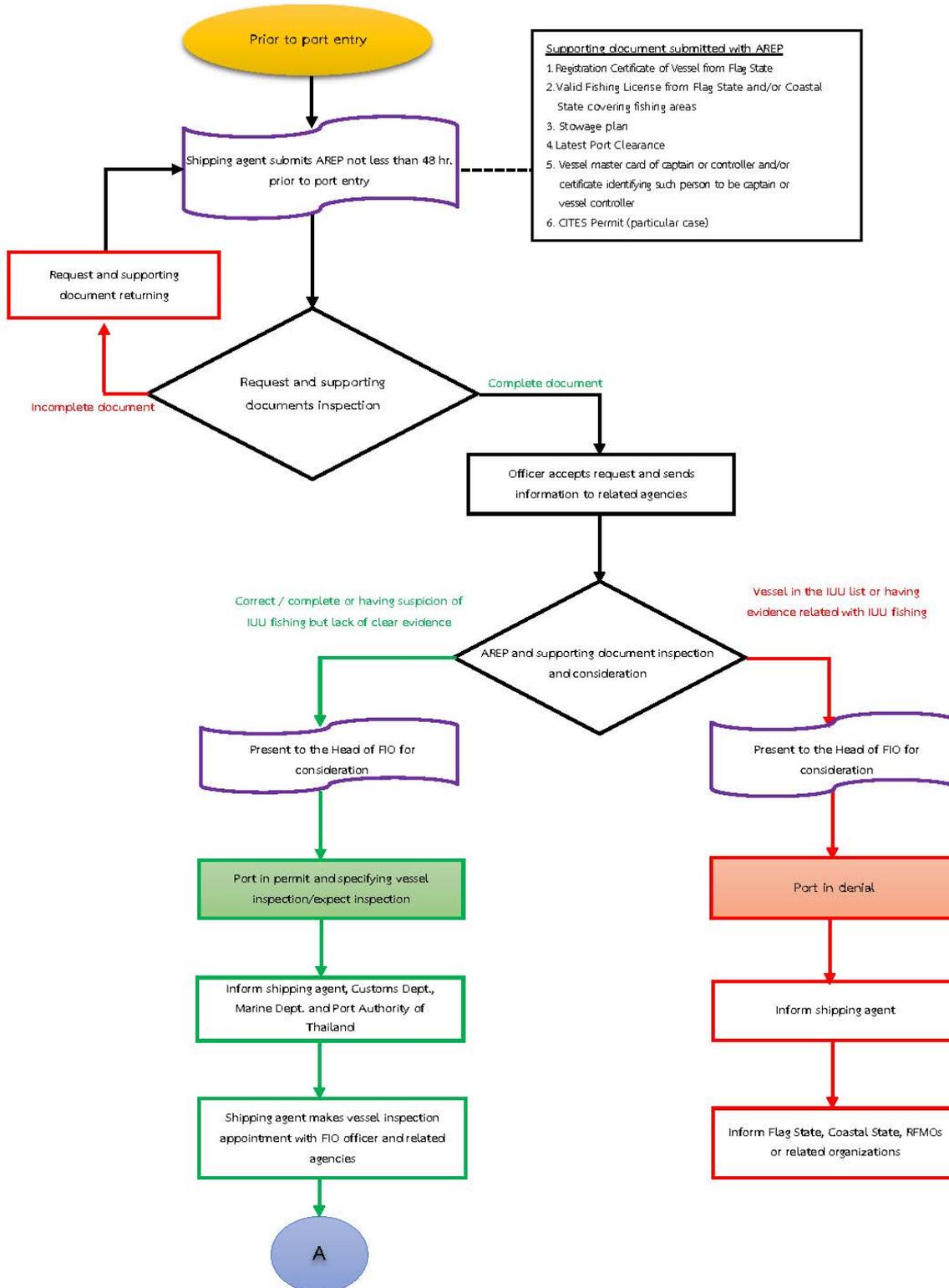


Figure 4 Flow chart showing vessel inspection procedures of fishing vessels having entered port.

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- 5) Copy of vessel master card or vessel controller card and/or certificate showing that such person is vessel master or controller issued by the responsible agency of Flag State
- 6) Copy of aquatic animals import permit according to the Attachment of CITES in case there is importation of aquatic animals appear in the list of the Attachment of CITES

Regarding this, the applicant shall sign for approval in every copy and completely seal them (if available).

### **Step 1 AREP consideration**

Once the shipping agent has submitted AREP and supporting documents, the official shall validate the details of information filled in including those in the supporting document.

In case the vessel owners or shipping agents do not apply by themselves, the power of attorney is required for the representative. In case of company or juristic person, the signature and seal of person in authority as specified in the certificate of company registration are required together with the revenue stamp (10 baht, in case authorization of only 1 time or 30 baht for authorization for whole year), copy of valid ID card, copies of house registration of proxy and attorney.

### **Operation**

#### **1.1 Correct and complete request case**

In this case, the official shall record upon receiving the request by clearly specifying date and time of receiving every time.

In case the period of AREP and supporting document submission and specified port-in schedule do not reach 48 hr., it shall be the discretion of the Head of Fish Inspection Office to determine whether the document inspection can be processed in time or not. All this, the reason, necessity and explanation made by the applicant or shipping agent are also taken for consideration.

#### **1.2 Incorrect and incomplete request case**

In this case, the official shall return the request to the applicant with reason of not being able to accept such request, for examples: incomplete document (specifying which one), or incompletely filling in the request, or filling in the information inconsistently with the attachment, or unclear attachment, or no authorized person signature and no company stamp on copies of documents, and etc. In this, the official returning the request shall sign name and also specify date and time of returning.

In case of request returning as mentioned above, the officials shall make copy of such request and have the applicant signed on every page of those copies including specifying date and time of taking back (in case of submitting by themselves), then the original of the request shall be returned to the applicant. In case of submission via electronic mail

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and facsimile, the Head of Fish Inspection Service shall consider to proceed as appropriately and consistently with the above-mentioned principle.

In case submission through PPS system, there has been system design to support the procedures for receiving or correction notifying in place already. So, there is no necessity to repeat such procedures again.

## Step 2 Inspection of AREP and supporting document

In the process of AREP and supporting document inspection, the officials shall proceed as follows:

- 1) Check the name of fishing vessel concerned with the Announcement of the Department of Fisheries on the List of non-Thai Fishing Vessel Engaging in IUU Fishing (2<sup>nd</sup> Version) B.E. 2560 (2017), issued in accordance with the Section 94, 2<sup>nd</sup> paragraph of the Royal Ordinance on Fisheries B.E. 2558 (2015), to see whether it is in the IUU list or not.
- 2) Check whether the names of transshipment vessels and fishing vessels which transfer the aquatic animals to the mentioned transshipment vessels are on the list of fishing vessels engaging in IUU fishing as announced by the international organizations or various RFMOs such as EU, IOTC, ICCAT, IATTC, WCPFC and CCAMLR or not, from websites of the above-mentioned organizations as follows:
  - IOTC <http://www.iotc.org/vessels#iuu>
  - ICCAT <http://www.iccat.int/en/vesselsrecord.asp>
  - IATTC <https://www.iattc.org/VesselRegister/SearchVessel.aspx?Lan=ENG>
  - WCPFC <https://www.wcpfc.int/vessels#IUU>
  - CCAMLR <https://www.ccamlr.org/en/compliance/illegal-unreported-and-unregulated-iuu-fishing>
- 3) Check the registration of fishing vessels from the websites of Flag States and/or RFMOs where transshipment and fishing operations taking place to see whether the name, register, ship flag including captain name are correct and valid during fishing in such areas or not. Those websites are as follows:
  - IOTC <http://www.iotc.org/vessels#iuu>
  - WCPFC <http://www.wcpfc.int/record-fishing-vessel-database>
  - ICCAT <http://www.iccat.int/en/vesselsrecord.asp>
  - IATTC <https://www.iattc.org/VesselRegister/VesselList.aspx?List=RegVessels&Lang=ENG>
- 4) Check whether the name of Flag State is in the list of countries non-cooperating in solving the problem of IUU fishing or not. At present, list of those countries announced are Cambodia, Comoros and Saint Vincent and the Grenadines (as of 22<sup>nd</sup>

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June B.E. 2560) which can be checked from website: <http://www.iuuwatch.eu/map-of-eu-carding-decisions/>. Regarding this, the official of the Fish Inspection Office shall inspect every vessel of such nationality.

- 5) In case fishery products intended for export to EU, the officials shall check the names of fishery manufacturing or processing factories whose quality standards have been approved according to related regulations of EU from website <http://www.fisheries.go.th/quality/factories.php> in order to further support the consideration of matching catch certificate (CC) with the imported aquatic animal movement document (IMD).
- 6) Inspect the supporting document to see whether there are scraping, erasing, crossing out and additional writing or not. Moreover, the document issuing format, authorized agency issuing such document in each country including name, signature and seal of authority of such agency shall also be verified by comparing with the sample document in order to prevent document counterfeiting. In addition, the inspecting officials should consider or take notice as follows:
  - The sequences and issuing dates of each document shall be consistent
  - Verify the name/agency responsible for document of each country
  - The document itself is clear, valid and issued by the government agency

In case rational doubt is found or document verification is required, the Port State Measures Implementation Group, the Fish Quarantine and Inspection Division, is the focal point for operational coordination as stated in the Port State Measures (PSM) of Thailand, and can be contacted by telephone/facsimile number 029406198 or by electronic mail address [thaipsm.investigation@gmail.com](mailto:thaipsm.investigation@gmail.com).

In order to prevent feedback delay from the country of destination or if any Fish Inspection Offices would like to verify those document by themselves, they can request for the electronic mail address of contact point from the Port State Measures Implementation Group. In this case, the Fish Inspection Offices shall also send the carbon copy of electronic mail (cc:) to the Port State Measures Implementation Group as stated in the Instruction of the Fish Quarantine and Inspection Division, No. 0505.3/10 dated on January 6<sup>th</sup> B.E. 2560 (2017) in order to prevent repeating operation and for the unity of working of Thailand according to the afore-mentioned Measures.

Other than document inspection to verify the vessel information, the Department of Fisheries has considered to increase the efficiency of foreign vessel control by assigning the Fishing Control and Monitoring Center (FMC), the Fishing Fleets Management Division, to inspect and monitor the shipping route of the vessel requesting for port entry permit by automatic identification system (AIS). This system allows the request (AREP) to pass through the Processing Statement and PSM Linked

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System (PPS) and then the information specified in that AREP will be used for inspecting the shipping route, transshipment point and other activities of vessel concerned to see whether there is any suspicion or any abnormality or not. If such activities are found, the Port State Measures Implementation Group and the Fish Inspection Office shall be informed for further investigation on that matter. In such case, the Head of Fish Inspection Office shall instruct the vessel inspection team to inspect and further inform the result to the Fish Quarantine and Inspection Division.

The criteria of vessel inspection can be considered according from the risk assessment criteria (Annex ๗), but for the B.E. 2560 fiscal year, the Fish Quarantine and Inspection Division has prescribed the plan to inspect every fishing vessel or fisherman submitting port entry request or 100%.

## Operation

2.1 In case of finding that the vessel submitting port entry request is in IUU list according to the DOF Announcement on the List of Non-Thai Fishing Vessel Engaging In IUU Fishing (2<sup>nd</sup> Version) B.E. 2560 (2017), or from websites of international organizations or RFMOs, or having clear evidences of engaging in IUU fishing such as having law forbidding trawl fishing in areas of any Coastal States and later declaring the source of aquatic animals to be from trawling in such areas and etc., it is prescribed that the officials shall inform the Head of Fish Inspection Office for consideration of port entry denial. Such denial is in accordance with the Royal Ordinance on Fisheries B.E. 2558 (2015), Section 95, 3<sup>rd</sup> Paragraph. Moreover, the Head of concerning Fish Inspection Office shall also specify the reasons of port entry denial in the document of Notification to Fishing Vessel Following a Request to Enter Port of foreign fishing vessels and immediately inform the Port State Measures Implementation Group in order to further inform other Fish Inspection Offices, the above-mentioned Flag State, Coastal States, Port States and/or relevant RFMOs in order to be on guard and not allow the vessel concerned to enter port for further unloading the aquatic animals derived from IUU fishing.

Exception: In case of force majeure, e.g. sick person on board or disaster encounter, the Head of Fish Inspection Office shall consider taking action as appropriate such as giving port entry permission for dropping sick persons or for solving the problems caused by such disaster according to the humanitarian principle and etc. In this case, the Head of Fish Inspection Office shall inspect the vessel, forbid unloading of aquatic animals at port, forbid gasoline filling or any activities that may be enable such vessel to operate IUU fishing again and shall inform the Port State Measures Implementation Group to further inform the Flag States, Coastal States, States that are the national

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origins of captain and crew, and related RFMOs in order to join in the inspection and taking further legal action.

2.2 In case of the information in AREP is completely correct and consistent with those in the supporting document, or in case having suspicion of engaging in IUU fishing but not having clear evidences to prove at that moment, e.g. travel time is not consistent with distance, or aquatic animals quantity caught is irrelevant to the specified fishing period or the kinds of aquatic animals specified are irrelevant to the fishing gears of such fishing vessel or fishing area, and etc. It is therefore prescribed that the Head of the Fish Inspection Office can consider giving port entry permission for vessel inspection. In this case, the official can confirm with the original document of with other related information which can be found in the logbook, fishing logbook, shipping route or from interviewing captain or vessel controller during vessel inspection regarding the causes of suspicion or the inconsistency of document concerned.

In case of having any suspicion informed by FMC or the official has doubted that the vessel concerned might conduct IUU fishing and suggested the Head of Fish Inspection Office to give port entry permission for vessel inspection. The Head of Fish Inspection Office shall have further instruction for inspecting the vessel concerned. The official inspecting such vessel shall then report results in writing using the vessel inspection report form (PIR) according to causes and suspicion such as the followings:

- 1) Shipping route inspected by AIS system of FMC is found to be inconsistent with the AREP
- 2) Travel time of fishing vessel or fisherman from last port to Thailand is irrelevant or incorrect compared with the average travel time in general
- 3) Vessel registration document of the same country with different format, and etc.
- 4) Quantity of aquatic animals caught is not consistent with the fishing period

### **Step 3 AREP consideration results notification**

It has been prescribed in the Royal Ordinance on Fisheries B.E. 2558 (2015), Section 95, 2<sup>nd</sup> Paragraph, that the official shall finish inspecting the request and supporting document and inform the applicant or shipping agent who submitted the request within 24 hr., counting from the time upon receiving of such request.

Therefore, once the Head of Fish Inspection Office considers signing port-in permit of denial, the Notification to Fishing Vessel Following a Request to Enter Port shall be sent to the shipping agent, Customs Department, Marine Department and Port Authority of Thailand via PPS system automatically.

In case that the system is malfunction or the request is submitted through other channels by shipping agent, the official is prescribed to directly send results to the applicant or shipping agent

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who submitted such request, or through electronic mail or other communication channels which are fast and appropriate within the specified time frame. In the aforementioned case, there shall always have the evidence of document receiving in order to prevent the possible complaints of absent from duty, especially in case of port-in denial.

#### **Step 4 Changes of information about landing port or port entry date**

In case there are changes in landing port or port entry schedule or date according to any reason after receiving the notification of port in permit, it is prescribed that the applicant or shipping agent shall submit request for changing information through PPS system or submit it in writing to the official of the Fish Inspection Office prior to landing the vessel at port not less than 24 hr. in order to enable the official to notify about appointment changing for vessel inspection in time.

After receiving the notification, it is prescribed that the official shall sign upon receiving and then submits it to the Head of Fish Inspection Office as soon as possible. After having permission from the Head of Fish Inspection Office, it is prescribed that the operating official shall correct those information in the PPS system and submits to the Head of Fish Inspection Office to give permission once again, through PPS system, in order to send such information to related agencies and should also confirm the changed schedule to related agencies by telephone once again.

#### **Step 5 Port entry permit notification to the port operator**

Permit holder or shipping agent has responsibility to inform about port in permit to the port operator by showing and giving the copy of port in permit to such operator in order to confirm and specify the port in date once again (other than notifying through PPS system). This is to enable the port operator to prepare relevant matters such as record of port in date and time, kinds and quantity of landed aquatic animals including keeping port-in information for the official to inspect for 3 years according to the Department of Fisheries Announcement on Listing, Information Recording Procedures and Period of Time for Keeping Record of Fishing Vessels Entering to Use Port Services or to Unload Aquatic Animals or Aquatic Animal Product at Port of Port Owner or Dock Operator (2<sup>nd</sup> Version) B.E. 2559 (2016).

Therefore, the officials of the Fish Inspection Offices should arrange briefing meeting or publicize among port operators and should supervise and control the port operators to operate in accordance with the regulations otherwise they shall be deemed guilty. The legal punishment is prescribed in the Royal Ordinance on Fisheries B.E. 2558 (2015). While in case of finding that there is ignorance or law violation but the official working at that port or that area does not report accusation of the port operator concerned, the official can be charged with absent from service.

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## Step 6 Vessel Inspection Appointments

After knowing the port in time and schedule including already coordinating with the port operator, the shipping agent shall firstly confirm port in schedule with the official in order to enable making appointment for vessel inspection with related agencies. If the vessel inspection cannot be done on that day or the inspection date is postponed to the next day, it is prescribed that the Head of Fish Inspection Office shall instruct the official to seal the ship's hold until finishing vessel inspection and/or having permission for unloading aquatic animals only.

Exception: In case the Head of Fish Inspection Office has given permission for port entry and aquatic animal unloading (not specifying vessel inspection) which is in accordance with risk assessment criteria specified, it is prescribed that the permit holder or shipping agent shall coordinate with the official of Fish Inspection Office to proceed the aquatic animals unloading control.

## Vessel Inspection Procedure

Regarding vessel inspection, the officials operate by virtue of the Royal Ordinance on Fisheries B.E. 2558 (2015). It is prescribed that the officials have authority to control and stop fishing vessels; to stop fishing or transshipping aquatic animals; or to order the fishing vessel controller to port; or to go aboard the vessel; or to enter into fishing areas in order to inspect and control related activities to be in line with this Royal Ordinance. Anyhow, when there is reasonable suspicion of violation according to this Royal Ordinance, the official should inspect the vessel when firstly entering the port applying steps and procedures as summarized in Figure 5. (Suggestion from the Director of Legal Affairs Division, Department of Fisheries)

## Step 1 Preparation

Prior to vessel inspection, the official checks the preparedness for working of the inspection team as follows:

- 1) Dressing
- 2) Identity card of officials
- 3) Communication devices, camera and steel tape or measuring tape
- 4) Document and form for inspection recording
- 5) Interpreter, in case the captain or crew cannot communicate in English
- 6) Weapon, in case of necessity

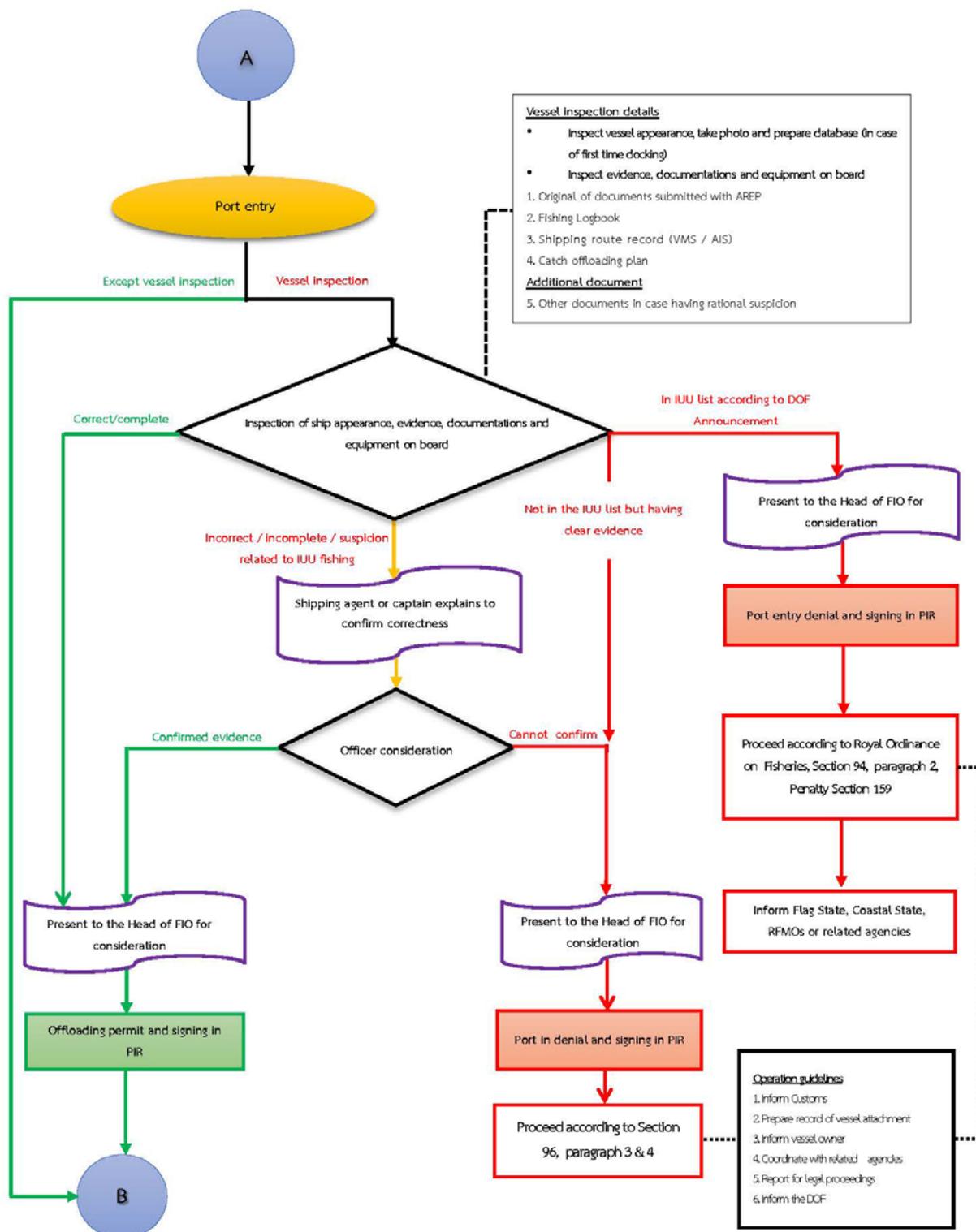


Figure 5 Flow chart showing vessel inspection procedures of fishing vessels having entered port.

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Prior to vessel inspection, the Head of vessel inspection team should assess the work risk, such as the situation on board the vessel and objectives of such inspection, to see whether it is normal situation or not. Then work plan should be done with cautiousness, such as inspection team should be consisted of not less than 2 persons per team with specified job and inspecting areas and should make appointment of time and places after finishing inspection for the sake of safety and quickness. Moreover, the altogether numbers of team members should be counted before leaving the vessel and etc.

### **Step 2 Vessel appearance inspections**

Before go aboard the vessel to inspect, the official can inspect the vessel appearances such as vessel name, flag, IMO code, call sign, external code, ship's draft, and etc. in order to be assured that such vessel has been registered and notified for port entry request. Then these details will be compared with the information regarding the character and appearances of the vessel specified in data base or websites of the Flag States and/or relevant RFMOs. The photographs of vessel should also be taken and kept as evidences in order to prepare data base of foreign fishing vessels entering such port to use as supporting materials for risk assessment for the next vessel inspection (Annex B).

### **Step 3 Vessel inspection**

- 1) The officials shall identify themselves and inform the inspection objectives to the captain or vessel controller including numbers of inspecting officials, areas and evidences wishing to inspect in order to enable the captain or vessel controller to prepare personnel leading the inspection or facilitating inspection for the official there.

Regarding on board inspection, the objectives are to inspect document, evidences and equipment as specified in AREP and inspect the copy of submitted document compared with the original document kept on board. Others are the inspection of communication equipment, shipping route and activities operated on board which should be recorded in logbook as regulated. Moreover, the fishing tools, kinds and quantity of aquatic animals are also inspected. All this, including proving of suspicion regarding the issues of IUU fishing which cannot be summarized or decided at the step of AREP and supporting document inspection.

- 2) Regarding target document inspection, it is prescribed that the captain or shipping agent shall declare target document such as original document attached with ARIP, document required additionally for vessel inspection and/or document called for by the official for more inspection if necessary or suspicious as follows:
  - 2.1) Supporting document submitted with AREP no. 1-6 shall be original
  - 2.2) Logbook for recording activities, position and shipping route of the vessel
  - 2.3) Fishing logbook which specifies details covering fishing period

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- 2.4) Plan for unloading the aquatic animals which specifies details of unloading date and time, agent at destination or notify party, kinds and quantity of aquatic unloaded and tonnage for storing the aquatic animals
- 2.5) Shipping route record of fishing vessel covering fishing period in the form of soft copy or hard copy such as Navigation logbook or VMS record or voyage date, in case of suspicion of aquatic animal source.
- 2.6) History record about setting up and changing of equipments for tracking location and recording shipping route (VMS/AIS), in case of suspicion or findings of mistakes or modification
- 2.7) Document showing details of previous transshipping with transshipment vessel or at port, in case having decreased quantity of aquatic animals landed at port when comparing with the catch quantity
- 2.8) Document showing ship's particular in case having suspicion about size and tonnage of the vessel
- 2.9) Document showing changing of vessel appearances in case of having changes whereby the document shall specify the list of vessel body changes, name and address of dock, period of time for such changes operation
- 2.10) Document showing list and price of commodity (invoice)
- 2.11) Document certifying tuna fishing with dolphin responsibility according to the regulation of NOAA Fisheries, the United States of America or NOAA form 370 (Fisheries Certificate of Origin), in case of tuna purse seine vessel which is bigger than 362.8 tons operating fishing in the area of Eastern Tropical Pacific Ocean (ETP).

The official shall inspect fishing vessel, document or informative evidences regarding kinds and quantity of aquatic animals including dates, time and places of fishing operation and stowage of catch in the ship's hold, and etc. in order to enable proving and assuring that all aquatic animals caught are not from the IUU fishing before granting permission to unload those aquatic animals from vessel.

All this, there are additional suggestions for considering inspecting document, evidences and equipments on board as follows:

- Original and copy of request submitted shall be the same one.
- Information of aquatic animals declared in AREP, fishing logbook, logbook and shipping route record shall be consistent.
- Vessel entering port shall have fishing vessel tracking system (VMS unit or AIS unit or GPS) securely equipped on board, not easily relocated and completed with equipment number, vessel's registration number and name, dates of install and latest maintenance. Moreover, for ability proving, the information of vessel

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tracking route shall be shown to the official. In case of the information cannot be shown, it is prescribed that the official shall check that from the logbook.

- Gross weight of commodity shall be consistent with the gross tonnage of the vessel as specified in the ship's particular.
- Inspect whether captain possesses an international shipping license or not and whether the information in the document matches with those specified or not.

## Operation

3.1 In case the inspection results showed that the information is completely correct, that is to say, the vessel entering the port shall have the document in accordance with the above-mentioned regulations and the information is completely consistent with those specified in the supporting document attached with AREP. Moreover, the evidences and navigation equipments shall also be correct. So it is reliable that the aforementioned fishing vessel operates fishing in the areas as declared.

It is prescribed that the official shall record the inspection results in English by specifying inspection results and findings in the port inspection report (PIR) completed with official signature, day, month and year of inspection before having the captain or vessel controller or shipping agent signed to acknowledge such inspection results as recorded in the above report. Then, the report shall be presented to the Head of Fish Inspection Office to consider signing the permission of aquatic animal unloading under the supervision of the official of Fish Inspection Office. All this, the Fish Inspection Office shall make copy of vessel inspection result for vessel controller or shipping agent for keeping one set.

For the request submitted through PPS, once the Head of Fish Inspection Office has signed, the system will send the report to the applicant or shipping agent through this system. The mentioned report can be printed out from this system right away while the system will also record the acknowledgement of the applicant or shipping agent as evidence.

Once the importers have unloading permit, they can unload the aquatic animals from the vessel under the supervision of the official. All this, the importer shall have the import permit according to the related regulation and shall submit such document to the official of the Fish Inspection Office to apply for the inspection or examination of cargo prior to unloading. If the importer wants to unload the aquatic animal later, the official shall seal the ship's hold until receiving unloading notice.

3.2 In case it is found or is proved that such vessel is in the list of IUU fishing vessels according to the Department of Fisheries Announcement on the List of Non-Thai Fishing Vessel Engaging in IUU Fishing (No. 2) B.E. 2560 (2017). It is prescribed that the officials shall make record in the port inspection report and present it to the

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Head of Fish Inspection Office to consider unloading denial together with the following procedures:

- 1) Inform the Customs that vessel detaining and fishery cargo have been proceeded including the ship's hold sealing and forbidding of aquatic animals unloading or relocating. All this, it is in the charge and responsibility of vessel owner.
- 2) Prepare record of vessel detention and attachment of fishery cargo coming with such vessel in writing and then have captain or shipping agent signed for acknowledgement as evidence.
- 3) Prepare official letter to attach with the aforementioned record of vessel detention and fishery cargo attachment and then inform the vessel owner or shipping agent.
- 4) Coordinate related agencies to control the vessel concerned.
- 5) Collect information and bring the copy of evidence document to report the local police station to take further legal proceedings with the vessel owner or shipping agent requesting for port entry permit for the offense laid down in Section 94, 1<sup>st</sup> paragraph of the Royal Ordinance of Fisheries B.E. 2558 (2015) with penalty as stated in Section 159.

Moreover, this matter shall be informed to the Port Measures Implementation Group immediately in order to further inform Flag State, Coastal State, RFMOs and other related agencies including urgently report in writing to the commander.

3.3 In case the vessel is found or proved to engage in IUU fishing but is not in the list according to the Department of Fisheries Announcement on List of Non-Thai Fishing Vessel Engaging in IUU Fishing (No. 2) B.E. 2560 (2017), or is found to be IUU fishing vessel according to the IUU list of other organizations or related RFMOs. It is prescribed that the official shall record it in the port inspection report and present it to the Head of Fish Inspection Office to consider unloading denial and proceed as the followings:

- 1) Inform the Customs about vessel detaining and fishery cargo attachment including that the ship's hold is sealed and unloading or relocating of the aquatic animals from vessel is forbidden either. All this, it is in the charge and responsibility of vessel owner.
- 2) Prepare record of vessel detention and attachment of fishery cargo coming with such vessel in writing, and then have captain of shipping agent signed for acknowledgement as evidence.
- 3) Prepare official letter to attach with the aforementioned record of vessel detention and fishery cargo attachment and then inform vessel owner or shipping agent.
- 4) Coordinate other related agencies to seize the vessel concerned
- 5) Collect information and bring the copy of evidence document to inform the local police station to record in daily report as evidence.

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Moreover, this matter shall be informed to the Port Measures Implementation Group to present it to the Director-General to consider proceeding according to the Royal Ordinance on Fisheries B.E. 2558 (2015), Section 96, 3<sup>rd</sup> Paragraph (to order such vessel to go out of the Kingdom within specified time) and 4<sup>th</sup> Paragraph. In that case, the Department of Fisheries may send letter to ask the vessel owner or shipping agent to come down with evidence document for explanation and clearing the allegation. This process should be finished within specified time before considering taking further legal proceedings.

In this regards, the Port Measures Implementation Group will send notice to other Fish Inspection Offices and inform Flag State, Coastal State, RFMOs and other related organizations.

3.4 In case the information is incomplete and incorrect. That means after inspection it is found that the information is not correct and not complete or having any suspicious causes that the aquatic animals on board the vessel are related to the IUU fishing, it is prescribed that the official shall ask for additional document from the shipping agent or vessel controller, in order to prove such suspicion. In this, the official shall record in the port inspection report and present to the Head of Fish Inspection Office to consider unloading denial and attaching the fishery cargo carried by such vessel including sealing of the ship's hold.

In case there is no confirming evidence available or no ability to prove that the aquatic animals on board are not related to the IUU fishing, it is prescribed that the Head of Fish Inspection Office shall proceed according to section 3.3.

And in case the vessel controller can find the evidence or prove that the aquatic animals on board are not related to the IUU fishing, it is prescribed that the Head of Vessel Inspection Team of such vessel shall consider making additional record in the port inspection report where erasing or modifying the original inspection results (in case of manual record) are forbidden and then present it to the Head of Fish Inspection Office to further consider signing permission for unloading which shall be under the supervision of the official of the Fish Inspection Office later.

### **Control Procedures for Aquatic Animals Unloading**

The objectives of aquatic animals unloading control are to prove the source of aquatic animals derived from transshipping from fishing vessel to transshipment vessel and to see what kinds and quantity of such aquatic animals really are and whether they are consistent with fishing equipments or fishing areas or fishing resources or not. Regarding this, the Flag State shall later issue the certificate of fishing in each period of fishing. Another objective is to

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ensure that the aquatic animal raw materials going to be processed in Thai processing establishments are not derived from IUU fishing.

The inspection of aquatic animal cargo came with the fishing vessel begins with each of aquatic animal importers submit import permit request for aquatic animal or its product (DOF 2) together with the license of animals or carcass importation into the Kingdom (R6) through the FSW system in advance, prior to port entry.

After finishing all vessel inspection procedures and sending port inspection report through PPS system, the information of tonnage, fishing vessel name, cargo and price list, kind, quantity and name of importer will be used as default for inspecting the source of aquatic animal cargo by connecting to the information in the approved permit through FSW system which the ship's hold number, fishing vessel name, importer name and cargo & price list are specified consistently accurate (Annex E ๓). While the number of the aquatic animal and its products import permit (DOF 2) will be used for issuing the import entry of the Customs Department and enable the source inspection to link each other. Therefore, every time before starting to unload the aquatic animals, the entrepreneur or the importer or shipping shall submit the supporting documents for cargo examination to the official of the Fish Inspection Office to have those documents inspected for correctness.

Details of steps and procedures for unloading control are shown in Figure 6.

### **Step 1 Supporting document verification for aquatic animal cargo import**

The official of the Fish Inspection Office, who receives the cargo examination informing, shall inspect correctness and completeness of the following supporting documents every time of aquatic animals import:

- 1) Form of port inspection report (PIR), except the request submitted through PPS system
- 2) Aquatic animal or aquatic animal product import permit (DOF 2) and the license of animals or carcass importation into the kingdom (R6)
- 3) Import Entry
- 4) List of goods and prices such as invoice
- 5) Plan for unloading all aquatic animals (in case unloading operation is more than 1 day)
- 6) Other related supporting documents

### **Operation**

- 1.1 Correct and complete document case, means after finding that the information is correct with complete and consistent document, the official of the Fish Inspection Office consider receiving such inform document for next step process. Therefore, if the importer is ready, the official of the Fish Inspection Office will inform the Customs official in order to give an order of ship's hold opening for further aquatic animal inspection and to start the aquatic animal unloading control process.

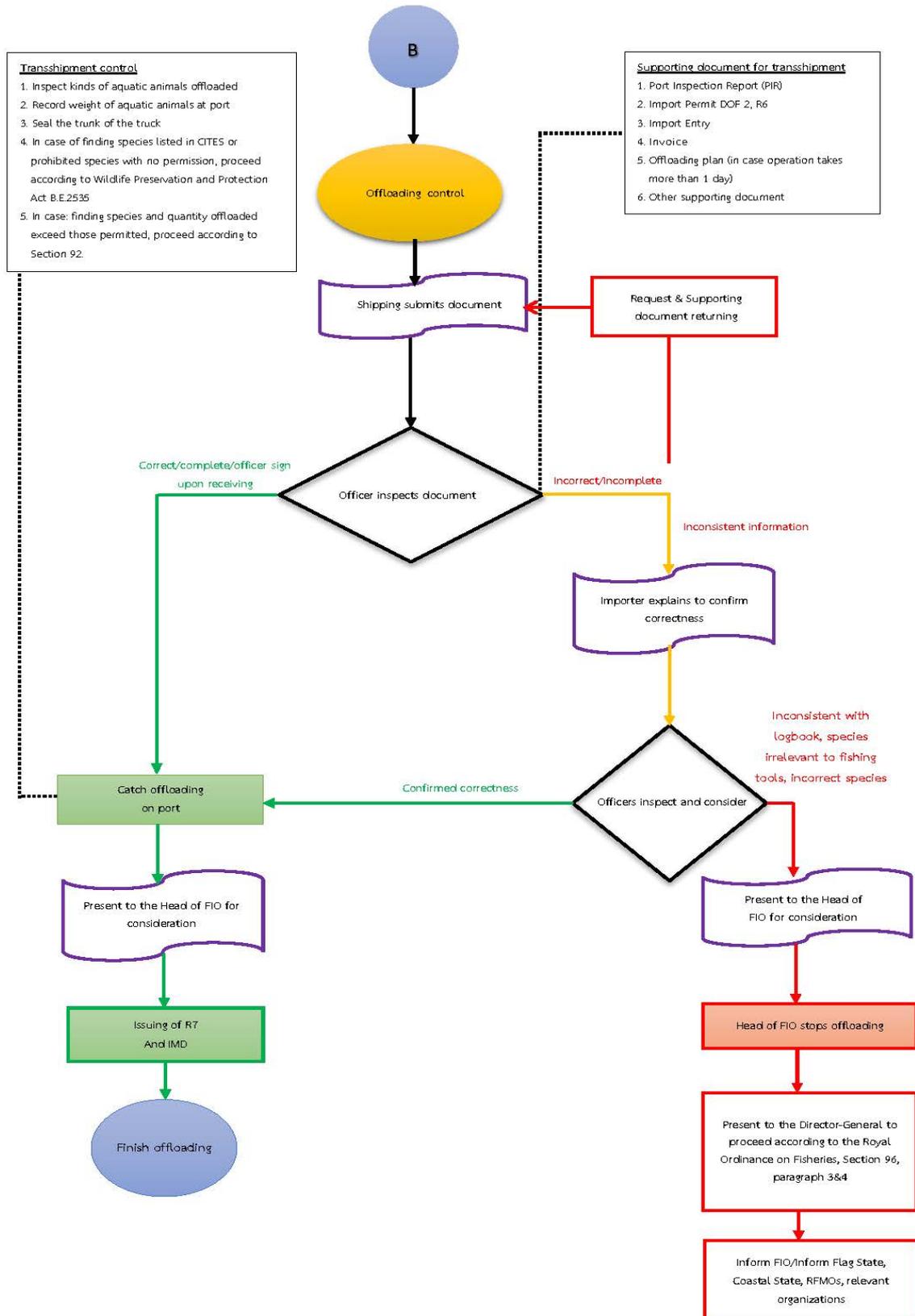


Figure 6 Flow chart showing inspection and control procedure for aquatic animal cargo offloading from fishing vessel.

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1.2 Incorrect and incomplete document case, means after finding that the document is incorrect or having incomplete or inconsistent information, the official of the Fish Inspection Office shall return such document to the applicant immediately and can apply again after correction or submitting additional document required. After correction complete, the official then considers receiving those documents for next step proceeding.

In case it is found that the information about aquatic animal source declared by the importer is not consistent with the information the shipping agent has declared at the beginning, both parties shall give explanation for correctness. If such explanation cannot assure that the aquatic animal concerned is obtained from legal fishing, the Head of Fish Inspection Office shall consider forbidding unloading, shall attach such aquatic animal commodity and inform the Fish Quarantine and Inspection Division in order to consider presenting the matter to the Director-General to proceed according to the Royal Ordinance of Fisheries B.E. 2558 (2015), Section 96, 3<sup>rd</sup> Paragraph (to order such fishing vessel to leave the Kingdom within specified time). In that case, the Port State Measures Implementation Group shall notify other Fish Inspection Offices and report the Flag State, Coastal State, RFMOs and relevant organizations.

During import inspection or aquatic animal unloading control of each shipment, if there is any importer who cannot submit completely correct document, it is prescribed that the official of the Fish Inspection Office present this matter to the Head for consideration of unloading forbidding and ship's hold sealing until finishing such step. Then the official can continue unloading control furthermore.

## Step 2 Aquatic animal unloading controls

During aquatic animal unloading control, the official shall inspect the following aspects:

- 1) Kinds of aquatic animals unloaded from the vessel shall be consistent with the kinds that the importer having the permission to import
- 2) Check quantity of aquatic animals in every truck, seal the trunk of the truck, record the tonnage of vessel, truck register number, seal number, departure time of truck, and weight of aquatic animals of each time of truck. All information shall be separately collected according to the import document for each invoice.

## Operation

- 2.1 In case of finding import of animals that are in CITES list with no permission, it is prescribed that the official shall inform the Head of Fish Inspection Office to proceed according to the Wildlife Preservation and Protection Act B.E. 2535 (1972).
- 2.2 In case of finding prohibited aquatic animals of RFMOs such as Oceanic white tip shark on the vessel without unloading at port, the official shall inform the Head of Fish Inspection Office in order to further inform the Port State Measures Implementation Group to further report RFMOs and/or Flag State and/or Coastal State.

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**Note:** IOTC prescribes that there shall be shark fin not more than 5% of shark weight on board the vessel.

2.3 In case of finding the aquatic animal species and quantity which are not permitted, the official shall inform the Head of Fish Inspection Office to advise the entrepreneur to operate according to the Royal Ordinance on Fisheries B.E. 2558, Section 92, 4<sup>th</sup> paragraph.

2.4 In case of finding that the weight of aquatic animals specified in AREP, after comparing with that weighed at port, is different more than 10%, the fishing vessel concerned shall be ranked in high risk level (which shall be undergone vessel inspection for the next port entry request).

Once the unloading control is finished, the official can continue performing the examination of cargo by issuing the import permit for animals or carcass into the Kingdom (R7) and the Imported Aquatic Animal Movement Document (IMD) through FSW system.

In case there is a large amount of aquatic animal cargo and the sorting is required at the establishment, after finishing such operation, the entrepreneur then prepare the Self Certificate to be submitted to the official of Fish Inspection Office for inspection and comparison with information recorded by the official prior to issuing the permission to bring the animals or carcass into the Kingdom (R7) and Imported Aquatic Animal Movement Document (IMD) for the entrepreneur or shipping through FSW system.

### **Step 3 Summary of aquatic animal unloading control**

Every time after finishing aquatic animal unloading control, the official of Fish Inspection Office shall inspect the vessel and report the inventory of commodity in the vessel by recording the estimated kinds and quantity of the aquatic animals left in order to inform the Head of the Fish Inspection Office.

The Fish Inspection Office shall prepare summary of aquatic animal unloading control of each trip of fishing vessel by comparing kinds and quantity of aquatic animals specified in AREP with the real figures of aquatic animals imported (after sorting and weighing). This information will be used for risk assessment and for considering whether to perform vessel inspection for the next time or not.

## **INSPECTION CRITERIA**

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**TRANSSHIPMENT VESSEL OR VESSEL SPECIFIC FOR  
AQUATIC ANIMAL TRANSPORTATION HAVING  
NATIONALITIES OF CAMBODIA, MALAYSIA, MYANMAR  
AND INDONESIA**

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### **Transshipment vessel or vessel specific for aquatic animal transportation having nationalities of Cambodia, Malaysia, Myanmar and Indonesia**

These are transshipment vessels or vessels specially used for aquatic animal transportation having nationalities of Cambodia, Malaysia, Myanmar and Indonesia which tranship aquatic animals from fishing vessels of the same Flag States and operate fishing in territorial waters of Flag States or other Coastal States with permission or high seas or areas managed by RFMOs.

#### **Procedures Prior to Port Entry**

Shipping agent shall submit the advance request for port entry (AREP) for foreign fishing vessels and necessary supporting document to the official through the Processing Statement and PSM Linked System (PPS) of the Department of Fisheries. In case the system is not applicable, the shipping agent can submit documents through electronic mail, facsimile, or directly submit to the official of the Fish Inspection Office responsible for the aquatic animal importation at that port not less than 48 hr. prior to port entry date (Figure 7).

Supporting documents of AREP are as follows:

- 1) In case the aquatic animals are not unloaded at port, not sorted by species, packed or weighed at the Flag States
  1. Copy of registration of transshipment vessel or specific for aquatic animal transportation from the Flag State issued by the government agency which is still valid (for first time of port entry and having registration renewal).
  2. Copy of transshipment permit issued by the government agency of Flag State which is still valid.
  3. Copy of transshipment declaration or copy of registration of every fishing vessel from which transshipment vessel or transporting vessel specific for aquatic animals receive the aquatic animal. The aforementioned registration shall be those issued by the government agencies and are still valid. Other documents required are the copies of fishing licenses of every fishing vessel from which the transshipment vessel or transporting vessel specific for aquatic animals receive the aquatic animals, which are issued by the government agencies and are still valid.
  4. Copy of stowage plan specifying kinds and quantity of aquatic animals, name of fishing vessel from which the transshipment vessel or transporting vessel specific for aquatic animals receive the aquatic animal and number of stowage plan or tonnage.
  5. Copy of the latest port clearance issued by the government agencies responsible for port control which specifies information of port name, the Port State, and vessel departure date.

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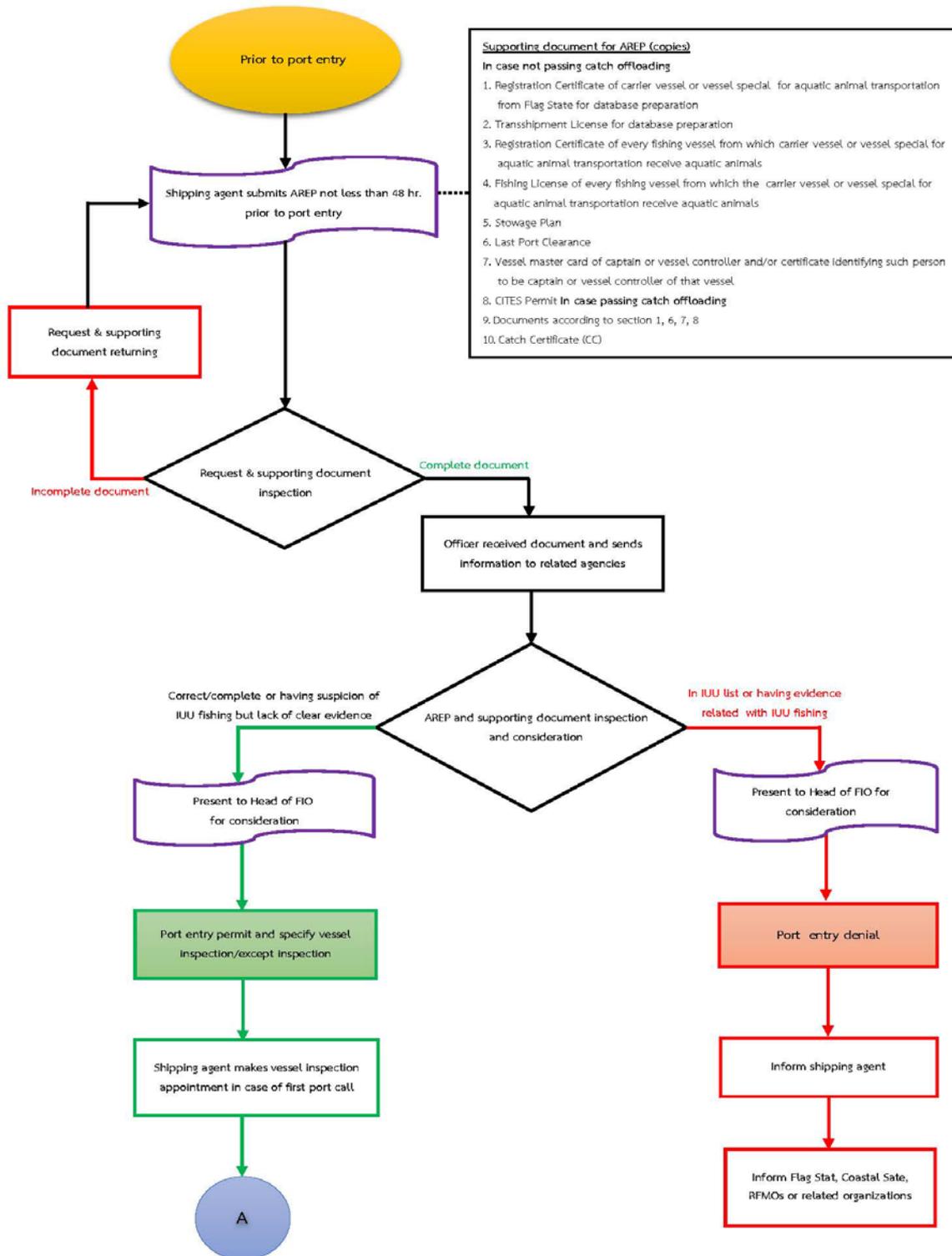


Figure 7 Flow chart showing document inspection procedures of carrier vessels or vessels specific for aquatic animal transportation of neighboring countries prior to port entry.

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6. Copy of identification card of captain (vessel master card) or vessel controller and/or certificate issued by responsible government agencies identifying that such person is captain of vessel controller of that particular vessel.
  7. Copy of import permit of aquatic animals stipulated in the Annex of the CITES, especially the case of importing the aquatic animals listed in such CITES Annex.
- 2) In case the aquatic animals are unloaded at port, sorted, packed or weighed at the Flag States
1. Copy of registration of transshipment vessel or specific for aquatic animal transportation from the Flag State issued by the government agency which is still valid (for first time of port entry and having registration renewal).
  2. Copy of the Catch Certificate certified by government agency of Flag State which specifies the name and registration of fishing vessel, fishing license, fishing areas, kinds and quantity of aquatic animals of every fishing vessel from which the transshipment vessel or vessel transporting particularly aquatic animals receive aquatic animals.
  3. Copy of the latest port clearance issued by the government agencies responsible for port control which specifies information of port name, the Port State, and vessel departure date.
  4. Copy of identification card of captain (vessel master card) or vessel controller and/or certificate issued by responsible government agencies identifying that such person is captain of vessel controller of that particular vessel.
  5. Copy of import permit of aquatic animals stipulated in the Annex of the CITES, especially the case of importing the aquatic animals listed in such CITES Annex.

### **Step 1 Consideration for AREP (Advance request for port entry)**

Once the shipping agent submits the AREP and supporting document, the officials shall inspect the information details in the request and supporting document to be accurately consistent.

In case the vessel owner or shipping agent cannot apply by themselves, the substitute shall have the accompanying power of attorney. In case of the company or juristic person, the authorized signature with company seal as specified in the company's registration certificate are required with revenue stamp (10 baht revenue stamp for one time authorizing and 30 baht revenue stamp for authorizing the whole year round). Other documents required are copies of identification card, house registration of both proxy and attorney with complete signatures.

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## Procedures

### 1.1 Correct and complete request

In this case, the officials shall receive the request by clearly specifying date, time and name of receiving person at every time.

In case the period of AREP and supporting document submission and specified port in schedule do not reach 48 hr., it shall be the discretion of the Head of Fish Inspection Office to determine whether the document inspection can be processed in time or not. All this, the reason, necessity and the explanation made by the applicant or shipping agent are also taken into consideration.

### 1.2 Incorrect or incomplete request

In this case, the Fish Inspection Office official shall return the request to the applicant with the reason of not being able to accept such request, for examples incomplete document (specifying which one) or incompletely filling in the request, or inconsistent information with the attached document, or unclear attached-document or no company stamp or authorized person signature on the attached document etc. All this, the official shall specify all above information in an official memo (shorten version) completed with signature, date and time of such consideration.

In case of request returning as mentioned above, the officials shall make copies of such request and have the applicant signed every page of those copies including specifying date and time of taking back (in case of submitting by themselves), then the original of the request document shall be returned to the applicant for further correction. In case of submission via electronic mail and facsimile, the Head of Fish Inspection Office shall consider to proceed as appropriately and consistently with the above-mentioned principle.

In case submission through PPS system, there has already been system design to support the procedures of receiving or correction informing in place. The official only records reasons of request returning in the process of correction informing in the aforementioned system so it is not necessary to repeat such procedure in the document again.

## Step 2 Inspection of AREP and Supporting document

In the process of AREP and supporting document inspection, the officials shall proceed as follows:

- 1) Check the names of transshipment vessel and fishing vessel which transfers the aquatic animal to the mentioned transshipment vessel with the Department of Fisheries Announcement on List of Non-Thai Fishing Vessel Engaging in IUU Fishing (No. 2) B.E. 2560 (2017) issued according to the Section 94, 2<sup>nd</sup> Paragraph of the Royal Ordinance on Fisheries B.E. 2558 (2015).

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- 2) Check whether the names of transshipment vessels and fishing vessels which transfer the aquatic animals to the mentioned transshipment vessels are in the list of fishing vessels engaging in IUU fishing announced by the international organizations or various RFMOs such as EU, IOTC, ICCAT, IATTC, WCPFC and CCAMLR or not, from websites of the above-mentioned organizations as follows:
  - IOTC <http://www.iotc.org/vessels#iuu>
  - ICCAT <http://www.iccat.int/en/vesselsrecord.asp>
  - IATTC <https://www.iattc.org/VesselRegister/SearchVessel.aspx?Lang=ENG>
  - WCPFC <https://www.wcpfc.int/vessels#IUU>
  - CCAMLR <https://www.ccamlr.org/en/compliance/illegal-unreported-and-unregulated-iuu-fishing>
- 3) Inspect the registration documents of transshipment vessels and fishing vessels transferring the aquatic animals to the mentioned transshipment vessels, specified in the AREP, with the websites of the Flag States and/or RFMOs where transshipment or fishing taking place to see whether the name, registers, flag of the vessel including captain name are correct and still perfectly valid or not while operating transshipment or fishing in such areas. Those websites are as follows:
  - IOTC <http://www.iotc.org/vessels/date>
  - WCPFC <https://www.wcpfc.int/record-fishing-vessel-database>
  - ICCAT <http://www.iccat.int/en/vesselsrecord.asp>
  - IATTC <https://www.iattc.org/VesselRegister/VesselList.aspx?List=RegVessels&Lang=ENG>
- 4) Inspect whether the name of Flag State is in the list of countries non-cooperating in solving the problem of IUU fishing or not. At present, list of those countries announced are Cambodia, Comoros and Saint Vincent and the Grenadines (as of June 22<sup>nd</sup> B.E. 2560) which can be checked from website: <http://www.iuuwatch.eu/map-of-eu-carding-decisions/>. Regarding this, the officials of the Fish Inspection Office shall inspect every vessel of above-mentioned nationalities.
- 5) In case aquatic animal products intended for exporting to EU, check the names of fishery manufacturing or processing establishments whose standards have been approved according to EU regulations from the following website: <http://www.fisheries.go.th/quality/factories.php>.

Moreover, the vessel transshipping and/or processing such mentioned aquatic animals shall also be standard approved according to the above-mentioned regulations which can be checked from website: <http://www.fisheries.go.th/quality/factories.php> to support the consideration of matching the Catch Certificate (CC) with the Imported Aquatic Animal Movement Document (IMD).

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6) Verify the supporting document to see whether there are scraping, erasing, crossing out and additional writing or not. Moreover, the document issuing format, authorized agency issuing such document in each country including name, signature and seal of authority of such agency are also verified by comparing with sample document to prevent document counterfeiting. In addition, the verifying officials should consider or take notice as follows:

- sequences and issuing dates of each document shall be consistent
- verify agency name responsible for document issuing of each country
- verify document sources by using websites of reliable agencies
- the document shall be clear, valid and issued by the government agencies

In case rational doubt is found or document verification is required, the Port State Measures Implementation Group, Fish Quarantine and Inspection Division, is the focal point for operational coordination as stated in the Port State Measure (PSM) of Thailand which can be contacted by telephone/facsimile number 029406198 or through the following electronic mail address: [thaipsm.investigation@gmail.com](mailto:thaipsm.investigation@gmail.com).

In this connection, to prevent the delay of feedback from the country of destination or in case some Fish Inspection Offices want to verify those document by themselves, they can request for the electronic mail of contact point from the Port State Measures Implementation Group. In this case, the Fish Inspection Office shall also send the carbon copy of electronic mail (cc:) to the Port State Measures Implementation Group according to the Order of Fish Quarantine and Inspection Division, No. 0505.3/10 dated on January 6<sup>th</sup> B.E. 2560 (2017) in order to prevent repeating operation and for the unity of working in Thailand according to the aforementioned measures.

Other than document inspection to verify the vessel information, for vessel equipped with AIS, the Department of Fisheries has considered to increase the efficiency of foreign fishing vessel control by assigning the Fisheries Monitoring Center (FMC), Fishing and Fleets Management Division, to inspect and monitor the shipping route of the vessel requesting for port entry permission by automatic identification system (AIS). This system allows the official to see such request (AREP) passing through the Processing Statement and PSM linked System (PPS) and then the information in that AREP will be used for inspecting the shipping route, transshipment point and activities of the vessel concerned, to see whether there is any suspicion or any abnormality or not. If such suspicious activities are found, the Port State Measures Implementation Group and Fish Inspection Offices shall be informed for further investigation on that matter. In such case, the Head of Fish Inspection Office shall instruct the Vessel Inspection Team to further inspect and also inform inspection results to the Fish Quarantine and Inspection Division. (At present, only large fishing vessels are found equipped with AIS)

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The criteria of vessel inspection can be considered from the risk assessment criteria (Annex B) but for the B.E. 2560 fiscal year, the Fish Quarantine and Inspection Division has prescribed the plan to inspect every fishing vessel of neighboring countries submitting port entry request or 100%.

## Operation

- 2.1 In case of finding that the vessel submitting port entry request is in IUU list according to the Department of Fisheries Announcement on the List of Non-Thai Fishing Vessel Engaging in IUU Fishing (No. 2) B.E. 2560 (2017), or websites of international organizations or RFMOs, or having clear evidences of engaging in IUU fishing such as having law forbidding trawl fishing in areas of any Coastal States and later declaring the source of aquatic animals to be from trawling in such areas and *etc.*, it is prescribed that the official shall inform the Head of Fish Inspection Office for consideration of port entry denial. Such denial is in accordance with the Royal Ordinance on Fisheries B.E. 2558 (2015), Section 95, 3<sup>rd</sup> Paragraph. Moreover, the Head of concerning Fish Inspection Office shall also specify the reasons of port entry denial in the document of Notification to Fishing Vessel Following a Request to Enter Port of foreign fishing vessels and immediately inform the Port State Measures Implementation Group in order to further inform other Fish Inspection Offices, the above-mentioned Flag State, and related Coastal States, Port States and/or RFMOs, to monitor and not allow such vessel to enter the port of other States for further unloading the aquatic animals derived from IUU fishing.
- 2.2 In case of the information in AREP is completely correct and consistent with those in the supporting document, or in case having suspicion of engaging in IUU fishing but not having clear evidences to prove at that moment, e.g. travel time is not consistent with distance or aquatic animals quantity obtained is irrelevant to the period of transshipment specified in the report of transshipment (transshipment declaration), or kinds of aquatic animals specified are irrelevant to the fishing gears of such fishing vessel or fishing areas, and *etc.*, it is therefore prescribed that the Head of the Fish Inspection Office can consider giving port entry permission for vessel inspection. In this case, the official can confirm with the original document or other related information which can be found in the logbook, shipping route or from interviewing captain or vessel controller, during vessel inspection, regarding the causes of suspicion or the inconsistency of document concerned.

In case of having any suspicion informed by FMC or the official has doubt that such vessel might conduct IUU fishing and suggests the Head of Fish Inspection Office to give port entry permission for vessel inspection. The Head of Fish Inspection Office shall have further instruction to have such vessel inspected. The

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inspecting officials shall then inspect and report results in writing using the port inspection report (PIR) according to causes or suspicion as follows:

- 1) Shipping route inspected by AIS of FMC is found to be inconsistent with the AREP
- 2) Travel time of transshipment vessel from the last port to Thailand is irrelevant or incorrect compared with average travel time in general
- 3) The fishing vessel registration document of the same country has different format and etc.
- 4) The quantity of aquatic animals that the fishing vessels transshipped to and carried by the transshipment vessel is not consistent with the fishing period.

### **Step 3 Notification of AREP consideration result**

It is prescribed in the Royal Ordinance on Fisheries B.E. 2558 (2015), Section 95, 2<sup>nd</sup> Paragraph, that the official shall finish inspecting the request and supporting document and inform the applicant or shipping agent who submitted the request, within 24 hr. counting from the time upon receiving of such request.

Therefore, once the Head of the Fish Inspection Office has considered signing permission for port entry or denial, the Notification to Fishing Vessel Following a Request to Enter Port shall be sent to the shipping agent, Customs Department and Marine Department through PPS system automatically.

In case that the system is nonfunctional or the request is submitted through other channels by shipping agent, the official is prescribed to directly send result to the applicant or shipping agent who submitted such request or through electronic mail or other communication channels which are fast and appropriate within specified time frame. In this case, there shall always have the evidence of document receiving in order to prevent the complaints of absent from duty, especially in case of port in denial.

### **Step 4 Changes of information about landing port or port entry date**

In the case there are changes in landing port or port entry schedule or date for any reasons after receiving the Notification of Port In Permit, it is prescribed that the applicant or shipping agent shall submit request for changing those information through PPS system or inform in writing to the official of the Fish Inspection Office prior to landing the vessel at port.

After receiving the notification, it is prescribed that the official shall sign upon receiving and then submits it to the Head of Fish Inspection Office immediately. After having permission from the Head of Fish Inspection Office, it is prescribed that the official shall correct the information in the PPS system and send them to the Head of Fish Inspection Office to

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consider granting permission again in the PPS system for further informing such information to the related agencies.

### **Step 5 Port entry permit notification to the port operator**

Permit holder or shipping agent has responsibility to inform about port in permit to the port operator by showing and giving the copy of port in permit to such port operator in order to properly confirm about the port entry permission and to enable the port operator to prepare relevant matters such as recording of port in date and time, kinds and quantity of landed aquatic animals according to the Department of Fisheries Announcement on listing, information recording procedures and keeping time for the record of fishing vessels entering to use port services or to unload aquatic animals or aquatic animals products at port of the port owner or dock operator B.E. 2558 (2016) issued by virtue of Section 85, 1<sup>st</sup> Paragraph. This includes keeping record of information about port landing of fishing vessels for the official to inspect for 3 years according to the Department of Fisheries Announcement on listing, information recording procedures and keeping time of information regarding fishing vessel entering to use port service, or to unload the aquatic animals or aquatic animal products at port of port owner or dock operator (No. 2) B.E. 2559 (2016) issued by virtue of Section 85 as regulated.

Therefore, the official of the Fish Inspection Offices should arrange briefing meeting or publicize among port operators including supervising and controlling the port operators to operate in accordance with the regulations, otherwise they shall be deemed guilty. The legal punishment is prescribed in the Royal Ordinance on Fisheries B.E. 2558 (2015). In case of finding that there is ignorance or law violation and the official, working at that port or that area, does not report accusation of the port operator concerned, the official can be charged with absent from service.

### **Step 6 Vessel inspection appointments**

Vessel owner/captain or shipping agent shall make vessel inspection appointment for every fishing vessel at choke point of that area according to the Notification of Ministry of Agriculture and Cooperatives on Advance Request for Entering Port of non-Thai fishing vessel wishing to bring aquatic animals or aquatic animal products into the Kingdom (No. 2) B.E. 2559 issued by virtue of the Section 95 for the first opportunity to arrive at Thai port.

After having vessel inspected and unloading permission, the aquatic animals can be unloaded at only the port registered with the DOF and has been certified for port sanitation.

### **Vessel Inspection Procedures**

Regarding vessel inspection, the officials operate by virtue of the Royal Ordinance on Fisheries B.E. 2558 (2015), Section 102(4). It is prescribed that the officials have authority to control and stop fishing vessels; to stop fishing or transshipping aquatic animals; or to order the fishing vessel controller to dock; or to go aboard the vessel; or to enter into fishing areas

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in order to inspect and control related activities to be in line with this Royal Ordinance. Anyhow, when there is reasonable suspicion of violation according to this Royal Ordinance, the official should inspect the vessel when firstly entering the port applying steps and procedures as summarized in Figure 8. (Suggestion from the Director of Legal Affairs Division, Department of Fisheries)

### **Step 1 Preparation**

Prior to vessel inspection, the official checks the preparedness for working of the inspection team as follows:

- 1) Dressing
- 2) Identity card of officials
- 3) Communication devices, camera and steel tape or measuring tape
- 4) Document and form for inspection recording
- 5) Interpreter, in case the captain or crew cannot communicate in English
- 6) Weapon, only in case of necessity

Prior to vessel inspection, the official shall inspect the history of the vessel from recorded database to see whether such vessel has ever inform port entry with that Fish Inspection Office or not in order to preliminary assess the behaviour and risk.

### **Step 2 Vessel appearance inspections**

Once the vessel arriving at the specified port, the officials shall inspect the appearance outside the vessel comparing with the description recorded in vessel database. Or in case docking for the first time, the officials shall prepare information and take photo of that vessel in order to be database for the next inspection and to be sure that it is really registered and has been informed for port entry.

### **Step 3 Vessel inspections**

Regarding on board inspection, the objectives are to inspect document, evidences and equipment as specified in AREP and inspect the copy of submitted document compared with the original document kept on board. Others are the inspection of communication equipment, shipping route and activities operated on board. Moreover, kinds and quantity of aquatic animals are also inspected. All this, including proving of suspicion regarding the issues of IUU fishing which cannot be summarized or decided at the step of AREP and supporting document inspection.

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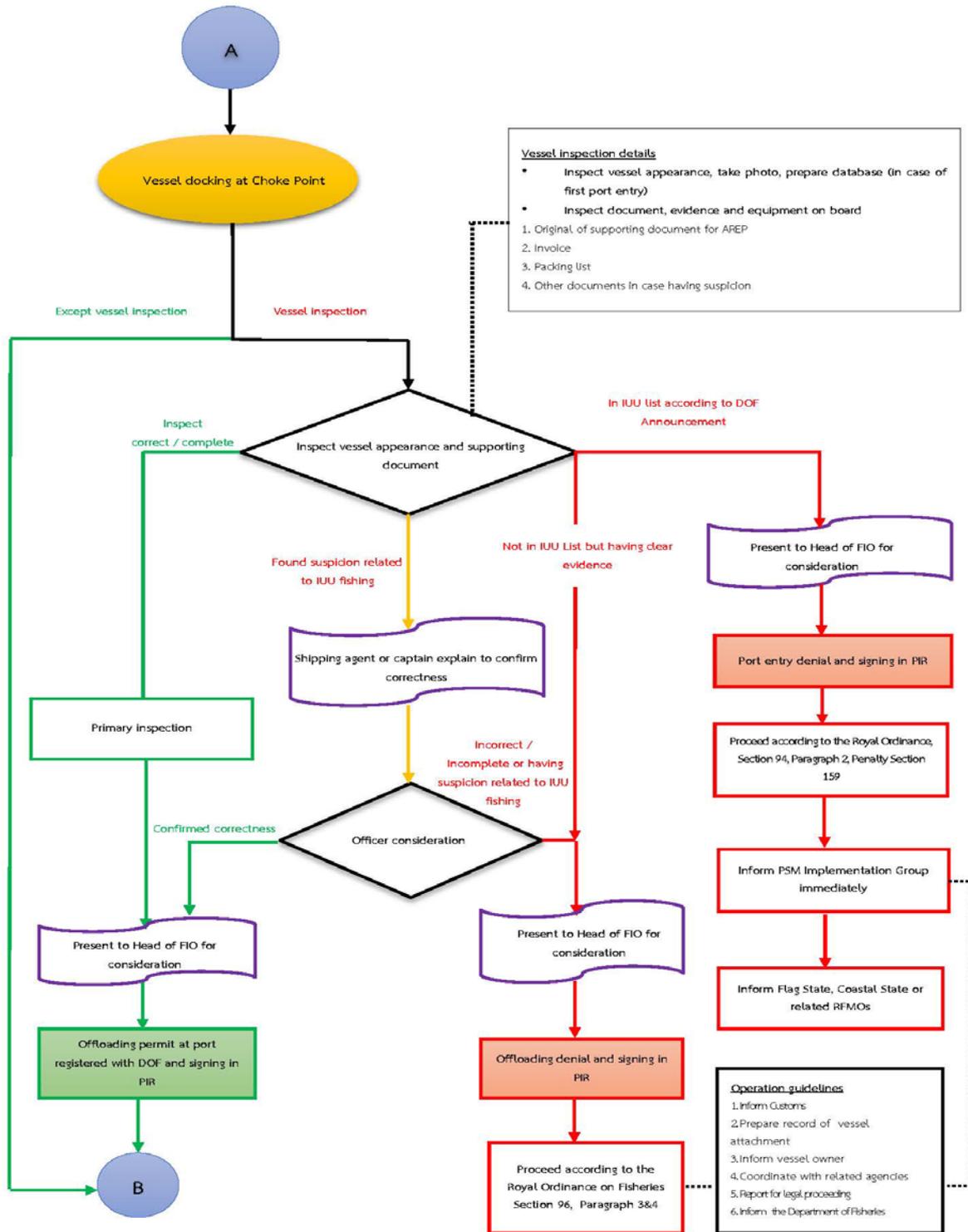


Figure 8 Flow chart showing vessels inspection procedure of carrier vessels or vessels specific for aquatic animal transportation of neighboring countries at port.

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Document inspection shall be done on the following documents:

1. Original of supporting document for AREP submission
2. Invoice
3. Packing List
4. Document showing changing of vessel appearance (Record of any Change of Hull) in case having changing in particular. The information that shall be specified in this document as follows: name and address of dockyard including duration of hull changing.

Additional suggestions for inspection of document, evidences and equipments of board are as follows:

- Original and copy submitted shall be the same one.
- Information specified in transshipment declaration, logbook of transshipment vessel and shipping route record of transshipment vessel shall be consistent.
- If vessel entering port has fishing vessel tracking system (VMS unit or AIS unit or GPS), they shall be securely equipped on board, not easily relocated and completed with equipment number, vessel's registration number and name, dates of install and latest maintenance. Moreover, for ability proving, the information of vessel tracking route shall be shown to the officials. In case of the information cannot be shown, it is prescribed that the official shall check that from the logbook.
- Inspect whether the captain possesses an international shipping license or not and whether the information in the document matches those specified or not.
- Travel time and shipping route of the vessel should be appropriate.

## **Operation**

3.1 In case the inspection results found that the information is completely correct, that is to say, the vessel entering the port shall have the document in accordance with the above-mentioned regulations and the information is completely consistent with the supporting document submitted with AREP. Moreover, the evidences and navigation equipments shall be also correct. So it is reliable that the aforementioned transshipment vessel really received the aquatic animals from the fishing vessel as declared.

It is prescribed that the official shall record the inspection results in English by specifying inspection results and findings in the port inspection report (PIR) completed with official signature, day, month and year of inspection before having the captain or vessel controller or shipping agent signed to acknowledge such inspection results as recorded in the above report. Then, the report shall be presented to the Head of Fish Inspection Office to consider signing the permission of aquatic animal transshipment under the supervision of the official of Fish Inspection Office. All this, the Fish

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Inspection Office shall make copy of port inspection report for vessel controller or shipping agent to keep for one set.

3.2 In case the inspection results showed or proved that such vessel is in the list of IUU fishing vessels according to the Department of Fisheries Announcement on the List of Non-Thai Fishing Vessel Engaging In IUU Fishing (No. 2) B.E. 2560 (2017). It is prescribed that the officials shall make record in the port inspection report and present it to the Head of Fish Inspection Office to consider transshipment denial together with the following procedures:

- 1) Inform the Customs that vessel detaining and fishery cargo attachment have been proceeded including the ship's hold sealing and forbidding of transferring or unloading the aquatic animals from the vessel. All this, it is in the charge and responsibility of vessel owner.
- 2) Prepare record of vessel detention and attachment of fishery cargo coming with such vessel in writing and then have captain or shipping agent signed for acknowledgement as evidence.
- 3) Prepare official letter attached with the aforementioned record of vessel detention and fishery cargo attachment and then inform the vessel owner or shipping agent.
- 4) Coordinate with related agencies to control such vessel
- 5) Collect information and bring the copy of evidence document to report the local police station to take further legal proceedings with the vessel owner or shipping agent requesting for port entry permit for the offense according to Section 94, 1<sup>st</sup> Paragraph of the Royal Ordinance on Fisheries B.E. 2558 (2015) with penalty according to Section 159.

Moreover, this matter shall be informed to the Port Measures Implementation Group immediately in order to further inform Flag state, Coastal State, RFMOs and other related organizations including urgently reporting in writing to the commander.

3.3 In case the vessel is found or proved to engage in IUU fishing but is not in the List according to Department of Fisheries Announcement on List of Non-Thai Fishing Vessel Engaging In IUU Fishing (No. 2) B.E. 2560 (2017), or is found to be IUU fishing vessel according to the IUU list of organization or related RFMOs, it is prescribed that the official shall record in the port inspection report and present to the Head of Fish Inspection Office to consider transferring denial and proceed as the followings:

- 1) Inform the Customs that vessel detaining and fishery cargo attachment have been proceeded including the ship's hold sealing and forbidding of transferring or unloading the aquatic animals from the vessel. All this, it is in the charge and responsibility of vessel owner.

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- 2) Prepare record of vessel detention and attachment of fishery cargo coming with such vessel in writing and then have captain or shipping agent signed for acknowledgement as evidence.
- 3) Prepare official letter attached with the aforementioned record of vessel detention and fishery cargo attachment and then inform the vessel owner or shipping agent.
- 4) Coordinate with related agencies to control the vessel concerned
- 5) Collect information and bring the copy of evidence document to inform the local police station to record in daily report.

Moreover, this matter shall be informed to the Fish Quarantine and Inspection Division to present it to the Director-General for consideration according to the Royal Ordinance on Fisheries B.E. 2558 (2015), Section 96, 3<sup>rd</sup> Paragraph (to order such vessel to go out of the Kingdom within specified time) and 4<sup>th</sup> Paragraph. In that case, the Department of Fisheries may send letter to the vessel owner or shipping agent to have them come with document as evidence for explanation and clearing the allegation. This process should be finished within specified time before considering commanding or taking further legal proceedings.

In this regards, the Port Measures Implementation Group will send notice to other Fish Inspection Offices and inform Flag State, Coastal State, RFMOs and other related organizations.

- 3.4 In case the information is incomplete and incorrect. That means after inspection, it is found that the information is not correct and not complete or having any suspicious causes that the aquatic animals on board the vessel are related to the IUU fishing. It is prescribed that the official shall ask for additional document from the shipping agent or vessel controller, in order to prove such suspicion. In this, the official shall record in the port inspection report and present it to the Head of Fish Inspection Office to consider attaching the fishery cargo carried by such vessel including sealing of the ship's hold.

In case there is no confirmed evidence available or no ability to prove that the aquatic animals on board are not related with the IUU fishing, the Head of Fish Inspection Office shall proceed according to section 3.3.

And in case the vessel controller can find the evidence or prove that the aquatic animals on board are not related with the IUU fishing, the team leader of vessel inspection team shall consider making additional record in the port inspection report form where erasing or modifying the original inspection results (in case of manual recording) are forbidden and then present it to the Head of Fish Inspection Office to further consider signing permission for unloading which shall be done under the supervision of the officials of the Fish Inspection Office.

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#### **Step 4 Preliminary aquatic animals inspection**

In case fishing vessels of neighbouring countries, the Department of Fisheries has measures to preliminary assess the quantity of aquatic animals followed the form of preliminary aquatic animals inspection in order to know the kinds and quantity of aquatic animals on board the vessel prior to unloading at the specified port. Due to numerous number of vessel trips per day, there shall be random control of unloading from vessel concerned once again. Moreover, the record of aquatic animals landed on the DOF registered port having fishing vessel docked shall also be random checked again.

#### **Control Procedures for Aquatic Animals Unloading**

The objectives of the control procedures for aquatic animals transshipping are to prove the source of aquatic animals derived from transshipping from fishing vessel to transshipment vessel and to see whether kinds and quantity of such aquatic animals are real and consistent with fishing equipment or catch areas or fishing resources or not. Regarding this, the Flag State shall issue the Catch Certificate for each fishing trip later. Another objective is to ensure that the fish raw materials carried by such transshipment vessel and further processed in Thai processing establishments are not derived from IUU fishing.

The inspection of aquatic animal cargo transshipped to and carried by the transshipment vessel begins with each importer submits import permit request for aquatic animal and its product (DOF2) together with the license of animals or carcass importation into the Kingdom (R6) through the FSW system in advance, prior to port entry of such transshipment vessel.

After finishing all vessel inspection procedures and reporting results through PPS system, the information of Hold No., fishing vessel name, invoice, aquatic animal kinds and quantity, and name of importer will be used as default for verifying the source of aquatic animal cargo by connecting to the information in the approved permit through FSW system where the ship's hold number, fishing vessel name, importer name and invoice, should be consistently accurate (Annex H). While the number of the aquatic animal and its products import permit (DOF 2) will be used in the Import Entry of the Customs Department which enable the source inspection to link each other. Therefore, every time before starting to unload the aquatic animals, the entrepreneur or the importer or shipping shall submit the supporting documents for cargo examination to the official of the Fish Inspection Office to have those documents inspected for correctness.

Details of transshipping control procedures are shown in Figure 9.

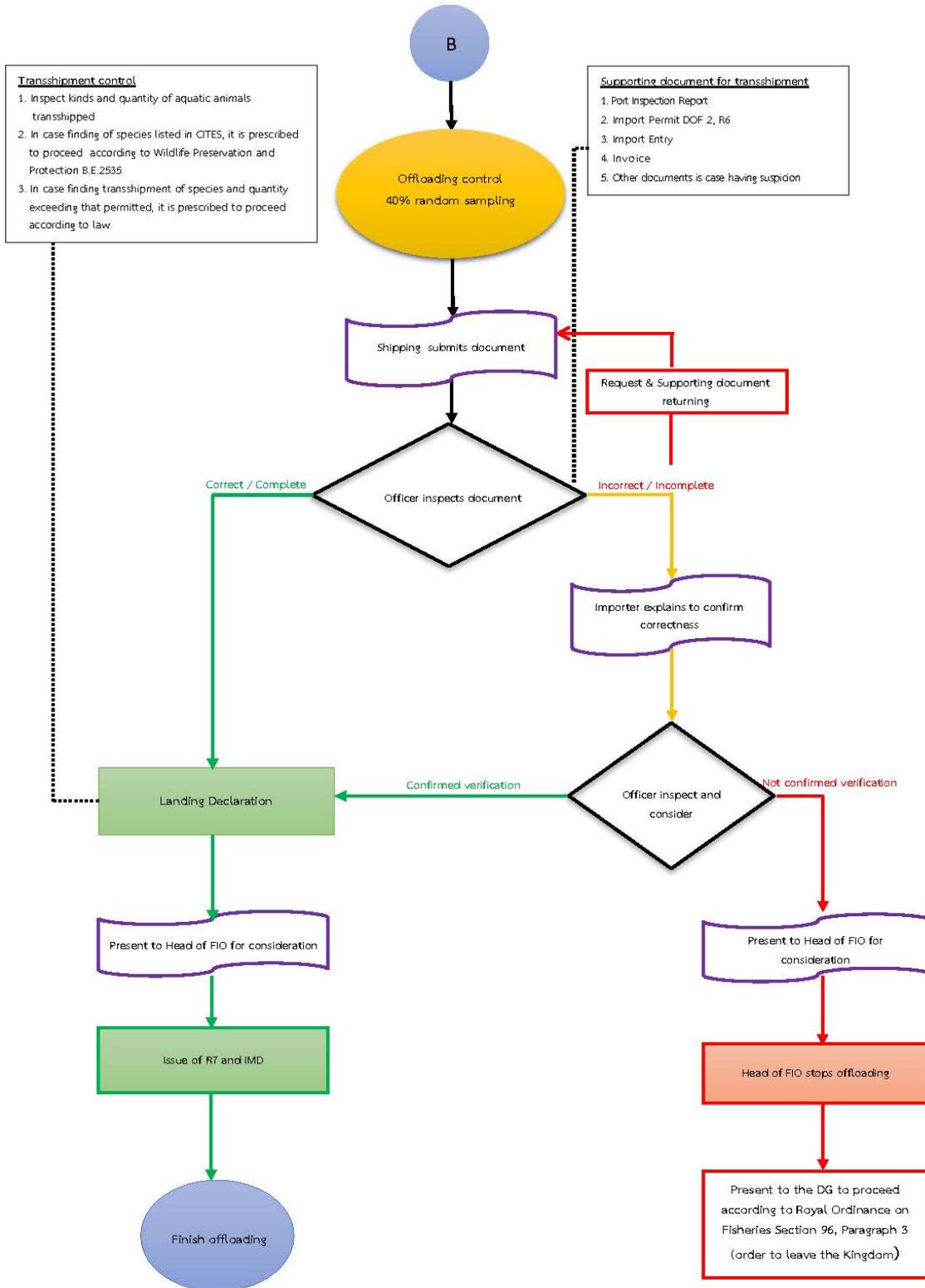


Figure 9 Flow chart showing inspection and control procedures for aquatic animal cargo offloading from carrier vessels or vessels specific for aquatic animal transportation of neighboring countries.

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#### **Step 4 Supporting documents verification for aquatic animal import**

The official of the Fish Inspection Office receiving the cargo examination informing, shall inspect correctness and completeness of the following supporting documents every time of aquatic animals importing:

- 1) Port Inspection Report form (PIR), except the request submitted through PPS system
- 2) Aquatic animal or aquatic animal product import permit (DOF 2) and the license for bringing animals or carcass passing through the Kingdom (R6)
- 3) Import Entry
- 4) Invoice
- 5) Other related documents

#### **Operation**

- 1.1 Correct and complete document case, means after finding that the information is correct with complete and consistent document, the official of the Fish Inspection Office consider receiving such inform document for next step process. Therefore, if the importer is ready, the official of the Fish Inspection Office will inform the Customs official in order to give an order of ship's hold opening for aquatic animal inspection and to start the aquatic animal unloading control process.
- 1.2 Incorrect and incomplete document case, means after finding that the document is incorrect or having incomplete or inconsistent information, the official of the Fish Inspection Office shall return such document to the applicant immediately and can apply again after correction or submitting additional document required. After correction complete, the official then considers receiving the notice of examination of cargo for further proceeding.

#### **Step 2 Catch unloading control/catch cargo inspection**

Due to a large number of vessels and vessel trips, the Fish Quarantine and Inspection Division has set target of sampling at 40% of total number of vessel entering port by considering import history of each vessel. For the 60% left, the Fish Inspection Office will inspect by applying the control procedures of permitted or registered port by the Department of Fisheries, and randomly inspect the operation, vessel information recording, kinds and quantity of catch landed from the Landing Declaration issued by the port which shall be consistent with those kinds and quantity permitted for importing (DOF2 and R6).

Therefore, in case of having staff who neglects controlling transshipment or inspecting such imported catch, it is suggested to ask for the copy of Landing Declaration from importer or shipping to support the consideration of examination of cargo for further issuing R7 and IMD.

For transshipment control or catch landed inspection, the official shall inspect the as follows:

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- 1) Kinds of aquatic animals offloaded from vessel shall be consisted of those permitted for import
- 2) In case there is a large amount of catch landed and needed to be sorted at other place, the official shall count and record numbers of packages separately by species of each truck according to invoice in which Hold number, name of fishing vessel, truck registration number, seal number (if available), departure time from port, weight of catch on each truck are specified, in order to evaluate the total catch quantity comparing with the record of preliminary evaluation at Choke point and Landing Declaration of port.

In this, the official should randomly evaluate the weight of aquatic animals packed per package of each kind to use as calculation base for total amount of catch (due to having water and ice included). Moreover, it is one way to prevent the smuggling of other kinds of aquatic animals or other commodities which are not permitted to come in with such mentioned aquatic animal commodities.

### Operation

- 2.1 In case of finding import of animals that are in CITES list with no permission, it is prescribed that the official shall inform the Head of Fish Inspection Office to proceed according to the Wildlife Preservation and Protection Act B.E. 2535 (1972).
- 2.2 In case of finding the prohibited aquatic animals of RFMOs such as Oceanic white tip shark on the vessel without unloading at port, the official shall inform the Head of Fish Inspection Office in order to notify the Port State Measures Implementation Group to further report RFMOs and/or Flag State and/or Coastal State.  
Note: IOTC prescribes that there shall be shark fin not more than 5% of shark weight on board the vessel.
- 2.3 In case of finding the transshipment of aquatic animal species and quantity which are not permitted, the official shall inform the Head of Fish Inspection Office to take legal proceedings further.
- 2.4 In case of finding the catch weight of each fishing vessel transhipped to the transshipment vessel and specified in AREP, after comparing with those specified in Landing Declaration is different more than 10%, the transshipment vessel concerned shall be ranked in high risk level (which shall be undergone vessel inspection for the next port entry request).

Once the Fish Inspection Office officials receive the Landing Declaration of port from importer or shipping, they can continue the examination of cargo by issuing the permission to bring animal or carcass into the Kingdom (R7) and IMD to the entrepreneur or shipping through the FSW system.

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### **Step 3 Risk analyses and evaluation of aquatic animal transshipment**

The Fish Inspection Office should compile database of declaration of catch quantity coming with vessel specified in AREP to compare with results of random inspection done by the official and from Landing Declaration of port, to see how consistent or different they might be. The objective is to prepare list of vessels of risk group which shall be more strictly inspect and more correct. The difference levels acceptable are 5-10%.

### **Step 4 Port inspection control**

The Fish Inspection Office shall do random inspection on record, data collection and report of landed catch of the permitted or registered port by DOF every 15 days in order to verify the operation and report of landed catch. This is to prevent claim falsely or document counterfeiting to be used for examination of cargo at the Fish Inspection Office including to evaluate and control operation quality of port to be in good level and acceptable. If the port is not able to manage accordingly to the law, the Fish Inspection Office shall refrain or not allow foreign fishing vessel informing request for entering port to dock at that port and let the aforementioned vessel to state requirement to dock at other port which is able to manage accordingly to law.

Therefore, the Fish Inspection Office shall regularly evaluate port which is registered by DOF and prepare list of ports that pass the benchmark, both in terms of port sanitation and operation according to law.

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## **PENAL CLAUSE**

The objective of inspecting foreign fishing vessel wishing to import aquatic animals or aquatic animal products into the Kingdom is to prevent foreign fishing vessel and foreign aquatic animal products related to IUU fishing coming into the Kingdom to land the aquatic animal cargo at Thai ports. If violation related to aforesaid activities is found, the penal clause is laid down in the Royal Ordinance on Fisheries, B.E. 2535 as specified in Section 11 which can proceed as shown in Figure 10.

### **Prior to Port Entry Process**

In case of notice for port in request according to Section 95 of the Royal Ordinance on Fisheries, B.E. 2535, if it is found that such vessel is in the list of Department of Fisheries Announcement on List of Non-Thai Fishing Vessel Engaging to IUU Fishing (No. 2) B.E. 2560, announced in accordance with Section 94, or List of IUU Fishing Vessel announced by RFMOs, or relevant organizations, or having clear evidences that the aforementioned vessel is IUU fishing vessel. The officials shall deny the port entering request.

A person who violates Section 94 shall have punishment according to Section 159 and is liable to fine from one million baht to thirty million baht or five times of aquatic animals' value, depending upon which one is higher. (Table 1)

### **Vessel Inspection Procedures**

In case having granted for port entry permission (which might declare false information), after inspection, the officials have found or proved that the aforesaid vessel is in the list according to the Department of Fisheries Announcement on List of Non-Thai Fishing Vessel Engaging in IUU Fishing (No. 2) B.E. 2560 as contained in Section 94, a person who violates the law shall be punished according to Section 159.

In case that the vessel is not in the list according to the Department of Fisheries Announcement on Fisheries on List of Non-Thai Fishing Vessel Engaging in IUU Fishing (No. 2) B.E. 2560, but is in the list of IUU fishing vessels according to RFMOs, or having clear evidences to prove that such vessel is IUU fishing vessel, the official shall take action accordingly to Section 96 (paragraphs 3 and 4) where the Director-General has the authority to:

- 1) Order the vessel to leave the Kingdom within specified time.
- 2) Order to seize the vessel and properties in the vessel to sell by auction or destroy.

Same as inspection, if there is reasonable grounds to suspect that vessel and catch on board are related to IUU fishing and vessel owner or vessel controller cannot prove that those catch on board are not from IUU fishing, the officials shall be prohibited to give import permission according to Section 96, paragraph 2. And if the vessel owner or vessel controller cannot prove, the official shall proceed according to Section 96, paragraphs 3 and 4. (Table 1)

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### Transshipment Control

During catch transshipment control, if it is suspicious that those catch are obtained from IUU fishing and vessel owner or vessel controller cannot prove, it is prescribed to proceed accordingly to the Section 96, paragraphs 3 and 4.

In case the catch consisted of species or quantity exceeding those allowed to bring into the Kingdom, it is deemed guilty according to Section 92 which having penalty as contained in Section 158 with liability to fine for five times of imported catch value.

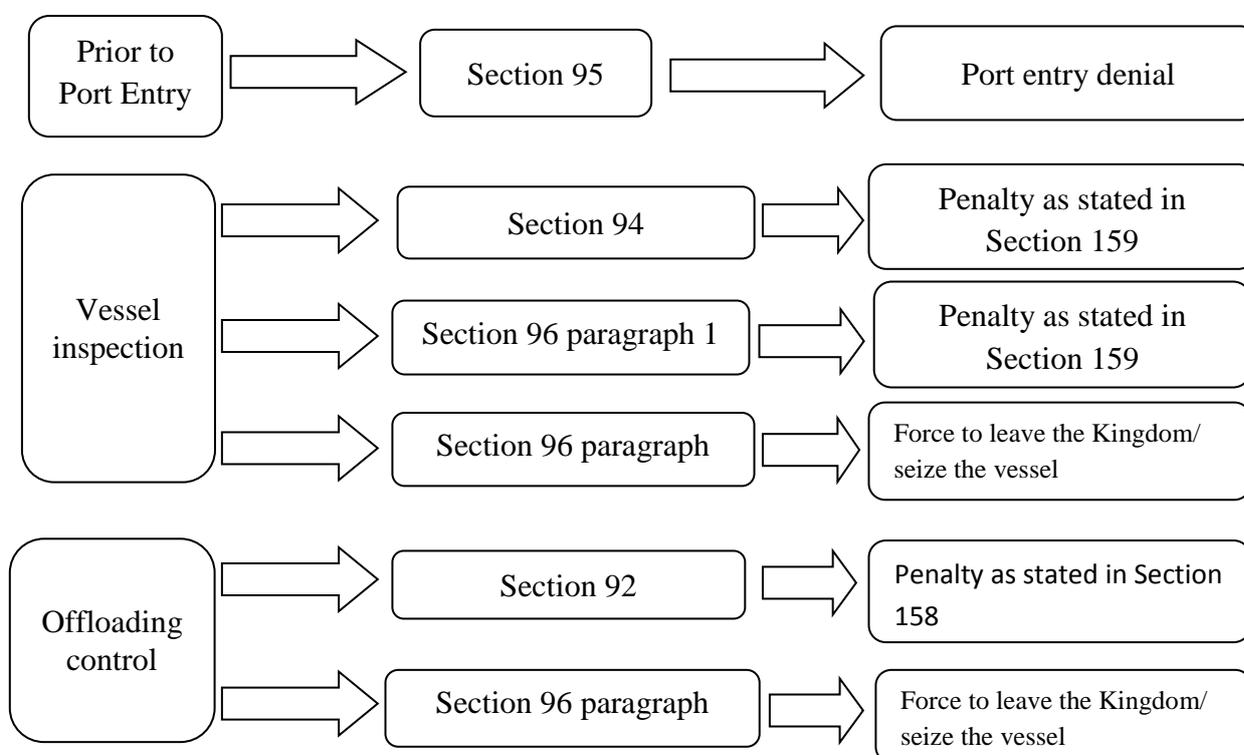


Figure 10 Flow diagram of penal clause for violation in the control and inspection process of foreign fishing vessels and aquatic animal products.

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**Table 1 Penal Clause**

Penal Clause			
Sections in accordance with the Royal Ordinance on Fisheries B.E. 2558	Offence Type	Penal Clause	Note
<p><b>Section 92:</b> under the Section 96, no one shall import aquatic animals or aquatic animal products, unless allowed by the officials. A person wishing to export or transit the aquatic animal or aquatic animal products shall firstly declare Catch Certificate or other documents showing that aforesaid aquatic animals or aquatic animal products have been obtained from legal fishing to the officials for inspection.</p> <p>The permission according to first paragraph shall be conducted only when there is Catch Certificate or other documents declaration to show that aquatic animal or aquatic animal products have been obtained from legal fishing.</p> <p>Permission request and permission granting in first paragraph, shall be in accordance with rules, procedures and conditions stipulated by the Director-General.</p> <p>The Text in first paragraph shall not be used to enforce on bringing aquatic animals or aquatic animal products obtained from legal fishing by Thai fishing vessels into the Kingdom. In that case, it shall not be regarded as importation.</p>	<ol style="list-style-type: none"> <li>1) Import aquatic animals or aquatic animal products without permission from the officials</li> <li>2) Declaration of Catch Certification or other documents according to Section 92 involving in false pretence.</li> </ol>	<p><b>Section 158:</b> a person who violates Section 92, paragraph 1 or involves in false pretence regarding Catch Certificate or other documents according to Section 92, shall be liable to fine for five times of the value of aquatic animals imported, exported or transited.</p>	<p>The Department of Fisheries Announcement on Criteria, Procedures and Conditions of Permission Request and Permission Granting fro Aquatic Animals or Aquatic Animal Product Importation, B.E. 2560</p>

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### Table Penal Clause (cont.)

Penal Clause			
Sections in accordance with the Royal Ordinance on Fisheries B.E. 2558	Offence Type	Penal Clause	Note
<p><b>Section 94:</b> No one shall bring fishing vessel that is not Thai fishing vessel operating illegal fishing into the Kingdom. The Director-General shall be authorized to announce the list of Non-Thai fishing vessels engaging in illegal fishing where there shall be consideration from lists of fishing vessels engaging in illegal fishing announced by foreign States or international organizations.</p>	<p>1) Bring foreign fishing vessel engaging in illegal fishing according to the List announced by the Director-General into the Kingdom.</p>	<p><b>Section 159:</b> A person who violates Section 94, paragraph one or not follow the Section 96, paragraph one, shall be liable to fine from one million baht to thirty million baht or for five times of the value of aquatic animals or aquatic animal products depending upon which one is higher.</p>	<p>The Department of Fisheries Announcement on List of Non-Thai Fishing Vessels Engaging in IUU Fishing (No. 2) B.E. 2560.</p>
<p><b>Section 95:</b> Non-Thai fishing vessels wishing to bring aquatic animals or aquatic animal products into the Kingdom shall inform the officials in advance not less than forty eight hours prior to arriving at port. And shall inform information and enter port according to those specified by the Minister. The officials shall inspect information according to first paragraph and notify vessel controller within twenty four hours after receiving notification of port entry request.</p>	<p>1) Foreign fishing vessels bring aquatic animals or aquatic animal products into the Kingdom without advance notification. 2) Foreign fishing vessels have suspicious behaviors of illegal fishing or related with illegal fishing.</p>	<p><b>Section 95, paragraph 3:</b> The officials shall deny port entry except for safety reason of seafarer or the fishing vessel itself or in case of force majeure.</p>	<p>1) Ministry of Agriculture and Cooperatives Notification on Advance Request and Port Assignment for Non-Thai Fishing Vessel Wishing to Bring Aquatic Animals or Aquatic Animal Product into the Kingdom (No. 2) B.E. 2559</p>

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### Table Penal Clause (cont.)

Penal Clause			
Sections in accordance with the Royal Ordinance on Fisheries B.E. 2558	Offence Type	Penal Clause	Note
In case the non-Thai fishing vessel breaches the criteria stipulated in first paragraph or there are reasonable grounds to suspect that the aforesaid vessel engages in illegal fishing, or relates with illegal fishing, the official shall deny port entry except for safety reason of seafarer or fishing vessel itself or in case of force majeure.			2) Ministry of Agriculture and Cooperatives Notification on Advance Request and Port Assignment for Non-Thai Fishing Vessel Wishing to Bring Aquatic Animals or Aquatic Animal Product into the Kingdom (No. 3) B.E. 2559
<p><b>Section 96:</b> Once the fishing vessel has obtained port entry permission and entered port, the request of aquatic animals or aquatic animal products import shall be submitted. After having granted permission, the aquatic animals or aquatic animal products offloading from vessel can then be performed. The officials shall not give permission according to first paragraph, except the vessel owner or vessel controller shall prove that:</p> <p>(1) The fishing vessel has fishing license to fish or do other activities related to fishing, issued by Flag State or Coastal State.</p>	<ol style="list-style-type: none"> <li>1) Offloading aquatic animals or aquatic animal products before having permission or is not allowed to import aquatic animals and aquatic animal products.</li> <li>2) Cannot prove or declare evidence showing that the aquatic animals are not from IUU fishing.</li> <li>3) DG command contravening</li> <li>4) Having clear evidence of not operate fishing according to the law</li> </ol>	<p><b>Section 159:</b> A person who violates Sect. 94, paragraph 1 or breaches the Sect. 96, paragraph 1 shall be liable to fine from one million baht to thirty million baht, or fine for five times of the value of aquatic animals or aquatic animal product depending which one is higher.</p>	<ol style="list-style-type: none"> <li>1) The DOF Announcement on Criteria, Procedures, and Conditions of Permission Request and Permission Granting of Aquatic Animals or Aquatic Animal Products Importation B.E. 2560</li> </ol>

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### Table Penal Clause (cont.)

Penal Clause			
Sections in accordance with the Royal Ordinance on Fisheries B.E. 2558	Offence Type	Penal Clause	Note
(2) Having clear evidence that does not operate illegal fishing (3) Vessel owner or vessel controller make a note of guaranty indicating that the flag State shall confirm within a reasonable time that the aquatic animal such obtained are in accordance with the rules of international organizations.	5) Being stateless vessel	Administrative Measures: the DG has authorization to ... 1) Order the fishing vessel to leave the Kingdom within specified time and report Flag State, or relevant States and international organizations. 2) Order to seize vessel and properties in that vessel to sell by auction or destroy. Regarding selling by auction stated in paragraph 3, there shall be selling by auction of aquatic animals or aquatic animal products whereas the DG have authority to order destroying of them or having them distributed among poor people or those who are underprivileged for free.	3) The DOF Announcement on List of Non-Thai Fishing Vessel Engaging in IUU Fishing (No. 2) B.E. 2560 4) The Ministry of Agriculture and Cooperatives Notification on Notification of Advance Request and Port Assignment for Non-Thai Fishing Vessel Wishing to Bring Aquatic Animals or Aquatic Animal Products into the Kingdom (No. 3) B.E. 2560

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### Table Penal Clause (cont.)

Penal Clause			
Sections in accordance with the Royal Ordinance on Fisheries B.E. 2558	Offence Type	Penal Clause	Note
<p><b>Section 97:</b> The Minister shall announce to specify that fishing vessel operating traditional fishing of which the Flag State territory bordering with Thailand, shall not follow the Section 95 and Section 96 for all or partially. In this, the Minister has authority to possibly stipulate operation guidelines for aforesaid vessel in order to prevent illegal fishing.</p>	<p>1) Bring in the traditional fishing vessel of neighboring countries adjoining Thailand without operating specified by the Minister.</p>	<p><b>Section 160:</b> A person who contravenes the guidelines stipulated by the Minister according to Section 97 shall be liable to fine from ten thousand baht to three hundred thousand baht or fine for three times of value of aquatic animals or aquatic animal products depending which one is higher.</p>	<p>1) MOAC Notification on Aquatic Animals or Aquatic Animal Products Import Guidelines for Fishing Vessel Operating Traditional Fishing of which Flag State Having border adjoining to the Kingdom of Thailand B.E. 2559</p>
<p><b>Section 112:</b> For port owner, dock operator or owner of vessel registered as traditional vessel or for keeping aquatic animals, a person who violates or does not operate according to this Royal Ordinance, Ministerial Regulations, Notifications or regulation issued in accordance with this Royal Ordinance, the DG shall have authority to cancel the registration.</p>	<p>1. Not follow the Royal Ordinance on Fisheries B.E. 2558, Ministerial Regulations, Notifications or regulations issued in accordance with this Royal Ordinance</p>	<p>1) Registration cancellation</p>	<p><u>In case import from oversea fishing vessel</u> The Ministerial Regulations on Registration Request and Port Registration Issuing B.E. 2559</p>

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### Table Penal Clause (cont.)

Penal Clause			
Sections in accordance with the Royal Ordinance on Fisheries B.E. 2558	Offence Type	Penal Clause	Note
<p><b>Section 114:</b> the following practices are regarded as fishing with serious law violation according to Section 113.</p>	<p>Operate fishing with seriously violate the law:</p> <p>(1) Use stateless vessel to fish</p> <p>(4) Use false documents for preparing fishing logbook or fishing operation report, or destroy documents or evidences of the offences.</p> <p>(11) Counterfeit, hide, or change the vessel identifier or vessel registration</p> <p>(12) Obstruct duty performing of officials or observer, hide, conceal or destroy evidences relating to the investigation of officials.</p>	<p><b>Section 113:</b> A person who operates fishing violating the law seriously, the DG shall have authority to command as follows:</p> <p>(1) Seize aquatic animals or aquatic animal products obtained from fishing or fishing gears concerned.</p> <p>(2) Prohibit fishing until operating correctly</p> <p>(3) Suspend the license using of not more than ninety days of each time, whereas shall be possibly prohibit using such vessel until the end of fishing license suspension</p> <p>(4) Cancel the fishing license and announce that such vessel is used for illegal fishing</p> <p>(5) Arrest the fishing vessel or have an order of putting up bail in case the fishing vessel that breaks the law is non-Thai vessel.</p>	<p>1) MOAC Notification on Aquatic Animals or Aquatic Animal Products Import Guidelines for Fishing Vessel Operating Traditional Fishing of which Flag State Having border adjoining to the Kingdom of Thailand B.E. 2559</p>

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### Table Penal Clause (cont.)

Penal Clause			
Sections in accordance with the Royal Ordinance on Fisheries B.E. 2558	Offence Type	Penal Clause	Note
		<p><b>Section 123:</b> A person who violates Section 10 shall be liable to fine from ten thousand baht to one hundred thousand baht or fine for 3 times of value of aquatic animals obtained from illegal fishing depending which one is higher.</p> <p><b>Section 156:</b> Port owner, dock operator, aquaculture operator that controlling is required, or person buying aquatic animals from aforesaid persons, anyone who does not prepare Marine Catch Purchasing Document or prepare documents or filling in the information with false pretence, shall be liable to fine from ten thousand baht to one million baht.</p> <p><b>Section 165:</b> A person who counterfeits, hides, or changes the vessel identifier or vessel register, shall be liable to fine from ten thousand baht to one hundred thousand baht.</p> <p>If the offender from paragraph 1 uses vessel of the size 150 gross tonnage or more, the fine shall be from five million baht to thirty million baht.</p>	

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## REPORT

Fish Quarantine and Inspection Division (FQID) assigned the Fish Quarantine and Inspection Regional Centre and Fish Inspection Office (FIO) to report the operation results in accordance with the Port State Measures (PSM) in order to compile, analyse, summarize, prepare database and prepare report including submitting the port inspection report to the Flag State, RFMOs and relevant agencies using forms as follows:

### 1. Report form FQID 1: Report of foreign fishing vessel entering port

#### Objectives:

The objectives are to collect information regarding foreign fishing vessels entering the ports to bring aquatic animals into the Kingdom of Thailand, compile data and further report the operation results to the Department of Fisheries.

The information is consisted of 3 parts as follows:

- 1.1) AREP information showing AREP submitted date by the shipping agent including AREP inspection results (pass/delay/deny).
- 1.2) Port inspection report showing port name, port entry date, port departure date, flag, vessel type, registration number, size (gross tonnage) and IMO ID including vessel inspection results.
- 1.3) Transshipment data which includes commencement date of transshipment, completion date of transshipment, species, quantity (weighed at port), quantity (weight for IMD issuing) and summary of transshipment control.

Report submission: Every Friday of each week through electronic mail address: [thaipsm.data@gmail.com](mailto:thaipsm.data@gmail.com)

### 2. Report form FQID 2: Matching of CC with IMD Report

#### Objectives:

The objective is to collect information regarding matching Catch Certificate (CC) with Imported Aquatic Animals Movement Document (IMD) which is approved by the agencies under supervision of FQID. In this, the aquatic animal cargo will be separated to be 2 types of bulk cargo and container cargo.

Report submission: Every Friday of each week via electronic mail address: [thaipsm.data@gmail.com](mailto:thaipsm.data@gmail.com).

### 3. Report form FQID 3: Report of Port Entry Request

#### Objectives:

The objective is to collect information of foreign fishing vessel stating requirement of port entry to the FIO according to the Port State Measures (PSM) and submit information to the

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Fisheries Monitoring Centre (FMC) every day in order to be alert, to monitor, to check shipping route and to notify FIO in case of finding the abnormality of the aforesaid vessel. The information report is consisted of vessel details (name, IMD No., Call sign, MMSI, Flag State and registration number)

Report submission: Report before 3 O'clock in the afternoon of every day via electronic mail address: [thaipsm.data@gmail.com](mailto:thaipsm.data@gmail.com)

#### 4. Report form FQID 4: Report of the Destination of Aquatic Animals

Objectives:

The objective is to collect information regarding aquatic animals imported in bulk by foreign fishing vessels which are inspected according to the Port State Measures (PSM) already. In FQID 4 form, there will be details of aquatic animal raw material, establishment or importer, kinds and quantity of aquatic animals permitted for traceability inspection of aquatic animal source and for monitoring and control utilization of aquatic animal raw material.

The information in FQID 4 form is consisted of vessel name, type, actual port entry date, port name, importer's name in IMD, IMD number, Invoice number including kind and quantity of aquatic animals stated in IMD.

Report submission: Every second day of the month via electronic mail address: [thaipsm.data@gmail.com](mailto:thaipsm.data@gmail.com).

#### 5. Report form FQID 5: Summary of Transshipment Control

Objectives:

The objectives are to collect information and summarize the transshipment of aquatic animals by comparing kinds and quantity of aquatic animal transhipped at port (tally sheet) with kinds and quantity of aquatic animals sorted in front of the establishment.

The information is consisted of the following details: vessel name, nationality, fishing vessel type, nationality of fishing vessel operating fishing, port entry date, transshipment commencing and completing dates, and details regarding kinds and quantity of aquatic animals of 3 parts: information informed for import permit request, information of transshipment at port, and information of aquatic animals sorted in front of establishment.

Report submission: Every second day of the month via electronic mail address: [thaipsm.data@gmail.com](mailto:thaipsm.data@gmail.com).

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