

Translation

**Royal Ordinance on Fisheries (No.2)¹
B.E.2017**

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Whereas it is deemed expedient to amend the law on fisheries;
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Section 1: This Royal Ordinance is called “the Royal Ordinance on Fisheries (No. 2) B.E.2017”

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

Section 3: The definition of “commercial fishing” in Section 5 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

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

Section 3/1. The definition of “fishing vessel” in section 5 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

““Fishing vessel” means a vessel of any size used or intended for use for the purposes of commercial exploitation of marine living resources and shall include a support vessel for fishing operation, transshipment or aquatic animal processing.”

Section 3/2. The definition of “transshipment vessel” shall be added between the definitions of “fishing vessel” and “Thai fishing vessel” in section 5 of the Royal Ordinance on Fisheries B.E. 2558, as follows:

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

Section 4: The definition of “stateless vessel” in Section 5 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

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

Section 5: The definition of “factory” shall be added between the definitions

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of “seaman” and “importation” in Section 5 of the Royal Ordinance on Fisheries B.E. 2558 as follows:

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

Section 6: The following text shall be added as Section 10/1 of the Royal Ordinance on Fisheries B.E. 2558:

“Section 10/1: Any person who wishes to conduct a factory operation shall notify a competent official before doing so, pursuant to the rules and procedures prescribed by the Director-General, unless such person has submitted a notification or received a license to conduct a factory operation under the law on factories.

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

Section 7: Section 11 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 11: Any factory operator shall not employ or allow any foreign person who does not have a work permit under the **law on alien worker management** to work in the factory.

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

The competent official shall give custody of the foreign person under paragraph one to an inquiry official in order to take legal proceedings under the **law on alien worker management** or the law on immigration.

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

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

Any factory operator ordered to close the factory under paragraph five shall not operate a factory, whether or not the operator has a notification letter or a license under the law on factories. Any competent official or any person granting permissions under the

law on factories shall not issue any notification letter or a license to operate a factory to such person to conduct a factory operation under this Royal Ordinance within ten years from the date of the closure of factory.

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

Section 8: The following text shall be added as Section 11/1 of the Royal Ordinance on Fisheries B.E. 2558:

“Section 11/1: In the case where a factory operator violates Section 44, Section 49, Section 50, or Section 51 of the Act on Labour Protection B.E. 2551, the Administrative Sanctions Committee shall order a suspension of factory operation for a period of at least ten days but not more than twenty days.

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

Section 9: Paragraph two of Section 32 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

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

Section 10: Section 34 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 34: Any person granted an artisanal fishing license shall not conduct any fishing in offshore seas, unless granted permission by the Director-General or a designated person. Such permission by the Director-General may be announced and applied generally, and any requirements under rules and conditions for fishing in offshore seas may also be imposed.”

Section 11: Section 35 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed.

Section 11/1. The provisions paragraph two of section 36 of the Royal Ordinance on Fisheries B.E. 2558 (2015) shall be repealed and replaced by the following:

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

Section 12: Section 44 of the Royal Ordinance on Fisheries B.E. 2558 shall

be repealed and replaced by the following:

“Section 44: A fishing license under Section 32 and Section 36 may be transferred in accordance with the following rules, procedures and conditions:

(1) the person requesting to be transferred a license shall not have any prohibited qualifications as indicated in Section 39; and

(2) in the case where a fishing vessel in respect of which a license is to be transferred was used in the commission of an offence under the law on fisheries, the transferee must show evidence that the vessel owner, master or licensee of the vessel used for the commission of offence no longer has any direct or indirect interest or control of such fishing vessel;

(3) the fishing vessel in respect of which a license is to be transferred is not subject to ongoing legal proceedings;

(4) the transferee produces evidence of ownership of the vessel as specified in the fishing license or in accordance with rules and conditions prescribed by Ministerial Regulation.

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

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

Section 13: The following text shall be added as paragraph three of Section 46 of the Royal Ordinance on Fisheries B.E. 2558:

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

Section 14: Paragraph two of Section 58 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

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

Section 15: Paragraph one of Section 65 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

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

aquatic animals.”

Section 16: Section 67 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 67. No person shall use or have in possession for the purposes of using any of the following fishing gears:

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

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

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

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

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

Paragraph one shall not apply to a person who conducts artisanal or freshwater fishing and is permitted to use fishing gears in accordance with the form of gears, the size of vessel, the fishing method, the fishing area, and conditions prescribed by the Director-General.

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

Section 17: Section 70 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 70: No person shall fish in the area and during the time period in which aquatic animals produce or lay eggs, raise their offspring or during any other periods necessary for protection of aquatic animals as prescribed by the Director-General, unless the person uses the gears, applies the fishing method, and complies with other conditions as prescribed by the Director-General.

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

Section 17/1. Section 81 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 81. An owner of a vessel **registered under the law on Thai vessels for fishing purposes** and has a size prescribed by notification of the Minister must undertake the following:

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

(2) prepare a fishing logbook which must at least consist of the date of departure from or arrival to a fishing port, type of fishing gear, area of fishing operation and vessel location, type and quantity of catch or disposal of aquatic animals, landing of catch at fishing port, transshipment of aquatic animals which must be verified by the

master and must be reported to the Department of Fisheries in accordance with the rules and by means prescribed by notification of the Director-General,

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

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

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

Section 18: The following text shall be added as Section 83/1 of the Royal Ordinance on Fisheries B.E. 2558:

“Section 83/1: No owner or master of a fishing vessel shall accept any seaman of other vessels to work during its fishing operation in the seas except where necessary for safety reasons, provided that the Port-In Port-Out Controlling Center is notified within twenty-four hours after the seaman is accepted.”

Section 18/1. The following text shall be added as section 85/1 of the Royal Ordinance on Fisheries B.E. 2558:

“Section 85/1. No person shall use a fishing vessel to transship aquatic animals except where the vessel is registered as a transshipment vessel.”

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

Section 19: Paragraph one of Section 86 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

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

Section 19/1. The provisions of section 83 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 87. Transshipment at sea is prohibited, except for a transshipment to a vessel registered as a transshipment vessel. The vessel owner or master a vessel undertaking a fishing operation must receive authorization in writing or other similar means from a competent official prior to the transshipment of aquatic animals and a transshipment report verified by the master must be submitted to a competent official subsequent to the transshipment of aquatic animals.”

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

In the interest of preventing unlawful fishing, the Director-General shall

have the power to issue a notification to prohibit the transshipment of aquatic animals, which may specify the type and size of vessel, area or time period of aquatic animal transshipment prohibition.”

Section 20: Section 88 and section 89 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 88. The owner of a transshipment vessel having the size specified by notification of the Minister shall undertake the following:

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

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

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

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

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

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

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

Section 89. A vessel registered as a transshipment vessel must, in addition to complying with this Royal Ordinance, in the case of a transshipment of aquatic animals in the waters of a coastal state, must also comply with the laws, rules or regulations of such coastal state, and in the case of a transshipment of aquatic animals in the high seas, must comply with the rules and regulations of the relevant international organisation.”

Section 20/1. The following text shall be added as section 89/1 of the Royal Ordinance on Fisheries B.E. 2558:

“Section 89/1. In the interest of enhancing the efficiency of monitoring, control and surveillance of unlawful fishing, the Minister shall have the power to issue a Ministerial Regulation to prescribe rules, procedures and conditions to be complied by owners of vessels used for supporting fishing vessels or transshipment vessels.

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

Section 20/2. The text in (2) of section 90 of the Royal Ordinance on

Fisheries B.E. 2558 shall be repealed and replaced by the following:

“(2) the owner or master of a transshipment vessel must prepare an aquatic animal transshipment document and submit a report to the Department of Fisheries as stated in section 88(2).”

Section 21: Section 95 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 95: A non-Thai fishing vessel wishing to import aquatic animals or aquatic animal products into the Kingdom shall notify in advance the competent official by no less than the period prescribed by the Minister. However, the Minister may not issue a notification requiring such advance notification longer than ninety-six hours before the fishing vessel arrives at a port. Such fishing vessel shall notify the information and enter the port as prescribed by the Minister.

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

A fishing vessel which has submitted a notification but has not received a reply from a competent official under paragraph two shall be deemed permitted to enter a port.

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

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

Section 22: Section 96 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 96: When a fishing vessel has been authorized to berth at a port pursuant to Section 95 and has completed berthing, a request for permission for the importation of aquatic animals or aquatic animal products shall be lodged. After such permission has been granted, aquatic animals or aquatic animal products may then be unloaded from the fishing vessel. Such permission shall be deemed a permission issued under the law on animals’ epidemics and other laws under which permits are required for importation.

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

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

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

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

In a case in which the owner of the vessel or the master of the vessel cannot prove as per paragraph two, the Director-General shall have the power to order that fishing vessel to leave the Kingdom within a period of time prescribed and notify the flag state or any other country concerned and international organizations thereof.

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

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

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

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

Section 23: The following text shall be added as paragraph three of Section 103 of the Royal Ordinance on Fisheries B.E. 2558:

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

Section 24: The following text shall be added as paragraph two of Section 105 of the Royal Ordinance on Fisheries B.E. 2558:

“When confiscating aquatic animals or aquatic animal products under sub-

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

Section 24/1. Section 112 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 112. In the event that an owner of a fishing vessel port, fish market operator or owner of a vessel registered as a transshipment vessel who violates or fails to comply with this Royal Ordinance, Ministerial Regulation, Notification or Regulation issued under this Royal Ordinance, the Director-General shall have the power to order the revocation of registration.”

Section 24/2. The following texts shall be added as section 112/1 and section 112/2 of the Royal Ordinance on Fisheries B.E. 2558:

“Section 112/1. There shall be an Administrative Sanctions Committee consisting of the Director-General of the Department of Fisheries as Chairman, a representative of the Office of the Council of State, a representative of the Royal Thai Police, a representative of the Department of Employment, representative of the Marine Department, representative of the Department of Industrial Works and representative of the Labour Protection and Welfare Department as members.

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

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

Section 112/2. A meeting of the Administrative Sanctions Committee must be attended by not less than one-half of all members to constitute a quorum.

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

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

Section 25: Section 113 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 113. The Administrative Sanctions Committee shall have the power to issue the following orders against any person engaging in a fishing operation which constitutes a serious infringement:

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

- (2) prohibition of any fishing activity until full compliance is achieved;
- (3) suspension of license for a period not exceeding ninety days each time; in this regard, an order may also be issued to prohibit the use of any such fishing vessel until the license suspension period expires;
- (4) revocation of license and publicly listing the fishing vessel as a vessel used in IUU fishing;
- (5) detention of fishing vessel.

When issuing an order under (1) or (2), a vessel owner may provide security in lieu of the sanction in accordance with rules and procedures prescribed by notification of the Director-General. However, if the fishing gear or fishing vessel is used to commit an unlawful fishing operation again, the security shall vest in the state and no further security can be accepted.

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

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

Section 25/1. The text in (2) of section 114 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“(2) undertaking a fishing operation without a fishing license or without a license to use a fishing gear under section 31, section 32, section 36 or section 48.”

Section 25/1/1. The text in (6) of section 114 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

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

Section 25/2. The text in paragraph one of section 115 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

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

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

- (2) in the case where the Director-General is the issuer of the order, an appeal shall be lodged with the Minister.”

Section 26: The following text shall be added as Section 115/1 of the Royal Ordinance on Fisheries B.E. 2558:

“Section 115/1. When performing duties under this Royal Ordinance, Ministerial Regulation, Notification or Regulation issued under this Royal Ordinance, there shall be a presumption that the person under duty has acted or performed duties honestly and shall receive protection for personal safety and financial assistance as well as other relevant assistance from the state in the event of being subject to legal proceedings in accordance with rules prescribed by notification of the Minister.”

Section 27: Section 118 of the Royal Ordinance on Fisheries B.E. 2558 shall

be repealed and replaced by the following:

“Section 118: The Department of Fisheries shall notify the name list of non-Thai fishing vessels, announced by the Minister pursuant to Section 116, to the Food and Agriculture Organization of the United Nations and international organizations.”

Section 28: The following text shall be added as Section 123/1 of the Royal Ordinance on Fisheries B.E. 2558:

“Section 123/1: Any person operating a factory without notifying the competent official under Section 10/1 shall be subject to a fine from 10,000 baht to 100,000 baht.”

Section 29: Section 124 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 124: Any person operating a factory violates Section 11, paragraph one or Section 11/1, paragraph one, shall be subject to a fine no less than 400,000 baht per employee or worker who has been illegally employed.

Any person operating a factory in violation of Section 11, paragraph two or six , or Section 11/1, paragraph two ~~or three~~, shall be subject to a term of imprisonment not exceeding two years or a fine from 200,000 baht to 2,000,000 baht or both. The person shall also be subject to an additional fine of 100,000 baht per day for the entire duration of the violation.

Any competent official or person who gives permission under the law on factories issues the notification receipt or permission in violation of Section 11, paragraph six shall be subject to a term of imprisonment not exceeding two years or a fine from 200,000 baht to 2,000,000 baht or both.”

Section 30/1. Section 128 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed.

Section 30: The following text shall be added as Section 125/1 of the Royal Ordinance on Fisheries B.E. 2558:

“Section 125/1: Any person who conducts artisanal fishing, fishes with the gears not consistent with the types permitted to fish, fishes outside the fishing area, or violates any other conditions as prescribed in the license/permit under Section 32 or Section 34, shall be subject to a fine from 10,000 baht to 100,000 baht or a fine three times of the value of aquatic animals caught in the fishing, whichever amount is higher.”

Section 31: Paragraph one of Section 135 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 135: Any person conducting fishing or transshipment and failing to comply with Section 50 or Section 88(5), shall be subject to a fine of 1,000,000 baht.”

Section 32: Paragraph one of Section 151 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 151: Any person violating Section 81(1) or (4) or Section 88(1) or (4) shall be subject to a fine of 20,000 baht.”

Section 33: Paragraph one of Section 152 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 152: Any person conducting fishing or transshipment without reporting as required by the rules prescribed under Section 81(2) or (3), Section 82 or

Section 88(2), (3) or (4) with false reporting, or without taking the vessel back to a fishing port under Section 81(5) or Section 88(6) shall be subject to a fine of 10,000 baht.”

Section 34: Section 153 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 153: Any owner of a fishing vessel using a seaman without a seaman document or without a license/permit under Section 83 or in violation of Section 83/1, shall be subject to a fine no less than 400,000 baht but not exceeding 800,000 baht per one seaman of the case. The Director-General shall issue an order to withdraw the fishing license/permit of the owner of the fishing vessel. The Director-General of the Marine Department shall also issue an order to withdraw captain certification of the master of the vessel under the law on navigation in Thai waters.”

Section 34/1. Section 155 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

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

Section 34/2. The following text shall be added as section 155/1 of the Royal Ordinance on Fisheries B.E. 2558:

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

A telecommunications service provider who violates or fails to comply with a Notification issued under section 89/1 paragraph two shall be liable to a fine not exceeding one million baht or a daily fine not exceeding one hundred thousand baht throughout the period of violation or non-compliance.”

Section 35: Section 162 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“Section 162. Any person failing to comply with a letter of summons issued by the competent official pursuant to Section 102(1) or the order of the competent official pursuant to Section 102(4) or Section 105(2), or failing to facilitate the competent official under Section 102, paragraph five, or violating an order issued by the Administrative Sanctions Committee pursuant to Section 113(2) or (5), shall be subject to a fine from 10,000 Baht to 50,000 Baht.

An offender under paragraph one who is a juristic person shall be liable to a fine from one hundred thousand baht to one million baht.

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

Section 36: The following text shall be added as Section 162/1 of the Royal Ordinance on Fisheries B.E. 2558:

“Section 162/1: Any person purchasing aquatic animals or aquatic animal products from the sale by auction pursuant to Section 105, paragraph two or Section 115, paragraph two in violation of the conditions prescribed by the competent official, shall be subject to a fine five times of the value of aquatic animals or aquatic animal products which were on sale by auction.”

Section 37: Section 166 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the followings:

“Section 166: A supporter or beneficiary in an offence under this Royal Ordinance shall be subject to the same penalty as that of the principal thereof, unless such conduct was undertaken by a seaman and the court is of an opinion that it was done according to an instruction of the owner or master of the vessel. In that case, the court may exempt that person from punishment or impose a punishment at the level lower than that prescribed by the law for any amount.”

Section 38: Section 169 of the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the followings:

“Section 169: The fishing gears, aquatic animal, aquatic animal products, fishing vessels, or any other objects used in or received from the offense which is serious IUU fishing under Section 114, shall be completely forfeited, except for the case of depositing a guarantee instead of vessel detention, such guarantee, instead of the vessel, shall be forfeited.

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

Section 38/1. The text in (4) of the fee schedule to the Royal Ordinance on Fisheries B.E. 2558 shall be repealed and replaced by the following:

“(4) Registration of transshipment vessel 10,000 baht per registration”

Section 39. All Ministerial Regulations, Notifications or Orders issued under the Royal Ordinance on Fisheries B.E. 2558 in force on the day prior to the effective date of this Royal Ordinance shall remain effective to the extent that they are not inconsistent with or contrary to this Royal Ordinance, until a Ministerial Regulation, Notification or Order issued under the Royal Ordinance on Fisheries B.E. 2558 as amended by this Royal Ordinance comes into force.

Section 40. All authorization applications, license applications, license transfer applications, transshipment vessel or reefer registration applications filed under the Royal Ordinance on Fisheries B.E. 2558 and pending consideration shall be deemed to be permit applications, license applications, license transfer applications and registration applications under this Royal Ordinance *mutatis mutandis*, and further action shall be taken in accordance with rules, procedures and conditions provided under this Royal Ordinance.

Section 41. All authorizations, licenses or transshipment vessel or reefer registration certificates issued under the Royal Ordinance on Fisheries B.E. 2558 prior to the effective date of this Royal Ordinance shall remain in force until their expiration or revocation.

Section 42. All administrative sanctions pending consideration by the Administrative Sanctions Committee under the Order of the Head of the National Council for Peace and Order No. 22/2560 Re: Resolution of Problems Pertaining to Illegal,

Unreported and Unregulated Fishing, No. 4, dated 4th April B.E. 2560, on the effective date of this Royal Ordinance, shall continue to be considered by such Administrative Sanctions Committee until the Administrative Sanctions Committee under this Royal Ordinance takes office.

Section 43. The Minister of Agriculture and Cooperatives shall have charge and control of the execution of this Royal Ordinance.

Countersigned by

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Prime Minister