



# Regional Training Course on Enhancing Capacity for Monitoring Control and Surveillance (MCS) of Domestic and International Fishing Vessels to Combat IUU Fishing



**“The reforms and amendments to Thailand’s Fisheries laws in compliance with MCS to combat IUU Fishing”**



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**The reforms and amendments to Thailand's Fisheries laws in compliance with MCS to combat IUU Fishing**

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- 1. Background on Thailand's Fisheries Laws and Need for Reform**
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**The reforms and  
amendments to  
Thailand's Fisheries  
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IUU Fishing**

# **Contents**

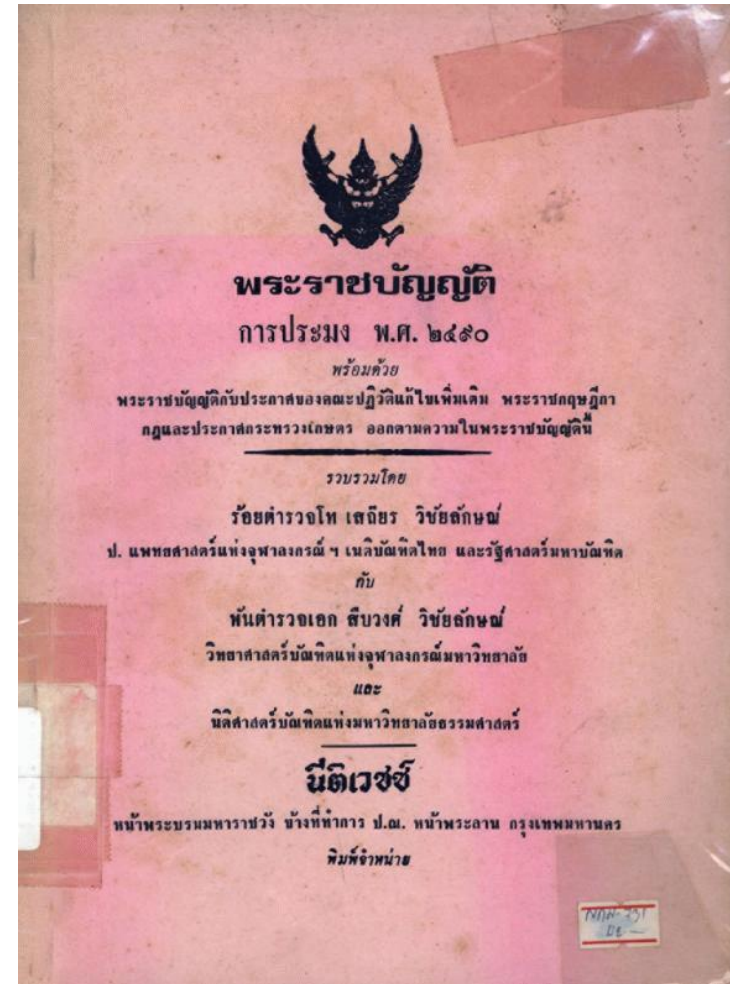
- 1. Background on Thailand's Fisheries Laws  
and Need for Reform: Historical context**
  - Historical context**
  - Drivers for change**



# 1. Background on Thailand's Fisheries Laws and Need for Reform: *Historical context*

## Before 2015: Fisheries Act 1947

- Outdated Act based on the principle of open-access
- Some fisheries control measures were taken place but ineffective
- Primary focus was on control of harmful activities and the collection of state revenues from the exploitation of aquatic resources
- There was no any section in this fisheries act allowing the establishment of effective MCS&E measures





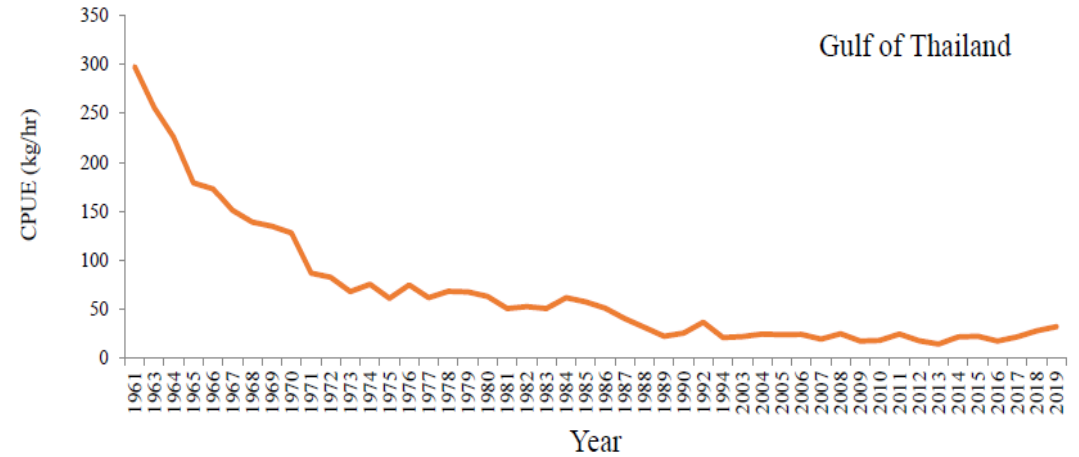
# 1. Background on Thailand's Fisheries Laws and Need for Reform: *Drivers for change*

## Internal pressure:

- fisheries resource of Thailand was in the critical stage then it needed to be put some efforts to rectify towards sustainability and food safety

## International pressure:

- The warning from EU “Yellow card”: the EU is a major seafood importer from Thailand. The EU identified Thailand as of a country having insufficient measures in combating IUU Fishing (EC 1005/2008)
- Possibly non-cooperation third country



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**2. The Reform of Thailand's Fisheries Law**



## 2. The Reform of Thailand's Fisheries Law

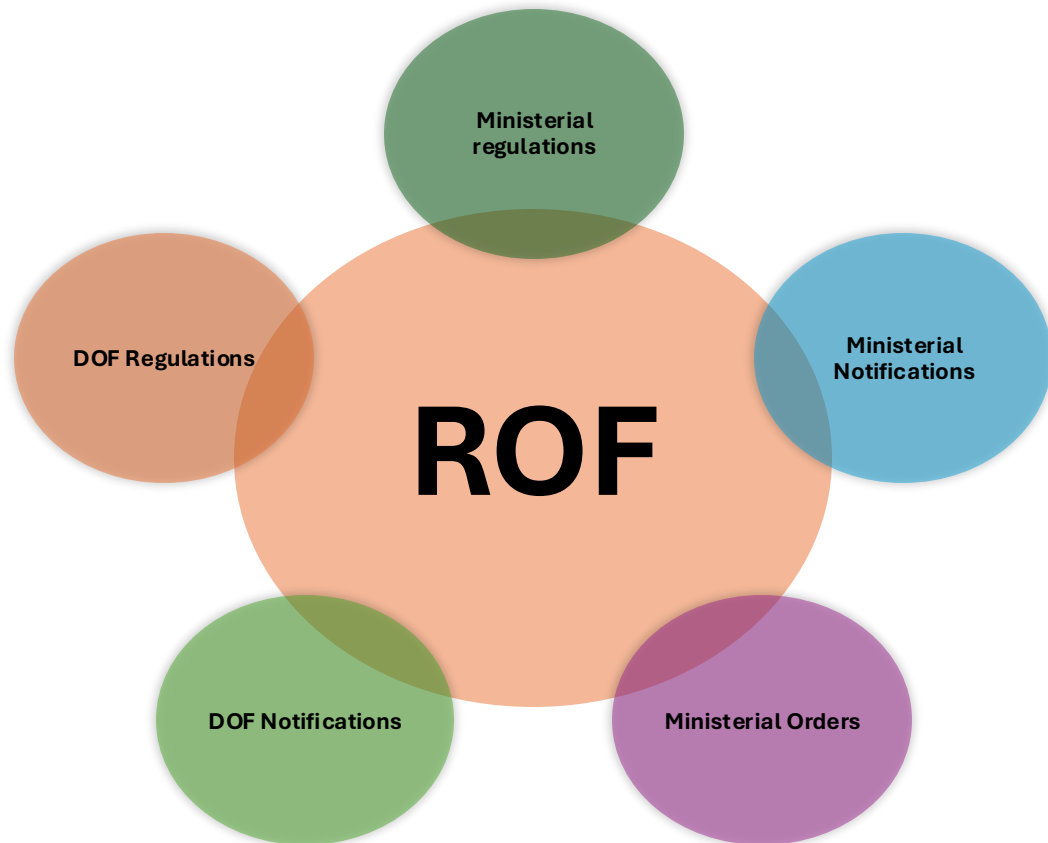
- **Entering into force of new fisheries law  
“The Royal Ordinance on Fisheries 2015  
and its amendment 2017”**
  - Allows the establishment of effective MCS&E
  - Aligns with international Instruments: UNCLOS, UNFSA, PSMA, IOPA – IUU, RFMO's requirements
  - Introduces the effective Traceability system
  - Establishes the cooperations among domestic, regional, and international agencies
  - Establishes the Marine Fisheries Management Plan: FMP





## 2. The Reform of Thailand's Fisheries Law

### Current Legal Framework on Fisheries



#### Relevant Acts related fisheries

- Thai Vessels Act
- The Navigation Act in Thai waters
- The Fishing Right in Thai waters Act



# Complimentary legal Frameworks between Department of Fisheries (DOF) and Marine Department (MD)

## Legal requirement



**DOF**



**MD**

 **Vessel permit**  
Navigation in Thai Waters Act

> DOF needs to certify renewal of permit →

> Issuance of permit

> Renewal of vessel permit

 **Vessel registration**  
Royal Ordinance on Thai Vessels

> Too many fishing vessels / vessel notified as IUU (article 46 RO on Fisheries) →

> Prohibition of vessel registration

> DOF needs to certify request for alteration/transfer of ownership/destruction ↔

> MD to amend vessel registration

Joint inspection by DOF and MD

 **Fishing Licence**  
Royal Ordinance on Fisheries

> Fishing licence issue ←

> Vessel must have valid permit and registration

> Fishing licence revoked or no new licence requested →

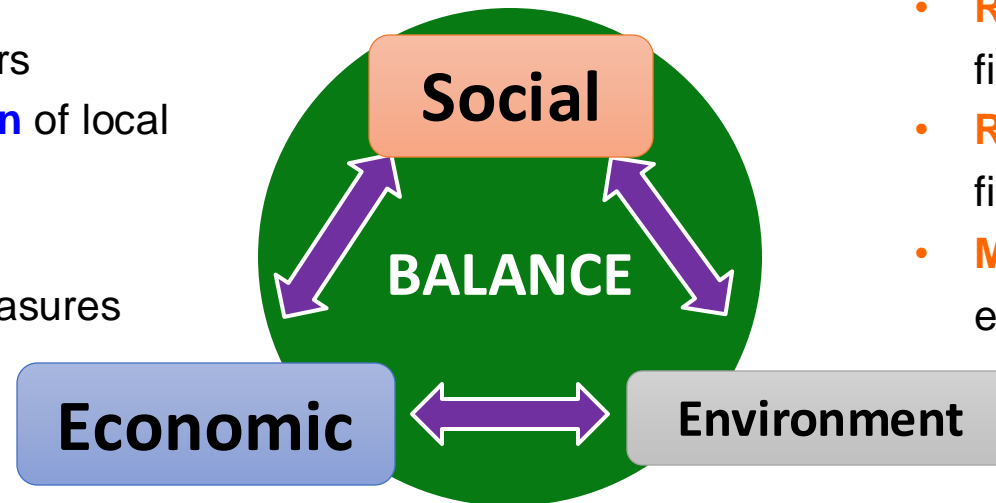
> Vessel registration revocation



## 2. The Reform of Thailand's Fisheries Law: the establishment of FMP

### Fisheries Management Policy Ecosystem Approach

- **Resolving** conflicts between small-scale & large-scale fishers
- **Co-management/participation** of local community, stakeholders
- **Strengthening** local institution
- **Mitigation/compensation** measures



- **Reducing** fishing capacity and fishing effort
- **Restoring** and **rebuilding** fishery resources
- **Minimizing** IUU fishing through effective MCS

- **Sufficiency** economy
- **Increasing** income of local community
- **Increasing** national GDP



## 2. The Reform of Thailand's Fisheries Law: the establishment of FMP

### Marine Fisheries Management Plan (FMP)

Fisheries management plan aims for providing the principles on reducing fishing capacity and fishing effort

- Introduce New **fishing licensing scheme (E-licensing)**
- Controlling the **number of fishing license** based on the maximum allowable catches
- A **fishing day scheme** for management of fishing effort
- **Ban of several types of destructive fishing gears** (such as, push net, set bag net, Purse Seiner with mesh size less than 2.5 cm fishing at night)
- Regulating the **seasonal closure areas and spatial closure areas**
- **Fleet reduction scheme** (removal of fishing vessels for un-registered & registered but without fishing licenses, no registration of new FV)
- Alternative **measures & compensation** to the removed FVs (destroyed, buyback scheme, alternative career and change type of vessels)

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## **The reforms and amendments to Thailand's Fisheries laws in compliance with MCS to combat IUU Fishing**

### **3. The Definition of MCS&E**

- Definition in 1981**
- Definition in 2009**
- Definition of Enforcement**



### 3. The Definition of MCS&E: *Definition in 1981*

- **The definition was first given in 1981 by the FAO Expert Consultation**
  - Monitoring: the continuous requirement for the measurement of fishing effort characteristics and resource yields
  - Control: the regulatory conditions under which the exploitation of the resource may be conducted; and
  - Surveillance: the degree and types of observations required to maintain compliance with the regulatory controls imposed on fishing activities





### 3. The Definition of MCS&E: *Definition in 2009*

- **Later in 2009, the definition of MCS was revised by the FAO again as it reflected in *chapter 14 of FAO's fishery manager guidebook second edition***
  - **Monitoring**: collect, measure and analyse of fishing activity including (but not limit to): catches, species composition, fishing effort, discard, fishing grounds and etc., This is a primary information that has been using for determination of management. If this information is unavailable, inaccurate or incomplete then the development of management measures will be ineffective.
  - **Control**: specific measures concerning the specific status of resources in controlling the harvest of resources to ensure the resources will not be harvest over sustainable point. These measures are usually contained in national fisheries legislations and other agreements (national and international). The legislation provides the basis for which fisheries management arrangements, via MCS are implemented.





### 3. The Definition of MCS&E: *Definition in 2009*

- Later in 2009, the definition of MCS was revised by the FAO again as it reflected in *chapter 14 of FAO fishery manager's guidebook second edition*
- Surveillance: involves the checking and supervision of fishing activity to ensure that national legislation and terms, conditions of access, and management measures are observed . This activity is vital to ensure that the resource are not over exploited and control & management measures are implemented.





## 3. The Definition of MCS&E: *Enforcement*

- **Definition of Enforcement**

- According to FAO fishery manager's guidebook , there is no definition of enforcement was given
- It has been discussed among the FAO experts on the functionalities of MCS that the Enforcement does not much focus on Monitoring and Control elements of MCS but rather on Surveillance and Enforcement elements.
- **What is the meaning of Enforcement?**
- Enforcement always involves to non-compliance activities.
- Even the surveillance activity also conducted to prevent such any non-compliance activity, but it is impossible for the surveillance operation that can be performed covered all areas of fishing operation



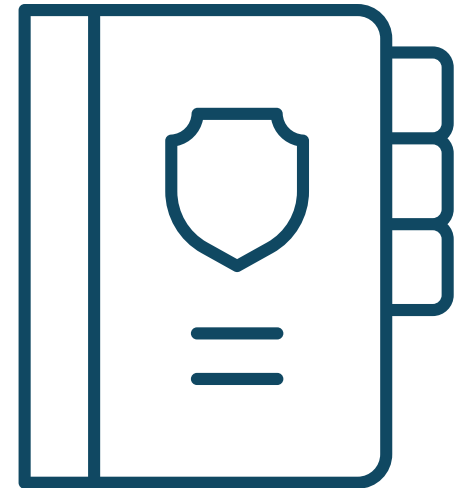




## 3. The Definition of MCS&E: *Enforcement*

- **Definition of Enforcement**

- **What is the meaning of Enforcement?**
- Moreover, fishers are always tempted to conduct non-compliance activity because they believe in violating the regulations or restrictions can make more profit
- *Therefore, the enforcement means any legal process will be taken place immediately when the non-compliance/infringement, or the any suspected activities, were found.*
- *The legal process may start at investigation stage until the punishment stage if that suspected activity is concluded as the non-compliance activity.*



**The reforms and  
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  - Before 2015**
  - From 2015 – present**
  - Case Study**



Before 2015

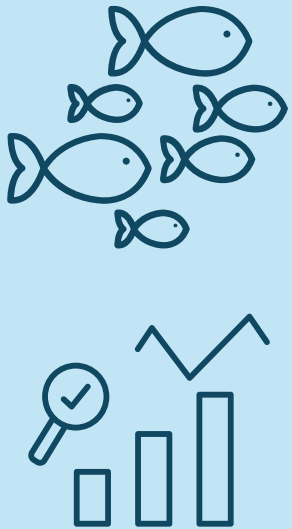


# Monitoring



## 4. The Implementation of Thailand's MCS&E : *Before 2015*

### Before 2015



#### Monitoring

- Collecting the information from research vessels and the samplings at the landing sites
- This information was used to understand the nature of fisheries in general ( stocks, fishing grounds, fishing efforts, composition)
- The outcome of this monitoring activity did not reflect the realistic status of fisheries resource due to the poor information had been used.
- The information from other sources were rarely to be integrated or were not used;
  - The data of fishing vessels due to poor record of this data
  - The data from fishing logbook due to no legal requirement was taken place in compelling to prepare fishing logbooks by fishers



# พระราชบัญญัติ

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พร้อมด้วย

พระราชบัญญัติกับประกาศของคณะปฏิวัติแก้ไขเพิ่มเติม พระราชกฤษฎีกา  
กฎและประกาศกระทรวงเกษตร ออกตามความในพระราชบัญญัตินี้

รวบรวมโดย

ร้อยตำรวจโท เติญชร วิชัยลักษณ์

ป. แพทศาสตร์แห่งจุฬาลงกรณ์ฯ เนลิมันท์ทิลไทย และรัฐศาสตร์มหาบัณฑิต

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และ

นิติศาสตร์บัณฑิตแห่งมหาวิทยาลัยธรรมศาสตร์

## นิติเวช

หน้าพระบรมหาราชวัง ข้างที่ทำการ ป.ฉ. หน้าพระลาน กรุงเทพมหานคร

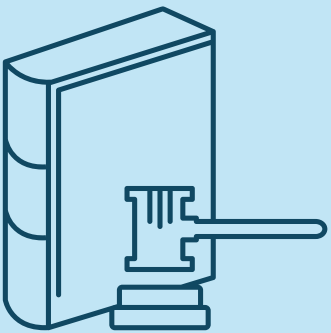
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# Control



## 4. The Implementation of Thailand's MCS&E : *Before 2015*

### Before 2015



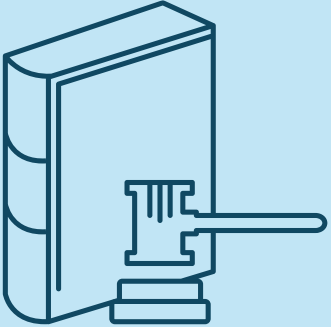
#### Control

- Control measures were established under the provisions of outdated *Fisheries ACT 1947*
  - This Fisheries Act was based on *the principle of open access*
  - This Act mainly focused on control of harmful activities and revenues of exploitation
  - No any article allowed establishment of effective control measures
- Insufficient control measure to limit fishing license
  - The allocation of fishing license was in place but not aimed to sustainability
  - The information from Monitoring activity regarding the status of fisheries resource, had not been used for determination of fishing allocation



## 4. The Implementation of Thailand's MCS&E : *Before 2015*

### Before 2015



#### Control

- Partly control measures on fishing gears; control the numbers of fishing gears/vessel for the high-performance fishing gears
- Spatial Control was established; seasonal temporary closure areas for conservation purpose
- Poor registration control measures: unclear number of fishing vessels whether registered or unregistered vessels
- No measure to prohibit registration for the owners/vessels who/which engaged IUU fishing





# Surveillance



## 4. The Implementation of Thailand's MCS&E : *Before 2015*

### Before 2015



#### Surveillance

- Surveillance was conducted only at sea inspection.
  - conducted by DOF surveillance units
  - The operations were conducted based on plannings and officers' experiences
- Lack of Legal framework to establish effective surveillance activities caused by outdated Fisheries Act 1947
  - No legal framework to set up port inspection unit
  - No legal framework to set up the requirement to have VMS device onboard
- No core Surveillance authority and no coordination among existing maritime authorities



# Enforcement



## 4. The Implementation of Thailand's MCS&E : *Before 2015*

### Before 2015



#### Enforcement

- The Fisheries Act 1947 did not set up an appropriate legal framework for the enforcement
  - Did not cover all non-compliance activities
  - Most of non-compliance activities were minor violations
- Only criminal sanction was imposed (fine and imprisonment penalties)
  - Penalties were too low that it was unable to discourage the fishers from violating laws
  - The maximum fine penalty was 10,000 Baht
  - The process of legal sanction was too slow
- The officers were reluctant to enforce due to lack of experiences and no clear procedure to conduct enforcement



From 2015 - present



## 4. The Implementation of Thailand's MCS&E : *2015 - present*

### 2015 - present



### Thailand's fisheries reform post-2015 established the effective implementation of MCS&E of Thailand

- Entering into force of new Fisheries Act which is ROF 2015 (& amendment 2017)
  - Improvement of all fisheries aspects of Thailand (included MCS&E)
  - Allowing Thailand to Fulfill the international obligations related fisheries; UNCLOS, UNFSA, PSMA, CMM's RFMOs, IPOA – IUU



## 4. The Implementation of Thailand's MCS&E : *2015 - present*

### 2015 - present



### Thailand's fisheries reform post-2015 established the effective implementation of MCS&E of Thailand

- DOF's restructure in 2016
  - Including 4 clusters, of which 2 clusters engaging in combating IUUF;
- Thailand National Fisheries Policy Committee
  - Established under the provision of article 19 of ROF
  - Roles: Determinations of policies related fisheries both in Thai waters and distance waters
  - Entitled to set up any ad-hoc or sub-committees



## 4. The Implementation of Thailand's MCS&E : 2015 - present

### 2015 - present



### Thailand's fisheries reform post-2015 established the effective implementation of MCS&E of Thailand

- Thailand's NPOA – IUU
  - Established align with IPOA –IUU
  - Comprised with 5 components 1) Responsibility as a state 2) Responsibility as Flag state 3) Responsibility as Coastal state 4) Port State Measures 5) Internationally-Agreed Market-related measures
  - NPOA – IUU is now second edition





# Monitoring

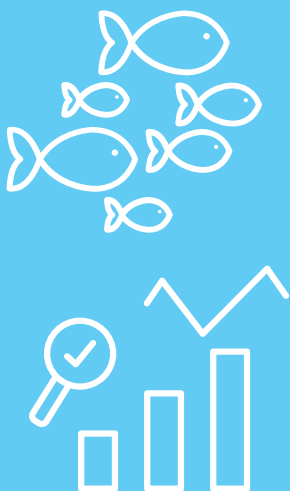


## 4. The Implementation of Thailand's MCS&E : *2015 - present*

### 2015 - present

#### Monitoring

- **Collect, measure, analyze of fishing activity deriving from related sources to understand the status of fisheries resources**
  - Use of the fishing logbook data: all commercial fishing vessels are required to prepare fishing logbook and submit to the officer; *in accordance with article 81 (2) of ROF*
  - Use of the VMS data: commercial fishing vessels from 30 GT are obligated to have VMS onboard and maintain its functions at all time; *in accordance with article 81(1)*
  - Use of Catch landing data: The data has been imported to the electronic system by the port operators through electronic system called TFCC





## 4. The Implementation of Thailand's MCS&E : *2015 - present*

- **2015 - present**



### Monitoring

- Use of data obtained from observer onboard: all Thailand's distance waters fishing vessels are obligated to have observer onboard; *in accordance with article 50 of ROF*
- All these mentioned data has been using incorporating with the data from scientific research side (survey, sampling) to precisely understand the status of fisheries resources to achieve the effective determination of Control measures

# Control



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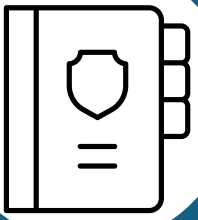
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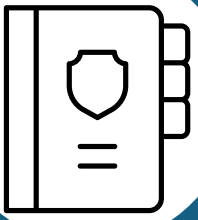
## 4. The Implementation of Thailand's MCS&E : *2015 - present*

### 2015 - present



#### Control

- All control measures are established under the provisions of ROF and its sub-ordinated laws
- The implementation of MCS&E of Thailand has established by ROF
  - The implementation has legal binding and is inevitable to not comply



## 4. The Implementation of Thailand's MCS&E : *2015 - present*

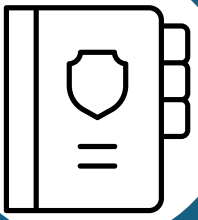
**2015 - present**



### Control

#### *Chapter 2 according Fishing in Thai waters;*

- *Article 34:* Artisanal fishing shall not engage fishing in offshore area
- *Article 36:* Anyone wishing to engage commercial fishing must obtain the license. License shall be issued specifically to each vessel
- *Article 37:* Anyone that commercial fishing license has been given, shall provide the working safety, sanitary, and welfare systems to crews in according with Ministerial Notification
- *Article 38:* Any commercial fishing vessels must not engage fishing in coastal area



## 4. The Implementation of Thailand's MCS&E : 2015 - present

### 2015 - present



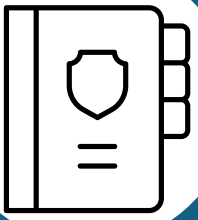
#### **Marine capture fisheries is classified into TWO groups**

- Artisanal fishing: use of vessel size below than 10 GT
- Commercial fishing: use of vessel size 10 GT and over and the vessel below 10 GT using high performance fishing gears

#### **Fishing Zone in Thai waters is divided into TWO areas**

- Coastal sea : 3 NM from the baseline but can be extended up to 12 NM or for the management purpose that the coastal sea can be determined between 1.5 NM – 12 NM: This area reserves for Artisanal fishing vessels
- Offshore: from the outer boundary of Coastal sea up to outer boundary of Thai EEZ: This area reserves for Commercial fishing vessels

The definitions are given under the provision of article 5 of ROF



## 4. The Implementation of Thailand's MCS&E : *2015 - present*

**2015 - present**

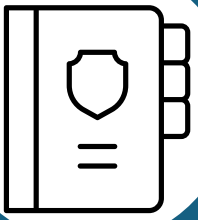


### Control

#### Chapter 2 according Fishing in Thai waters:

- Article 39: Anyone applied for the fishing license pursuant to the provisions of this ROF, must not be prohibited person as prescribed herein ROF: for instance;
  - Used to be penalized in committing the serious infringement with in 5 years
  - Person who fishing license has been being suspended
  - Person who fishing license was revoked twice in 5 years
- Article 40 : The validation of fishing license is 2 years from the date of issue
- Article 42: The authorized fishing gear specified in the license cannot be modified





## 4. The Implementation of Thailand's MCS&E : *2015 - present*

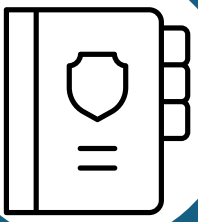
2015 - present



### Control

#### *Chapter 2 according Fishing in Thai waters;*

- Article 45: where the evidence of overfishing appeared. The minister is able to issue notification on temporary suspending issuance of fishing license
- Article 46: Regarding the register of fishing vessels that any state officers shall not register the vessel if;
  - The number of fishing vessels have exceeded the number as prescribed by the Thailand Fisheries Policy Committee
  - The vessel has been listed in the IUU vessels lists
  - The vessel used to register with other states and had history in engaging IUUF



## 4. The Implementation of Thailand's MCS&E : *2015 - present*

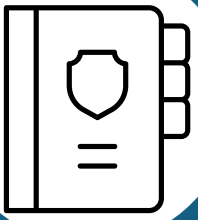
**2015 - present**



### Control

#### *Chapter 3 according Fishing in outside Thai waters:*

- *Article 48:* anyone wishing to engage fishing outside Thai waters must has fishing license issued by DG and must be complied with the conditions as prescribed. In case of fishing in the area under jurisdiction of other coastal states, the applicant must present the proof of right to operate fishing from wished coastal states.
- *Article 49:* anyone obtained fishing license to operate in the other coastal states or the areas under responsibility of RFMOs, must comply to measures of coastal states or RFMOs, apart from comply with measures of ROF



## 4. The Implementation of Thailand's MCS&E : *2015 - present*

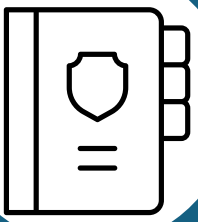
**2015 - present**



### **Control**

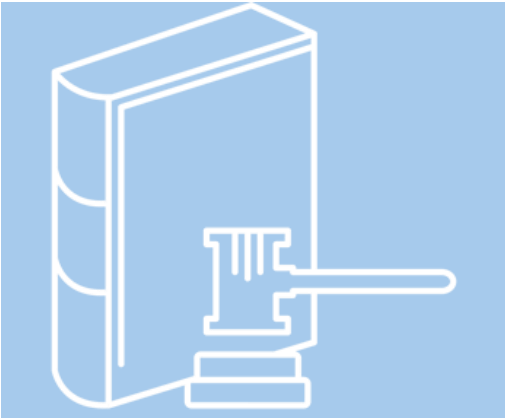
#### **Chapter 3 according Fishing in outside Thai waters;**

- **Article 50:** Anyone that has license to operate fishing outside Thai waters, must has the observer on board fishing vessel in comply with the conditions of Coastal States or RFMOs or conditions prescribed by DG
- **Article 52:** Anyone that has license to operate fishing outside Thai waters, shall not engage fishing in Thai waters



## 4. The Implementation of Thailand's MCS&E : *2015 - present*

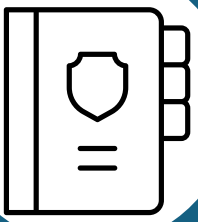
**2015 - present**



### **Control**

#### **Chapter 5 according Management and Conservation ;**

- **Article 56:** No one allows to exploit aquatic animals in conservation areas as prescribed
- **Article 57:** No one allows to catch/take aquatic animals of the size is smaller than prescribed
- **Article 60:** No one allows to catch marine mammals or endangered aquatic animals or even take it on board fishing vessels, except for the rescue purpose
- **Article 70:** No one shall engage fishing operation during the spawning season as prescribed



## 4. The Implementation of Thailand's MCS&E : 2015 - present

2015 - present



### Control

#### Chapter 7 according control measures on Foreign Fishing vessels desiring to enter Thai ports :

- Article 94: No person shall bring a non-Thai fishing vessel that has engaged IUU Fishing into Thailand
  - The DG has right to public the lists of non-Thai flag vessel engaging IUU Fishing
- Article 95: Non-Thai fishing vessel wishing to import fish or fish products to Thailand, shall notify Thai's competent Authority in advance
- Article 96: The non- Thai fishing vessel which has been authorized to dock, shall submit the request to receive the permission on importation of fish and fish products.
  - The competent authority shall not permit any importation unless the evidences were submitted to prove;
    - Fishing vessel has fishing license issued by coastal state or flag state
    - The evidences in not engaging IUU Fishing
    - Certification in written from flag state to certify the catch onboard was taken legally in accordance with regulations of international organizations



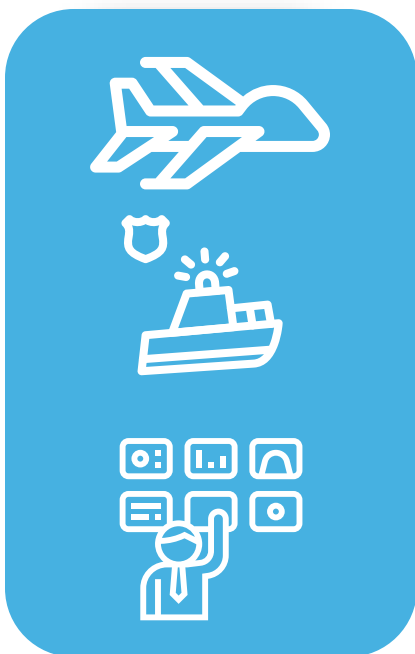
ศูนย์ปฏิบัติการเฝ้าระวังการทำประมง  
FISHERIES MONITORING CENTER

Surveillance



## 4. The Implementation of Thailand's MCS&E : *2015 - present*

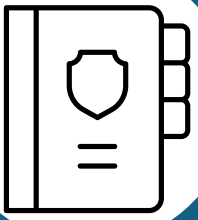
2015 - present



### Surveillance

#### Chapter 7 according Surveillance:

- Article 80: Use of commercial fishing vessel of size as prescribed must undertake following actions
  - (1) having VMS installation and maintain its functionalities at all times
  - (2) preparing fishing logbook and submit to DOF officer
  - (3) notify every port – entry and exit to PIPO center in accordance with the rules and procedures as prescribed
  - (4) having vessel's marking
  - (5) return to designated port on a regular basis as prescribed; maximum 30 days fishing in Thai waters and 365 days fishing outside Thai waters

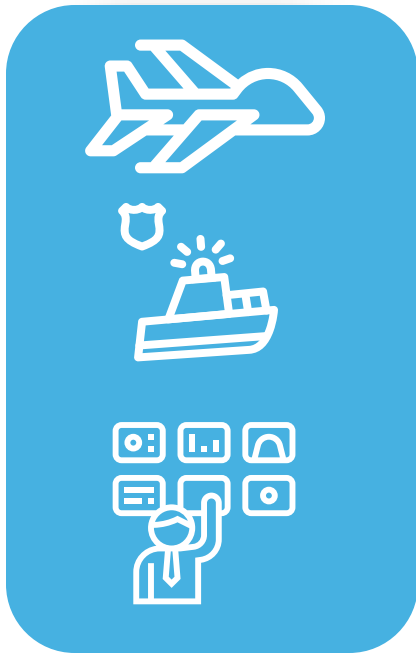


## 4. The Implementation of Thailand's MCS&E : *2015 - present*

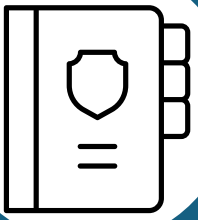
**2015 - present**

### Surveillance

- *Vessel Monitoring System (VMS)*: obligated to commercial fishing vessels from 30 GT whether fishing in Thai waters and outside Thai waters
- *Electronic Reporting system and Electronic Monitoring System (ERS&EM)* : obligated to the fishing vessels that engaging fishing and transshipment outside Thai waters





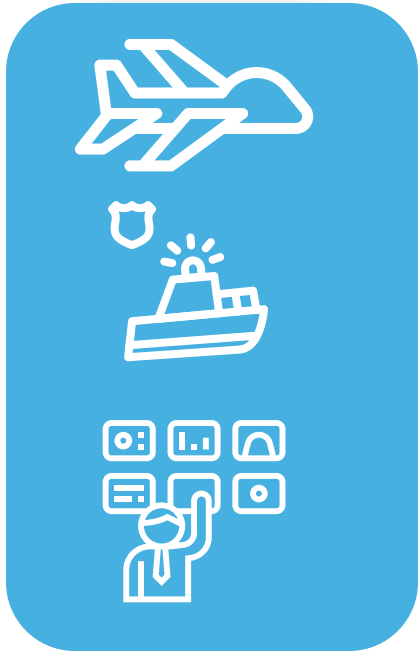


## 4. The Implementation of Thailand's MCS&E : *2015 - present*

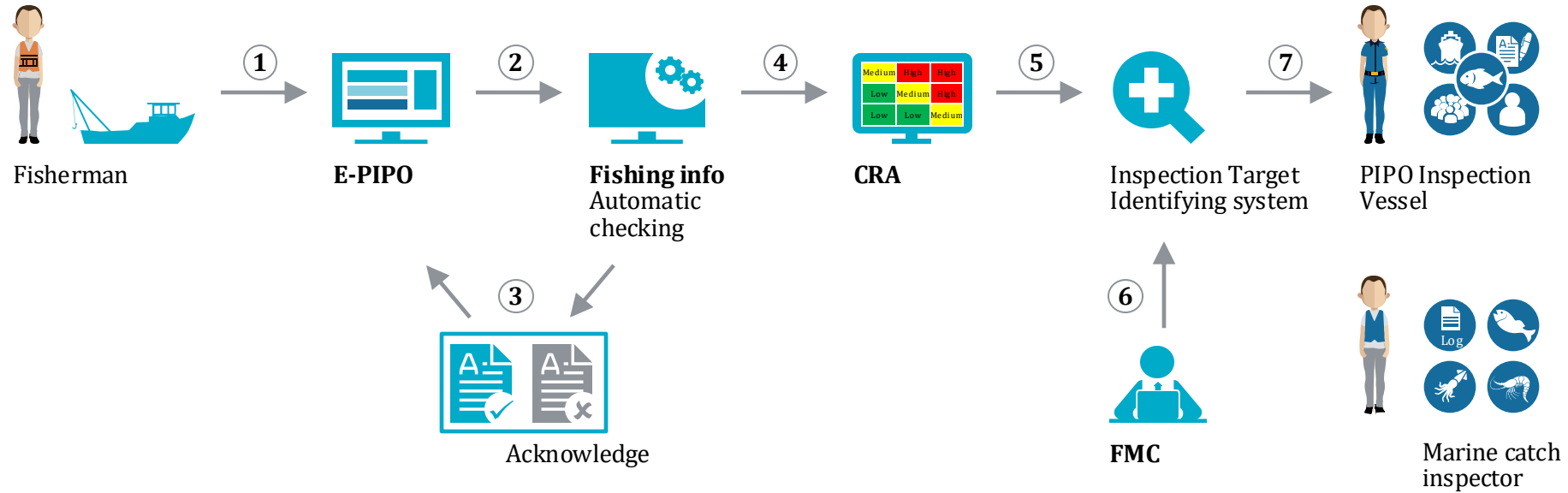
### 2015 - present

#### Surveillance

- *Fisheries Monitoring Center (FMC)*: 24hrs/7 days operation. Monitor the compliance of Thai-flagged fishing vessels both inside and outside Thai waters through VMS, ERS, EM, AIS. Collaborate with relevant agencies when the suspected non – compliance activity was detected for taking further and appropriate actions.
- *Port In – Port Out Center (PIPO)*: The 30 of PIPOs were set up together with 21 of FIPs (FIP: Forward Inspection Point) along the coasts of Thailand to conduct the inspection of fishing vessel at ports before departing from port and after returning to port. The inspection operation is conducted based on CRA. The inspection focuses on Vessels, fishing gear, catch, crews.



# Control of port in – Port out notification process



**①** The vessel owner sends notification of port in – port out at fishing port 24 – 2 hours in advance via E-PIPO. The information must include:

- > Vessel registration
- > Fishing license
- > Type of fishing gear
- > List of seaman/crew
- > Date and time requested to enter-exit
- > Port of entry-exit
- > Purpose of entry-exit
- > Frequency bandwidth

**②** Fishing Info (Automatic checking) i.e.

- > Vessel registration status
- > License status
- > Master license
- > Mechanic license and expiration
- > Vessel lock status
- > Fishing license status
- > VMS status
- > Number of fishing days
- > Duration of return to port (30 days) (PI)
- > Transmission history of VMS (PI)
- > Status of fishing port

**③** Via E-PIPO system the owner acknowledges and prints the response form for the fishing vessel

**④** E-PIPO system sends a request to CRA system to analyze and assess the risk level of the fishing vessel

**⑤** CRA system targets the fishing vessel to be inspected then notifies the PIPO center's staff

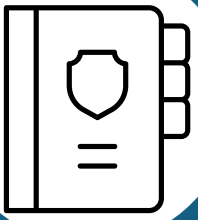
**⑥** FMC targets fishing vessels when found suspicious behavior to PIPO staff via fishing info system

**⑦** PIPO Staff inspect with fishing vessels with the details as follows:

- > Vessels
- > Fishing gears
- > Seaman/crew
- > Interview seaman/crew
- > Documents (i.e. labor documents, fishing license, master license)
- > Catch against logbook (PI)

E-PIPO: Electronic Port in Port Out  
 CRA: Common Risk Assessment  
 FMC: Fisheries Monitoring Center





# 4. The Implementation of Thailand's MCS&E : 2015 - present

**กรมการประมง**

**T = อ่าวไทย**  
**A = อันดามัน**

**ขนาดเรือ**  
S = ขนาดไม่ถึง 38 GT  
M = ขนาด 38 GT ขึ้นไปแต่ไม่ถึง 68 GT  
L = ขนาด 68 GT ขึ้นไปแต่ไม่ถึง 158 GT  
X = ขนาด 158 GT ขึ้นไป

**ชื่อเรือ** โดวิด ๑๙ 754931 527 **TM72E**

**คำเนนการ** ให้ันสำเรือภายใน **30 นก. ๙3**

**จำนวนเลข** ชุดสำเลขแสดงสำดับที่ของ ใบอนุญาตทำการประมงพาณิชย์

**ประเภทเครื่องมือประมง**  
A = อวนลาก B = อวนล้อมจับ C = คราด D = อวนช้อน/ยก E = อวนครอบ F = อวนติดตา G = อวนรุนเคย H = ลอบ J = เบ็ดราว K = อื่น ๆ M = เรือปั่นไฟ

**ขนาดลำเลขและตัวอักษร**

เรือประมงขนาดต่ำกว่า 18 GT	สูง +28 cm กว้าง +15 CM
หนา +3.3 CM ระยะห่าง +3.3 CM	
เรือประมงขนาดตั้งแต่ 18 GT ขึ้นไปแต่ไม่ถึง 38 GT	สูง +38 cm กว้าง +22.5 CM
หนา +5 CM ระยะห่าง +5 CM	
เรือประมงขนาดตั้งแต่ 38 GT ขึ้นไปแต่ไม่ถึง 68 GT	สูง +48 cm กว้าง +38 CM
หนา +6.6 CM ระยะห่าง +6.6 CM	
เรือประมงขนาดตั้งแต่ 68 GT ขึ้นไปแต่ไม่ถึง 158 GT	สูง +58 cm กว้าง +37.5 CM
หนา +8.3 CM ระยะห่าง +8.3 CM	
เรือประมงขนาด 158 GT ขึ้นไป	สูง +68 cm กว้าง +45 CM
หนา +18 CM ระยะห่าง +18 CM	

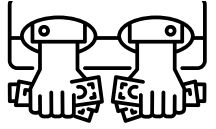
**TM72E** **TM72E**  
**TM72E** **TM72E**

**ตัวอักษร/ตัวเลขสีฟ้าหรือน้ำเงินเข้ม บนพื้นขาว**  
**ตัวอักษร/ตัวเลขสีขาว บนพื้นสีฟ้าหรือน้ำเงินเข้ม**

**กรมการประมง**  
ศูนย์ควบคุมการประมง - ออกร์ เรือประมงพาณิชย์  
ศูนย์ควบคุมการประมง - ออกร์ เรือประมงอื่น ๆ (สงขลา)  
กรมการประมง



# Enforcement



## 4. The Implementation of Thailand's MCS&E : *2015 - present*

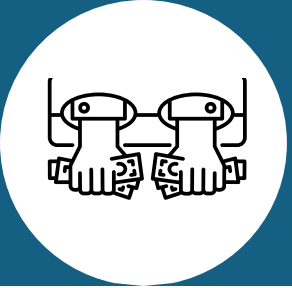
**2015 - present**

### Enforcement

The entering into force of ROF to replace the outdated previous fisheries act

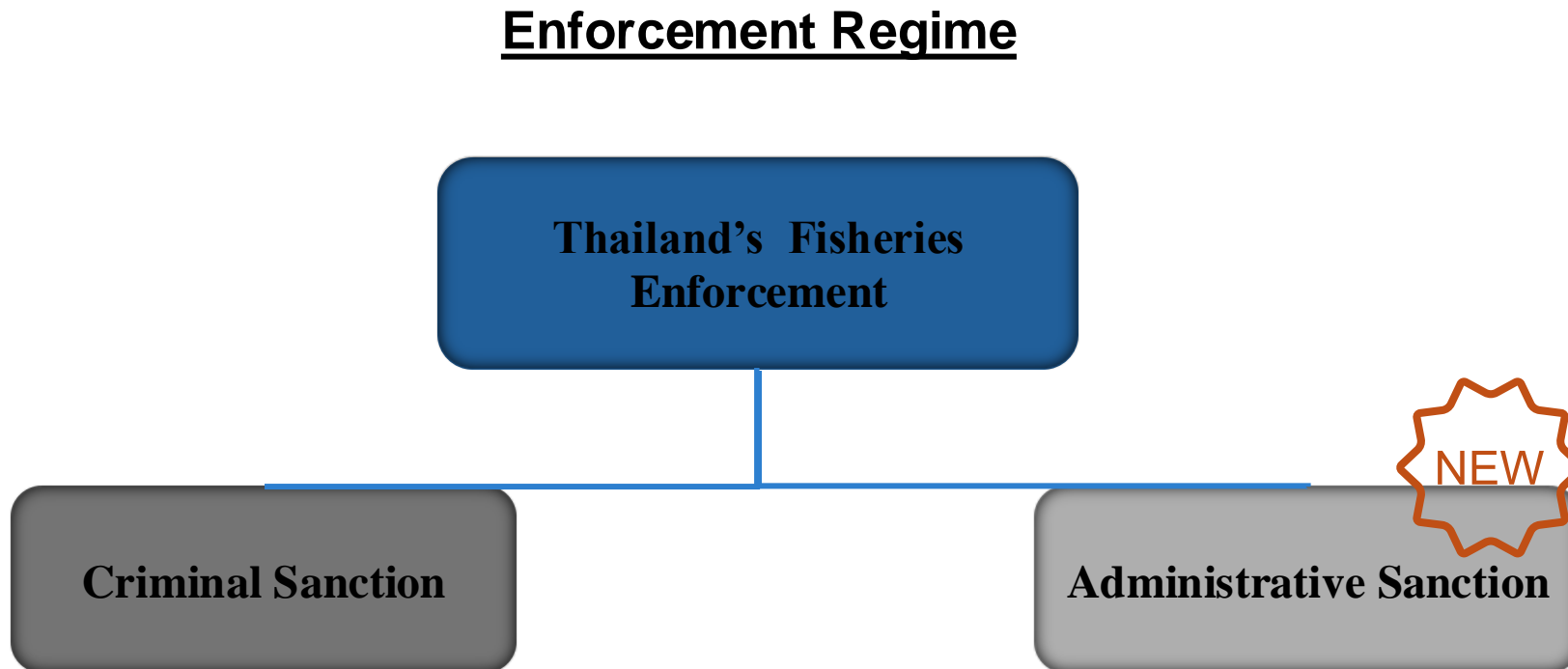
- Providing solid legal enforcement basis
- Covering wider range of fisheries infringements
- Enabling much higher penalties to deter violations
- Introducing new regime of Administrative sanction which had never been existed before

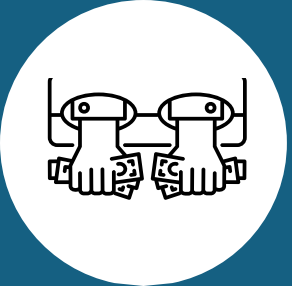




## 4. The Implementation of Thailand's MCS&E : *2015 - present*

2015 - present





## 4. The Implementation of Thailand's MCS&E : 2015 - present

2015 - present

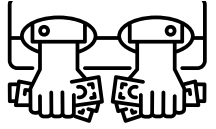
### Enforcement

#### Administrative Sanction

In accordance with Chapter 10 of ROF, the provisions of this chapter aim to provide adequate administrative sanctions to ensure the expeditious and effective enforcement *as well as to supplement Criminal Sanctions* that provided in Chapter 11

Article 111: any licensee or permitted holder violates or fails to comply with ROF or any rules or regulations issued in accordance with provisions of ROF. The competent officers are entitled to issue an order to suspend or cease the license for the period of time but not exceeding than 90 days





## 4. The Implementation of Thailand's MCS&E : *2015 - present*

**2015 - present**



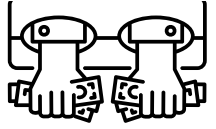
### **Enforcement**

#### **Administrative Sanction**

**Article 112 (1):** The composition of Administrative Committee

- DG of DOF as a chairman
- Representative of RTP
- Representative of Department of Employment
- Representative of Marine Department
- Representative of Department of Industrial Works, and
- Representative of Labor Protection and Welfare Department





## 4. The Implementation of Thailand's MCS&E : *2015 - present*

**2015 - present**

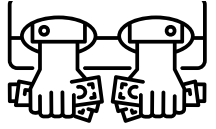


### Enforcement

#### Administrative Sanction

Article 113: The Administrative Sanction committee shall have a power to issue the following orders against anyone engaging serious infringements;

- Seizure of fish and fish products derived from any such fishing activity or seizure of fishing gear
- Prohibit the fishing right until the enforcement is concluded
- Suspension of fishing license for a period of 90 days in maximum each time and prohibit the use of fishing vessel until the end of suspension of fishing license
- Revocation of fishing license and listing the vessel as an IUU fishing vessel
- Detention of fishing vessel



## 4. The Implementation of Thailand's MCS&E : 2015 - present

2015 - present

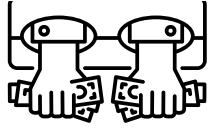
### Enforcement

#### Administrative Sanction

Article 114: The serious infringements; for instance

- Use of stateless vessel engaging fishing operation
- Fishing without license or using unauthorized fishing gear
- Failure to comply with article 81 of ROF
- Failure to prepare fishing logbook or reporting fishing operation with false document or destroy the document or evidence in engaging infringement
- Fishing in excess the quantities or conditions as prescribed, fishing in prohibited areas, fishing during the prohibited periods
- Not comply with rules prescribed by International Organizations or other coastal states
- Falsify, conceal, or change of vessel's marking or registration





## 4. The Implementation of Thailand's MCS&E : *2015 - present*

**2015 - present**

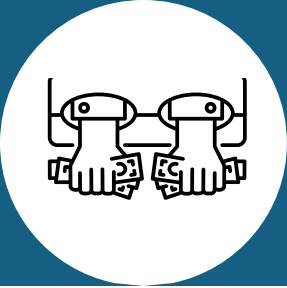


### Enforcement

### Criminal Sanction

### *In Accordance with Chapter 11*

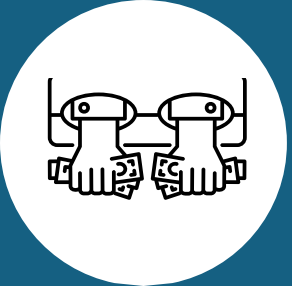
- Fine penalties are imposed as criminal sanctions
- The amount of fines depends on type of infringements (serious or minor), the sizes of vessel, and numbers of personnel engaging
- The maximum of fine penalty under this ROF is 30 millions Baht



## 4. The Implementation of Thailand's MCS&E : 2015 - present

### 2015 - present

Violations	Criminal Sanctions	Administrative Sanction
<ul style="list-style-type: none"><li>- Anyone violating article 10 of ROF, using stateless vessel to engage fishing operation</li></ul>	<ul style="list-style-type: none"><li>- Subject to fine up to <u>30 Million Baht (890,000 USD)</u></li><li>- Or <u>five times</u> of value of catch from the operation. In whichever case, the higher fine shall apply</li></ul>	<ul style="list-style-type: none"><li>- Pursuant to article 113, the Administrative sanction committee has a power to issue the following orders against anyone engaging in serious violations</li></ul>
<ul style="list-style-type: none"><li>- Anyone violating article 36 of ROF, operate commercial fishing without license</li><li>- Anyone violating article 38 of ROF, operate commercial fishing inside coastal sea area</li></ul>	<ul style="list-style-type: none"><li>- Subject to fine up to <u>30 Million Baht (890,000 USD)</u></li><li>- Or <u>five times</u> of value of catch from the operation. In whichever case, the higher fine shall apply</li></ul>	<ul style="list-style-type: none"><li>- 1. seize aquatic animals or products stemming from operation or seize fishing gear</li><li>- 2. prohibition of any fishing operation until case concluded</li><li>- 3. suspension of fishing periods up to 90 days each time</li></ul>



## 4. The Implementation of Thailand's MCS&E : 2015 - present

### 2015 - present

Violations	Criminal Sanctions	Administrative Sanction
- Anyone violating article 81(1,4) of ROF, respecting to VMS installation and having vessel's marking	- Subject to fine up to <u>4 Million Baht (120,000 USD)</u>	- 4. revocation of fishing license and publicize listing of vessel as vessel used engaging IUUF
- Anyone violating article 81(2,3) of ROF, respecting to prepare fishing logbook and notify of port entry and exit	- Subject to fine up to <u>2 Million Baht (60,000 USD)</u>	- 5. detention of fishing vessel



## 4. The Implementation of Thailand's MCS&E : 2015 - present

### Case study of non-compliance activity in Thai waters

In 2019, This vessel had been spotted during the inspection at sea nearby island

- Form sighting this vessel that it was possibly using commercial fishing gear operating in prohibited zone
- According to its vessel marking that was not found along the both sides of fore part of this vessel where all commercial fishing vessels are obligated to have.

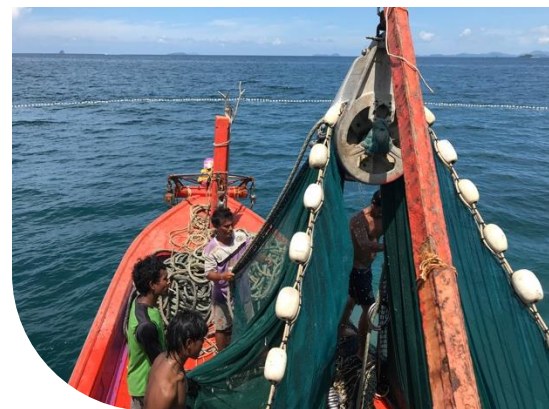




## 4. The Implementation of Thailand's MCS&E : 2015 - present

### Case study of non-compliance activity in Thai waters

- Possibility of conducting illegal fishing was confirmed by GPS coordination points from this vessel's navigation device that reflected this vessel was inside the prohibited area incorporated with the evidence of seine soaking in the water column
- The master was unable to present the proof of fishing right (fishing license)
- 6 personnels engaged in this non – compliance activity (master & crews)





## 4. The Implementation of Thailand's MCS&E : 2015 - present

### Case study of non-compliance activity in Thai waters

- This vessel is anchovy purse seiner which is required to have the fishing license for operating commercial fishing regardless size of the vessel
- Operating commercial fishing without authorization in accordance with article 36 of ROF
- Operating fishing inside the prohibited area (coastal sea area reserves for artisanal fishing) in accordance with article 38 of ROF







## 4. The Implementation of Thailand's MCS&E : 2015 - present

### Case study of non-compliance activity in Thai waters

#### Case Study : Conclusion

##### Criminal Sanctions to this infringement

- 6 peronnels engaged this infringement
- Use of vessel size 11 GT
- Violate article 36 & 38 of ROF; fishing without license and fishing in prohibited area
- Penalty in violating article 36; 600,000 THB/each = 3,600,000 THB
- Penalty in violating article 38; 600,000 THB/each = 3,600,000 THB
- Total 7,200,000 THB = 213,000 USD





## 4. The Implementation of Thailand's MCS&E : 2015 - present

### Case study of non-compliance activity in Thai waters

#### Case Study : Conclusion

#### Administrative Sanction to this infringement

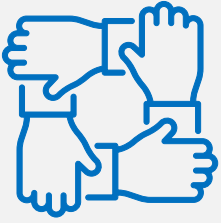
- Seized catch onboard
- Seized fishing gear
- Suspension use of fishing vessel



# **Contents**

**The reforms and amendments to Thailand's Fisheries laws in compliance with MCS to combat IUU Fishing**

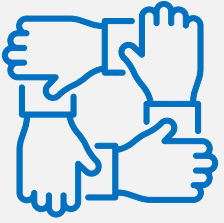
**5. Domestic Inter-agencies MCS Cooperation**



## 5. Domestic Inter-agencies MCS cooperation

### DOF internal MCS Cooperation

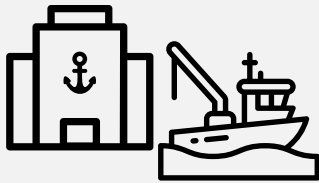
- **Combating IUU Fishing is required *cooperation* among relevant authorities as of necessary one of the main pillars to accomplish combating IUUF**
- **DOF has several divisions who are in charged of MCS;**
  - **Fishing and Fleets Management Division (FFMD); FMC**
  - **Fish Quarantine and Fishing Vessels Inspection Division (FQFID); PIPO**
  - **Fishery Surveillance Division (FSD); Fishery Patrol**



## 5. Domestic Inter-agencies MCS cooperation

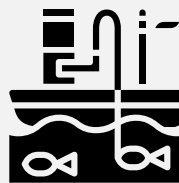
### Surveillance activities of Thailand

#### Before Fishing



- **Port Inspection**
  - Fishing gear
  - Vessel
  - Crew
- **VMS, (EM&ERS)**
  
- **PIPO**
- **FMC**

#### While Fishing

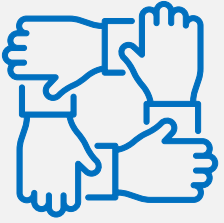


- **At sea inspection**
- **Electronic Surveillance**
  
- **Fishery Patrol**
- **FMC**

#### After Fishing

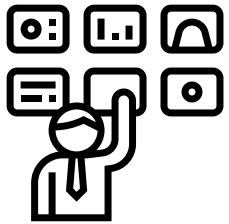


- **Port Inspection**
  - Fishing gear
  - Vessel
  - Crew
  - Catch
- **VMS, (EM&ERS)**
  
- **Fishery Patrol**
- **FMC**

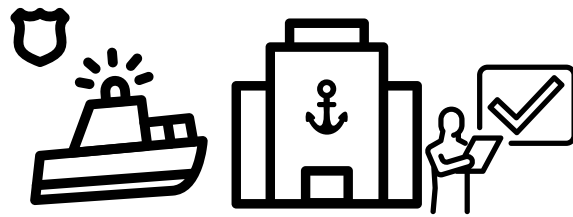
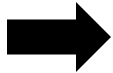


## 5. Domestic Inter-agencies MCS cooperation

### How does it work for the DOF MCS Cooperation?



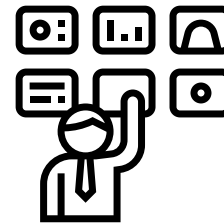
FMC detected the suspected non-compliance fishing and then notify to PIPO and Fishery Patrol



PIPO and Fishery Patrol acknowledged on this situation

- Fishery Patrol conducted inspection at sea
- PIPO conducted inspection at port after vessel returning to port

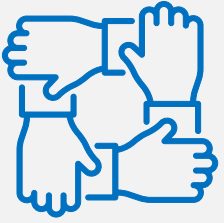
Report to FMC of the operation outcomes



FMC acknowledged the outcomes whether non-compliance fishing was found or not

#### If the violation was not found, What is next?

- FMC gathers the evidence from both at port and at sea inspection
- FMC calls for the meeting of the ad-hoc working group to analyze derived evidences
- If there are strong evidences to believe of engaging non – compliance fishing then the FMC officer will complain this violation to police officer
- If there are inadequate evidences then the vessel will be categorized into high risk category for intensive monitor



## 5. Domestic Inter-agencies MCS cooperation

### Domestic MCS Cooperation

**DOF**



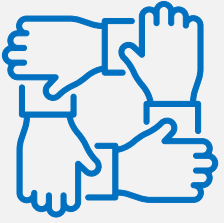
**Thai - MECC**

**Thai – Maritime Enforcement  
Command Center**

- **Royal Thai Navy**
- **Royal Thai Police: Marine  
Police**
- **Marine Department**
- **Custom Department**
- **Department of Marine and  
Coastal Resources**
- **DOF**

**- Additional Authorities**

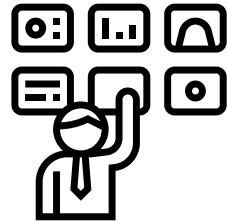
- **Department of  
Employment**
- **Department of Welfare and  
Labor Protection**
- **Representative of  
Provincial Police office**



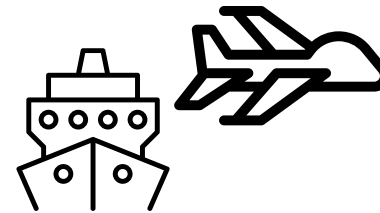
## 5. Domestic Inter-agencies MCS cooperation

### How does it work on the Cooperation between DOF and Thai - MECC?

- **Due to limitation of DOF capacity**
  - **The cooperation from relevant authorities is vital**
    - **To enhance the effective of MCS operation to strengthen combating IUUF**



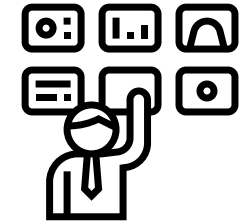
FMC detected the suspected non-compliance fishing and then notify to Thai - MECC



Thai – MECC acknowledged on this situation

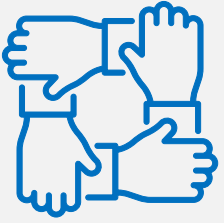
- conducted inspection at sea
- conducted Air Surveillance

Report to FMC of the operation outcomes



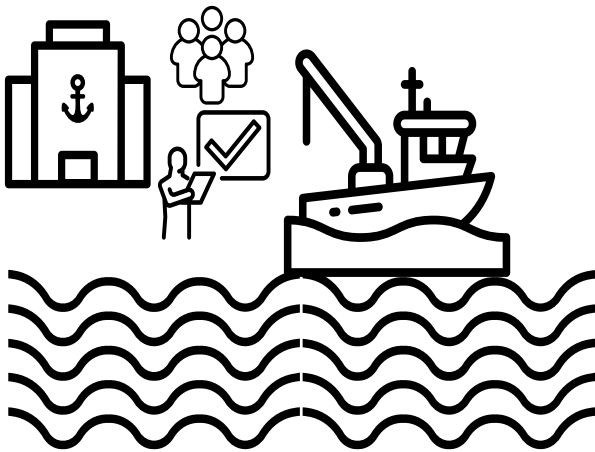
FMC acknowledged the outcomes whether non-compliance fishing was found or not





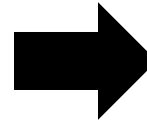
## 5. Domestic Inter-agencies MCS cooperation

### How does it work on the Cooperation between DOF and Thai - MECC?



#### Composition of PIPO (Interdisciplinary officers)

- DOF officer as a leader of center
- Thai – MECC as vice leader
- Marine Department
- Department of Employment (DE)
- Department of Welfare and Labor Protection (DWL)
- Police



#### PIPO operation

- DOF => Fishing gear, catch, occupational safety onboard, marking, and other matters related fisheries
- Thai – MECC => Coordinator
- MD => vessel and its documents
- DE => Employment contracts of crew and its payment
- DWL => Crew welfare
- Police => Investigation



