



**Directives of the Department of Fisheries**  
**Re: Approaches to the Detection of Infringement by Fishing Vessels through Vessel**  
**Monitoring Systems: (VMSs)**  
**B.E. 2558 (A.D. 2015)**

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As it is deemed expedient to stipulate approaches to the performance of duties for the competent officer in the case of detecting infringement by fishing vessels through a vessel monitoring system (VMS) for vessels found to be in violation of the Royal Ordinance on Fisheries, B.E. 2558 (A.D. 2015).

By virtue of the provisions under section 32 of the Public Administration Directives Act, B.E. 2534 (A.D. 1991) with Amendments, the Department of Fisheries has hereby issued the following clauses:

Clause 1 These Directives shall be called “Directives of the Department of Fisheries on Approaches to the Detection of Infringement by Fishing Vessels through Vessel Monitoring Systems: (VMSs), B.E. 2558 (A.D. 2015)”

Clause 2 These Directives shall come into force as from the date following the dates of its publication.

Clause 3 In these Directives

(1) “Competent officer” means a competent officer pursuant to the Royal Ordinance on Fisheries, B.E. 2558 (A.D. 2015).

(2) “Fishing vessel” means a fishing vessel registered as a Thai vessel pursuant to the laws on Thai vessels.

Clause 4 In a case in which it is detected with a vessel monitoring system (VMS) that a fishing vessel violates the Royal Ordinance on Fisheries, B.E. 2558 (A.D. 2015), the staff member(s) stationed at the Fisheries Monitoring Operation Center (FMOC) shall undertake the following steps:

4.1 When it has been detected through a vessel monitoring system (VMS) that any fishing vessel turn off its vessel monitoring system, or if the vessel monitoring system thereof is disrupted the staff members at the Fisheries Monitoring Operation Center (FMOC) on duty shall collect the data, and submit such data to the Fisheries Administration and Management Division on a daily basis prior to 12.00 hrs. in order to verify as to whether or not the disruption has been reported to the port in - port out control center in charge of the jurisdiction.

When the Fisheries Administration and Management Division has examined the matter and has found that no entry and departure transaction has been reported to the port in - port out control center, the matter shall be reported to the Fisheries Administration and Management Center in the jurisdiction so that the latter shall report to the inquiry official for criminal litigation pursuant to section 151 of the Royal Ordinance on Fisheries, B.E. 2558 (A.D. 2015). The staff member(s) shall then collect and submit the data the Legal Division, for the latter to deliberate upon the matter and submit the case to a legally authorized person so that administrative measures may also be applied.

4.2 In a case in which it has been detected with a vessel monitoring system (VMS) that a fishing vessel has entered a prohibited area to operate fisheries, or has exhibited

any irregular behaviors that may be related to IUU fishing, the Fisheries Monitoring Operation Center (FMOC) shall inform the Fisheries Administration and Management Division, and the Fisheries Administration and Management Center within the jurisdiction immediately in order that they verify the matter, and file a criminal case pursuant to the laws. If it is found that any such fishing operation is in severe violation of the law pursuant to section 114 of the Royal Ordinance on Fisheries, B.E. 2558 (A.D. 2015), the competent officer shall also submit the matter to an authorized person so that administrative measures may also be applied in this connection.

4.3 In a case in which it has been detected that a vessel monitoring system (VMS) that any fishing vessel transmitting any VMS signal in any area located in another coastal state, or in high seas, and there is evidence to prove that fishing has been undertaken in the area in question; meanwhile if the database of the Fisheries Monitoring Operation Center (FMOC) contains no proof of any such fishing vessel being granted a fishing license for overseas fisheries, or if fishing license for overseas fisheries has expired, the staff member the Fisheries Monitoring Operation Center (FMOC) then on duty, shall summarize details of the matter, and collect data from the VMS system, and submit them to the Legal Division for further criminal litigation. The Legal Division shall deliberate upon the matter, and submit the matter to a legally authorized person so that administrative measures may also be applied.

4.4 In a case in which it has been detected with a vessel monitoring system (VMS) that any fishing vessel granted a fishing license for fisheries outside Thai waters fails to comply with the laws, criteria, and measures of the coastal state or the international organization concerned, the Fisheries Monitoring Operation Center (FMOC) shall report any such to the Fisheries Foreign Affairs Division for the latter to coordinate with the coastal state or with the international organization concerned. The matter shall also be reported to the Legal Division. When the fishing vessel has returned to the Kingdom, or has entered a port within the kingdom for berthing the matter shall be reported to the Legal Division for criminal litigation. The Legal Division shall deliberate upon the matter and also submit the matter to a legally authorized person so that administrative measures may subsequently be applied.

Clause 5 In implementing administrative measures vis-à-vis a first-time offender, the competent officer in charge shall submit the matter to the Director-General so that he/she shall exercise his/her power pursuant to section 113 of the Royal Ordinance on Fisheries, B.E. 2558 (A.D. 2015) confiscating the aquatic animal(s) obtained through any such fishing operation, or the fishing gear. The Director-General shall prohibit the first-time offender from being engaged in fishing operation until the matter has been rectified. In this connection, The Director-General may as well order that the owner or the operator of the vessel take charge of and keep such aquatic animals or aquatic animal products on board in the same original conditions as appropriate, depending on the degree of severity and nature of the offence committed.

In a case in which an offender commits an offence on a second occasion within one year as from the date on which the first offence was committed, the competent officer shall submit the matter to to the Director-General so that he/she shall exercise his/her power pursuant to section 113 of the Royal Ordinance on Fisheries, B.E. 2558 (A.D. 2015), ordering that the fishing license suspended for a prescribed period of time as follows:

(1) A vessel of thirty gross tonnage or above but smaller than sixty gross tonnage shall be subject to a thirty-day suspension of the fishing license;

(2) A vessel of sixty gross tonnage or above but smaller than one hundred and fifty gross tonnage shall be subject to a sixty-day suspension of the fishing license;

(3) A vessel of one hundred and fifty gross tonnage or above shall be subject to a ninety-day suspension of the fishing license.

In ordering a suspension of the fishing license, the Director-General may as well order that any such fishing vessel is not to be used further up to the end of the license suspension.

In a case in which an offender commits an offence on a third occasion, or on any other further occasion within one year as from the date on which the first offence was committed, the competent officer shall submit the matter to the Director-General for the latter to exercise his/her power pursuant to section 113 of the Royal Ordinance on Fisheries, B.E. 2558 (A.D. 2015) to have the fishing license revoked. Any such fishing vessel shall also be included on a list of fishing vessels engaged in IUU fishing as per section 116 of the same Royal Ordinance.

Clause 6 The Fisheries Monitoring Operation Center (FMOC) shall prepare and submit a summary report of the investigation findings or of the behaviors in violation of the laws to the Director-General on a daily basis. In a case in which any incident of great urgency has occurred, an emergency report shall be submitted to the Director-General immediately.

Issued on 30<sup>th</sup> of December, B.E. 2558 (A.D. 2015)

(Mr. Wimol Jantrarotai)  
Director General of the Department of Fisheries