

Party	THAILAND
Period covered in this report	1 January 2018 – 31 December 2020
Department or agency preparing this report	Department of National Parks, Wildlife and Plant Conservation
Contributing departments, agencies and organizations	Department of National Parks, Wildlife and Plant Conservation, Department of Agriculture, Department of Fisheries, Thai Customs Department, Thai Royal Police Department

GOAL 1 ENSURE COMPLIANCE WITH AND IMPLEMENTATION AND ENFORCEMENT OF THE CONVENTION

Objective 1.1 Parties comply with their obligations under the Convention through appropriate policies, legislation and procedures.
All Aichi Targets relevant to CITES, particularly Aichi Target 2, Target 6, Target 9, Target 12, Target 17 and Target 18.

Indicator 1.1.1: The number of Parties that are in category 1 under the national legislation project.

1.1.1a	Have any CITES relevant policies or legislation been developed during the period covered in this report? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If 'Yes', have you shared information with the Secretariat? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> If 'No', please provide details to the Secretariat with this report: Annex 1 – Wild Animal Conservation and Protection Act, B.E.2562 (2019) Annex 2 – National Parks Act, B.E. 2562 (2019) Annex 3 – Forest Act, B.E. 2562 (2019) Annex 4 – Royal Ordinance on Fisheries B.E. 2558 (2015) (Amendment No.2) B.E. 2560 (2017)
1.1.1b	Does your legislation or legislative process allow easy amendment of your national law(s) to reflect changes in the CITES Appendices (e.g. to meet the 90 day implementation guidelines)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If 'No', please provide details of the constraints faced: The process of national legislation implementation was taken longer than 90 days.

Objective 1.2 Parties have in place administrative procedures that are transparent, practical, coherent and user-friendly, and reduce unnecessary administrative burdens.
Aichi Target 3.

Indicator 1.2.1: The number of Parties that have adopted standard transparent procedures for the timely issuance of permits in accordance with Article VI of the Convention.

		Yes	No	No information
1.2.1a	Do you have standard operating procedures for application for and issuance of permits?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Are the procedures publicly available?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2.1b	Do you have:			
	Electronic data management and a paper-based permit issuance system?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Electronic permit information exchange between Management Authorities of some countries If 'Yes', please list countries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Electronic permit information exchange to Management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Authorities of all countries?			
Electronic permit data exchange between Management Authorities and customs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic permit used to cross border with electronic validation by customs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If 'Yes' to any of the above, please provide information on challenges faced or issues overcome:			
If 'No', do you have any plans to move towards e-permitting ¹ ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If you are planning to move towards e-permitting, please explain what might help you to do so:			

Indicator 1.2.2: The number of Parties making use of the simplified procedures provided for in Resolution Conf. 12.3 (Rev. CoP16).

1.2.2a	Has your country developed simplified procedures for any of the following? Tick all applicable			
		Yes	No	No information
	Where biological samples of the type and size specified in Annex 4 of <u>Resolution Conf. 12.3 (Rev. CoP16)</u> are urgently required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	For the issuance of pre-Convention certificates or equivalent documents in accordance with <u>Article VII</u> , paragraph 2.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	For the issuance of certificates of captive breeding or artificial propagation in accordance with <u>Article VII</u> , paragraph 5.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	For the issuance of export permits or re-export certificates in accordance with <u>Article IV</u> for specimens referred to in <u>Article VII</u> , paragraph 4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Are there other cases judged by a Management Authority to merit the use of simplified procedures? If 'Yes', please provide details:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Objective 1.3 Implementation of the Convention at the national level is consistent with decisions adopted by the Conference of the Parties.
All Aichi targets relevant to CITES, particularly Target 9, Target 14 and Target 18.

Indicator 1.3.1: The number of Parties that have implemented relevant reporting under Resolutions and Decisions of the Conference of the Parties and/or Standing Committee recommendations.

1.3.1a	Has your country responded to all relevant special reporting requirements that are active during the period covered in this report, including those in the Resolutions and Decisions of the Conference of the Parties, Standing Committee recommendations, and Notifications issued by the Secretariat (see [link to location on the CITES website where the reporting requirements are listed])? <p style="text-align: right;">Responses provided to ALL relevant reporting requirements <input checked="" type="checkbox"/></p> <p style="text-align: right;">Responses provided to SOME of the relevant reporting requirements <input type="checkbox"/></p> <p style="text-align: right;">Responses provided to NONE of the relevant reporting requirements <input type="checkbox"/></p> <p style="text-align: right;">No special reporting requirements applicable <input type="checkbox"/></p>
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¹ e-permitting refers to the electronic (paperless) management of the permit business process, including permit application, Management Authority – Scientific Authority consultations, permit issuance, notification to customs and reporting.

1.3.1b	<p>Were any difficulties encountered during the period covered in this report in implementing specific Resolutions or Decisions adopted by the Conference of the Parties? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If 'Yes', please provide details of which Resolution(s) or Decision(s), and, for each, what difficulties were / are being encountered?</p> <p>- Introduction from the sea (Res. Conf.14.6) - ATA carnets for transit and transshipment (Res. Conf.9.7)</p>
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Objective 1.4 The Appendices correctly reflect the conservation needs of species.
Aichi Target 1, Target12, Target 14 and Target 19.

1.4.1: The number and proportion of species that have been found to meet the criteria contained in Resolution Conf. 9.24 or its successors. This includes both the periodic review and amendment proposals.

1.4.1a	<p>Have you undertaken any reviews of whether species would benefit from listing on the CITES Appendices? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If 'Yes', please provide a summary here, or a link to the report of the work (or a copy of that report to the Secretariat if the work is not available online):</p>
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Objective 1.5 Best available scientific information is the basis for non-detriment findings.
Aichi Target 2, Target 4, Target 5, Target 6, Target 7, Target 9, Target 12 and Target 14.

Indicator 1.5.1: The number of surveys, studies or other analyses undertaken by exporting countries based on the sources of information cited in Resolution Conf. 16.7 on Non-detriment findings related to:

- the population status of Appendix-II species;
- the trends and impact of trade upon Appendix-II species; and
- the status of and trend in naturally-occurring Appendix I species and the impact of any recovery plans.

1.5.1a	Have any surveys, studies or other analyses been undertaken <u>in your country</u> in relation to:	Yes	No	Not Applicable	If Yes, How many?
	- the population status of Appendix II species?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	- the trends and impact of trade on Appendix II species?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	- the status of and trend in naturally-occurring Appendix I species?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	- the impact of any recovery plans on Appendix I species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Have the surveys, studies or analyses integrated relevant knowledge and expertise of local and indigenous communities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<p>If there are such studies that you are willing to share, please provide:</p> <p style="text-align: right;">A brief summary of the results of the survey, study or other analysis (e.g. population status, decline / stable / increase, off-take levels etc), or provide links to published reference material.</p> <p>Species name (scientific)</p>																					
	<p>App. II</p> <p>- <i>Ascocentrum</i> spp. - <i>Gastrochilus</i> spp - <i>Phalenopsis</i> spp. - <i>Rhynchostylis</i> spp - <i>Spathoglottis</i> spp. - <i>Naja kaouthia</i> - <i>Gekko gecko</i></p>																					
1.5.1b	<p>How are the results of such surveys, studies or other analyses used in making non-detriment findings (NDFs)? Please tick all that apply</p> <p style="text-align: right;">Revised harvest or export quotas <input checked="" type="checkbox"/> Banning export <input checked="" type="checkbox"/> Stricter domestic measures <input checked="" type="checkbox"/> Changed management of the species <input checked="" type="checkbox"/> Discussion with Management Authorities <input checked="" type="checkbox"/> Discussion with other stakeholders? <input checked="" type="checkbox"/> Other (please provide a short summary):</p>																					
1.5.1c	<p>Do you have specific conservation measures or recovery plans for naturally occurring Appendix-I listed species? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> No information <input type="checkbox"/></p> <p>If 'Yes', please provide a brief summary, including, if possible, an evaluation of their impact:</p> <ul style="list-style-type: none"> - Thailand approved strategic Plans/ Action Plans for the conservation and protection of endangered and important species such as the 20 years Thailand Tiger Recovery Strategic Plan (2017- 2036), the Thailand Tiger Action Plan (2010 – 2022), the National Ivory Action Plan, and the National Shark Action Plan. - Thailand has conducted specific conservation reintroduction to release rare species in appendix-I to natural areas as in South China Goral (<i>Naemorhedus griseus</i>), Eld's Deer (<i>Rucervus eldii</i>), Indochinese Hog Deer (<i>Axis porcinus annamiticus</i>) and Siamese Crocodile (<i>Crocodylus siamensis</i>). - Reintroduction project to release <i>Crocodylus siamensis</i> in some protected areas to increase food chain in the ecosystem and natural balance. 																					
1.5.1d	<p>Have you published any non-detriment findings that can be shared? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If 'Yes', please provide links or examples to the Secretariat within this report: -</p>																					
1.5.1e	<table border="0" style="width: 100%;"> <thead> <tr> <th style="width: 70%;">Which of the following (A to F of paragraph a) x) of <u>Resolution Conf. 16.7)</u> do you use in making non-detriment findings?</th> <th style="width: 10%;">Yes</th> <th style="width: 20%;">No</th> </tr> </thead> <tbody> <tr> <td>A. relevant scientific literature concerning species biology, life history, distribution and population trends.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>B. details of any ecological risk assessments conducted.</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>C. scientific surveys conducted at harvest locations and at sites protected from harvest and other impacts.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>D. relevant knowledge and expertise of local and indigenous communities.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>E. consultations with relevant local, regional and international experts.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>F. national and international trade information such as that available via the CITES trade database maintained by UNEP World Conservation Monitoring Centre (UNEP-WCMC), publications on trade, local knowledge on trade and investigations of sales at markets or through the Internet for example.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table>	Which of the following (A to F of paragraph a) x) of <u>Resolution Conf. 16.7)</u> do you use in making non-detriment findings?	Yes	No	A. relevant scientific literature concerning species biology, life history, distribution and population trends.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	B. details of any ecological risk assessments conducted.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	C. scientific surveys conducted at harvest locations and at sites protected from harvest and other impacts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	D. relevant knowledge and expertise of local and indigenous communities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	E. consultations with relevant local, regional and international experts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	F. national and international trade information such as that available via the CITES trade database maintained by UNEP World Conservation Monitoring Centre (UNEP-WCMC), publications on trade, local knowledge on trade and investigations of sales at markets or through the Internet for example.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Which of the following (A to F of paragraph a) x) of <u>Resolution Conf. 16.7)</u> do you use in making non-detriment findings?	Yes	No																				
A. relevant scientific literature concerning species biology, life history, distribution and population trends.	<input checked="" type="checkbox"/>	<input type="checkbox"/>																				
B. details of any ecological risk assessments conducted.	<input type="checkbox"/>	<input checked="" type="checkbox"/>																				
C. scientific surveys conducted at harvest locations and at sites protected from harvest and other impacts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>																				
D. relevant knowledge and expertise of local and indigenous communities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>																				
E. consultations with relevant local, regional and international experts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>																				
F. national and international trade information such as that available via the CITES trade database maintained by UNEP World Conservation Monitoring Centre (UNEP-WCMC), publications on trade, local knowledge on trade and investigations of sales at markets or through the Internet for example.	<input checked="" type="checkbox"/>	<input type="checkbox"/>																				

Indicator 1.5.2: The number of Parties that have adopted standard procedures for making non-detriment findings.

1.5.2a	<p>Do you have standard procedures for making non-detriment findings in line with <u>Resolution Conf. 16.7</u>?</p> <p>If 'Yes', please briefly describe your procedures for making non-detriment findings, or attach as an annex to this report, or provide a link to where the information can be found on the internet:</p>	<p style="text-align: right;">Yes No No information</p> <p style="text-align: right;"><input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></p>
1.5.2b	<p>When establishing non-detriment findings, have any of the following guidance been used?</p> <p style="text-align: right;">Please tick all that apply</p> <p style="text-align: right;">Virtual College <input type="checkbox"/></p> <p style="text-align: right;">IUCN Checklist <input checked="" type="checkbox"/></p> <p style="text-align: right;">Resolution Conf. 16.7 <input type="checkbox"/></p> <p style="text-align: right;">2008 NDF workshop <input type="checkbox"/></p> <p style="text-align: right;">Species specific guidance <input checked="" type="checkbox"/></p> <p style="text-align: right;">Other <input type="checkbox"/></p> <p>If 'Other' or 'Species specific guidance', please specify details:</p>	
1.5.2c	<p>How often do you review and/or change your non-detriment findings?</p> <p style="text-align: right;">Case by case <input checked="" type="checkbox"/></p> <p style="text-align: right;">Annually <input type="checkbox"/></p> <p style="text-align: right;">Every two years <input type="checkbox"/></p> <p style="text-align: right;">Less frequently <input type="checkbox"/></p> <p style="text-align: right;">A mix of the above <input type="checkbox"/></p> <p>Please describe the circumstances under which non-detriment findings would be changed:</p>	

Indicator 1.5.3: The number and proportion of annual export quotas based on population surveys.

1.5.3a	<p>Do you set annual export quotas?</p> <p style="text-align: right;">Yes <input checked="" type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p> <p>If 'Yes', do you set quotas based on population survey, or by other means? Please specify, for each species, how quotas are set:</p> <p>Species Name (scientific)</p> <p>Naja kaouthia</p> <p style="text-align: right;">Population Survey? <input checked="" type="checkbox"/></p> <p style="text-align: right;"><input type="checkbox"/></p> <p style="text-align: right;"><input type="checkbox"/></p> <p style="text-align: right;">Other, please specify Longterm data export</p>	
1.5.3b	<p>Have annual export quotas been set at levels which will ensure sustainable production and consumption?</p> <p style="text-align: right;">Yes <input checked="" type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p> <p>If 'Yes', please describe how this fits into your non-detriment finding process:</p>	

Objective 1.6 Parties cooperate in managing shared wildlife resources.
Aichi Target 4, Target 5, Target 6, Target 7, Target 10, Target 12 and Target 19.

Indicator 1.6.1: The number of bilateral and multilateral agreements that specifically provide for co-management of shared CITES listed species by range States.

1.6.1a	Is your country a signatory to any bilateral and/or multilateral agreements for co-management of shared species? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If 'Yes', please provide brief details, including the names of the agreements, and which other countries are involved:
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Indicator 1.6.2: The number of cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species.

1.6.2a	Do you have any cooperative management plans, including recovery plans, in place for shared populations of CITES-listed species? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If 'Yes', please list the species for which these plans are in place and provide a link or reference to a published plan for each species. Species Name (scientific) Link or reference to a published plan Panthera tigris http://www.dnp.go.th/TigerCenter/Thailand_tiger_action_plan_2010-2022.pdf
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Indicator 1.6.3: The number of workshops and other capacity-building activities that bring range States together to address the conservation and management needs of shared, CITES listed, species.

1.6.3a	Have the CITES authorities <i>received or benefited</i> from any of the following capacity-building activities provided by external sources?						
	Please tick boxes to indicate which target group and which activity.	Oral or written advice/guidance	Technical assistance	Financial assistance	Training	Other (workshop)	
	Target group					What were the external sources ¹ ?	
	Staff of Management Authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	EU, GEF5, GEF6, World bank, Seafdec, Interpol
	Staff of Scientific Authority	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Staff of enforcement authorities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UNODC, WCO, USAID, TRAFFIC, UNEP
	Traders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	NGOs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Other (please specify): Universities and Government agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dept. of marine and Training Coastal Resources Faculty of Forestry

¹ Please provide the names of Parties, and any non-Parties, involved.

1.6.3b	Have the CITES authorities been the <i>providers</i> of any of the following capacity-building activities to other range States?						
	Please tick boxes to indicate which target group and which activity.						
	Target group	Oral or written advice/guidance	Technical assistance	Financial assistance	Training	Other (Meeting)	Details
	Staff of Management Authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Annex 5
	Staff of Scientific Authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Staff of enforcement authorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Traders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	NGOs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Other Parties/International meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
1.6.3c	In what ways do you collaborate with other CITES Parties?						
		Never	Rarely	Sometimes	Very Often	Always	Further detail / examples
	Information exchange	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CITES permit issue, National implementation accordance with CITES Resolutions
	Monitoring / survey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AWG-CITES & WE, Rhino horn
	Habitat management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Species management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Law enforcement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Capacity building	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Workshop and meeting with Interpol and UNODC.	
Other (please provide details) -							

Objective 1.7 Parties are enforcing the Convention to reduce illegal wildlife trade. Aichi Target 4, Target 5, Target 6, Target 7, Target 9, Target 10, Target 12 and Target 19.

Indicator 1.7.1: The number of Parties that have, are covered by, or engaged with:

- an international enforcement strategy and/or action plan;
- formal international cooperation, such as an international enforcement network;
- a national enforcement strategy and/or action plan; and
- formal national interagency cooperation, such as a national interagency enforcement committee.

1.7.1a	Do you have, are you engaged in, or covered by:	Yes	No	No Information
	– an international enforcement strategy and/or action plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	– formal international cooperation, such as an international enforcement network?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	– a national enforcement strategy and/or action plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

– formal national interagency cooperation, such as a national interagency enforcement committee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If 'Yes' to any of the above, please specify the level of engagement and provide additional details: AWG-CITES and WE which is an annual regional meeting.			

Indicator 1.7.2: The number of Parties with a process or mechanism for reviewing their enforcement strategies, and the activities taken to implement their strategies.

1.7.2a	Do you have a process or mechanism for reviewing your enforcement strategy(ies) and the activities taken to implement your strategy(ies)?	Yes <input type="checkbox"/>	<input type="checkbox"/>
		No, but review is under consideration	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
		No information	<input type="checkbox"/>
	If 'Yes', what do you do?		
	If 'Yes' or 'No, but review is under consideration', which tools do you find of value?		
1.7.2b	Have you used the International Consortium on Combating Wildlife Crime (ICWC) Wildlife and Forest Crime Analytic Toolkit, or equivalent tools?	Yes <input type="checkbox"/>	<input type="checkbox"/>
		No, but toolkit use is under consideration	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
		No information	<input type="checkbox"/>
	If 'Yes', please provide feedback on the parts of the toolkit used and how useful the toolkit or equivalent tools have been. Please specify improvements that could be made:		
	If 'No', please provide feedback on why not or what is needed to make the toolkit or equivalent tools useful to you:		

Indicator 1.7.3: The number of Parties that have criminal (penal) law and procedures, capacity to use forensic technology, and capacity to use specialized investigation techniques, for investigating, prosecuting, and penalizing CITES offences..

1.7.3a	Do you have law and procedures in place for investigating, prosecuting, and penalizing CITES offences as a crime?	Yes <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
		No information	<input type="checkbox"/>
	If 'Yes', please provide the title of the legislation and a summary of the penalties available		
	<ul style="list-style-type: none"> - Wild Animal Conservation and Protection Act, B.E. 2562 (2019) - Plant Act, B.E. 2518 (1975) Amended by B.E. 2535 (1992) - Elephant Ivory Tusks Act, B.E. 2558 (2015) - Anti-Participation in Transnational Organized Crime Act, B.E. 2556 (2013) - Customs Act, B.E. 2560 (2017) 		
1.7.3b	Are criminal offences such as poaching and wildlife trafficking recognized as serious crime ¹ in your country?	Yes <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
		No information	<input type="checkbox"/>
	If 'Yes', please explain what criteria must be met for poaching or wildlife trafficking offences to be treated as serious crimes:		
	Wild Animal Conservation and Protection Act, B.E. 2562 (2019) Any person who violates section 12 (A person shall not hunt conserved wild animals or protected wild animals.) or section 29 (A person shall not trade in conserved wild animals, protected wild animals, carcasses of such wild animals or products from carcasses of such wild animals) shall be,		

¹ The United Nations Convention against Transnational Organized Crime defines serious crime as conduct constituting an offence punishable by imprisonment for at least four years or a more serious penalty.

if the act is committed against protected wild animals, carcasses of protected wild animals or products from carcasses of protected wild animals, liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million Baht or to both.

Customs Act, B.E. 2560 (2017)

Section 242 Any person who imports or exports goods, which have not been passed through customs formalities into or out of the Kingdom, or unloaded goods from a means of transport, a bonded warehouse, a godown, a place of security, a permitted port or a duty free zone without a permission from a customs officer, shall be liable to an imprisonment for a term not exceeding ten years, or a fine of four times of a price of goods including a duty or both. Such goods shall be forfeited irrespective of whether or not there is a person inflicted with the punishment according to a judgment.

Any person who attempts to commit the offence under paragraph one, shall be liable to the equivalent penalty.

Section 244 Any person who imports goods, which have been passed through or being passed through a customs formality into, or exports such goods out of the Kingdom, or brings goods in for transit or transshipment in any manner to avoid or attempt to avoid restrictions or prohibitions of such goods, shall be liable to an imprisonment for a term not exceeding ten years or a fine not exceeding five hundred thousand baht or both. The court may order to forfeit such goods irrespective of whether or not there is a person inflicted with the punishment according to a judgment.

Any person who attempts to commit the offence under paragraph one, shall be liable to the equivalent penalty.

Section 245 Any person who is an instigator or a supporter or conspires to commit the offence under Section 242, Section 243 or Section 244, shall be liable to the equivalent penalty as the offender of such offence.

The Royal Ordinance on Fisheries B.E. 2558 (2015) (Amendment No.2) B.E. 2560 (2017).

Section 65 For the purposes of protecting rare aquatic animal species or preventing danger caused by an epidemic disease, the Minister shall have the power to prohibit the importation, exportation, bringing in transit, culturing or possession of any kind of aquatic animal.

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

1.7.3c	<p>Do you have capacity to use forensic technology¹ to support the investigation of CITES offences?</p> <p>If 'Yes', please provide a brief summary of any samples from CITES-listed species that were collected and submitted to an appropriate forensic analysis facility (located in your country and/or another country) during the period covered in this report:</p> <p>If 'Yes', and your country has an appropriate forensic analysis facility for CITES-listed species, please indicate which species it applies to:</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No information <input type="checkbox"/></p>
1.7.3d	<p>Did your authorities participate in or initiate any multi-disciplinary² law enforcement operation(s) targeting CITES-listed species during the period covered in this report?</p> <p>If 'Yes', please provide a brief summary, including any lessons learned which might be helpful for other Parties:</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No information <input type="checkbox"/></p>
1.7.3e	<p>Do you have a standard operating procedure among relevant agencies for submitting information related to CITES offences to</p>	<p>Yes <input checked="" type="checkbox"/></p>

¹ Capacity to use forensic technology means the ability to collect, handle and submit samples from crime scenes involving CITES-listed species to an appropriate forensic analysis facility, located either in your country or in another country(ies).

² A multi-disciplinary law enforcement operation is one that involves officers from all relevant enforcement disciplines as appropriate, for example officers from Police, Customs and the wildlife regulatory authority. It could be either sub-national, national or international in scope.

	INTERPOL and/or the World Customs Organization?	No <input type="checkbox"/>	No information <input type="checkbox"/>		
1.7.3f	Do you have legislative provisions for any of the following that can be applied to the investigation, prosecution and/or sentencing of CITES offences as appropriate?	Yes	No	No information	If yes, how many times was this used during the period covered by this report?
	General crime ¹	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Predicate offences ²	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Asset forfeiture ³	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Corruption ⁴	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	International cooperation in criminal matters ⁵	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Organized crime ⁶	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Specialized investigation techniques ⁷	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If 'Yes' to any of the above, please explain how each is used for CITES offences? Please provide a brief summary, including any lessons learned which might be helpful for other Parties:					
1.7.3g	Do you have institutional capacity to implement the legislative provisions listed in question 1.7.3f against CITES offences?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	No information <input type="checkbox"/>	
If 'No', please provide a brief summary of your major capacity-building needs:					

Indicator 1.7.4: The number of Parties using risk assessment and intelligence to combat illegal trade in CITES-listed species.

1.7.4a	Do you use risk assessment to target CITES enforcement effort?	Always <input checked="" type="checkbox"/>	Very often <input type="checkbox"/>	Sometimes <input type="checkbox"/>	Rarely <input type="checkbox"/>	Never <input type="checkbox"/>	No information <input type="checkbox"/>
1.7.4b	Do you have capacity to analyse information gathered on illegal trade in CITES-listed species?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	No information <input type="checkbox"/>			

¹ General crime laws relate to offences such as fraud, conspiracy, possession of weapons, and other matters as set out in the national criminal code.

² Article 2, paragraph (h) of the United Nations Convention against Transnational Organized Crime defines a predicate offence as an offence whose proceeds may become the subject of any of the money-laundering offences established under the Convention.

³ Asset forfeiture is the seizure and confiscation of assets obtained from criminal activities to ensure that criminals do not benefit from the proceeds of their crimes.

⁴ Provisions against corruption include national laws to implement the United Nations Convention against Corruption covering offences such as bribery of officials, embezzlement or misappropriation of public funds, trading in influence and abuse of functions by public officials.

⁵ International cooperation in criminal matters includes legislation through which a formal request for mutual legal assistance and/or extradition of a person for criminal prosecution can be forwarded to another country.

⁶ Article 2, paragraph (a) of the United Nations Convention against Transnational Organized Crime defines an organized criminal group as a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with the Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

⁷ Specialized investigation techniques are techniques that are deployed against serious and/or organized crime when conventional law enforcement techniques fail to adequately address the activities of crime groups. Examples include controlled deliveries and covert operations.

1.7.4c	Do you use criminal intelligence ¹ to inform investigations into illegal trade in CITES-listed species?	Always <input type="checkbox"/> Very often <input checked="" type="checkbox"/> Sometimes <input type="checkbox"/> Rarely <input type="checkbox"/> Never <input type="checkbox"/> No information <input type="checkbox"/>	
1.7.4d	Have you implemented any supply-side activities to address illegal trade in CITES-listed species during the period covered in this report?	Yes <input checked="" type="checkbox"/> No, but activities are under development <input type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>	
1.7.4e	Have you implemented any demand-side activities to address illegal trade in CITES-listed species during the period covered in this report?	Yes <input checked="" type="checkbox"/> No, but activities are under development <input type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>	

¹ Criminal intelligence is information that is compiled, analyzed and disseminated in an effort to anticipate, prevent and/or monitor criminal activity. Examples include information on potential suspects held in a secure database and inferences about the methods, capabilities and intentions of specific criminal networks or individuals that are used to support effective law enforcement action.

Indicator 1.7.5: The number of administrative measures, criminal prosecutions and other court actions for CITES-related offences.

During the period covered in this report:		Yes	No	No Information
1.7.5a	<p>Have any administrative measures (e.g. fines, bans, suspensions) been imposed for CITES-related offences?</p> <p>If 'Yes', please indicate how many and for what types of offences. If available, please attach details:</p> <ul style="list-style-type: none"> - See Chapter IX: Penalties, Section 87 -110 in Wildlife Animal Conservation and Protection Act, B.E.2562 (2019) – Annex 1 - See Chapter VI: Penalties, Section 40 - 56 in National Parks Act, B.E.2562 (2019) – Annex 2 - Violation of the Plants Act B.E. 2518 Amended by B.E.2535 shall be punished with imprisonment for 3 months or maximum fine is 3,000 baht or both. - Any person violating section 64 or section 65 paragraph two of the Royal Ordinance on Fisheries shall be subject to a term of imprisonment not exceeding one year, or to a fine not exceeding one million baht, or both. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.7.5b	<p>Have there been any criminal prosecutions of CITES-related offences?</p> <p>If 'Yes', how many and for what types of offences? If available, please attach details:</p> <p>The information from Department of National Parks, Wildlife and Plant Conservation. Year 2018 (65 cases), Year 2019 (58 cases), Year 2020 (37 cases)</p> <p>The information from Department of Fisheries. Year 2018 (27 cases), Year 2019 (7 cases), Year 2020 (5 cases)</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.7.5c	<p>Have there been any other court actions against CITES-related offences?</p> <p>If 'Yes', what were the offences involved and what were the results? Please attach details:</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.7.5d	<p>How were any confiscated specimens disposed of? Tick all that apply</p> <ul style="list-style-type: none"> - Return to country of export <input checked="" type="checkbox"/> - Public zoos or botanical gardens <input checked="" type="checkbox"/> - Designated rescue centres <input checked="" type="checkbox"/> - Approved private facilities <input type="checkbox"/> - Euthanasia <input type="checkbox"/> - Other (please specify): <input type="checkbox"/> <p>Have you encountered any challenges in disposing of confiscated specimens? The care of confiscated live specimens</p> <p>Do you have good practice that you would like to share with other Parties? No</p>			

Objective 1.8 Parties and the Secretariat have adequate capacity-building programmes in place. Aichi Target 1, Target 12 and Target 19.

Indicator 1.8.1: The number of Parties with national and regional training programmes and information resources in place to implement CITES including the making of non-detriment findings, issuance of permits and enforcement.

1.8.1a	<p>Do you have information resources or training in place to support: YesNo</p> <p>The making of non-detriment findings? <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>Permit officers? <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>Enforcement officers? <input checked="" type="checkbox"/> <input type="checkbox"/></p>		
1.8.1b	Is the CITES Virtual College used as part of your capacity building	Yes	<input type="checkbox"/>

	work?	No <input checked="" type="checkbox"/>	No information <input type="checkbox"/>
	What improvements could be made in using the Virtual College for capacity building?		
1.8.1c	Is the ICCWC Wildlife and Forest Crime Toolkit used in the development of capacity-building programmes, or does it form part of the curriculum of such programmes?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	What improvements could be made in using the ICCWC Toolkit for capacity building?	No information <input type="checkbox"/>	

GOAL 2 SECURE THE NECESSARY FINANCIAL RESOURCES AND MEANS FOR THE OPERATION AND IMPLEMENTATION OF THE CONVENTION

Objective 2.1 Financial resources are sufficient to ensure operation of the Convention.

Information to be provided through records held by the Secretariat on financial management of the Convention.

Objective 2.2 Sufficient resources are secured at the national and international levels to ensure compliance with and implementation and enforcement of the Convention.
Aichi Target 1, Target 2, Target 3, Target 12, Target 19 and Target 20.

Indicator 2.2.1: The number of Parties with dedicated staff and funding for Management Authorities, Scientific Authorities and wildlife trade enforcement agencies.

2.2.1a	Do you have an approved service standard(s) ¹ for your Management Authority(ies)?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	If 'No', please go to Question 2.2.1d.		
	If 'Yes', for which services are there standards, and what are those standards?		
	- Dept. of Fisheries has service standard for issuance the CITES permit within 6 days via e-Permit (Fisheries Single Window: FSW)		
	- Dept. of National Parks, Wildlife and Plant Conservation has service standard for issuance the CITES permit within 3 - 10 days		
	If 'Yes', do you have performance targets for these standards ² ?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	If 'Yes', what are your performance targets?		
	Do you publish your performance against service standard targets?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	If possible, please provide your performance against service standards during the period covered in this report: Flow chart publish and Public guide (http://www.doa.go.th/pvp/index.php?option=com_content&view=article&id=196:2016-10-10-04-56-31&catid=2:2012-09-11-10-13-57)		Plant permit 90% for 1 hour
	If you did not meet your performance targets then was this shortfall a result of:	Yes	No
- availability of funding?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
- number of staff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
- a shortage of skills?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If 'Yes' to a shortage of skills, which skills do you need more of?			
Taxonomy and forensic skills are needed.			

¹ For example, a time frame in which you are required to provide a response on a decision to issue or not issue a permit, certificate, or re-export certificate.

² For example, 85% of all decisions will take place within the service standard.

2.2.1b	<p>Do you have an approved service standard(s)⁴⁷ for your Scientific Authority(ies)?</p> <p>If 'No', please go to Question 2.2.1d.</p> <p>If 'Yes', for which services are there standards, and what are those standards? Give thought and recommendation to appropriate facilities and survival prior permission for import or export the species under CITES list.</p> <p>If 'Yes', do you have performance targets for these standards⁴⁸? Yes <input type="checkbox"/></p> <p>If 'Yes', what are your performance targets? No <input type="checkbox"/></p> <p>If possible, please provide your performance against service standards during the period covered in this report:</p> <p>If you did not meet your performance targets then was this shortfall a result of:</p> <p>– availability of funding? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>– number of staff? <input type="checkbox"/> <input type="checkbox"/></p> <p>– a shortage of skills? <input type="checkbox"/> <input type="checkbox"/></p> <p>If 'Yes' to a shortage of skills, which skills do you need more of?</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>DoF has the Committee that related to SA</p>																
2.2.1c	<p>Do you have an approved service standard(s)⁴⁷ for your enforcement authority(ies)?</p> <p>If 'No', please go to Question 2.2.1d.</p> <p>If 'Yes', for which services are there standards, and what are those standards?</p> <p>If 'Yes', do you have performance targets for these standards⁴⁸? Yes <input type="checkbox"/></p> <p>If 'Yes', what are your performance targets? No <input type="checkbox"/></p> <p>If possible, please provide your performance against service standards during the period covered in this report:</p> <p>If you did not meet your performance targets then was this shortfall a result of:</p> <p>– availability of funding? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>– number of staff? <input type="checkbox"/> <input type="checkbox"/></p> <p>– a shortage of skills? <input type="checkbox"/> <input type="checkbox"/></p> <p>If 'Yes' to a shortage of skills, which skills do you need more of?</p> <p>Specimens identification</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>																
2.2.1d	<p>Please only complete this question if your answered 'No' to the first part of question 2.2.1a, 2.2.1b, or 2.2.1c, relating to the existence of approved service standards for your authorities:</p> <p>Do you have sufficient of the following for your authorities to function effectively?</p> <table border="1" data-bbox="295 1579 1433 1787"> <thead> <tr> <th></th> <th>Management Authority(ies)</th> <th>Scientific Authority(ies)</th> <th>Enforcement Authority(ies)</th> </tr> </thead> <tbody> <tr> <td>Funding?</td> <td>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td> <td>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td> <td>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td>Staff?</td> <td>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td> <td>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td> <td>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></td> </tr> <tr> <td>Skills?</td> <td>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td> <td>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></td> <td>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></td> </tr> </tbody> </table>			Management Authority(ies)	Scientific Authority(ies)	Enforcement Authority(ies)	Funding?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Staff?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Skills?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Management Authority(ies)	Scientific Authority(ies)	Enforcement Authority(ies)															
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Skills?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>															

Indicator 2.2.2: The number of Parties that have undertaken one or more of the following activities:

- changed the budget for activities;
- hired more staff;
- developed implementation tools;
- purchased technical equipment for implementation, monitoring or enforcement.

2.2.2a	Have any of the following activities been undertaken during the period covered in this report to enhance the effectiveness of CITES implementation at the national level?			Tick if applicable	
	Hiring of more staff			<input checked="" type="checkbox"/>	
	Development of implementation tools			<input checked="" type="checkbox"/>	
	Purchase of technical equipment for implementation, monitoring or enforcement			<input checked="" type="checkbox"/>	
Other (please specify): Species identification guidebook (online) . Standard Operating Procedure for implementing the CITES Convention . Species identification equipment .					
2.2.2b	During the period covered in this report, was the budget for your:	Increased	Stable	Decreased	
	Management Authority(ies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Scientific Authority(ies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Enforcement authorities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2.2.2c	Have you been able to use international development funding assistance to increase the level of implementation of your	Yes	No	Not applicable	
	Management Authority(ies)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Scientific Authority(ies)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Enforcement authorities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.2.2d	What is the respective level of priority for enhancing the effectiveness of CITES implementation at the national level through the following activities?				
	Activity	High	Medium	Low	Not a Priority
	Hiring of more staff	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Development of implementation tools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Purchase of new technical equipment for implementation, monitoring or enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e-permitting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2.2e	Do you have a operational system (e.g. electronic database) for managing	Yes	Under development	No	
	Species information	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Trade information	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Non-detriment findings	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Indicator 2.2.3: The number of Parties raising funds for CITES implementation through user fees or other mechanisms.

2.2.3a	Does the Management Authority charge fees for:	Tick all that are applicable
	– Administrative procedures	<input type="checkbox"/>
	– Issuance of CITES documents (e.g. for import, exports, re-export, or introduction from the sea)	<input checked="" type="checkbox"/>
	– Shipment clearance (e.g. for the import, export, re-export, or introduction from the sea of CITES-listed species)	<input type="checkbox"/>
	– Licensing or registration of operations that produce CITES species	<input checked="" type="checkbox"/>
	– Harvesting of CITES-listed species	<input type="checkbox"/>
	– Use of CITES-listed species	<input type="checkbox"/>
	– Assignment of quotas for CITES-listed species	<input type="checkbox"/>
– Other (please specify):	<input type="checkbox"/>	

2.2.3b	Is a fee schedule publicly available? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If 'Yes', please provide an internet link, or a copy of the schedule to the Secretariat: https://www.krisdika.go.th/librarian/get?sysid=558449&ext=htm																					
2.2.3c	Have revenues from fees been used for the implementation of CITES or wildlife conservation? Entirely <input type="checkbox"/> Partly <input type="checkbox"/> Not at all <input checked="" type="checkbox"/> Not relevant <input checked="" type="checkbox"/>																					
2.2.3d	<table style="width: 100%; border: none;"> <tr> <td></td> <td style="text-align: right;">Yes</td> <td style="text-align: right;">No</td> </tr> <tr> <td>Do you raise funds for CITES management through charging user fees?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Do your fees recover the full economic cost of issuing permits?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Do you have case studies on charging or using fees?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td colspan="3">If 'Yes' to any of the above, please provide brief details:</td> </tr> <tr> <td>Do you use innovative financial mechanisms to raise funds for CITES implementation?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td colspan="3">If 'Yes', please provide brief details:</td> </tr> </table>		Yes	No	Do you raise funds for CITES management through charging user fees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Do your fees recover the full economic cost of issuing permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Do you have case studies on charging or using fees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If 'Yes' to any of the above, please provide brief details:			Do you use innovative financial mechanisms to raise funds for CITES implementation?	<input type="checkbox"/>	<input type="checkbox"/>	If 'Yes', please provide brief details:		
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If 'Yes', please provide brief details:																						

Indicator 2.2.4: The number of Parties using incentive measures as part of their implementation of the Convention.

2.2.4a	<p>Do you use incentive measures¹ such as those described in CoP14 Doc 14.32 to implement the Convention?</p> <table style="width: 100%; border: none;"> <tr> <td></td> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td>Due diligence</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Compensatory mechanisms</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Certification</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Communal property rights</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Auctioning of quotas</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Cost recovery or environmental charges</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Enforcement incentives</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table> <p>If 'Yes' to any of the above, or if you use other measures, please provide a summary or link to further information: National Single Window - (http://www.doa.go.th/nsw/) - (https://fsw.fisheries.go.th/index.jsp?templateName=dof)</p>		Yes	No	Due diligence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Compensatory mechanisms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Certification	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Communal property rights	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Auctioning of quotas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cost recovery or environmental charges	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Enforcement incentives	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Yes	No																							
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Cost recovery or environmental charges	<input type="checkbox"/>	<input checked="" type="checkbox"/>																							
Enforcement incentives	<input type="checkbox"/>	<input checked="" type="checkbox"/>																							
2.2.4b	<p>Have incentives harmful to biodiversity been eliminated? Not at all <input checked="" type="checkbox"/></p> <p style="margin-left: 40px;">Very little <input type="checkbox"/> Somewhat <input type="checkbox"/> Completely <input type="checkbox"/></p>																								

¹ Defined as 'Social and economic incentives that promote and regulate sustainable management of and responsible trade in, wild flora and fauna and promote effective enforcement of the Convention'. The intent of such measures is not to promote wildlife trade as such, but rather to ensure that any wildlife trade undertaken is conducted in a sustainable manner.

Objective 2.3 Sufficient resources are secured at the national and international levels to implement capacity-building programmes.
Aichi Target 12, Target 19 and Target 20.

Indicator 2.3.1: The number of capacity building activities mandated by Resolutions and Decisions that are fully funded.

2.3.1a	<p>How many training and capacity building activities¹ have you run during the period covered in this report?</p> <p style="text-align: right;">None <input type="checkbox"/></p> <p style="text-align: right;">1 <input type="checkbox"/></p> <p style="text-align: right;">2-5 <input type="checkbox"/></p> <p style="text-align: right;">6-10 <input type="checkbox"/></p> <p style="text-align: right;">11-20 <input type="checkbox"/></p> <p style="text-align: right;">More than 20 <input checked="" type="checkbox"/></p> <p>Please list the Resolutions or Decisions involved:</p>	Without assistance from the Secretariat	Conducted or assisted by the Secretariat																																																										
2.3.1b	<p>What sorts of capacity building activities have taken place? Species identification training for MA and workshop on Enforcement. Joint boarder</p>																																																												
2.3.1c	<p>What capacity building needs do you have?</p> <p>Please tick all boxes which apply to indicate which target group and which activity.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Target group</th> <th style="width: 10%;">Oral or written advice/guidance</th> <th style="width: 10%;">Technical assistance</th> <th style="width: 10%;">Financial assistance</th> <th style="width: 10%;">Training</th> <th style="width: 10%;">Other (workshop)</th> <th style="width: 10%;">Details</th> </tr> </thead> <tbody> <tr> <td>Staff of Management Authority</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Species ID guidebook</td> </tr> <tr> <td>Staff of Scientific Authority</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Provide information, Data collection training</td> </tr> <tr> <td>Staff of enforcement authorities</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>e-Permit using</td> </tr> <tr> <td>Traders / other user groups</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td>NGOs</td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td>Public</td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> <tr> <td>Other (please specify)</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>workshop</td> </tr> </tbody> </table>					Target group	Oral or written advice/guidance	Technical assistance	Financial assistance	Training	Other (workshop)	Details	Staff of Management Authority	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Species ID guidebook	Staff of Scientific Authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Provide information, Data collection training	Staff of enforcement authorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	e-Permit using	Traders / other user groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		NGOs	<input type="checkbox"/>		Public	<input type="checkbox"/>		Other (please specify)	<input type="checkbox"/>	workshop												
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¹ An activity might be a single day training e.g. for a group of staff from the Management Authority, or a longer course / project undertaken by an individual.

GOAL 3 CONTRIBUTE TO SIGNIFICANTLY REDUCING THE RATE OF BIODIVERSITY LOSS AND TO ACHIEVING RELEVANT GLOBALLY-AGREED GOALS AND TARGETS BY ENSURING THAT CITES AND OTHER MULTILATERAL INSTRUMENTS AND PROCESSES ARE COHERENT AND MUTUALLY SUPPORTIVE

Objective 3.1 Cooperation between CITES and international financial mechanisms and other related institutions is enhanced in order to support CITES-related conservation and sustainable development projects, without diminishing funding for currently prioritized activities. Aichi Target 2 and Target 20.

Indicator 3.1.1: The number of Parties funded by international financial mechanisms and other related institutions to develop activities that include CITES-related conservation and sustainable development elements.

3.1.1a	Has funding from international financial mechanisms and other related institutions been used to develop activities that include CITES-related conservation and sustainable development elements?	Yes	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
		Not applicable	<input type="checkbox"/>
		No information	<input type="checkbox"/>
If 'Yes', please provide brief details: GEF6 provide to enforcement and forensic			
3.1.1b	During the period covered in this report, has funding for your country from international funding mechanisms and other related institutions:	Increased	<input type="checkbox"/>
		Remained stable	<input type="checkbox"/>
		Decreased	<input type="checkbox"/>

Indicator 3.1.2: The number of countries and institutions that have provided additional funding from CITES Authorities to another country or activity for conservation and sustainable development projects in order to further the objectives of the Convention.

3.1.2a	Have you provided technical or financial assistance to another country or countries in relation to CITES?						Yes	<input type="checkbox"/>
							No	<input checked="" type="checkbox"/>
						No information	<input type="checkbox"/>	
If 'Yes', please tick boxes to indicate type of assistance provided								
Country(ies)	Species Management ¹	Habitat Management ²	Sustainable use	Law Enforcement	Livelihoods	Other (specify)	Details (provide more information in an Appendix if necessary)	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Objective 3.2 Awareness of the role and purpose of CITES is increased globally. Aichi Target 1, Target 4, Target 12 and Target 18.

Indicator 3.2.1: The number of Parties that have been involved in CITES awareness raising activities to bring about better awareness by the wider public and relevant user groups of the Convention requirements.

¹ Use species conservation column for work directly related to species – e.g. population surveys, education programmes, conflict resolution, etc.

² Use habitat conservation column for work that will indirectly support species conservation – e.g. habitat management, development of policy frameworks for how land is managed, etc.

3.2.1a	Have CITES authorities been involved in any of the following activities to bring about better awareness of the Convention's requirements by the wider public and relevant user groups?	Wider public	Relevant User Groups
	– Press conferences	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	– Press releases	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	– Newspaper articles, brochures, leaflets	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	– Television appearances	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	– Radio appearances	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	– Presentations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	– Public consultations / meetings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	– Market surveys	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	– Displays	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	– Information at border crossing points	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	– Telephone hotline	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	– Website(s) – if so please provide link(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	– Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>
Please attach copies of any items or describe examples:			

Indicator 3.2.2: The number of visits to the CITES website.

3.2.2a	How regularly do your Authorities consult the CITES website?												
	Please tick boxes to indicate the most frequent usage (decide on an average amongst staff if necessary).												
	Target group	Daily	Weekly	Monthly	Less frequently	Not known							
	Staff of Management Authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>							
	Staff of Scientific Authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
Staff of enforcement authorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
3.2.2b	What has been your experience with using the CITES website?	Excellent	<input type="checkbox"/>	Good	<input checked="" type="checkbox"/>	Average	<input type="checkbox"/>	Poor	<input type="checkbox"/>	Very Poor	<input type="checkbox"/>	No information	<input type="checkbox"/>
Any further comments on the CITES Website? (e.g. useful aspects, any difficulties encountered, which authorities find which functions/tools most useful, what is missing, etc):													

Indicator 3.2.3: The number of Parties with web pages on CITES and its requirements.

A question relating to this indicator is within question 3.2.1a.

Objective 3.3 Cooperation with relevant international environmental, trade and development organizations is enhanced.

Indicator 3.3.1 The number of Parties which report that they have achieved synergies in their implementation of CITES, other biodiversity-related conventions and other relevant multilateral environmental, trade and development agreements.

3.3.1a	Have measures been taken to achieve coordination and reduce duplication of activities between the national CITES authorities and national focal points for other multilateral environmental agreements (e.g. the other biodiversity-related conventions: CBD, CMS, ITPGR, Ramsar, WHC) ¹ to which your country is party? If 'Yes', please give a brief description: CITES and CBD are follow and related to Res. Conf 16.5	Yes <input type="checkbox"/>	No <input type="checkbox"/>	No information <input checked="" type="checkbox"/>
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Indicator 3.3.2: The number of biodiversity conservation or sustainable use projects, trade and development goals, or scientific and technical programmes that integrate CITES requirements.

3.3.2a	How many international projects which integrate CITES issues has your country contributed towards?	1		
3.3.2b	In addition to 3.2.2a, how many national level projects has your country implemented which integrate CITES issues?	2		
3.3.2c	Have there been any efforts at a national scale for your CITES Management or Scientific Authorities to collaborate with:	Yes	No	
	Agencies for development?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Agencies for trade?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Provincial, state or territorial authorities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Local authorities or communities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Indigenous or local peoples?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Trade or other private sector associations? - The Royal Horticultural Society of Thailand under Royal Patronage - The Ornamental Plants Association of Thailand	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	NGOs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	
3.3.2d	Are CITES requirements integrated into?	Yes	No	
	National and local development strategies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	National and local poverty reduction strategies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Planning processes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	National accounting?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

¹ CBD = Convention on Biological Diversity; CMS = Convention on the Conservation of Migratory Species of Wild Animals, ITPGR = International Treaty on Plant Genetic Resources for Food and Agriculture, Ramsar = The Convention on Wetlands of International Importance, WHC = World Heritage Convention.

Indicator 3.3.3: The number of Parties cooperating / collaborating with intergovernmental and non-governmental organizations to participate in and/or fund CITES workshops and other training and capacity-building activities.

3.3.3a	Has funding been provided or received to facilitate CITES workshops, training or other capacity building activities to / from:	Tick if applicable	Which organizations?
	Inter-governmental organizations?	<input checked="" type="checkbox"/>	(1) Ministry of the Environment of Japan (MOEJ) (2) The Ministry of Commerce (MOFCOM) of the People's Republic of China (3) GEF
	Non-governmental organizations?	<input checked="" type="checkbox"/>	WCS, WWF, UNODC, SEAFDEC, ASEAN-USAID Prospect

Objective 3.4 The contribution of CITES to the relevant Millennium Development Goals, the sustainable development goals set at WSSD, the *Strategic Plan for Biodiversity 2011-2020* and the relevant *Aichi Biodiversity Targets*, and the relevant outcomes of the United Nations Conference on Sustainable Development is strengthened by ensuring that international trade in wild fauna and flora is conducted at sustainable levels.

This objective may also be assessed by a variety of means beyond the reporting format, including action taken to implement many of the CITES resolutions and decisions.

Aichi Target 1, Target 2, Target 3, Target 4, Target 5, Target 6, Target 7, Target 12, Target 14, Target 17, Target 18 and Target 19.

Indicator 3.4.1: The conservation status of species listed on the CITES Appendices has stabilized or improved.

3.4.1a	Do you have data which shows that the conservation status of naturally occurring species in your country listed on the CITES Appendices has stabilized or improved?	Yes	No	Not Applicable
	Appendix I	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Appendix II	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Appendix III	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	If there are such studies that you are willing to share, please provide: Species name (scientific) Link to the data, or a brief summary			
3.4.1b	Do you have examples of specific examples of success stories or emerging problems with any CITES listed species?	Yes	No	No information
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	If 'Yes', please provide details:			

Indicator 3.4.2: The number of Parties incorporating CITES into their National Biodiversity Strategy and Action Plan (NBSAP).

3.4.2a	Has CITES been incorporated into your country's National Biodiversity Strategy and Action Plan (NBSAP)?	Yes	No	No information
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.4.2b	Have you been able to obtain funds from the Global Environment Facility (GEF) or other sources to support CITES aspects of NBSAP implementation?	Yes	No	No information
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Objective 3.5 Parties and the Secretariat cooperate with other relevant international organizations and agreements dealing with natural resources, as appropriate, in order to achieve a coherent and collaborative approach to species which can be endangered by unsustainable trade, including those which are commercially exploited.
Aichi Target 2, Target 4, Target 5, Target 6, Target 7, Target 10, Target 12, Target 14 and Target 19.

Indicator 3.5.1: The number of cooperative actions taken under established bilateral or multilateral agreements to prevent species from being unsustainably exploited through international trade.

3.5.1a	Has your country taken action under established bilateral or multilateral agreements other than CITES to prevent species from being unsustainably exploited through international trade? If 'Yes', please provide details:	Yes	<input type="checkbox"/>
		No	<input checked="" type="checkbox"/>
		No information	<input type="checkbox"/>

Indicator 3.5.2: The number of times other relevant international organizations and agreements dealing with natural resources are consulted on issues relevant to species subject to unsustainable trade.

3.5.2a	Average number of times per year that international organizations or agreements have been consulted by CITES Authorities	Once	2-5 times	6-20 times	More than 20 times	No consultation	Optional comment about which organizations and issues consulted on
	Management Authority(ies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The repatriation of two confiscated orangutans from Thailand to Indonesia.
	Scientific Authority(ies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Forensic issue
	Enforcement Authority(ies)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

General feedback

Please provide any additional comments you would like to make, including comments on this format.

Item	
Copy of full text of CITES-relevant legislation if changed	Enclosed <input type="checkbox"/>
Web link(s)	Not available <input checked="" type="checkbox"/>
Annex 1 – Wild Animal Conservation and Protection Act, B.E.2562 (2019)	Previously provided <input type="checkbox"/>
Annex 2 – National Parks Act, B.E. 2562 (2019)	
Annex 3 – Forest Act, B.E. 2562 (2019)	
Annex 4 – Royal Ordinance on Fisheries B.E. 2558 (2015) (Amendment No.2) B.E. 2560 (2017)	
Please list any materials annexed to the report, e.g. fee schedules, awareness raising materials, etc:	
Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance?	Yes <input type="checkbox"/> No <input type="checkbox"/> No Information <input checked="" type="checkbox"/>
If 'Yes', please describe the constraint and the type of attention or assistance that is required.	
Are there examples of good practice you would like to share with other Parties?	Yes <input type="checkbox"/> No <input type="checkbox"/> No Information <input checked="" type="checkbox"/>
If 'Yes' please provide details / links:	
How could this report format be improved? There are lots of implicated questions.	

Thank you for completing the report. Please remember to include relevant attachments referred to in the report when it is submitted to the Secretariat.

Unofficial Translation*

**WILD ANIMAL CONSERVATION AND PROTECTION ACT,
B.E. 2562 (2019)**

HIS MAJESTY KING MAHA VAJIRALONGKORN PHRA VAJIRAKLAOCHAOUHUA;

Given on the 24th Day of May B.E. 2562;

Being the 4th Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on wild animal conservation and protection;

Whereas this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 26 in conjunction with section 28, section 33, section 37 and section 40 of the Constitution of the Kingdom of Thailand so permits by virtue of provisions of law;

Whereas the reasons and need for the restriction of rights and liberties of persons under this Act lie in putting forth balanced and sustainable efficacy of the conservation, preservation, protection and maintenance of wild animal varieties preservation zones and wild animal hunting prohibited zones as well as the management of wild animals, natural resources, the ecosystem and biological diversity in such areas and, in this regard, the enactment of this Act duly complies with the conditions provided in section 26 of the Constitution of the Kingdom of Thailand;

* Translated by Associate Professor Dr. Pinai Nanakorn under contract for the Office of the Council of State of Thailand. – Tentative Version – subject to final authorisation by the Office of the Council of State.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly serving as the National Assembly, as follows.

Section 1. This Act is called the “Wild Animal Conservation and Protection Act, B.E. 2562 (2019)”.

Section 2.¹ This Act shall come into force after one hundred eighty days as from the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

- (1) the Wild Animal Conservation and Protection Act, B.E. 2535 (1992);
- (2) the Wild Animal Conservation and Protection Act (No. 2), B.E. 2546 (2003);
- (3) the Wild Animal Conservation and Protection Act (No. 3), B.E. 2557 (2014).

Section 4. In this Act:

“wild animals” means animals of all species which generally exist and freely live in a natural state and shall also include eggs and embryos of such animals but shall exclude beasts of burden under the law on beasts of burden, animals which are, by their strain, technically accepted as domestic animals rather than wild animals and animals resulting from the reproduction of such animals;

“conserved wild animal” means a rare wild animal or an endangered wild animal, which entails strict conservation and preservation, as provided in this Act;

“protected wild animal” means a wild animal which is essential for the ecosystem or of which the population has a tendency to decrease to the extent likely to affect the ecosystem, as provided in this Act;

“controlled wild animal” means a wild animal which is afforded protection under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and any other wild animal necessitating appropriate control measures, as provided in this Act;

“dangerous wild animal” means a wild animal which may cause danger or become poisonous to human beings or other wild animals or threatens to cause wild animals, wild plants, the environment or the ecosystem to have swift detrimental change or becomes a carrier of a disease or pest insects, as provided in this Act;

¹ Published in Government Gazette, Vol. 136, Part 71a, dated 29th May 2019.

“carcass of a wild animal” means the body or part of the body of a dead wild animal or meat of a wild animal, whether grilled, boiled, smoked, roasted, dried, fermented, preserved or otherwise prepared for preventing decomposition and whether cut open, separated or forming an internal part of the wild animal’s body, and shall include a wild animal’s horn, skin, bone, skull, tooth, tusk, hair, scale, claw, carapace, shell, blood, lymph, sperm or a part which is separated from the body of a wild animal, whether living or dead;

“product from a carcass of a wild animal” shall include a derivative or anything derived from a wild animal or a carcass of a wild animal, which is detected or classified, by consultation of its accompanying document, packaging, mark, label or any other thing, as being attributable to such kind of wild animal, as prescribed in the Notification of the Minister;

“hunt” means an act of collecting, trapping, catching, shooting, killing or otherwise injuring a wild animal which is unowned and living freely and shall include an act of chasing, shepherding, calling, luring or any other activity for the purpose of collecting, trapping, catching, shooting, killing or injuring such wild animal;

“breed” means an act of propagation of raised wild animals by means of mating and shall include an act of propagation of wild animals by means of artificial insemination, embryo transfer or any other means with a view to enhancing the number of such wild animals;

“trade” means an act of purchasing, selling, exchanging, distributing, supplying, giving or transferring ownership for the purpose of trade and shall also include an act of having or holding out wild animals, carcasses of wild animals or products from carcasses of wild animals for trade and an act of publicising or advertising or presenting by television or radio, printed matters, information technology systems or any medium for trade;

“import” means an act of bringing or ordering into the Kingdom and shall include an act of bringing into the Kingdom wild animals, carcasses of wild animals or products from carcasses of wild animals already exported from the Kingdom;

“export” means an act of bringing or sending out of the Kingdom and shall include an act of bringing or sending out of the Kingdom wild animals, carcasses of wild animals or products from carcasses of wild animals already imported into the Kingdom;

“carry through” means an act of transit and transshipment under the law on customs;

“wild animal checkpoint” means a checkpoint for inspecting wild animals, carcasses of wild animals or products from carcasses of wild animals;

“zoo” means a place or area where wild animals are gathered and exhibited for the purposes of recreation, a study, education, a survey, research, preservation or the breeding of wild animals, in the interest of the business of such zoo;

“competent official” means a person appointed by the Minister for performing activities under this Act;

“Commission” means the Wild Animal Conservation and Protection Commission;

“Director-General” means the Director-General of the Department of National Parks, Wildlife and Plant Conservation or the Director-General of the Department of Fisheries only insofar as the matters are concerned with aquatic animals;

“Minister” means the Minister having charge and control of the execution of this Act.

Section 5. The Minister of Natural Resources and Environment shall have charge and control of the execution of this Act and shall have the powers to appoint competent officials and issue Ministerial Regulations prescribing fees not exceeding the rates annexed hereto, reducing or exempting fees and prescribing other activities or issue Ministerial Regulations, Rules and Notifications in the execution of this Act.

In issuing Ministerial Regulations prescribing fees under paragraph one, the Minister may prescribe different fees, having regard to the kind, type or number of wild animals, carcasses of wild animals or products from carcasses of wild animals or the size, nature or type of the undertaking or activities intended to be operated.

Ministerial Regulations, Rules and Notifications shall come into force upon their publication in the Government Gazette.

CHAPTER I

WILD ANIMALS

PART I

TYPES OF WILD ANIMALS

Section 6. Wild animals in the List annexed hereto shall be conserved wild animals.

In the case where the Director-General, with the approval of the Commission, considers that any kinds of wild animals should be prescribed as conserved wild animals in addition to those prescribed in paragraph one, it shall be made by enactment of a Royal Decree.

In the case where the Director-General, with the approval of the Commission, considers that the number of any conserved wild animals as prescribed in paragraph one and paragraph two has increased to the extent that they are no longer endangered and no longer need strict conservation and preservation, the Director-General may recommend that such wild animals cease to be conserved wild animals, provided that this shall be made by enactment of a Royal Decree.

Section 7. Prescription of any kinds of wild animals as protected wild animals shall be made by a Ministerial Regulation with the approval of the Commission.

Section 8. Prescription of any kinds of protected wild animals, which offer potential for economic exploitation, as breedable protected wild animals shall be made by a Notification of the Minister with the approval of the Commission.

Section 9. Prescription of any kinds of wild animal as controlled wild animals shall be made by a Notification of the Minister.

Section 10. In the case where a Royal Decree is enacted under section 6 paragraph two for prescribing any additional kinds of conserved wild animals, a person who has in lawful possession wild animals or carcasses of wild animals corresponding to the additionally prescribed kinds of conserved wild animals prior to the date on which such Royal Decree comes into force shall notify particulars concerning the kinds and number of conserved wild animals or carcasses of conserved wild animals to the competent official within the time prescribed by the Director-General and published in the Government Gazette, provided that such period of time shall not be less than thirty days and also that public dissemination thereof shall be made in accordance with the procedures prescribed by the Director-General for a period of not less than thirty days.

Upon giving notification of particulars concerning the kinds and number of conserved wild animals or carcasses of conserved wild animals to the competent official under paragraph one, if the person possessing the conserved wild animals or carcasses of conserved wild animals intends to continue the possession thereof, the competent official shall, after consideration, issue a licence for temporary possession of conserved wild animals or a certificate of possession of carcasses of conserved wild animals to such person.

Upon giving notification of particulars concerning the kinds and number of conserved wild animals or carcasses of conserved wild animals to the competent official under paragraph one, if the possessor under paragraph one intends to distribute, supply or transfer such conserved wild animals to a holder of a licence for the establishment and operation of a zoo under section 33 or a zoo established by a State agency in accordance with its duties, such action shall be completely carried out within the time prescribed in the Rule under paragraph four. In the case where it may not be completely carried out within such time, it shall be deemed that the possessor of such conserved wild animals, where they remain, agree to allow them to vest in the State.

Rules, procedures and conditions for giving the notification and receiving the notification, the issuance of licences for temporary possession of conserved wild animals, the issuance of certificates of possession of carcasses of conserved wild animals, terms of validity of licences or certificates, the possession of conserved wild animals or carcasses of conserved wild animals, renewal of terms of validity of licences or certificates, a transfer of licences or certificates, the issuance of substitutes for licences or certificates and the distribution, supply or transfer of conserved wild animals shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

In the case where the person who has in possession conserved wild animals or carcasses of conserved wild animals fails to take action under paragraph one, it shall be deemed that such person agrees to allow the conserved wild animals or carcasses of conserved wild animals so possessed to vest in the State.

Section 11. In the case where a Ministerial Regulation is issued under section 7 for prescribing additional kinds of protected wild animals, the provisions of section 10 paragraph one and paragraph two shall apply *mutatis mutandis* to a person who has in lawful possession wild animals, carcasses of wild animals or products from carcasses of wild animals corresponding to the additionally prescribed kinds of protected wild animals prior to the date on which such Ministerial Regulation comes into force.

In the case where the possessor under paragraph one intends to distribute, supply or transfer such protected wild animals to a holder of a licence for the establishment and operation of a zoo under section 33 or a zoo established by a State agency in accordance with its duties or distribute such protected wild animals to a holder of a licence for the operation of a wild animal breeding business under section 28 in the case of breedable protected wild animals, such action shall be completely carried out within the time prescribed in the Rule under paragraph three. In the case where it may not be completely carried out within such time, it shall

be deemed that the possessor of such protected wild animals, where they remain, agree to allow them to vest in the State.

Rules, procedures and conditions for giving the notification and receiving the notification, the issuance of licences for temporary possession of protected wild animals, the issuance of certificates of possession of carcasses of protected wild animals, terms of validity of licences or certificates, the possession of protected wild animals, carcasses of protected wild animals or products from carcasses of protected wild animals, the operation performed against carcasses of protected wild animals or products from carcasses of protected wild animals possessed for trade, renewal of terms of validity of licences or certificates, a transfer of licences or certificates, the issuance of substitutes for licences or certificates and the distribution, supply or transfer of protected wild animals shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

In the case where the person who has in possession protected wild animals or carcasses of protected wild animals fails to take action under paragraph one, it shall be deemed that such person agrees to allow the protected wild animals or carcasses of protected wild animals so possessed to vest in the State.

PART II

WILD ANIMAL PROTECTION

Section 12. A person shall not hunt conserved wild animals or protected wild animals.

Section 13. Any person who hunts wild animals in violation of the provisions of this Act on account of compelling need and under the conditions as follows shall not be inflicted with punishment:

(1) it is for the purpose of causing himself or another person to escape danger or for the purpose of conserving or preserving property of his own or another person; and

(2) such hunting is carried out in a manner reasonable in the circumstances.

The perpetrator under paragraph one shall not, except in the case of necessity, move such wild animals or carcasses of such wild animals so hunted and shall forthwith notify the cause of the hunting or moving of such wild animals to the competent official or the local inquiry official. In such a case, the competent official, jointly with the inquiry official, shall

expeditiously examine the cause of the hunting or moving of the wild animals and shall handle such wild animals or carcasses of such wild animals in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 14. A person shall not collect, injure or have in possession nests or dens of conserved wild animals unless it is the case of a person duly having conserved wild animals in possession under this Act.

A person shall not collect, injure or have in possession nests or dens of protected wild animals unless they are nests or dens of protected wild animals of the kinds prescribed in the Notification of the Minister and a licence therefor is granted by the competent official or it is the case of a person duly having protected wild animals in possession under this Act.

The provisions of paragraph one and paragraph two shall not apply to persons obtaining permission for collection of bird nests under the law on swallow nest duties and persons carrying out activities by virtue of the power of the persons obtaining such permission, provided that they shall comply with the Rule prescribed by the Director-General with the approval of the Commission.

Qualifications and prohibitions of an applicant for a licence and a transferee of a licence and rules, procedures and conditions for the application for a licence and issuance of a licence, a term of validity of a licence, renewal of a term of validity of a licence, a transfer of a licence and the issuance of a substitute for a licence under paragraph two shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 15. A person shall not abandon or set free conserved wild animals, protected wild animals or controlled wild animals or carry out any act causing such wild animals to leave his care.

The provisions of paragraph one shall not apply to persons having in possession conserved wild animals, protected wild animals or controlled wild animals duly obtained under this Act and having distributed, supplied or transferred them to persons capable of duly possessing such wild animals under this Act or having handed them over to the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries in the case where such wild animals are aquatic animals under section 16.

Section 16. In the case where a person who duly has a conserved wild animal, protected wild animal or controlled wild animal in possession under this Act is prevented by a cause of necessity from nurturing such wild animal and intends to hand over such wild animal to

the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries in the case where such wild animal is an aquatic animal, such person shall notify it to the competent official, provided that the possessor of such wild animal shall pay expenses to be incurred in nurturing it to the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries, as the case may be, and it shall be deemed that such person agrees to allow such wild animal to vest in the State.

Rules, procedures and conditions for giving the notification and receiving the notification, taking a hand-over of wild animals, rates of expenses, payment of expenses for nurturing wild animals and the exemption of expenses for nurturing wild animals shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission. In this regard, the prescription of rates of expenses for nurturing wild animals shall be appropriate for the kinds and types of wild animals, having regard at least to costs of food for wild animals, costs of medication and medical supplies, costs of labour for handling nurturing places and costs of cages and dwelling places.

PART III

WILD ANIMAL POSSESSION

Section 17. A person shall not have in possession conserved wild animals, protected wild animals or carcasses of such wild animals unless:

- (1) it is the possession by a holder of a licence for the establishment and operation of a zoo under section 33 or a zoo established by a State agency in accordance with its duties;
- (2) it is the possession, by a holder of a licence for the operation of wild animal breeding business under section 28, of breedable protected wild animals which are provided for the purpose of breeding or derived from the breeding or carcasses of such wild animals;
- (3) it is the case under section 10 or section 11.

Section 18. Any person who intends to have in possession breedable protected wild animals under section 8 which are derived from the breeding or carcasses of such wild animals shall obtain a licence from the Director-General unless it is the possession, under a wild animal trading licence, by a holder of a trade licence under section 30.

Qualifications and prohibitions of an applicant for a licence and a transferee of a licence and rules, procedures and conditions for the application for a licence and issuance of a

licence, a term of validity of a licence, renewal of a term of validity of a licence, a transfer of a licence and the issuance of a substitute for a licence shall be as prescribed in the Ministerial Regulation.

Section 19. Any person who intends to have in possession controlled wild animals under section 9 of the kinds prescribed in the Notification of the Minister or carcasses of such wild animals shall notify the possession to the competent official unless it is the possession, under a wild animal trading licence, by a holder of a trade licence under section 30.

The rules, procedures and conditions for giving the notification and receiving the notification and for the possession shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 20. In the case of a Notification prescribing kinds of controlled wild animals under section 19 paragraph one, a person having in possession such controlled wild animals prior to the date on which such Notification comes into force shall notify the possession of such controlled wild animals under section 19 paragraph two to the competent official within the time prescribed by the Director-General and published in the Government Gazette, provided that such period of time shall not be less than thirty days and also that public dissemination thereof shall be made in accordance with the procedures prescribed by the Director-General for a period of not less than thirty days.

Section 21. The provisions of section 17, section 18 and section 19 shall not apply to assistance of conserved wild animals, protected wild animals, breedable protected wild animals and controlled wild animals which are deserted, injured, sick or weak, provided that the assistance of such wild animals has been notified to the competent official in accordance with the Rule prescribed by the Director-General.

PART IV

IMPORTATION, EXPORTATION OR THROUGH CARRIAGE OF WILD ANIMALS AND WILD ANIMAL CHECKPOINTS

Section 22. A person shall not import or export conserved wild animals, carcasses of conserved wild animals or products from carcasses of conserved wild animals unless a licence is granted by the Director-General.

Permission under paragraph one may be granted only in the case where it is the act for the operation of a zoo of a holder of a licence for the establishment and operation of a zoo under section 33 or a zoo established by a State agency in accordance with its duties.

Qualifications and prohibitions of an applicant for a licence and a transferee of a licence and rules, procedures and conditions for the application for a licence and issuance of a licence, a term of validity of a licence, renewal of a term of validity of a licence, a transfer of a licence and the issuance of a substitute for a licence shall be as prescribed in the Ministerial Regulation.

Section 23. A person who intends to import or export protected wild animals, breedable protected wild animals, controlled wild animals, carcasses of such wild animals or products from carcasses of such wild animals shall acquire a license granted by the Director-General.

Permission under paragraph one, in the case of protected wild animals or carcasses of protected wild animals, may be granted only in the case where it is the act for the operation of a zoo of a holder of a licence for the establishment and operation of a zoo under section 33 or a zoo established by a State agency in accordance with its duties.

The provisions of paragraph one shall not apply to the importation or exportation of carcasses of protected wild animals, carcasses of controlled wild animals and products from carcasses of such wild animals for personal use in accordance with the kinds, types and quantity prescribed in the Notification of the Director-General.

Qualifications and prohibitions of an applicant for a licence and a transferee of a licence and rules, procedures and conditions for the application for a licence and issuance of a licence, a term of validity of a licence, renewal of a term of validity of a licence, a transfer of a licence and the issuance of a substitute for a licence shall be as prescribed in the Ministerial Regulation.

Section 24. In the case where the exportation of wild animals, carcasses of wild animals or products from carcasses of wild animals other than conserved wild animals, protected wild animals or controlled wild animals needs an export certificate as required by a country of destination or where any importer or exporter intends to obtain a certificate of importation or exportation of such wild animals, carcasses of such wild animals or products from carcasses of such wild animals, an application for a certificate of importation or exportation may be submitted to the competent official.

Qualifications and prohibitions of an applicant for a certificate and a transferee of a certificate and rules, procedures and conditions for the application for a certificate and issuance of a certificate, a term of validity of a certificate, renewal of a term of validity of a certificate, a transfer of a certificate and the issuance of a substitute for a certificate shall be as prescribed in the Ministerial Regulation.

Section 25. Any person who intends to carry through conserved wild animals, protected wild animals, breedable protected wild animals, controlled wild animals, carcasses of such wild animals or products from carcasses of such wild animals shall notify it to the competent official stationed at a wild animal checkpoint.

Rules, procedures and conditions for giving notification and receiving notification and the through carriage shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 26. The Minister shall have the power to establish wild animal checkpoints and prescribe areas of such checkpoints by publication in the Government Gazette.

Section 27. A holder of a licence for the importation or exportation of conserved wild animals, protected wild animals, breedable protected wild animals, controlled wild animals, carcasses of such wild animals or products from carcasses of such wild animals shall, upon importation or exportation of such conserved wild animals, protected wild animals, breedable protected wild animals, controlled wild animals, carcasses of such wild animals or products from carcasses of such wild animals, notify it to the competent official stationed at a wild animal checkpoint. In this regard, a certificate of importation or exportation shall be produced. Further movement of such goods may be made when they have been inspected by the competent official.

Rules, procedures and conditions for giving notification and receiving notification shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

PART V

OPERATION OF WILD ANIMAL BREEDING BUSINESS AND WILD ANIMAL TRADE

Section 28. Any person who intends to operate the business of breeding breedable protected wild animals under section 8 or controlled wild animals under section 9 of

the kinds prescribed in the Notification of the Minister shall acquire a license granted by the Director-General.

Qualifications and prohibitions of an applicant for a licence and a transferee of a licence and rules, procedures and conditions for the application for a licence and issuance of a licence, a term of validity of a licence, renewal of a term of validity of a licence, a transfer of a licence and the issuance of a substitute for a licence shall be as prescribed in the Ministerial Regulation.

Section 29. A person shall not trade in conserved wild animals, protected wild animals, carcasses of such wild animals or products from carcasses of such wild animals.

Section 30. A person who intends to trade in breedable protected wild animals under section 8, controlled wild animals under section 9 of the kinds prescribed in the Notification of the Minister, carcasses of such wild animals or products from carcasses of such wild animals shall acquire a license granted by the Director-General.

Qualifications and prohibitions of an applicant for a licence and a transferee of a licence and rules, procedures and conditions for the application for a licence and issuance of a licence, a term of validity of a licence, renewal of a term of validity of a licence, a transfer of a licence and the issuance of a substitute for a licence shall be as prescribed in the Ministerial Regulation.

The provision of paragraph one shall not apply to a holder of a licence for operating the business of breeding wild animals under section 28 who intends to trade in breedable protected wild animals under section 8, controlled wild animals under section 9 of the kinds prescribed in the Notification of the Minister, carcasses of such wild animals or products from carcasses of such wild animals, provided that the holder of a licence for operating the business of breeding wild animals under section 28 shall also comply with the rules applicable to a holder of a trade licence as prescribed in the Ministerial Regulation under paragraph two and, in the case where the holder of a licence for operating the business of breeding wild animals under section 28 fails to comply with such rules, it shall also be deemed to constitute a ground for suspension or revocation of the licence for operating the business of breeding wild animals under section 28.

Section 31. In the case where a Notification is issued for prescribing kinds of controlled wild animals under section 28 paragraph one or section 30 paragraph one, a person who operates the business of breeding controlled wild animals or trades in controlled wild

animals, carcasses of such wild animals or products from carcasses of such wild animals prior to the date on which such Notification comes into force shall submit an application for a licence under section 28 paragraph two or section 30 paragraph two, as the case may be, within the time prescribed by the Director-General and published in the Government Gazette, provided that such period of time shall not be less than thirty days and also that public dissemination thereof shall be made in accordance with the procedures prescribed by the Director-General for a period of not less than thirty days.

Upon submission of an application for a licence, the business of breeding controlled wild animals or trading in controlled wild animals, carcasses of such wild animals or products from carcasses of such wild animals may be further operated until the Director-General issues an order refusing to grant permission.

PART VI

OPERATION AGAINST DANGEROUS WILD ANIMALS

Section 32. Prescription of any kinds, types or numbers of wild animals as dangerous wild animals shall be in accordance with the Notification of the Minister.

Any person who has dangerous wild animals or carcasses of such wild animals in possession shall notify it to the competent official and comply with measures for the control of dangerous wild animals or carcasses of such wild animals in accordance with the Rule prescribed by the Director-General and, in the case where it is necessary for protecting human beings, wild animals, wild plants, the environment or the ecosystem against greater danger or damage, the competent official may, with the approval of the Director-General, issue an order requiring the possessor of such dangerous wild animals or carcasses of such wild animals to eliminate or destroy them or hand them over to the competent official for further elimination or destruction.

A person shall not abandon or set free such dangerous wild animals or carcasses of such wild animals.

CHAPTER II

ZOOS

Section 33. Any person who intends to establish and operate a zoo shall acquire a license granted by the Director-General and, for this purpose, submit documents describing a zoo establishment and operation project, a list of kinds and numbers or quantities of wild animals or carcasses of wild animals which such person has or will have in possession, together with the production of evidence of their acquisition, and also a map indicating the location, plan and chart of the zoo.

The zoo establishment and operation project as well as the plan and chart of the zoo under paragraph one shall be in compliance with the standard for zoo management prescribed in the Notification of the Director-General with the approval of the Commission. In the case where the competent official considers that such zoo establishment and operation project as well as such plan and chart are correct, the competent shall issue a certificate to be used as a supporting document for the application for permission under other relevant laws. If such zoo establishment and operation project, plan and chart are incorrect, incomplete or inappropriate or fail to be in compliance with the standard for zoo management, the competent shall notify it to the applicant for a licence within ninety days as from the date of receipt of the application and specify a period of time within which such person is required to make rectification or improvement. If, at the expiration of such period of time, the applicant for a licence fails to take correct action, it shall be deemed that the applicant does not intend to establish and operate a zoo.

The standard for zoo management shall at least contain key substances as follows:

- (1) the management of areas for nurturing and exhibiting animals;
- (2) nutrition care;
- (3) sanitation, wastewater treatment, waste elimination and disease control;
- (4) the upkeep of animals;
- (5) animal welfare management;
- (6) security and the maintenance of security;
- (7) emergency operations and measures;
- (8) directions for providing knowledge or education on animals.

Qualifications and prohibitions of an applicant for a licence and a transferee of a licence and rules, procedures and conditions for the application for a licence and issuance of a licence, a term of validity of a licence, renewal of a term of validity of a licence, a transfer of a

licence, the issuance of a substitute for a licence and the issuance of a certificate shall be as prescribed in the Ministerial Regulation.

In the case where any applicant for a licence submits an application therefor under paragraph one in relation to conserved wild animals or protected wild animals or carcasses of such wild animals in respect of which the applicant has previously been granted a licence for the temporary possession of conserved wild animals or protected wild animals or a certificate of possession of carcasses of such wild animals, the licence for the temporary possession of conserved wild animals or protected wild animals or the certificate of possession of carcasses of such wild animals shall extinguish when a licence for the establishment and operation of a zoo is granted.

Section 34. During the construction of a zoo, if the Department of National Parks, Wildlife and Plant Conservation, the Department of Fisheries or the local government organisation in the locality in which such zoo is located finds that the construction fails to be in compliance with the zoo establishment and operation project as well as the plan and chart submitted under section 33, the Department of National Parks, Wildlife and Plant Conservation, the Department of Fisheries or the local government organisation, as the case may be, shall order the applicant for a licence to make rectification or improvement to ensure correctness within a period of time specified. Upon completion of action by the applicant for a licence, the applicant shall notify it to the competent official for proceeding with the examination of correctness.

In the case where the applicant for a licence has made rectification or alteration of the plan or chart, the applicant shall notify and furnish the rectified or altered plan and chart to the competent official. In this regard, the competent official shall notify the result of the consideration as to whether such plan and chart are in compliance with the standard for zoo management under section 33 within ninety days as from the date of receipt of the notification. If the competent official fails to notify the result within such period of time, the applicant for a licence may proceed with the action.

Prior to the inauguration of the zoo, the applicant for a licence shall notify it in writing to the competent official for the purpose of examining correctness of the establishment of the zoo and notifying the result thereof to the applicant for a licence within sixty days as from the date of receipt of the notification. If the competent official, after examination, is satisfied with the correctness, the Director-General shall issue a licence to the applicant for a licence. If the competent official fails to take action within such period of time, it shall be deemed that the Director-General issues an order granting permission as applied for and a licence shall be issued to such applicant for a licence.

Section 35. During the operation of a zoo, the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries, as the case may be, shall exercise control to ensure that the holder of a licence carries out operations in compliance with the standard for zoo management under section 33.

In the case where it is found from the examination that the holder of a licence fails to carry out operations in compliance with the standard for zoo management under section 33 or areas within the zoo are in the condition posing public danger or nuisance or causing danger or suffering to wild animals, the Director-General shall have the power to issue an order in writing demanding such holder of the licence to rectify or improve such condition.

In the case of an increase or decrease of the numbers or quantities of conserved wild animals, protected wild animals, controlled wild animals or carcasses of such wild animals which are in possession or in the case of a change or transfer of ownership of conserved wild animals, protected wild animals, controlled wild animals or carcasses of such wild animals between zoos, the holder of the licence shall have the duty to notify it to the Director-General for prior consideration and permission before taking action, in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 36. In the case where, for the operation of any zoo, licences for the establishment and operation of a zoo have been granted both by the Director-General of the Department of National Parks, Wildlife and Plant Conservation and by the Director-General of the Department of Fisheries and the holder of the licences receives an order for suspension or revocation of any of the licences, it shall have the effect of temporarily discontinuing the operation of the zoo in entirety until rectification or improvement is carried out in accordance with the requirement prescribed by the Director-General or it shall have the effect of revoking the other licence, as the case may be.

Section 37. Any holder of a licence for the establishment and operation of any zoo who intends to cease the operation shall, prior to the date of the intended cessation, notify it in writing to the Director-General in accordance with the Rule prescribed by the Director-General with the approval of the Commission and the provisions of section 79 shall apply *mutatis mutandis* to action to be taken against wild animals or carcasses of wild animals which are in possession of the person ceasing the operation of the zoo under the licence for the establishment and operation of such zoo, provided that the action shall be completed within one year as from the date of the cessation of the operation of the zoo.

Section 38. For the purpose of supervision of a zoo established by a State agency within its duties, such State agency shall, prior to the inauguration of the zoo established by it within its duties, notify the establishment thereof to the Director-General for the purpose of examination. If the competent official finds that the establishment of such zoo fails to be in compliance with the standard for zoo management under section 33, the competent official shall notify it to the State agency for making rectification or improvement within the time specified and shall, when considering that the rectification or improvement of the zoo has been made in compliance with the standard for zoo management, notify it in writing to the State agency for its operation of the zoo.

A zoo established by a State agency within its duties shall comply with the provisions of this Act and furnish information on wild animals or carcasses of wild animals which are in its possession to the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries, as the case may be, for information at least once a year.

The pursuit of action under this section shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

CHAPTER III

WILD ANIMAL CONSERVATION AND PROTECTION COMMISSION

Section 39. There shall be a commission called the “Wild Animal Conservation and Protection Commission” consisting of the Minister of Natural Resources and Environment as Chairperson, the Permanent Secretary for Natural Resources and Environment as Vice Chairperson, the Permanent Secretary for Foreign Affairs, Permanent Secretary for Commerce, Permanent Secretary for Interior, Commissioner-General of the Royal Thai Police, Director-General of the Department of Marine and Coastal Resources, Director-General of the Department of Lands, Director-General of the Department of Fisheries, Director-General of the Department of Livestock Development, Director-General of the Royal Forest Department, Director-General of the Customs Department, Secretary-General of the Office of Natural Resources and Environmental Policy and Planning, Director of the Zoological Park Organisation and not less than five but not more than seven qualified persons appointed by the Council of Ministers from those possessing knowledge, expertise or experience in the areas of wildlife, the preservation of natural resources and the environment, traditions and customs, cultures, community ways of life or law, as members.

The Director-General of the Department of National Parks, Wildlife and Plant Conservation shall be a member and secretary.

Not less than one half of the qualified members under paragraph one shall be appointed from persons representing the civil society.

Section 40. A qualified member shall possess the qualifications and shall not be under prohibitions as follows:

a. Qualifications

(1) being of Thai nationality;

(2) having experience or working in the area to which the appointment relates for a period of not less than ten years;

b. Prohibitions:

(1) being an incompetent person or a *quasi*-incompetent person;

(2) being a bankrupt or having previously been a dishonest bankrupt;

(3) being a person having been sentenced to imprisonment by a final judgment, except for an offence committed through negligence or a petty offence;

(4) being a political official, a holder of a political position, a member of a local assembly or a local administrator, an executive member or position holder responsible for the administration of a political party, an adviser to a political party or an official of a political party.

Section 41. A qualified member shall hold office for a term of three years. A qualified member who vacates office may be re-appointed but may not serve for more than two consecutive terms.

In the case where qualified members vacate office at the expiration of the term but new qualified members have not yet been appointed, such qualified members shall perform the duties for the time being until new qualified members are appointed.

Section 42. In addition to the vacation of office upon the expiration of the term, a qualified member vacates office upon:

(1) death;

(2) resignation;

(3) being removed by the Council of Ministers on the ground of neglect of duties, misbehaviour or lack of competence;

(4) being disqualified or being under any prohibition under section 40.

Section 43. In the case where a qualified member vacates office before the expiration of the term or in the case where the Council of Ministers appoints an additional qualified member during the term of office of the qualified members already appointed, the person appointed to fill the vacancy or as an additional qualified member shall be in office for the remaining term of the qualified members already appointed, provided that if less than ninety days remain in the term of office, the appointment of a replacing qualified member may be omitted.

Section 44. At a meeting of the Commission, the presence of not less than one-half of the total number of members is required to constitute a quorum.

At a meeting of the Commission, if the Chairperson is not present or is unable to perform the duty, the Vice Chairperson shall preside over the meeting. If the Vice Chairperson is not present or is unable to perform the duty, one member shall be elected at the meeting to preside over it.

A decision of a meeting shall be by a majority of votes. In casting votes, each member shall have one vote. In the case of an equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

Section 45. The Commission has the duties and powers as follows:

(1) to consider and approve the designation of areas as wild animal varieties preservation zones or wild animal hunting prohibited zones as well as the expansion or revocation of wild animal varieties preservation zones or wild animal hunting prohibited zones;

(2) to propose policies and measures necessary for the protection and maintenance of natural surroundings, natural resources and the environment in wild animal varieties preservation zones, wild animal hunting prohibited zones and controlled areas for wild animal management;

(3) to approve a masterplan on the management of the preservation of wild animals, wild animal varieties preservation zones and wild animal hunting prohibited zones;

(4) to determine additional measures for the preservation and breeding of wild animals, trade in wild animals, carcasses of wild animals and products from carcasses of wild animals and the operation of zoos;

(5) to consider and approve the issuance of Ministerial Regulations, Rules or Notifications required by this Act to be approved by the Commission;

(6) to give the Minister advice on matters concerning wild animals and perform other activities as entrusted by the Council of Ministers or the Minister;

(7) to perform any other act provided by law to be the duty or power of the Commission.

Section 46. The Commission shall have the power to appoint sub-committees or working groups for considering or performing any acts as entrusted by the Commission.

The provisions of section 44 shall apply to a meeting of a sub-committee *mutatis mutandis*.

CHAPTER IV

WILD ANIMAL VARIETIES PRESERVATION ZONES

PART I

DESIGNATION OF WILD ANIMAL VARIETIES PRESERVATION ZONES

Section 47. When it appears that any area has such natural surroundings as to be desirably preserved as wild animals' safe place of living and for the maintenance of wild animal varieties as well as the protection of original conditions of natural resources and the environment or the ecosystem in the interest of the preservation and protection of wild animals and biological diversity, the Department of National Parks, Wildlife and Plant Conservation shall, with the approval of the Commission, submit the matter to the Council of Ministers for consideration and approval to that effect. In this regard, this shall be made by enactment of a Royal Decree, with a map indicating the boundary lines concerned. The designated area is called a "wild animal varieties preservation zone".

When the Royal Decree under paragraph one has come into force, enforcement measures or protection measures in such area shall be as provided in this Act unless other laws provide, on the matters concerned, not lower measures than the measures provided in this Act.

Section 48. The area to be designated as a wild animal varieties preservation zone shall not be any person's land that is covered by a document evidencing ownership or a possessory right under the Land Code or any other law, unless it is the land of a State agency.

In designating a wild animal varieties preservation zone in an area which is under the responsibility or in care of or is owned by a State agency or which a State agency is permitted to use or exploit, the Department of National Parks, Wildlife and Plant Conservation shall first seek an opinion from such State agency.

In designating any area as a wild animal varieties preservation zone, there shall be the hearing of opinions and participation of interested persons, communities concerned and members of the public for assisting the consideration, in accordance with the Notification prescribed by the Minister with the approval of the Commission.

Section 49. In the case where the Department of National Parks, Wildlife and Plant Conservation, after a survey of any area, considers that it is suitable for designation as a wild animal varieties preservation zone under section 47, the Director-General of the Department of National Parks, Wildlife and Plant Conservation shall, with the approval of the Commission, declare it as a preparatory area for further designation as a wild animal varieties preservation zone in order that the Department of National Parks, Wildlife and Plant Conservation shall carry out preparation for further designation of such area as a wild animal varieties preservation zone under this Act.

During the pursuit of activities for designating the preparatory area under paragraph one as a wild animal varieties preservation zone under section 47, the competent official shall have the power to control and protect vicinities in the preparatory area to be further designated as a wild animal varieties preservation zone as provided by this Act and in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission, and in the case where the preparatory area to be further designated as a wild animal varieties preservation zone is in the area of a forest or a national reserved forest, the competent official shall also have the power to take action under the law on forests or the law on national reserved forests in such preparatory area.

Section 50. Competent officials shall cause to be made available boundary stakes, signs, marks indicating boundary lines of a wild animal varieties preservation zone and other necessary marks for the purpose of public awareness that the area concerned is a wild animal varieties preservation zone and provide members of the public with facilities as well as instructive information.

Rules and procedures for, and forms of, the availability of boundary stakes, signs, marks indicating boundary lines and other marks shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation.

Section 51. The expansion or revocation of a wild animal varieties preservation zone, whether in whole or in part, shall be by enactment of a Royal Decree and, in the case of the expansion or revocation of a wild animal varieties preservation zone in part, a map indicating the changed boundary lines shall also be annexed to the Royal Decree.

The provisions of section 47, section 48, section 49 and section 50 shall apply to the expansion or revocation of a wild animal varieties preservation zone *mutatis mutandis*.

PART II

PROTECTION, MAINTENANCE, CARE AND PRESERVATION OF WILD ANIMAL VARIETIES PRESERVATION ZONES

Section 52. For the purpose of the protection, maintenance, care and preservation of wild animal varieties preservation zones, there shall be made available a plan on the preservation and protection of the area of each wild animal varieties preservation zone for submission to the Director-General of the Department of National Parks, Wildlife and Plant Conservation for approval. When the Director-General of the Department of National Parks, Wildlife and Plant Conservation has approved such plan on the preservation and protection of the area of the wild animal varieties preservation zone, the Chief of the wild animal varieties preservation zone who has duties and responsibility in such wild animal varieties preservation zone shall take action in the implementation of such plan on the preservation and protection of the area of the wild animal varieties preservation zone.

The plan on the preservation and protection of the area of the wild animal varieties preservation zone under paragraph one shall be in line with the masterplan on the management of the preservation of wild animals and wild animal varieties preservation zones under section 45 (3) and shall be in accordance with the rules prescribed in the Notification of the Director-General of the Department of National Parks, Wildlife and Plant Conservation. In this regard, there shall

be at least the hearing of opinions and participation of interested persons, communities concerned and members of the public in the preparation of the plan, directions for the preservation and protection of wild animals, the care and rehabilitation of places of living or places of subsistence for wild animals and the protection and preservation of natural surroundings, natural resources, the environment, the ecosystem and biological diversity in such wild animal varieties preservation zone.

Section 53. A person shall not enter a wild animal varieties preservation zone unless permission from the competent official is granted or it is the case of an entry by the competent official or any other official for the performance of duties.

A person who is permitted to enter a wild animal varieties preservation zone shall comply with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation and competent officials' orders lawfully given for demanding performance.

Rules, procedures and conditions for the application for permission and the granting of permission under paragraph one shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

Section 54. Within a wild animal varieties preservation zone, a person shall not hunt wild animals, collect or injure nests or dens of wild animals or lure or take wild animals away unless it is performed for the purpose of a survey, study, research or academic experiment and upon written permission from the Director-General of the Department of National Parks, Wildlife and Plant Conservation.

Rules, procedures and conditions for the application for permission and the granting of permission shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

Section 55. Within a wild animal varieties preservation zone, a person shall not perform any of the following acts:

(1) causing boundary stakes, signs, marks indicating boundary lines or other marks made available by competent officials under this Act to be moved, obscured, damaged, lost or useless;

(2) holding or possessing land, carrying out construction, massively clearing or burning a forest or acting in any manner causing deterioration or diversion from originally natural conditions;

(3) changing a waterway or causing water in a river, brook, marsh or swamp to overflow or be dried, polluted or toxic;

(4) blocking or obstructing a waterway or an inland way;

(5) collecting, taking away or otherwise endangering or deteriorating wood, soil, rocks, gravels, sand, minerals, petroleum or other natural resources or carrying out any other act affecting natural resources, the environment, the ecosystem or biological diversity;

(6) growing trees or other flora or bringing or releasing animals of all kinds into the zone.

For the purpose of a survey, study, research or academic experiment, film, video or documentary shooting, photography, natural study or the maintenance of public utility infrastructure or in the interest of energy security, the competent official may permit a person to do an act under (4), (5) or (6) within an area specified, provided that such act must also be under supervision of the competent official and cause no unreasonable disturbance to natural habitat of wild animals and cause no damage to the wild animal varieties preservation zone.

Rules, procedures and conditions for the application for permission and the granting of permission and the supervision under paragraph two shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

Section 56. The provisions of section 53, section 54 or section 55 shall not apply to an act of the competent official in the case as follows:

(1) there is urgent need or emergency for preventing danger to a person or community or for preserving natural surroundings, natural resources and the environment or for preventing a public disaster, provided that the competent official shall, when an act has been carried out, report it to the Director-General of the Department of National Parks, Wildlife and Plant Conservation without delay;

(2) it is carried out for the purpose of protecting, taking care of or maintaining a wild animal varieties preservation zone or for a survey, study, research or academic experiment or for facilitating a natural study or facilitating safety or educating members of the public.

In carrying out acts by the competent official under (1), the competent official may request other State officials or other persons to provide assistance therein and shall report the acts to the Director-General of the Department of National Parks, Wildlife and Plant Conservation and it shall be deemed that the acts of other State officials or other persons are the acts of the competent official under this Act.

Acts of the competent official under paragraph one and paragraph two shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

Section 57. For the purpose of ensuring that the exploitation of natural resources shall proceed in a balanced and sustainable manner, if any area of a wild animal varieties preservation zone has adequately suitable potential for the collection or exploitation of certain kinds of sustainably renewable natural resources and the Chief of the wild animal varieties preservation zone considers that the collection or exploitation of such natural resources within the specified area causes no damage to the ecosystem, natural surroundings and wild animals, the Chief of the wild animal varieties preservation zone may, with participation of communities in the locality concerned, consider studying and preparing a project for the exploitation of such natural resources in accordance with technical principles, cultures and community ways of life for submission to the Commission for consideration and approval. When the Commission has approved such project, the Director-General of the Department of National Parks, Wildlife and Plant Conservation may grant permission for the pursuit of such project. In this regard, in granting permission for the pursuit of a project, regard shall be had to kinds, types, the amount or quantity of natural resources in respect of which permission is to be granted for collection or exploitation, a period of time for operation, measures for examination and control of impacts and the rehabilitation of areas or natural resources.

Rules, procedures and conditions for the study and preparation of a project, the granting of permission and the collection and exploitation of natural resources shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

CHAPTER V

SERVICE FEES OR REMUNERATION

Section 58. For the purpose of maintaining the status as a place of living of wild animals and the integrity of the ecosystem, safety, cleanliness, orderliness and the provision of services and facilities in a wild animal varieties preservation zone, the Department of National Parks, Wildlife and Plant Conservation may collect service fees or remuneration for the activities concerned.

Rules, procedures and conditions for the collection of and exemption from service fees or remuneration and rates of service fees or remuneration under paragraph one shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

An annual report on financial matters as well as operational results involving proceeds received from service fees or remuneration under this section shall be prepared for submission to the Commission and public dissemination.

Section 59. The proceeds collected under section 58 and proceeds from donations are not required to be remitted to the Treasury as State revenue and the Department of National Parks, Wildlife and Plant Conservation shall retain them for preserving, rehabilitating and maintaining wild animal varieties preservation zones or wild animal hunting prohibited zones, for preserving wild animals and retaining places of living or places of subsistence of wild animals or for assisting or remedying persons affected by wild animals.

Section 60. The Department of National Parks, Wildlife and Plant Conservation shall expend the proceeds under section 59 for funding the following:

(1) costs of the administration of wild animal preservation, wild animal varieties preservation zones or wild animal hunting prohibited zones in the implementation of the masterplan prescribed by the Commission under section 45 (3);

(2) the protection, care, maintenance or rehabilitation of natural resources and the environment in wild animal varieties preservation zones, wild animal hunting prohibited zones or areas approved by the Commission as preparatory areas for designation as wild animal varieties preservation zones or wild animal hunting prohibited zones, and the assistance and subsidisation of any activities relating to the support, promotion and maintenance of natural resources and the environment in such zones;

(3) the maintenance of places or the provision of resources necessary for or beneficial to the delivery of facilities, safety, knowledge dissemination and natural study of members of the public;

(4) costs of the destruction, demolition or relocation of structures or trees in respect of which persons commit offences under section 82 (3);

(5) the protection, care, nurture or assistance of wild animals seized by competent officials or wild animals that vest in the State under this Act or in accordance with orders of the Court or deserted wild animals or wild animals which are handicapped, injured, sick or weak;

(6) the training, studies, research or academic experiments of competent officials or officials performing work in the area concerning wild animals and the preservation of wild animals;

(7) the provision of welfare or financial grants to competent officials, officials or volunteers who suffer harm or physical injury or lose a life, or the provision of funds for defending lawsuits, in consequence of the performance of duties in the protection and care of wild animal varieties preservation zones, wild animal hunting prohibited zones or areas approved by the Commission as preparatory areas for designation as wild animal varieties preservation zones or wild animal hunting prohibited zones or in consequence of the performance of duties under this Act;

(8) the provision of assistance and remedies for persons affected by wild animals.

The expenditure of the proceeds under this section shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

Section 61. The remittance and retention of the proceeds under section 59 shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Ministry of Finance.

CHAPTER VI

WILD ANIMAL HUNTING PROHIBITED ZONES

Section 62. In the case where any area which is not any person's land covered by a document evidencing ownership or a possessory right under the Land Code or other law, with the exception of the land of a State agency, deserves to be preserved as a place of living or a place of subsistence of wild animals of any kind or type, the Minister may, with the approval of the Commission, designate it as a wild animal hunting prohibited zone for wild animals of such

kind or type, provided that this shall be made by a Notification published in the Government Gazette, with a map indicating the boundary lines concerned.

When the Notification under paragraph one has come into force, enforcement measures or protection measures in such area shall be as provided in this Act unless other laws provide, on the matters concerned, not lower measures than the measures provided in this Act.

The provisions of section 48 paragraph two and paragraph three shall apply to the designation of wild animal hunting prohibited zones *mutatis mutandis*.

Section 63. In the case where the Department of National Parks, Wildlife and Plant Conservation intends to designate any area as a wild animal hunting prohibited zone under section 62 or expand a wild animal hunting prohibited zone under section 64, the provisions of section 49 shall apply to the designation of such area as a preparatory area for further designation as a wild animal hunting prohibited zone *mutatis mutandis*.

Section 64. The expansion or revocation a wild animal hunting prohibited zone, whether in whole or in part, shall be by a Notification of the Minister with the approval of the Commission and, in the case of the expansion or revocation of a wild animal hunting prohibited zone in part, a map indicating the changed boundary lines shall also be annexed to the Notification.

The provisions of section 48 paragraph two and paragraph three shall apply to the expansion of a wild animal hunting prohibited zone *mutatis mutandis*.

Section 65. The provisions of section 50 shall apply to the requirement of availability of boundary stakes, signs or marks indicating boundary lines of a wild animal hunting prohibited zone *mutatis mutandis*.

Section 66. Subject to section 67, in the case where the designation of any wild animal hunting prohibited zone covers the area of a place which is in official use or in use for public interests or in common use by the public, a State agency and members of the public remain entitled to enter and exploit the area that serves as such wild animal hunting prohibited zone in accordance with the plan on the preservation and protection of the area of the wild animal hunting prohibited zone under section 68. In this regard, in the case where such exploitation threatens to cause severe effects on wild animals in respect of which hunting is prohibited or the ecosystem of such wild animal hunting prohibited zone, the competent official shall have the power to order omission of such act or order an act of leaving the wild animal hunting prohibited zone on an occasional basis.

Section 67. Upon issuance of a Notification of the Minister for designating a wild animal hunting prohibited zone for wild animals of any kind or type, a person shall not perform any of the following acts:

(1) hunting wild animals of such kind or type or collecting or injuring nests or dens of such wild animals unless it is carried out for the purpose of a survey, study, research or academic experiment and upon written permission from the Director-General of the Department of National Parks, Wildlife and Plant Conservation;

(2) cutting, pulling down, massively clearing, burning or destroying trees or other flora or destroying, deteriorating, digging or collecting minerals, soil, rocks, gravels, sand, lateritic soil, forest materials or any natural resources or raising animals or releasing animals or wild animals or changing a waterway or causing water in a river, brook, marsh or swamp to overflow or be dried, toxic or harmful to wild animals, unless written permission is granted by the Director-General of the Department of National Parks, Wildlife and Plant Conservation or the Director-General of the Department of National Parks, Wildlife and Plant Conservation has issued a Notification granting occasional permission for any particular wild animal hunting prohibited zone.

Rules, procedures and conditions for the application for permission and the granting of permission under paragraph one shall be in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

The provisions of paragraph one shall not apply to acts of competent officials or any other officials who need to perform the acts for the purpose of a survey, study, research or academic experiment or the protection, treatment or assistance of wild animals, provided that they shall comply with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

Section 68. For the purpose of the protection, maintenance, care and upkeep of a wild animal hunting prohibited zone, the Chief of the wild animal hunting prohibited zone shall make available a plan on the preservation and protection of the area of the wild animal hunting prohibited zone for submission to the Director-General of the Department of National Parks, Wildlife and Plant Conservation for approval. When the Director-General of the Department of National Parks, Wildlife and Plant Conservation has approved such plan on the preservation and protection of the area of the wild animal hunting prohibited zone, the Chief of the wild animal hunting prohibited zone who has duties and responsibility in such wild animal hunting prohibited

zone shall take action in the implementation of such plan on the preservation and protection of the area of the wild animal hunting prohibited zone.

The plan on the preservation and protection of the area of the wild animal hunting prohibited zone under paragraph one shall be in line with the masterplan on the management of the preservation of wild animals and wild animal hunting prohibited zones under section 45 (3) and shall be in accordance with the rules prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation. In this regard, it shall at least consist of directions for the preservation and protection of wild animals and places of living or places of subsistence of wild animals and the surveillance, control and prevention of effects caused by the exploitation of the areas in use by a State agency or in use for public interests or in common use by the public in such wild animal hunting prohibited zone.

Section 69. For the purpose of the preservation and protection of wild animals in wild animal hunting prohibited zones, competent officials shall have the duties as follows:

- (1) taking care of and rehabilitating wild animals, places of living and places of subsistence of wild animals to ensure sustainability;
- (2) performing monitoring operations and exercising surveillance for the purpose of determining measures for the prevention or resolution of effects caused by wild animals;
- (3) providing public education on the preservation and protection of wild animals.

Section 70. In the case of utmost necessity for the purpose of handling wild animals which are outside a wild animal varieties preservation zone or a wild animal hunting prohibited zone and cause effects on or grievances to the public or for the purpose of preserving wild animals which are endangered or are of utmost importance to the ecosystem, the Director-General shall have the power to designate such area as a controlled area for handling wild animals of that kind or type. In this regard, this shall be made by a Notification published in the Government Gazette, with a map indicating the boundary lines being annexed to the Notification as well.

In designating a controlled area for handling wild animals under paragraph one, there shall be clearly specified the time of commencement and termination, which shall not exceed two years, and in the case of necessity, the Director-General may, by Notification published in the Government Gazette, extend the length of time for the designation of the controlled area for handling wild animals for each period not exceeding one hundred eighty days.

In a controlled area for handling wild animals, competent officials shall have the power to enter it for its care and upkeep and lay down control measures or issue orders prohibiting any activities in such controlled area for handling wild animals, as is necessary and appropriate, and if any person lawfully has ownership or a possessory right in such area, the Director-General shall also take action in making payment of damages or compensation to such person.

Rules, procedures and conditions for payment of damages or compensation under paragraph three shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

CHAPTER VII

EXPLOITATION OF BIOLOGICAL DIVERSITY

Section 71. Any person who collects, procures or gathers plant varieties, wild animal varieties or any part of such plant varieties or wild animal varieties including biological diversity in a wild animal varieties preservation zone or a wild animal hunting prohibited zone for the purpose of a study or research shall be granted permission by the competent official in accordance with the Rule prescribed by the Director-General of the Department of National Parks, Wildlife and Plant Conservation with the approval of the Commission.

The sharing of benefits from results of the study or research of biological diversity in a wild animal varieties preservation zone or a wild animal hunting prohibited zone shall be in accordance with the laws on such particular matters.

CHAPTER VIII

CONTROL AND COMPETENT OFFICIALS

Section 72. The provisions of section 12, section 14 paragraph one and paragraph two, section 15, section 17, section 18, section 19, section 22, section 23, section 25, section 27, section 28 and section 32 shall not apply to the pursuit of activities of competent officials for the purpose of a survey, study, research, academic experiment, the protection of wild animals, the treatment of wild animals or the prevention or cure of dangers to members of the public or animals or for the purpose of promoting wild animal breeding or for the purpose of promoting

the operation of a zoo, provided that the Rule prescribed by the Director-General with the approval of the Commission shall be complied with.

Section 73. For the purpose of a survey, study, research, academic experiment, the protection of wild animals, the treatment of wild animals or the prevention or cure of dangers to members of the public or animals or for the purpose of promoting wild animal breeding or for the purpose of promoting the operation of a zoo, the provisions of section 12, section 14 paragraph one and paragraph two, section 15, section 17, section 18, section 19, section 28 and section 32 shall not apply to:

(1) the pursuit of activities of a State agency in accordance with its missions, upon written permission from the Director-General, provided that rules, procedures and conditions for the application for permission and the granting of permission shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission;

(2) the pursuit of activities of officials in accordance with the missions of the Department of Marine and Coastal Resources, provided that they shall comply with the Rule prescribed by the Director-General of the Department of Marine and Coastal Resources with the approval of the Commission.

Section 74. In the case where the pursuit of activities of the competent official under section 72 is for the purpose of promoting the business of breeding wild animals under section 28 or the operation of a zoo under section 33, the competent official shall demand payment of costs, service fees or remuneration and prices of wild animals at the rates prescribed in the Rule prescribed by the Director-General with the approval of the Commission.

Section 75. In the case where any person intends to request the competent official to perform activities under this Act out of official hours or out of regular working places, whether domestically or overseas, such person shall submit an application to the competent official and shall pay *per diem* allowances to the competent official who performs the work at the same rate as the official rate and shall also pay travel allowances as well as other allowances to the competent official as is necessary and actually incurred in the performance of the work.

The submission of an application and the fixing of *per diem* allowances, travel allowances and other allowances under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

Section 76. When it appears that any holder of a licence or certificate violates or fails to comply with this Act or a Ministerial Regulation or Rule issued under this Act or conditions

specified in the licence or certificate or fails to comply with an order of the competent official given under this Act, the competent official shall have the power to issue a written order demanding the holder of the licence or certificate to make rectification or perform correctly within a specified period of time.

Section 77. The Director-General shall have the power to order suspension of a licence or certificate when it appears that the holder of the licence or certificate fails to comply with the requirements in the order of the competent official under section 76.

An order for suspension of a licence or certificate under paragraph one shall be for a period not exceeding ninety days as from the date of its notification to the holder of the licence or certificate. In this regard, the Director-General may revoke an order for suspension of a licence or certificate before the expiration of its period when the ground for the issuance of the order for suspension thereof ceases to exist.

Section 78. The Director-General shall have the power to revoke a licence or certificate when it appears that the holder of the licence or certificate violates an order for suspension of the licence or certificate or fails to make rectification or perform correctly within the time specified by the Director-General or the holder of the licence, having previously had the licence or certificate suspended, has carried out an act giving rise to re-suspension of the licence or certificate under section 76 within one year.

Section 79. In the case where the Director-General issues an order for revocation of a licence or certificate, if the person whose licence or certificate is revoked has conserved wild animals, protected wild animals, controlled wild animals or carcasses of such wild animals in possession under such revoked licence or certificate, any of the following actions shall be completely taken within one year as from the date of the suspension of the licence or certificate:

(1) distributing, supplying or transferring conserved wild animals, protected wild animals, controlled wild animals or carcasses of such wild animals to a holder of a licence for the establishment and operation of a zoo under section 33 or a zoo established by a State agency in accordance with its duties;

(2) distributing, supplying or transferring breedable protected wild animals under section 8 or controlled wild animals or carcasses of such wild animals to an operator of a wild animal breeding business under section 28,

(3) submitting an application for a licence under section 28, in the case where such person intends to operate the business of breeding breedable protected wild animals under section 8 or controlled wild animals;

(4) submitting an application for a licence under section 18, in the case where such person intends to possess breedable protected wild animals under section 8 or carcasses of such wild animals;

(5) giving notification of possession under section 19, in the case where such person intends to possess controlled wild animals or carcasses of such wild animals.

In the case where the person whose licence or certificate is revoked fails to complete the action within the period of time under paragraph one and intends to hand over remaining wild animals or carcasses of wild animals to the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries, the provisions of section 16 shall apply *mutatis mutandis*. When the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries has taken a hand-over of such wild animals or carcasses of such wild animals, it shall proceed in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 80. A licence or certificate issued under this Act shall be valid for a term specified in the licence or certificate. If the holder of a licence or certificate intends to renew the term of validity of the licence or certificate, an application for renewal of the term of validity thereof shall be submitted within ninety days before the original licence or certificate expires. Upon submission of an application, activities may be continued under the original licence or certificate until the person having the power to grant permission issues an order refusing to grant renewal of the term of validity of the licence or certificate.

In the case where the person having the power to grant permission issues an order refusing to grant renewal of the term of validity of the licence or certificate, if the holder of the licence or certificate has conserved wild animals, protected wild animals, controlled wild animals or carcasses of such wild animals in possession under the licence or certificate in respect of which renewal of the term of validity is refused to be granted, any of the actions under section 79 paragraph one shall be completely taken within one year as from the date on which the person having the power to grant permission issues the order refusing to grant renewal of the term of validity of the licence or certificate and the provisions of section 79 paragraph two shall apply *mutatis mutandis* to the case where the holder of the licence or certificate fails to complete the action within the specified period of time.

Section 81. In the performance of duties under this Act, the competent official shall have the duties and powers as follows:

(1) to demand, in writing, a person to give statements or furnish documents or relevant evidence for assisting the consideration and pursuit of activities under this Act;

(2) to enter any place of business or any place during sunrise and sunset or during office hours of such place of business or such place for conducting inspection and exercising control to ensure compliance with this Act;

(3) to search any place or vehicle during sunrise and sunset or during office hours of such place in the case where there is a reasonable cause to suspect that an offence is committed under this Act and there is a reasonable cause to believe that a delay in securing a warrant of search will result in property, articles, things or documents connected with the commission of the offence being moved, concealed, sent or taken out of the Kingdom or destroyed

(4) to seize or attach wild animals, carcasses of wild animals or products from carcasses of wild animals, documents or any evidence or article connected with the commission of an offence under this Act for the purpose of conducting inspection or taking legal proceedings.

When a search, seizure or attachment has been conducted under (3) or (4), if the action has not yet been accomplished, it may be continued during the night time or out of office hours of such place.

Section 82. In the case of a violation of or failure to comply with the provisions of this Act, the competent official shall have the duties and powers as follows:

(1) to order any person to refrain from any act or order any person to leave a wild animal varieties preservation zone or a wild animal hunting prohibition zone;

(2) to order, in writing, the offender under this Act to demolish, relocate, move, correct or otherwise perform against a structure, a thing causing danger to wild animals or a thing deteriorating, or causing danger in, a wild animal varieties preservation zone or a wild animal hunting prohibition zone;

(3) to carry out a seizure, destruction, demolition or correction or otherwise perform when the offender fails to take action under (2) or the offender is not known or the offender is known but is not found;

(4) to take any action as deemed appropriate, for preventing or mitigating damage to a wild animal varieties preservation zone or a wild animal hunting prohibition zone in the case of emergency.

Section 83. The question as to what positions or levels of competent officials shall have such powers, whether in whole or in part, as provided in section 81 and section 82 or shall require approval from any particular person before taking action and also the procedures for the performance of duties and the qualifications of competent officials of each position or each level shall be as prescribed in the Notification of the Minister. In this regard, in the performance of duties, officially entrusting documents shall be prepared for the entrusted competent officials for production to persons concerned.

Section 84. In the performance of duties under this Act, competent officials shall produce official identification cards to persons concerned.

Identification cards under paragraph one shall be in accordance with the form prescribed in the Notification of the Minister.

Section 85. For the purpose of making an arrest of an offender under this Act, competent officials shall be administrative or police officials under the Criminal Procedure Code.

Section 86. In handling wild animals seized by competent officials or wild animals which vest in the State under this Act or in accordance with the judgment of the Court or deserted wild animals or handicapped, injured, sick or weak wild animals, competent officials shall have the duty to provide them with assistance, care or treatment, distribute them, release them to their natural habitat, return them to their origin, transfer or destroy them, retain them for official use or handle them in any manner.

Competent officials, in their providing wild animals with assistance, care or treatment under paragraph one, may refer such wild animals to be in care of a zoo, an animal medical establishment under the law on animal medical establishments, an animal welfare centre under the law on prevention of animal cruelty and provision of animal welfare or a place provided for nurturing, taking care of and treating wild animals registered with the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries, as the case may be.

If it is thereafter apparent that the wild animal seized under paragraph one is not property connected with the commission of an offence, the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries, as the case may be, shall return such property. If its return may not be effected, payment of the price of such property shall be made

in compensation by reference to prices of wild animals in accordance with the Rule prescribed by the Director-General with the approval of the Commission under section 74.

The pursuit of activities under paragraph one and paragraph two and rules, procedures and conditions for registration and revocation of registration of places provided for nurturing, taking care of and treating wild animals shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

CHAPTER IX

PENALTIES

Section 87. Any person who unlawfully acts or omit to act, whether intentionally or negligently, and thereby causes damage to natural resources in a wild animal varieties preservation zone or a wild animal hunting prohibited zone shall be liable to payment of damages to the extent of the value of natural resources so destroyed, lost or damaged.

Damages under paragraph one shall also include expenses incurred in the rehabilitation of such natural resources, ecosystem and biological diversity.

Rules for the quantification of the value of natural resources under paragraph one shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

For the purpose of this section, the Department of National Parks, Wildlife and Plant Conservation shall be the injured person in the institution of a lawsuit.

Section 88. The provisions of section 87 shall apply to a person who hunts conserved wild animals or protected wild animals which are outside a wild animal varieties preservation zone or outside a wild animal hunting prohibited zone *mutatis mutandis*, unless it is the case of an act under section 13.

For the purpose of this section, the Department of National Parks, Wildlife and Plant Conservation or the Department of Fisheries, as the case may be, shall be the injured person in the institution of a lawsuit.

Section 89. Any person who violates section 12 or section 29 shall be, if the act is committed against protected wild animals, carcasses of protected wild animals or products

from carcasses of protected wild animals, liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million Baht or to both.

Any person who violates section 12, section 22 paragraph one or section 29 shall be, if the act is committed against conserved wild animals, carcasses of conserved wild animals or products from carcasses of conserved wild animals, liable to imprisonment for a term of three to five years or to a fine of three hundred thousand to one million five hundred thousand Baht or to both.

Section 90. Any person who violates or fails to comply with section 14, section 18 paragraph one or section 19 paragraph one or violates a control measure or an order of the competent official under section 70 paragraph three shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both.

Section 91. Any person who violates section 15 paragraph one or fails to comply with the Ministerial Regulation issued under section 18 paragraph two, section 22 paragraph three, section 23 paragraph four, section 28 paragraph two, section 30 paragraph two or section 33 paragraph four or fails to comply with the Rule issued under section 19 paragraph two or section 25 paragraph two or fails to comply with section 27 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

Section 92. Any person who violates section 17, section 54 paragraph one or section 55 (3) shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand Baht or to both.

Section 93. Any person who fails to comply with section 23 paragraph one or section 32 paragraph two or violates section 32 paragraph three shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million Baht or to both.

Section 94. Any person who fails to comply with section 25 paragraph one or section 30 paragraph one shall be liable to imprisonment for a term not exceeding four years or to a fine not exceeding four hundred thousand Baht or to both.

Section 95. Any person who fails to comply with section 28 paragraph one or section 33 paragraph one or violates section 55 (1) shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three hundred thousand Baht or to both.

Section 96. Any person who violates section 53 paragraph one shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding thirty thousand Baht or to both.

Section 97. Any person who fails to comply with the Rule or an order of the competent official under section 53 paragraph two shall be liable to a fine not exceeding one hundred thousand Baht.

Section 98. Any person who fails to provide assistance to the competent official under section 81 shall be liable to a fine not exceeding twenty thousand Baht.

Section 99. Any person who holds or possesses land, carries out construction, massively clears or burns a forest or acts in any manner causing deterioration or diversion from originally natural conditions in a wild animal varieties preservation zone, which is a violation of section 55 (2), shall be liable to imprisonment for a term of four to twenty years or to a fine of four hundred thousand to two million Baht or to both.

In the case where the offence under paragraph one is committed in an area of a first-tier river basin or an area of a second-tier river basin as prescribed by the Council of Ministers or a vulnerable area of the ecosystem or biological diversity, the offender shall be liable to heavier penalty than that provided by law in paragraph one by one half.

Section 100. Any person who collects, takes away or acts in any manner endangering or deteriorating wood, soil, rocks, gravels, sand, minerals, petroleum or other natural resources or carries out any other act affecting natural resources, the environment, the ecosystem or biological diversity in a wild animal varieties preservation zone, which is a violation of section 55 (5), shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand Baht or to both.

In the case where the offence under paragraph one is committed against seasonally renewable natural resources of which the aggregate value does not exceed two thousand Baht, the offender shall be liable to a fine not exceeding five thousand Baht.

In the case where the offence under paragraph one is an act which causes damage to trees or logs or a combination of the two, in the aggregate quantity exceeding twenty or in the aggregate volume exceeding four square metres, the offender shall be liable to imprisonment for a term of four to twenty years and to a fine of four hundred thousand to two million Baht.

Section 101. Any person who violates section 55 (4) shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred thousand Baht or to both.

Section 102. Any person who violates section 55 (6) shall be liable to a fine not exceeding twenty thousand Baht.

In the case where the offence under paragraph one is an act of bringing or releasing animals seriously harmful to or affecting the ecosystem in the wild animal varieties preservation zone concerned, the offender shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both.

Section 103. Any person who violates section 67 (1) or (2) shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding seven hundred thousand Baht or to both.

In the case where the violation under section 67 (2) is committed against seasonally renewable natural resources of which the aggregate value does not exceed two thousand Baht, the offender shall be liable to a fine not exceeding five thousand Baht.

Section 104. Any person who fails to comply with an order of the competent official under section 82 (1) shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

In addition to the penalty under paragraph one, such person shall also be liable to a fine not exceeding ten thousand Baht a day until correct performance takes place.

Section 105. Any person who fails to comply with an order of the competent official under section 82 (2) shall be liable to imprisonment for a term of one year to three years or to a fine not exceeding three hundred thousand Baht or to both.

In addition to the penalty under paragraph one, such person shall also be liable to a fine not exceeding ten thousand Baht a day until correct performance takes place.

Section 106. For all offences only punishable by a fine or imprisonment for a term not exceeding one year, the Director-General or the person entrusted by the Director-General shall have the power to settle them in accordance with the Rule prescribed by the Minister.

When the offender has made payment of the fine in such amount as required for the settlement within thirty days as from the date of the settlement, the case shall be deemed to have been extinguished under the provisions of the Criminal Procedure Code.

Fines received under this section are not required to be remitted to the Treasury as State revenue and the Department of National Parks, Wildlife and Plant Conservation shall retain them as the proceeds under section 59.

Section 107. In taking criminal proceedings against a violator of this Act, when the Public Prosecutor submits a criminal action, a claim of damages under section 87 or section 88 shall be made simultaneously.

Section 108. In the case where a person has provided information leading to an arrest of an offender under this Act, the Public Prosecutor shall make a request to the Court and the Court shall have the power to order payment of an arrest reward to the person providing information leading to the arrest in an amount not exceeding one half of the amount of the fine required by the judgment, provided that payment shall be made out of the fine paid before the Court. If the offender fails to pay the fine or makes payment in an amount lower than the full amount required to be paid as an arrest reward, payment of the outstanding arrest reward shall be made out of the proceeds of sale of exhibits seized by the Court's order. Any deficient amount shall be disregarded.

In the case of several persons providing information leading to an arrest, an arrest reward shall be shared amongst them equally.

Payment of an arrest reward may be made when the case becomes final.

Section 109. All logs, carcasses of wild animals or any other natural resources in a wild animal varieties preservation zone or a wild animal hunting prohibited zone acquired by a person from the commission of an offence or carcasses of wild animals or products from carcasses of wild animals acquired from the commission of an offence under this Act, weapons, tools, appliances, structures, equipment, beasts of burden, vehicles or any machines used in the commission of an offence or possessed for use in the commission of an offence under section 55 (1), (2), (3), (4), (5) or (6) or section 67 (1) or (2) shall be confiscated, irrespective of whether they belong to the offender and whether any person is inflicted with penalty by judgment of the Court or not.

The Public Prosecutor shall request the Court to order confiscation of the property under paragraph one and, when a request has been made by the Public Prosecutor, the

competent official shall post the notification thereof at the *Amphoe* Office, Office of *Kamnan*, Office of *Poo Yai Ban* and Office of the local government organisation in whose area the incident has occurred, whether in such case the person believed to be the owner is known or not. In the case where there appears evidence that a particular person is the owner of such property, such notification shall be sent, by registered post with advice of receipt, to the domicile of the owner thereof in order that the person claiming to be the owner shall submit an application to join the case before the Court of First Instance renders judgment.

In the case where nobody claims to be the owner before the Court of First Instance renders judgment or there exists the owner but the owner is unable to prove to the satisfaction of the Court that the owner did not have an opportunity to know or did not have a reasonable cause to suspect that such property would be used in the commission of the offence and the owner exercised reasonable care to prevent the commission of such offence or is unable to prove to the satisfaction of the Court that the owner did not have an opportunity to know or did not have a reasonable cause to suspect that such property would be used in the commission of the offence under this Act, the Court shall order confiscation of such property at the expiration of thirty days as from the first day of the notification being posted. In the case where there appears evidence that a particular person is the owner of the property, the time shall be counted as from the date on which the owner of the property receives or is deemed to have received the notification sent by registered post with advice of receipt under paragraph two and, in such case, section 36 of the Penal Code shall not apply.

Section 110. In the case where the offender under this Act is a juristic person, if the commission of such offence has resulted from the instruction or an action of a director or a manager or any person responsible for the operation of such juristic person or in the case where such person has the duty to give instructions or take action and refrains from giving instructions or taking action, thereby leading to the commission of the offence by such juristic person, such person shall also be liable to the penalty as provided for such offence.

TRANSITORY PROVISIONS

Section 111. In the initial period, the Wild Animal Conservation and Protection Commission shall consist of *ex officio* members under section 39, who shall perform the duties under this Act for the time being until the appointment of qualified members of the Wild Animal Conservation and Protection Commission is made, provided that this shall take place not later than one hundred twenty days as from the date on which this Act comes into force.

Section 112. Protected wild animals under Ministerial Regulations issued under the Wild Animal Conservation and Protection Act, B.E. 2535 (1992) shall be protected wild animals under this Act until a Ministerial Regulation under section 7 is issued and comes into force.

Wild animals of the breedable kinds under Ministerial Regulations issued under the Wild Animal Conservation and Protection Act, B.E. 2535 (1992) shall be breedable protected wild animals under this Act until a Notification of the Minister under section 8 is issued and comes into force.

Wild animals of the kinds prescribed in the Notification of the Minister prohibiting importation or exportation under section 23 paragraph one of the Wild Animal Conservation and Protection Act, B.E. 2535 (1992) shall be controlled wild animals under this Act until a Notification of the Minister under section 9 is issued and comes into force.

Section 113. Any person who has in possession Bryde's whales (*Balaenoptera edeni*), Omura's whales (*Balaenoptera omurai*), leatherback sea turtles (*Dermochelys coriacea*) and whale sharks (*Rhincodon typus*) or carcasses of such conserved wild animals prior to the date on which this Act comes into force shall give notification of particulars of the kinds and quantity of such conserved wild animals or carcasses of such conserved wild animals to the competent official within ninety days as from the date on which this Act comes into force and, when the competent official has received the notification, shall take action as follows:

(1) with respect to Bryde's whales (*Balaenoptera edeni*), Omura's whales (*Balaenoptera omurai*), leatherback sea turtles (*Dermochelys coriacea*) and whale sharks (*Rhincodon typus*), if the possessor intends to retain possession of such conserved wild animals, the Director-General of the Department of Fisheries shall consider whether to issue a licence for temporary possession of conserved wild animals to such possessor thereof, having prime regard to welfare and safety of such animals, and the holder of a licence for temporary possession of the conserved wild animals may not distribute, supply or transfer the conserved wild animals unless it is a transfer by way of inheritance, but if the possessor has no intention to retain possession of the conserved wild animals, the possessor shall completely distribute, supply or transfer such conserved wild animals to a holder of a licence for the establishment and operation of a zoo under section 33 or a zoo established by a State agency in accordance with its duties within one hundred eighty days as from the date of the notification to the competent official and, where there remain conserved wild animals in possession at the expiration of such time, it shall be deemed that the possessor of such conserved wild animals agree to allow them to vest in the State and such person shall hand over the conserved wild animals to the Department of

Fisheries for further proceedings in accordance with the Rule prescribed by the Director-General of the Department of Fisheries with the approval of the Commission;

(2) with respect to carcasses of Bryde's whales (*Balaenoptera edeni*), Omura's whales (*Balaenoptera omurai*), leatherback sea turtles (*Dermochelys coriacea*) and whale sharks (*Rhincodon typus*), the Director-General of the Department of Fisheries shall consider whether to issue a certificate of possession of carcasses of conserved wild animals to the possessor for further possession of the carcasses of such conserved wild animals, provided that they shall not be distributed, supplied or transferred any other person unless written permission is granted by the Director-General of the Department of Fisheries or it is a transfer by way of inheritance.

Rules, procedures and conditions for giving the notification and receiving the notification, the issuance of licences for temporary possession of conserved wild animals, the issuance of certificates of possession of carcasses of conserved wild animals, terms of validity of licences for or certificates of possession of conserved wild animals or carcasses of conserved wild animals, renewal of terms of validity of licences or certificates, a transfer of licences or certificates and the issuance of substitutes for licences or certificates shall be in accordance with the Rule prescribed by the Director-General of the Department of Fisheries with the approval of the Commission.

Section 114. All wild animal varieties preservation zones or wild animal hunting prohibited zones under the Wild Animal Conservation and Protection Act, B.E. 2535 (1992) as in existence prior to the date on which this Act comes into force shall be wild animal varieties preservation zones or wild animal hunting prohibited zones under this Act.

Section 115. All proceedings in connection with the preparation for designating areas as wild animal varieties preservation zones or wild animal hunting prohibited zones, which have been carried out at any stage prior to the date on which this Act comes into force, shall be valid insofar as they are not contrary to or inconsistent with this Act, provided that proceedings at further stages shall be pursued in accordance with this Act.

Section 116. All Ministerial Regulations, Rules, Notifications or orders issued under the Wild Animal Conservation and Protection Act, B.E. 2535 (1992) as in force prior to the date on which this Act comes into force shall continue to be in force insofar as they are not contrary to or inconsistent with this Act until Ministerial Regulations, Rules, Notifications or orders are issued under this Act and come into force.

The issuance of Ministerial Regulations, Rules, Notifications or orders under paragraph one shall be completed within two years as from the date on which this Act comes into force. If their completion cannot be achieved, the Minister shall report the reasons therefor to the Council of Ministers for information.

Section 117. The permission, licences, written permission, documents evidencing the notification of possession and certificates granted to any person under the Wild Animal Conservation and Protection Act, B.E. 2535 (1992) prior to the date on which this Act comes into force shall continue to be valid until their expiry or revocation.

Section 118. All applications submitted prior to the date on which this Act comes into force shall be deemed to be applications under this Act and the Director-General shall completely demand supporting documents or evidence specified under this Act except that, where any application is incapable of approval under this Act, such application shall lapse.

Section 119. All licences, concession certificates and permits under the law on minerals or concessions, permits or written permission for the exploitation or residence under the law on forests or the law on national reserved forests as granted to any persons in a wild animal varieties preservation zone or a wild animal hunting prohibited zone, as the case may be, prior to the date on which this Act comes into force shall continue to be valid only for the remaining term of such licences, concession certificates and permits under the law on minerals or concessions, permits or written permission for the exploitation or residence under the law on forests or the law on national reserved forests.

Section 120. Money retained by the Department of National Parks, Wildlife and Plant Conservation as revenue for the maintenance of wild animal varieties preservation zones or wild animal hunting prohibited zones under section 46 of the Wild Animal Conservation and Protection Act, B.E. 2535 (1992) shall be transferred to be the proceeds under section 59 of this Act.

Section 121. The Department of National Parks, Wildlife and Plant Conservation shall complete a survey of the holding of land of people residing or earning the living in each wild animal varieties preservation zone or wild animal hunting prohibited zone within two hundred forty days as from the date on which this Act comes into force.

When the period of time under paragraph one elapses and the Government has an action plan or policy aimed at assisting landless people who have resided or earned their living in wild animal varieties preservation zones or wild animal hunting prohibited zones designated prior to

the date on which this Act comes into force, the Department of National Parks, Wildlife and Plant Conservation shall, with the approval of the Commission, prepare a project on the preservation and upkeep of natural resources within such wild animal varieties preservation zones or wild animal hunting prohibited zones, without granting rights in the land, for submission to the Council of Ministers for approval. For this purpose, this shall be made by enactment of a Royal Decree.

The Royal Decree under paragraph two shall have an objective of assisting landless persons who have resided or earned their living in wild animal varieties preservation zones or wild animal hunting prohibited zones under the time frames in accordance with the resolution of the Council of Ministers on 30th June 1998 Re: Resolution of Problems Concerning Land in Forest Areas or in accordance with the Order of the National Council for Peace and Order No. 66/2557 Re: Addition of Agencies for the Suppression and Prevention of Forest Resources Trespass and Destruction and Work Performance Policies as Temporary Matters in Current Circumstances dated 17th June 2014. In this regard, a map indicating boundary lines of the project to be operated shall be annexed to the Royal Decree and a period of time for its application shall not exceed twenty years and the Royal Decree shall at least contain key substances concerning rules for consideration and qualifications of persons residing or earning their living in the community under the project to be operated, duties of persons residing or earning their living in the community in the preservation, rehabilitation, care and upkeep of wild animals, natural resources, the ecosystem and biological diversity in the area in which the project is to be operated, rules, procedures and conditions for the residence or the earning of the living and the termination thereof and measures for the supervision, monitoring and evaluation of the project operation.

In the case where a person who holds residence or earns the living possesses the land, carries out construction, carries out an act of massive clearing or carries out an act in any manner causing deterioration of the area or a change from its original condition, collects, takes away or carries out an act in any manner causing danger to or deterioration of wild animals, wood, soil, rocks, gravels, sand, minerals, petroleum or other natural resources or carries out any other act affecting natural resources, the ecosystem or biological diversity or brings or releases animals into the area of the project under the Royal Decree enacted under this section, such person shall not be punished if such act is carried out for the purpose of regular subsistence and complies with the Rule prescribed by the Director-General with the approval of the Commission.

Countersigned by:

General Prayut Chan-o-cha
Prime Minister

RATES OF FEES

- | | |
|--|---|
| (1) Licences for collecting, injuring or possessing nests of protected wild animals | 50,000 Baht each |
| (2) Licences for possessing breedable protected wild animals derived from the breeding | 1,000 for each animal but not exceeding 10,000 Baht for each licence |
| (3) Licences for possessing carcasses of breedable protected wild animals derived from the breeding | 5,000 Baht each |
| (4) Licences for importation or exportation of conserved wild animals | 10,000 Baht for each animal |
| (5) Licences for importation or exportation of carcasses of conserved wild animals or products from carcasses of conserved wild animals | 50,000 Baht each |
| (6) Licences for importation or exportation of protected wild animals or controlled wild animals | 1,000 for each animal but not exceeding 10,000 Baht for each licence |
| (7) Licences for importation or exportation of carcasses of protected wild animals, carcasses of controlled wild animals or products from carcasses of such wild animals | 10,000 Baht each |
| (8) Certificates of importation or exportation of wild animals under section 24 | 500 for each animal but not exceeding 5,000 Baht for each certificate |
| (9) Certificates of importation or exportation of carcasses of wild animals or products from carcasses of wild animals under section 24 | 5,000 Baht each |
| (10) Licences for the operation of the business of breeding breedable protected wild animals or controlled wild animals | 50,000 Baht each |

- | | |
|--|---|
| (11) Licences for trading in breedable protected wild animals or controlled wild animals or carcasses of such wild animals or products from carcasses of such wild animals | 10,000 Baht each |
| (12) Licences for the establishment and operation of a zoo | 100,000 Baht each |
| (13) Written permission for carrying out any activity in a wild animal varieties preservation zone or a wild animal hunting prohibited zone | 100,000 Baht each |
| (14) Licences for temporary possession of conserved wild animals or protected wild animals | 100 for each animal but not exceeding 1,000 Baht for each licence |
| (15) Certificates of possession of carcasses of conserved wild animals or carcasses of protected wild animals | 1,000 Baht each |
| (16) Renewal of a term of validity of licences or certificates | Equivalent to the fees for such licences or certificates on each occasion |
| (17) Transfer of licences or certificates | Half of the fees for such licences or certificates on each occasion |
| (18) Substitutes for licences or certificates | 1,000 Baht each |

LIST OF CONSERVED WILD ANIMALS

No.	Wild Animals
	<u>Mammal Wild Animals</u>
1	Sumatran Rhino (<i>Didermocerus sumatraensis</i>)
2	Chinese Goral (<i>Naemorhedus griseus</i>)
3	Kouprey (<i>Bos sauveli</i>)
4	Fea's Muntjac (<i>Muntiacus feae</i>)
5	Water Buffalo (<i>Bubalus bubalis</i>)
6	Sea Cow (<i>Dugong dugon</i>)
7	Marbled Cat (<i>Pardofelis marmorata</i>)
8	Javan Rhino (<i>Rhinoceros sondaicus</i>)
9	Thamin or Brow-antlered Deer (<i>Cervus eldi</i>)
10	Sumatran Serow (<i>Capricornis sumatraensis</i>)
11	Bryde's Whale (<i>Balaenoptera edeni</i>)
12	Omura's Whale (<i>Balaenoptera omurai</i>)
13	Malayan Tapir (<i>Tapirus indicus</i>)
14	Schomburgk's Deer (<i>Cervus schomburgki</i>)
	<u>Bird-Species Wild Animals</u>
1	Sarus Crane (<i>Grus antigone</i>)
2	White-eyed River Martin (<i>Pseudochelidon sirintarae</i>)
3	Gurney's Pitta (<i>Pitta gurneyi</i>)
	<u>Reptile Wild Animals</u>
1	Leatherback Sea Turtle (<i>Dermochelys coriacea</i>)
	<u>Fish-Species Wild Animals</u>
1	Whale Shark (<i>Rhincodon typus</i>)

NATIONAL PARKS ACT,
B.E. 2562 (2019)

HIS MAJESTY KING MAHA VAJIRALONGKORN PHRA VAJIRAKLAOCHAOUHUA;

Given on the 24th Day of May B.E. 2562;

Being the 4th Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on national parks;

Whereas this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 26 in conjunction with section 28, section 33, section 37 and section 40 of the Constitution of the Kingdom of Thailand so permits by virtue of provisions of law;

Whereas the reasons and need for the restriction of rights and liberties of persons under this Act lie in putting forth balanced and sustainable efficacy of the conservation, preservation, protection and maintenance of national parks, forest parks, botanic gardens and arboreta as well as the management of natural resources, the ecosystem and biological diversity in such areas and, in this regard, the enactment of this Act duly complies with the conditions provided in section 26 of the Constitution of the Kingdom of Thailand;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly serving as the National Assembly, as follows.

* Translated by Associate Professor Dr. Pinai Nanakorn under contract for the Office of the Council of State of Thailand. – Tentative Version – subject to final authorisation by the Office of the Council of State.

Section 1. This Act is called the “National Parks Act, B.E. 2562 (2019)”.

Section 2.¹ This Act shall come into force after one hundred eighty days as from the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

(1) the National Parks Act, B.E. 2504 (1961);

(2) the Emergency Decree Amending the National Parks Act, B.E. 2504 (1961), B.E. 2532 (1989).

Section 4. In this Act:

“plant” means a plant of every kind which comes into existence or is in existence in a national park, forest park, botanic garden or arboretum, whether it takes the form of a tree, brushwood or creeper and includes a root, node, stump, offshoot, limb, gnarl, tuber, rhizome, piece, ending part or any part of the plant, whether it is cut, chopped, sawn, split, whittled, slashed, dug or otherwise made;

“wild animal” means a wild animal under the law on wild animal conservation and protection which is in existence in a national park, forest park, botanic garden or arboretum;

“national park” means an area which possesses such particularly distinct natural beauty or possesses such biological diversity, ecosystem, natural resources, environment and rare or endangered wild animals or wild plants or such geological distinctiveness or cultural heritage as to deserve sustainable conservation or preservation for the benefit of the people of the nation or as a place for the nature study or public recreation;

“forest park” means an area which possesses such beautiful natural surroundings as to be suitable for conservation as a place for the protection of natural resources and the environment or as a place for the nature study or recreation of the public at large;

“botanic garden” means an area where plant varieties are gathered and classified into categories in accordance with botanical principles or in accordance with principles of plant taxonomy, with a view to its serving as a place for preserving biological diversity, a place for academic studies and research and a place for public leisure;

¹ Published in Government Gazette, Vol. 136, Part 71a, dated 29th May 2019.

“arboretum” means an area where valuable, rare or endangered plant varieties which are in existence in the locality are gathered and preserved, with a view to promoting knowledge on plant varieties and using it for public leisure;

“competent official” means a person appointed by the Minister for performing activities under this Act;

“Commission” means the National Parks Commission;

“Director-General” means the Director-General of the Department of National Parks, Wildlife and Plant Conservation;

“Minister” means the Minister having charge and control of the execution of this Act.

Section 5. The Minister of Natural Resources and Environment shall have charge and control of the execution of this Act and shall have the powers to appoint competent officials and issue Ministerial Regulations prescribing fees not exceeding the rates annexed hereto, reducing or exempting fees and prescribing other activities or issue Notifications and Rules in the execution of this Act.

In issuing Ministerial Regulations prescribing fees under paragraph one, the Minister may prescribe different fees, having regard to the size, nature or type of undertakings or activities or areas to which the intended operation relates.

Such Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

CHAPTER I

NATIONAL PARKS

PART I

DESIGNATION OF NATIONAL PARKS

Section 6. When it appears that any area has such suitable characters as to be designated as a national park, the Department of National Parks, Wildlife and Plant Conservation shall submit the matter to the Council of Ministers for consideration and approval to that effect. In this regard, this shall be made by enactment of a Royal Decree, with a map indicating the

boundary lines, prepared with the application of a geographic information system or any other system of a similar nature, being annexed thereto.

When the Royal Decree under paragraph one has come into force, enforcement measures or protection measures in such area shall be as provided in this Act unless other laws provide, on the matters concerned, not lower measures than the measures provided in this Act.

Section 7. The expansion or revocation of a national park, whether in whole or in part, shall be by enactment of a Royal Decree and, in the case of the expansion or revocation of a national park in part, a map indicating the changed boundary lines, prepared with the application of a geographic information system or any other system of a similar nature, shall also be annexed to the Royal Decree.

Section 8. The area to be designated as a national park under section 6 shall not be any person's land that is covered by a document evidencing ownership or a possessory right under the Land Code or any other law, unless it is the land of a State agency.

In designating a national park in an area which is under the responsibility or in care of or is owned by a State agency or which a State agency is permitted to use or exploit, the Department of National Parks, Wildlife and Plant Conservation shall first seek an opinion from such State agency.

In designating any area as a national park, expanding a national park or revoking a national park, whether in whole or in part, there shall be the hearing of opinions and participation of interested persons, communities concerned and members of the public for assisting the consideration, in accordance with the Notification issued by the Minister with the approval of the Commission.

There shall not be revocation of a national park, whether in whole or in part, for the purpose of designating it as a forest park, botanic garden or arboretum.

Section 9. Competent officials shall make available boundary stakes, signs, marks indicating boundary lines of a national park and other necessary marks for the purpose of public awareness that the area concerned is a national park and provide members of the public with facilities as well as instructive information.

In the execution of paragraph one, competent officials may entrust local government organisations to take care of or maintain boundary stakes, signs, marks indicating boundary lines and other marks, as may be necessary.

Rules, procedures and conditions for, and forms of, the availability of boundary stakes, signs, marks indicating boundary lines and other necessary marks shall be in accordance with the Rule prescribed by the Director-General.

PART II

NATIONAL PARKS COMMISSION

Section 10. There shall be a commission called the “National Parks Commission” consisting of the Minister of Natural Resources and Environment as Chairperson, the Permanent Secretary for Natural Resources and Environment as Vice Chairperson, the Permanent Secretary for Agriculture and Co-operatives, Director-General of the Department of Provincial Administration, Director-General of the Department of Tourism, Director-General of the Royal Forest Department, Director-General of the Department of Marine and Coastal Resources, Director-General of the Department of Lands and Secretary-General of the Office of Natural Resources and Environmental Policy and Planning, as *ex officio* members, and not more than seven qualified persons appointed by the Council of Ministers from those possessing knowledge, expertise or experience in the areas of national parks, the preservation of natural resources and the environment, tourism and recreation or law, as members.

The Director-General shall be a member and secretary.

Not less than one half of the qualified members under paragraph one shall be appointed from persons representing the private sector.

Section 11. A qualified member shall be of Thai nationality and have possessed experience or worked in the area to which the appointment relates for a period of not less than ten years and shall not be under prohibitions as follows:

- (1) being a bankrupt or having previously been a dishonest bankrupt;
- (2) being an incompetent person or a *quasi*-incompetent person;
- (3) having been sentenced to imprisonment by a final judgment, except for a petty offence or an offence committed through negligence;
- (4) being a political official, a holder of a political position, a member of a local assembly or a local administrator, an executive member or position holder responsible for the administration of a political party, an adviser to a political party or an official of a political party.

Section 12. A qualified member shall hold office for a term of three years. A qualified member who vacates office may be re-appointed.

In the case where qualified members vacate office at the expiration of the term but new qualified members have not yet been appointed, such qualified members shall perform the duties for the time being until new qualified members are appointed.

Section 13. In addition to the vacation of office upon the expiration of the term, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Council of Ministers on the ground of neglect of duties, misbehaviour or lack of competence;
- (4) being disqualified or being under any prohibition under section 11.

Section 14. In the case where a qualified member vacates office before the expiration of the term or in the case where the Council of Ministers appoints an additional qualified member during the term of office of the qualified members already appointed, the person appointed to fill the vacancy or as an additional qualified member shall be in office for the remaining term of the qualified members already appointed, provided that if less than ninety days remain in the term of office, the appointment of a replacing or additional qualified member may be omitted.

Section 15. At a meeting of the Commission, the presence of not less than one half of the total number of members is required to constitute a quorum.

At a meeting of the Commission, if the Chairperson is not present or is unable to perform the duty, the Vice Chairperson shall preside over the meeting. If the Chairperson and the Vice Chairperson are not present or are unable to perform the duty, one member shall be elected at the meeting to preside over it.

A decision of a meeting shall be by a majority of votes. In casting votes, each member shall have one vote. In the case of an equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

Section 16. The Commission has the duties and powers as follows:

(1) to set policies on the management of national parks, forest parks, botanic gardens and arboreta;

(2) to make recommendations on the designation of any area as a national park and the expansion or revocation of a national park to ensure consistency with policies and plans on the management of land and land resources of the country;

(3) to consider and approve the designation of any area as a forest park, botanic garden and arboretum as well as the expansion or revocation of a forest park, botanic garden and arboretum to ensure consistency with policies and plans on the management of land and land resources of the country;

(4) to consider and approve the issuance of Ministerial Regulations, Notifications or Rules required by this Act to be approved by the Commission;

(5) to perform any other act as provided in this Act or any other law or as entrusted by the Council of Ministers or the Minister.

Section 17. The Commission shall have the power to appoint sub-committees for performing any act as entrusted by the Commission.

The provisions of section 15 shall apply to a meeting of a sub-committee *mutatis mutandis*.

PART III

PROTECTION, MAINTENANCE, CARE AND PRESERVATION OF NATIONAL PARKS

Section 18. In the protection, maintenance, care, preservation and management of national parks, there shall be made available a plan on the management of the area of each national park, together with a map indicating details and boundary lines for the area management, for submission to the Director-General for approval. When the Director-General has approved such plan on the management of the area, the Chief of the national park who has duties and responsibility in such national park shall cause to be posted a notification of the map as well as the boundary lines annexed to the notification at an open place and manage the area of the national park in accordance with such plan on the management of the area.

The preparation of a plan on the management of the area of a national park and the determination of managerial zones within the area of a national park shall be in accordance with the rules prescribed by the Director-General. In this regard, such determination of managerial

zones within the area of a national park shall be made in a manner not affecting the nature of areas that need the preservation of natural surroundings or vulnerable areas of the ecosystem and also in a manner maintaining the state of being a national park.

The plan on the management of the area of a national park shall at least consist of operational methods, directions for the management and the supervision of the use of the areas and there shall also be the hearing of opinions and participation of interested persons, communities concerned and members of the public.

The Notification of the Minister issued under the provisions of section 8 paragraph three shall also apply *mutatis mutandis* to the hearing of opinions and participation of interested persons, communities concerned and members of the public under paragraph three.

Section 19. Within a national park, a person shall not carry out any of the following acts:

(1) holding or possessing land, carrying out construction, massively clearing or burning a forest or acting in any manner causing deterioration or diversion of area conditions from original conditions;

(2) collecting, taking away or otherwise endangering or deteriorating wood, soil, rocks, gravels, sand, minerals, petroleum or other natural resources or carrying out any other act affecting the ecosystem, biological diversity and natural resources and the environment;

(3) luring or taking wild animals away or injuring wild animals in any manner;

(4) changing a waterway or causing water in a river, brook, marsh, swamp or the sea to overflow or be dried, polluted or toxic;

(5) blocking or obstructing a waterway or an inland way;

(6) making an entry for performing any activity with a view to seeking a benefit;

(7) bringing into it tools for hunting animals or catching animals or any weapons;

(8) firing a gun, causing explosion or lighting fireworks;

(9) leaving articles which may serve as fuel capable of combustion;

(10) causing boundary stakes or marks indicating boundary lines made available by competent officials under this Act to be moved, obscured, damaged, lost or useless.

Section 20. A person who enters a national park shall comply with orders of competent officials given to require compliance with the Rule prescribed by the Director-General.

Section 21. A person who brings or releases animals into a national park shall obtain permission from the competent official.

Rules, procedures and conditions for the granting of permission under paragraph one shall be in accordance with the Rule prescribed by the Director-General.

Section 22. The competent official has the power to permit a person to do an act under section 19 (2), (5), (6) or (7) which corresponds to the nature of determined managerial zones within the national park, provided that such act must be under supervision of the competent official. In this regard, such permission may be granted only for the purpose of a survey, study, research or academic experiment, film, video or documentary shooting, photography, nature study or the maintenance of public utility infrastructure or in the interest of energy security or useful tourism and without causing damage to the national park.

Rules, procedures and conditions for the granting of permission and the supervision under paragraph one, a term of validity of a licence, renewal of a term of validity of a licence and the issuance of a substitute for a licence shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 23. For the purposes of protecting, taking care of or maintaining a national park or carrying out a survey, study, research or academic experiment or for the purpose of facilitating a study tour or a temporary stay or facilitating safety or educating general members of the public in a national park, competent officials shall have the power to carry out the acts under section 19.

Acts of competent officials under paragraph one shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 24. In a national park, there shall be made available public relations, the maintenance of safety, the provision of advice or the organisation of warning systems for members of the public.

In carrying out acts under paragraph one, the Chief of the national park may request local government organisations or any other organisations or other persons to provide assistance as may be necessary and it shall be deemed that the acts of officials of such local government organisations, officials of such other organisations or such other persons are the acts of competent officials under this Act.

Section 25. In the case where there is urgent need or emergency for carrying any act or refraining from any act in a national park for the purpose of providing assistance or preventing danger to a person or community or for the purpose of preserving natural surroundings, the ecosystem, natural resources and the environment or for the purpose of preventing a public disaster, competent officials shall have the power to carry out the acts under section 19. In this regard, competent officials may request other State officials or other persons to provide assistance therein and shall report the acts to the Director-General for information.

Acts of other State officials or other persons under paragraph one shall be deemed to be acts of competent officials under this Act.

CHAPTER II

FOREST PARKS, BOTANIC GARDENS AND ARBORETA

Section 26. The Minister, with the approval of the Commission, shall issue a Notification prescribing any area as a forest park, botanic garden or arboretum, with a map indicating the boundary lines, prepared with the application of a geographic information system or any other system of a similar nature being annexed thereto.

The provisions of paragraph one shall also apply to the expansion or revocation, whether in whole or in part, of a forest park, botanic garden or arboretum.

When the Notification under paragraph one has come into force, enforcement measures or protection measures in such area shall be as provided in this Act unless other laws provide, on the matters concerned, not lower measures than the measures provided in this Act.

Section 27. Within a forest park, botanic garden or arboretum, a person shall not carry out any of the acts under section 19 and section 21 paragraph one.

In the case of the acts under section 19 (2), (3), (5), (6), (7) or (8) or section 21 paragraph one, the competent official may permit the commission thereof, provided that the person committing the acts shall comply with orders of competent officials given to require compliance with the Rule prescribed by the Director-General

Rules, procedures and conditions for the granting of permission and the supervision under paragraph two, a term of validity of a licence, renewal of a term of validity of a licence and the issuance of a substitute for a licence shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 28. The provisions of section 8, section 9, section 20, section 23, section 24 and section 25 shall also apply to forest parks, botanic gardens or arboreta *mutatis mutandis*.

CHAPTER III

SERVICE FEES OR REMUNERATION

Section 29. For the purpose of maintaining conditions, safety, cleanliness, orderliness and the provision of services and facilities in a national park, forest park, botanic garden or arboretum, the Department of National Parks, Wildlife and Plant Conservation may collect service fees or remuneration for the activities concerned.

Rules, procedures and conditions for the collection of and exemption from service fees or remuneration and rates of service fees or remuneration under paragraph one shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

Section 30. The amount not exceeding ten percent of the proceeds collected under section 29 shall be distributed to the municipality or *Tambon* administrative organisation in whose areas the national park, forest park, botanic garden or arboretum concerned is located, for the purpose of expending the same on the promotion and support of its work performance or the preservation, maintenance and rehabilitation of the national park, forest park, botanic garden or arboretum within its areas of responsibility, in accordance with the rules and procedures prescribed in the Ministerial Regulation.

In the case where the national park, forest park, botanic garden or arboretum is located in the areas of responsibility of several municipalities or *Tambon* administrative organisations, the proceeds shall be distributed to all such municipalities and *Tambon* administrative organisations, provided that the aggregate amount shall not exceed the rate provided in paragraph one.

Section 31. The proceeds collected under section 29, proceeds from donations and fines acquired from the settlement by the Director-General or persons entrusted by the Director-General under section 52 are not required to be remitted to the Treasury as State revenue and the Department of National Parks, Wildlife and Plant Conservation shall retain them for preserving, rehabilitating and maintaining national parks, forest parks, botanic gardens or arboreta.

Section 32. The proceeds for the preservation, rehabilitation and maintenance of national parks, forest parks, botanic gardens or arboreta under section 31 shall be expended by the Department of National Parks, Wildlife and Plant Conservation for funding the following:

(1) the protection, care, maintenance or rehabilitation of natural resources and the environment in national parks, forest parks, botanic gardens or arboreta or areas approved by the Commission as preparatory areas for designation as national parks, and the assistance and subsidisation of any activities relating to the support, promotion and maintenance of natural resources and the environment in such zones;

(2) costs of the destruction, demolition or relocation of structures or trees in respect of which persons commit offences under section 35 (3);

(3) the provision of welfare or financial grants to competent officials, officials or volunteers who suffer harm or physical injury or lose a life, or the provision of funds for defending lawsuits, in consequence of the performance of duties in the protection and care of national parks, forest parks, botanic gardens or arboreta or areas approved by the Commission as preparatory areas for designation as national parks;

(4) the maintenance of places or the provision of resources necessary for or beneficial to the delivery of facilities, safety, knowledge dissemination, tourism or a stay of tourists;

(5) training, studies or research of competent officials or officials performing work in the area concerning national parks, forest parks, botanic gardens or arboreta;

(6) costs of the administration of national parks, forest parks, botanic gardens or arboreta in the implementation of the policies on the management of national parks, forest parks, botanic gardens or arboreta prescribed by the Commission under section 16 (1) and approved by the Commission.

Section 33. The remittance, retention and expenditure of the proceeds for the preservation, rehabilitation and maintenance of national parks, forest parks, botanic gardens or arboreta shall be in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

An annual report on financial matters as well as operational results involving the proceeds received from service fees or remuneration under section 29 shall be prepared for submission to the Commission and public dissemination.

CHAPTER IV

EXPLOITATION OF BIOLOGICAL DIVERSITY

Section 34. Any person who collects, procures or gathers plant varieties, animal varieties or any part of such plant varieties or animal varieties including biological diversity in a national park, forest park, botanic garden or arboretum for the purpose of a study or research which is beneficial to biological diversity preservation shall obtain permission from the competent official in accordance with the Rule prescribed by the Director-General with the approval of the Commission.

The sharing of benefits from results of the study or research of biological diversity in a national park, forest park, botanic garden or arboretum shall be in accordance with the laws on such particular matters.

CHAPTER V

COMPETENT OFFICIALS

Section 35. In the case of a violation of or failure to comply with the provisions of this Act, the competent official shall have the duties and powers as follows:

(1) to order any person to leave a national park, forest park, botanic garden or arboretum or refrain from any act therein;

(2) to order, in writing, the offender under this Act to carry out destruction or demolition or perform any other act for the purpose of restoring a national park, forest park, botanic garden or arboretum to its original conditions within the time specified;

(3) to carry out seizure, destruction, demolition or rectification or otherwise perform when the offender fails to take action under (2) or the offender is not known or the offender is known but is not found;

(4) to take any action as deemed appropriate, for preventing, terminating or mitigating damage to a national park, forest park, botanic garden or arboretum in the case of emergency.

Section 36. In the performance of duties under this Act, the competent official shall have the duties and powers as follows:

(1) to demand, in writing, a person to give statements or furnish relevant documents or evidence for assisting the consideration and pursuit of activities under this Act;

(2) to enter any place between sunrise and sunset or during office hours of such place for conducting inspection and exercising control to ensure compliance with this Act;

(3) to search any place or vehicle between sunrise and sunset or during office hours of such place in the case where there is a reasonable cause to suspect that an offence is committed under this Act and there is a reasonable cause to believe that a delay in securing a warrant of search will result in property, articles, things or documents connected with the commission of the offence being moved, concealed, sent or taken out of the Kingdom or destroyed;

(4) to seize or attach property, articles, things or documents connected with the commission of the offence under this Act for the purpose of conducting inspection or taking legal proceedings.

When a search, seizure or attachment has been conducted under (3) or (4), if the action has not yet been accomplished, it may be continued during the night time or out of office hours of such place.

Section 37. The question as to what positions or levels of competent officials shall have such powers, whether in whole or in part, as provided in section 35 and section 36 or shall require approval from any particular person before taking action and also the procedures for the performance of duties and the qualifications of competent officials of each position or each level shall be as prescribed in the Notification of the Minister. In this regard, in the performance of duties, officially entrusting documents shall be prepared for the entrusted competent officials for production to persons concerned.

Section 38. In the performance of duties under this Act, competent officials shall produce identification cards to persons concerned.

Identification cards of competent officials shall be in accordance with the form prescribed in the Notification of the Minister.

Section 39. In making an arrest or carrying out suppression of an offender under this Act, competent officials shall be administrative or police officials under the Criminal Procedure Code.

CHAPTER VI

PENALTIES

Section 40. Any person who unlawfully acts or omit to act, whether intentionally or negligently, and thereby causes damage to natural resources in a national park, forest park, botanic garden or arboretum shall be liable to payment of damages to the State to the extent of the total value of natural resources so destroyed, lost or damaged.

In the case where competent officials have taken any action in rehabilitating natural surroundings, the ecosystem, natural resources or biological diversity in consequence of the act or omission of any person under paragraph one, such person shall also be liable to pay expenses incurred in such action.

The value of natural resources under paragraph one shall be calculated by reference to the value or inventory as prescribed by the Director-General with the approval of the Commission.

Section 41. Any person who holds or possesses land, carries out construction, massively clears or burns a forest or acts in any manner causing deterioration or diversion of area conditions from original conditions in a national park, forest park, botanic garden or arboretum, which is a violation of section 19 (1), shall be liable to imprisonment for a term of four to twenty years or to a fine of four hundred thousand to two million Baht or to both.

In the case where the offence under paragraph one is committed in an area of a first-tier river basin or an area of a second-tier river basin as prescribed by the Council of Ministers or a vulnerable area of the ecosystem or biological diversity, the offender shall be liable to heavier penalty than that provided by law in paragraph one by one half.

Section 42. Any person who collects, takes away or acts in any manner endangering or deteriorating wood, soil, rocks, gravels, sand, minerals, petroleum or other natural resources or carries out any other act affecting the ecosystem, biological diversity or natural resources and the environment in a national park, forest park, botanic garden or arboretum, which is a violation of section 19 (2), shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand Baht or to both.

In the case where the offence under paragraph one is committed against seasonally renewable natural resources of which the aggregate value does not exceed two thousand Baht, the offender shall be liable to a fine not exceeding five thousand Baht.

In the case where the offence under paragraph one is an act which causes damage to trees or logs or a combination of the two, in the aggregate quantity exceeding twenty or in the aggregate volume exceeding four square metres, the offender shall be liable to imprisonment for a term of four to twenty years and to a fine of four hundred thousand to two million Baht.

Section 43. Any person who violates section 19 (3) or (4) shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand Baht or to both.

Section 44. Any person who violates section 19 (5), (6), (8) or (9) shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred thousand Baht or to both.

Section 45. Any person who violates section 19 (7) shall be liable to a fine not exceeding ten thousand Baht.

Section 46. Any person who violates section 19 (10) shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three hundred thousand Baht or to both.

Section 47. Any person who fails to comply with an order of the competent official under section 20 or section 28 or fails to comply with the conditions attached to the permission granted under section 21, section 22 or section 27 shall be liable to a fine not exceeding one hundred thousand Baht.

Section 48. Any person who commits an act under section 21 paragraph one or section 27 paragraph one without permission shall be liable to a fine not exceeding twenty thousand Baht.

In the case where the offence under paragraph one is an act of bringing or releasing animals seriously harmful to or affecting the ecosystem in the national park, forest park, botanic garden or arboretum concerned, the offender shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both.

Section 49. Any person who fails to comply with an order of the competent official under section 35 (1) shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

In addition to the penalty under paragraph one, such person shall also be liable to a fine not exceeding ten thousand Baht a day until correct performance takes place.

Section 50. Any person who fails to comply with an order of the competent official under section 35 (2) shall be liable to imprisonment for a term of one year to three years or to a fine not exceeding three hundred thousand Baht or to both.

In addition to the penalty under paragraph one, such person shall also be liable to a fine not exceeding ten thousand Baht a day until correct performance takes place.

Section 51. Any person who fails to provide assistance to the competent official under section 36 shall be liable to a fine not exceeding twenty thousand Baht.

Section 52. For all offences under this Act which are only punishable by a fine or punishable by a fine or imprisonment for a term not exceeding one year, the Director-General or the person entrusted by the Director-General shall have the power to settle them in accordance with the Rule prescribed by the Minister.

When the offender has made payment of the fine in such amount as required for the settlement within thirty days as from the date of the settlement, the case shall be deemed to have been extinguished under the provisions of the Criminal Procedure Code.

Section 53. In the case where the offender under this Act is a juristic person, if the commission of such offence has resulted from the instruction or an action of a director or a manager or any person responsible for the operation of such juristic person or in the case where such person has the duty to give instructions or take action and refrains from giving instructions or taking action, thereby leading to the commission of the offence by such juristic person, such person shall also be liable to the penalty as provided for such offence.

Section 54. In taking criminal proceedings against a person who violates or fails to comply with this Act, when the Public Prosecutor submits a criminal action, a claim of damages under section 40 shall be made simultaneously.

Section 55. In the case where a person has provided information leading to an arrest of an offender under this Act, the Public Prosecutor shall make a request to the Court and

the Court shall have the power to order, in its judgment, payment of an arrest reward to the person providing information leading to the arrest in an amount not exceeding one half of the amount of the fine required by the judgment, provided that payment shall be made out of the fine paid before the Court. If the offender fails to pay the fine or makes payment in an amount lower than the full amount required to be paid as an arrest reward, payment of the outstanding arrest reward shall be made out of the proceeds of sale of exhibits seized by the Court's order. Any deficient amount shall be disregarded.

In the case of several persons providing information leading to an arrest, an arrest reward shall be shared amongst them equally.

Payment of an arrest reward may be made when the case becomes final.

Section 56. All logs, wild animals or any other natural resources in a national park, forest park, botanic garden or arboretum acquired by a person from the commission of an offence or weapons, tools, appliances, structures, equipment, beasts of burden, vehicles or any machines used by a person in the commission of an offence or possessed for use in the commission of an offence or used as equipment for the achievement of the result of the commission of an offence under section 19 (1), (2), (4), (5), (7) or (10) shall be confiscated, irrespective of whether they belong to the offender and whether any person is inflicted with penalty by judgment of the Court or not.

The Public Prosecutor shall request the Court to order confiscation of the property under paragraph one and, when a request has been made by the Public Prosecutor, the competent official shall post the notification thereof at the *Amphoe* Office, Office of *Kamnan*, Office of *Poo Yai Ban* and Office of the local government organisation in whose area the incident has occurred, whether in such case the person believed to be the owner is known or not. In the case where there appears evidence that a particular person is the owner of the property under paragraph one, such notification shall be sent, by registered post with advice of receipt, to the domicile of the owner thereof in order that the person claiming to be the owner may submit an application to join the case before the Court of First Instance renders judgment.

In the case where nobody claims to be the owner before the Court of First Instance renders judgment or there exists the owner but the owner is unable to prove to the satisfaction of the Court that the owner did not have an opportunity to know or did not have a reasonable cause to suspect that such property would be used in the commission of the said offence and the owner exercised reasonable care to prevent the commission of such offence or is unable to prove to the satisfaction of the Court that the owner did not have an opportunity to know or did

not have a reasonable cause to suspect that such property would be used in the commission of the offence under this Act, the Court shall order confiscation of such property at the expiration of thirty days as from the first day of the notification being posted. In the case where there appears evidence that a particular person is the owner of the property, the time shall be counted as from the date on which the owner of the property receives or is deemed to have received the aforementioned notification sent by registered post with advice of receipt under paragraph two and, in this case, section 36 of the Penal Code shall not apply.

TRANSITORY PROVISIONS

Section 57. In the initial period in which qualified members have not yet been appointed under section 10, the National Parks Commission shall consist of the Minister of Natural Resources and Environment as Chairperson, the Permanent Secretary for Natural Resources and Environment as Vice Chairperson and the Permanent Secretary for Agriculture and Co-operatives, Director-General of the Department of Provincial Administration, Director-General of the Department of Tourism, Director-General of the Royal Forest Department, Director-General of the Department of Marine and Coastal Resources, Director-General of the Department of Lands and Secretary-General of the Office of Natural Resources and Environmental Policy and Planning, as members, with the Director-General of the Department of National Parks, Wildlife and Plant Conservation being a member and secretary, who shall perform the duties under this Act for the time being until the appointment of qualified members is made under this Act, provided that this shall take place not later than one hundred twenty days as from the date on which this Act comes into force.

Section 58. All national parks prescribed by Royal Decrees prior to the date on which this Act comes into force shall be national parks under this Act.

Section 59. All licences, concession certificates and permits under the law on minerals and concessions, permits and written permissions for the exploitation or residence under the law on national reserved forests as already granted to any persons prior to the date on which this Act comes into force shall continue to be valid only for the term of validity of such licences, concession certificates and permits under the law on minerals and concessions, permits and written permission for the exploitation or residence under the law on national reserved forests.

Section 60. All permits or written permissions granted to any persons under the law on national parks prior to the date on which this Act comes into force shall remain valid until their expiry.

Section 61. Money retained by the Department of National Parks, Wildlife and Plant Conservation as revenue for the maintenance of national parks under section 23 of the National Parks Act, B.E. 2504 (1961) shall be transferred to be the proceeds for the preservation, rehabilitation and maintenance of national parks, forest parks, botanic gardens or arboreta under this Act.

Section 62. All Rules or Notifications issued under the provisions of the National Parks Act, B.E. 2504 (1961) as in force on the day prior to the date on which this Act comes into force shall continue to be in force insofar as they are not contrary to or inconsistent with this Act until Rules or Notifications issued under this Act come into force.

The issuance of Rules or Notifications under paragraph one shall be completed within one year as from the date on which this Act comes into force.

Section 63. Forest parks, botanic gardens or arboreta designated and brought into existence prior to the date on which this Act comes into force, only in respect of the work falling within missions or responsibility of the Department of National Parks, Wildlife and Plant Conservation under the Ministerial Regulation Reorganising the Department of National Parks, Wildlife and Plant Conservation, the Ministry of Natural Resources and Environment, B.E. 2547 (2004), shall be forest parks, botanic gardens or arboreta under this Act and the Department of National Parks, Wildlife and Plant Conservation shall complete the preparation of maps indicating boundary lines of such areas in accordance with section 26 of this Act within two hundred forty days as from the date on which this Act comes into force.

Section 64. The Department of National Parks, Wildlife and Plant Conservation shall complete a survey of the holding of land of people residing or earning the living in each national park within two hundred forty days as from the date on which this Act comes into force.

When the period of time under paragraph one elapses and the Government has an action plan or policy aimed at assisting landless people who have resided or earned their living in national parks designated prior to the date on which this Act comes into force, the Department of National Parks, Wildlife and Plant Conservation shall, with the approval of the Commission, prepare a project on the preservation and upkeep of natural resources within such national parks, without

granting rights in the land, for submission to the Council of Ministers for approval. For this purpose, this shall be made by enactment of a Royal Decree.

The Royal Decree under paragraph two shall have an objective of assisting landless persons who have resided or earned their living in national parks under the time frames in accordance with the resolution of the Council of Ministers on 30th June 1998 Re: Resolution of Problems Concerning Land in Forest Areas or in accordance with the Order of the National Council for Peace and Order No. 66/2557 Re: Addition of Agencies for the Suppression and Prevention of Forest Resources Trespass and Destruction and Work Performance Policies as Temporary Matters in Current Circumstances dated 17th June 2014. In this regard, a map indicating boundary lines of the project to be operated, as prepared with the application of a geographic information system or any other system of a similar nature, shall be annexed to the Royal Decree and a period of time for its application shall not exceed twenty years and the Royal Decree shall at least contain key substances concerning rules for the consideration and qualifications of persons residing or earning their living in the community under the project to be operated, duties of persons residing or earning their living in the community in the preservation, rehabilitation, care and upkeep of natural resources, the ecosystem and biological diversity in the area in which the project is to be operated, rules, procedures and conditions for the residence or the earning of the living and the termination thereof and measures for the supervision, monitoring and evaluation of the project operation.

In the case where a person who holds residence or earns the living possesses the land, carries out construction, carries out an act of massive clearing or carries out an act in any manner causing deterioration of the area or a change from its original condition, collects, takes away or carries out an act in any manner causing danger to or deterioration of wood, soil, rocks, gravels, sand, minerals, petroleum or other natural resources or carries out any other act affecting the ecosystem, biological diversity or natural resources and the environment or brings or releases animals in the area of the project under the Royal Decree enacted under this section, such person shall not be punished if such act is carried out for the purpose of regular subsistence and complies with the Rule prescribed by the Director-General with the approval of the Commission.

Section 65. For the purposes of the preservation, rehabilitation, maintenance and control of the exploitation of natural resources and the environment in national parks, the Department of National Parks, Wildlife and Plant Conservation shall complete a survey of fundamental information on types and kinds of renewable natural resources in national parks designated and prescribed by Royal Decrees prior to the date on which this Act comes into force within two hundred forty days as from the date on which this Act comes into force.

In the case where the Department of National Parks, Wildlife and Plant Conservation considers that an area in any national park under paragraph one has seasonally renewable natural resources which have suitable and sufficient potential for their collection or exploitation without affecting natural surroundings, wild animals, biological diversity and the ecosystem and it is the case where there exists the need for the resolution of problems concerning subsistence along the line of the community life or the traditional way of life in the vicinity of such national park, the Department of National Parks, Wildlife and Plant Conservation, with the approval of the Commission, shall make a proposal to the Minister for the preparation of a project on sustainable preservation and exploitation of natural resources in such national park for submission to the Council of Ministers for approval, provided that this shall be in the form of a Notification of the Ministry, with a map indicating the boundary lines of the project to be operated, as prepared with the application of a geographic information system or any other system of a similar nature, being annexed thereto as well.

For the purpose of controlling and reducing the dependence on natural resources in a national park, a project on sustainable preservation and exploitation of natural resources to be operated under the Notification of the Ministry under paragraph two shall have a period of time not exceeding twenty years and shall be in line with policies on the management of national parks and the plan on the management of the area of such national park and shall at least contain key substances concerning rules for the consideration and qualifications of persons to be granted permission under the project to be operated, duties of permitted persons in the preservation, rehabilitation, care and upkeep of natural resources, the ecosystem and biological diversity in the area in which the project is to be operated, types, kinds, amounts or quantities of seasonally renewable natural resources in respect of which the collection or exploitation is permissible, a suitable period of time for the operation, measures for the examination and control of impacts and the rehabilitation of conditions of areas or natural resources, rules, procedures and conditions for the granting of permission for the collection or exploitation of natural resources and the termination of permission, measures for the supervision, inspection, monitoring, control of impacts and rehabilitation of conditions of areas or natural resources and evaluation of the project operation and approaches to the reduction of the dependence on such natural resources in the area in which the project is to be operated.

In the case of the collection or exploitation of seasonally renewable natural resources by a person to whom permission is granted in an area of a project under the Notification of the Ministry issued under this section, such person shall not be punished if it is the collection or exploitation of natural resources in accordance with the type, kind and quantity to which the

permission relates and for the purpose of regular subsistence and it complies with the Rule prescribed by the Director-General with the approval of the Commission.

Countersigned by:

General Prayut Chan-o-cha

Prime Minister

Office of the Council of State

RATES OF FEES

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|---|--|
| (1) Licences for bringing or releasing animals under section 21 or section 27 | 10,000 Baht each |
| (2) Licences for carrying out activities under section 22 other than those in (3) and (4) | 100,000 Baht each |
| (3) Licences for a survey, study, research or academic experiment | 100,000 Baht each |
| (4) Licences for film, video or documentary shooting or photography | 100,000 Baht a copy/day |
| (5) Licences for the provision of guided tour services to tourists in a national park | 500,000 Baht each |
| (6) Licences for an entry for the purpose of collecting swallow nests | 500,000 Baht a concession |
| (7) Licences for carrying out activities under section 27 | 100,000 Baht each |
| (8) Renewal of a term of validity of licences | Equivalent to the fees for licences on each occasion |
| (9) Substitutes for licences | 10,000 Baht each |



พระราชบัญญัติ

ป่าไม้ (ฉบับที่ ๘)

พ.ศ. ๒๕๖๒

สมเด็จพระเจ้าอยู่หัวมหาวชิราลงกรณ บดินทรเทพยวรางกูร

ให้ไว้ ณ วันที่ ๑๕ เมษายน พ.ศ. ๒๕๖๒

เป็นปีที่ ๔ ในรัชกาลปัจจุบัน

สมเด็จพระเจ้าอยู่หัวมหาวชิราลงกรณ บดินทรเทพยวรางกูร มีพระราชโองการโปรดเกล้าฯ ให้ประกาศว่า

โดยที่เป็นการสมควรแก้ไขเพิ่มเติมกฎหมายว่าด้วยป่าไม้

จึงทรงพระกรุณาโปรดเกล้าฯ ให้ตราพระราชบัญญัติขึ้นไว้โดยคำแนะนำและยินยอมของ สภานิติบัญญัติแห่งชาติทำหน้าที่รัฐสภา ดังต่อไปนี้

มาตรา ๑ พระราชบัญญัตินี้เรียกว่า “พระราชบัญญัติป่าไม้ (ฉบับที่ ๘) พ.ศ. ๒๕๖๒”

มาตรา ๒ พระราชบัญญัตินี้ให้ใช้บังคับตั้งแต่วันถัดจากวันประกาศในราชกิจจานุเบกษา เป็นต้นไป

มาตรา ๓ ให้ยกเลิกความใน (๕) ของมาตรา ๔ แห่งพระราชบัญญัติป่าไม้ พุทธศักราช ๒๔๘๔ ซึ่งแก้ไขเพิ่มเติมโดยคำสั่งหัวหน้าคณะรักษาความสงบแห่งชาติ ที่ ๓๑/๒๕๕๙ เรื่อง การแก้ไขเพิ่มเติมกฎหมายว่าด้วยป่าไม้ ลงวันที่ ๒๑ มิถุนายน พุทธศักราช ๒๕๕๙ และให้ใช้ความต่อไปนี้แทน

“(๕) “ทำไม้” หมายความว่า ตัด ฟัน กาน โคน ลิด เลื่อย ผ่า ถาก ทอน ขุด ชักลากไม้ในป่า หรือนำไม้ออกจากป่าด้วยประการใด ๆ”

มาตรา ๔ ให้ยกเลิกความในวรรคหนึ่งของมาตรา ๗ แห่งพระราชบัญญัติป่าไม้ พุทธศักราช ๒๔๘๔ ซึ่งแก้ไขเพิ่มเติมโดยประกาศคณะรักษาความสงบแห่งชาติ ฉบับที่ ๑๐๖/๒๕๕๗ เรื่อง แก้ไขเพิ่มเติมกฎหมายว่าด้วยป่าไม้ ลงวันที่ ๒๑ กรกฎาคม พุทธศักราช ๒๕๕๗ และให้ใช้ความต่อไปนี้แทน

“มาตรา ๗ ไม้ชนิดใดที่ขึ้นในป่าจะให้ป็นไม้หวงห้ามประเภทใด ให้กำหนดโดยพระราชกฤษฎีกา สำหรับไม้ทุกชนิดที่ขึ้นในที่ดินที่มีกรรมสิทธิ์หรือสิทธิครอบครองตามประมวลกฎหมายที่ดิน ไม่เป็นไม้หวงห้าม หรือไม้ที่ปลูกขึ้นในที่ดินที่ได้รับอนุญาตให้ทำประโยชน์ตามประเภทหนังสือแสดงสิทธิที่รัฐมนตรีประกาศกำหนดโดยความเห็นชอบของคณะรัฐมนตรี ให้ถือว่าไม่เป็นไม้หวงห้าม”

มาตรา ๕ ให้ยกเลิกมาตรา ๑๔ ทวิ แห่งพระราชบัญญัติป่าไม้ พุทธศักราช ๒๔๘๔ ซึ่งแก้ไขเพิ่มเติมโดยคำสั่งหัวหน้าคณะรักษาความสงบแห่งชาติ ที่ ๓๑/๒๕๕๙ เรื่อง การแก้ไขเพิ่มเติมกฎหมายว่าด้วยป่าไม้ ลงวันที่ ๒๑ มิถุนายน พุทธศักราช ๒๕๕๙

มาตรา ๖ ให้เพิ่มความต่อไปนี้เป็นส่วนที่ ๒/๑ การรับรองไม้ มาตรา ๑๘/๑ มาตรา ๑๘/๒ และมาตรา ๑๘/๓ ของหมวด ๑ การทำไม้และเก็บหาของป่า แห่งพระราชบัญญัติป่าไม้ พุทธศักราช ๒๔๘๔

“ส่วนที่ ๒/๑
การรับรองไม้

มาตรา ๑๘/๑ เพื่อประโยชน์ในการจำแนกแหล่งที่มาของไม้ เจ้าของไม้ที่ขึ้นในที่ดินที่มีกรรมสิทธิ์หรือสิทธิครอบครองตามประมวลกฎหมายที่ดิน หรือเจ้าของไม้ที่ปลูกขึ้นในที่ดินที่ได้รับอนุญาตให้ทำประโยชน์ตามประเภทหนังสือแสดงสิทธิที่รัฐมนตรีประกาศกำหนดโดยความเห็นชอบของคณะรัฐมนตรี จะแจ้งพนักงานเจ้าหน้าที่เพื่อขอหนังสือรับรองไม้ก็ได้

การแจ้งและการออกหนังสือรับรองตามวรรคหนึ่ง ให้เป็นไปตามระเบียบที่อธิบดีกรมป่าไม้ กำหนดโดยความเห็นชอบของรัฐมนตรี

มาตรา ๑๘/๒ ผู้ใดประสงค์จะขอหนังสือรับรองไม้ ผลิตภัณฑ์ไม้ และถ่านไม้ เพื่อการค้าหรือ การส่งออกไปนอกราชอาณาจักร ให้ยื่นคำขอต่อพนักงานเจ้าหน้าที่และเสียค่าใช้จ่ายในการออกหนังสือ รับรองตามที่กรมป่าไม้กำหนด

การขอและการออกหนังสือรับรอง และอัตราค่าใช้จ่ายตามวรรคหนึ่ง ให้เป็นไปตามระเบียบ ที่อธิบดีกรมป่าไม้กำหนดโดยความเห็นชอบของรัฐมนตรี

มาตรา ๑๘/๓ การออกหนังสือรับรองตามมาตรา ๑๘/๑ หรือมาตรา ๑๘/๒ กรมป่าไม้ จะกำหนดให้สถาบันหรือองค์กรอื่นดำเนินการแทนก็ได้ ทั้งนี้ ตามหลักเกณฑ์ วิธีการ และเงื่อนไข ในระเบียบที่อธิบดีกรมป่าไม้กำหนด ในการนี้ให้ถือว่าพนักงานหรือเจ้าหน้าที่ของสถาบันหรือองค์กรอื่น ที่ดำเนินการแทนพนักงานเจ้าหน้าที่เป็นเจ้าพนักงานตามประมวลกฎหมายอาญาเฉพาะในส่วนที่เกี่ยวข้องกับ การปฏิบัติตามความในส่วนนี้”

มาตรา ๗ ให้ยกเลิกความในวรรคหนึ่งของมาตรา ๒๕ แห่งพระราชบัญญัติป่าไม้ พุทธศักราช ๒๔๘๔ ซึ่งแก้ไขเพิ่มเติมโดยพระราชบัญญัติป่าไม้ (ฉบับที่ ๕) พ.ศ. ๒๕๑๘ และ ให้ใช้ความต่อไปนี้แทน

“มาตรา ๒๕ ผู้ใดนำไม้ที่มีไซ้ไม้หวงห้ามเข้าเขตด่านป่าไม้ ต้องเสียค่าธรรมเนียมตามอัตรา ที่รัฐมนตรีกำหนด เว้นแต่เป็นการนำไปเพื่อใช้สอยส่วนตัวภายในเขตท้องที่จังหวัดที่ทำไม้นั้น หรือ เป็นการนำไม้ที่ปลูกขึ้นในที่ดินที่ได้รับอนุญาตให้ทำประโยชน์ตามประเภทหนังสือแสดงสิทธิที่รัฐมนตรี ประกาศกำหนดโดยความเห็นชอบของคณะรัฐมนตรี ตามมาตรา ๗ วรรคหนึ่ง เข้าเขตด่านป่าไม้ ไปใช้สอยส่วนตัวไม่ต้องเสียค่าธรรมเนียม”

มาตรา ๘ ให้เพิ่มความต่อไปนี้เป็น (๖) ของมาตรา ๕๑ แห่งพระราชบัญญัติป่าไม้ พุทธศักราช ๒๔๘๔ ซึ่งแก้ไขเพิ่มเติมโดยพระราชบัญญัติป่าไม้ (ฉบับที่ ๕) พ.ศ. ๒๕๑๘

“(๖) ไม้ที่มีหนังสือรับรองตามมาตรา ๑๘/๑ และมาตรา ๑๘/๒ หรือไม้ที่มีหลักฐานแสดงว่า ได้มาโดยชอบด้วยกฎหมาย”

มาตรา ๙ บรรดาไม้สัก ไม้ยาง ไม้ชิงชัน ไม้เก็ดแดง ไม้โอเม็ง ไม้พะยุง แกลบ ไม้กระพี้ ไม้แดงจีน ไม้ชะยูง ไม้ซิก ไม้กระซิก ไม้กระซิบ ไม้พะยุง ไม้หมากพลู ตักแตน ไม้กระพี้เขาควาย ไม้เก็ดดำ ไม้โอเฒ่า และไม้เก็ดเขาควาย ที่ขึ้นในป่า ให้เป็นไม้หวงห้ามประเภท ก.

ตามพระราชบัญญัติป่าไม้ พุทธศักราช ๒๔๘๔ จนกว่าจะได้มีการตราพระราชกฤษฎีกาที่ออกตามความใน มาตรา ๗ แห่งพระราชบัญญัติป่าไม้ พุทธศักราช ๒๔๘๔ ซึ่งแก้ไขเพิ่มเติมโดยพระราชบัญญัตินี้

มาตรา ๑๐ การดำเนินการออกกระเปียบตามมาตรา ๑๘/๑ มาตรา ๑๘/๒ และมาตรา ๑๘/๓ แห่งพระราชบัญญัติป่าไม้ พุทธศักราช ๒๔๘๔ ซึ่งแก้ไขเพิ่มเติมโดยพระราชบัญญัตินี้ ให้ดำเนินการ ให้แล้วเสร็จภายในหนึ่งปีนับแต่วันที่พระราชบัญญัตินี้ใช้บังคับ หากไม่สามารถดำเนินการได้ ให้รัฐมนตรี รายงานเหตุผลที่ไม่อาจดำเนินการได้ต่อคณะรัฐมนตรีเพื่อทราบ

มาตรา ๑๑ ให้รัฐมนตรีว่าการกระทรวงทรัพยากรธรรมชาติและสิ่งแวดล้อมรักษาการ ตามพระราชบัญญัตินี้

ผู้รับสนองพระราชโองการ
พลเอก ประยุทธ์ จันทร์โอชา
นายกรัฐมนตรี

หมายเหตุ :- เหตุผลในการประกาศใช้พระราชบัญญัติฉบับนี้ คือ โดยที่พระราชบัญญัติป่าไม้ พุทธศักราช ๒๔๘๔ มีบทบัญญัติบางประการเกี่ยวกับการกำหนดให้ไม้ที่มีค่าทางเศรษฐกิจที่ขึ้นในที่ดินประเภทอื่นที่ไม่ใช่ป่า เป็นไม้หวงห้าม จึงทำให้การทำไม้และการเคลื่อนย้ายไม้ในที่ดินดังกล่าวต้องอยู่ภายใต้มาตรการควบคุม ตามกฎหมายว่าด้วยป่าไม้ ดังนั้น เพื่อให้การทำไม้และการเคลื่อนย้ายไม้นั้นเป็นไปได้โดยสะดวกไม่เกิด ภาระแก่ประชาชน ทั้งยังเป็นประโยชน์ต่อการส่งเสริมอุตสาหกรรมไม้และการบริหารจัดการด้านการป่าไม้ ให้มีประสิทธิภาพ สมควรแก้ไขเพิ่มเติมกฎหมายว่าด้วยป่าไม้เพื่อกำหนดให้ไม้ที่ขึ้นในที่ดินที่มีกรรมสิทธิ์ หรือสิทธิครอบครองตามประมวลกฎหมายที่ดิน ไม่เป็นไม้หวงห้าม หรือไม้ที่ปลูกขึ้นในที่ดินที่ได้รับอนุญาต ให้ทำประโยชน์ตามประเภทหนังสือแสดงสิทธิที่รัฐมนตรีประกาศกำหนดโดยความเห็นชอบของคณะรัฐมนตรี ให้ถือว่าไม่เป็นไม้หวงห้าม รวมทั้งกำหนดเพิ่มหลักเกณฑ์การออกหนังสือรับรองไม้เพื่อประโยชน์ใน การจำแนกแหล่งที่มาของไม้ซึ่งเป็นมาตรการในการป้องกันการนำไม้ที่ลักลอบทำออกจากป่ามาสวมสิทธิว่า เป็นไม้ที่ทำออกจากที่ดินดังกล่าว และเพื่อการค้าหรือการส่งออกไปนอกราชอาณาจักร จึงจำเป็นต้องตรา พระราชบัญญัตินี้

Translation

Royal Ordinance on Fisheries

B.E. 2558 (2015)

Bhumibol Adulyadej, Rex

BHUMIBOL ADULYADEJ, REX;

Given on the 13th Day of November B.E. 2558;

Being the 70th Year of the Present Reign.

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

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

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

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

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 Fisheries Act (B.E. 2558) shall be repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5. In this Royal Ordinance:

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

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

“Aquatic animal processing” means any act undertaken to transform aquatic animals for use or consumption purposes, but does not include the mere packaging of aquatic

animal without any transformation of the aquatic animal or transformation of the aquatic animal for immediate consumption of a consumer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Commercial fishing” means fishing operations using a fishing vessel of a size from ten gross tonnage or a fishing vessel fitted with an engine of a horse power as prescribed by the Minister.

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

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

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

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

“Fishing vessel” means a vessel of any size used or intended for use for the purposes of commercial exploitation of aquatic animal resources, including support ships, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, except container vessels.

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

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

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

“Illegal fishing” means:

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

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

“Unreported fishing” means:

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

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

“Unregulated fishing” means:

(1) a fishing operation in a zone under the responsibility of an international organisation undertaken by the use any fishing vessel, be it with a designated nationality or a stateless vessel, in a manner that is not in compliance with or is in violation of fisheries conservation or management measures developed by any such international organisation;

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

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

“Stateless vessel” 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.

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

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

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

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

“Importation” means bringing or sending into the Kingdom.

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

“Transit” means bringing or sending through the Kingdom.

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

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

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

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

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

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

“Committee” means the National Fisheries Committee.

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

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

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

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

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

A Ministerial Regulation for the determination of duties or fees issued pursuant to paragraph one may impose different rates, taking into consideration the types, kinds, sizes or numbers of fishing vessels, or fishing gears, or the types, kinds, sizes, nature or forms of aquaculture enterprises or fishing operations.

Chapter 1

General Provisions

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

such case, and competent officials, inquiry officials and public prosecutors shall have the power to undertake relevant legal proceedings.

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

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

Section 9. For the purposes of fisheries management, the Department of Fisheries shall undertake steps and process all the data collected from the granting of permission, the issuance of licenses, registration or as reported pursuant to this Royal Ordinance. The Department shall prepare and submit up-to-date fisheries statistics to the Committee on a monthly basis or over a shorter period of time as prescribed by the Committee.

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

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

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

Section 11. A factory operator under the law on factories who engages in a business relating to aquatic animals is prohibited from employing a person in violation of the law on labour protection or an alien who does not hold a licence under the law on working of aliens.

In the case where a competent official finds a violation under paragraph one, if the number of persons employed unlawfully found at the factory is not more than five, the

competent official shall forthwith report to the Director-General, and the Director-General shall order the suspension of the factory operations for a period of ten to thirty days.

In the case where a competent official finds a violation under paragraph one, if the number of persons employed unlawfully found at the factory is more than five, the competent official shall forthwith report to the Director-General, and the Director-General shall notify the Permanent Secretary of the Ministry of Industry to order the closure of the factory pursuant to the law on factories.

In the case where the competent official finds that a factory operator whose license has been suspended under paragraph two has committed another violation under paragraph one within a period of three years as from the order of suspension, the competent official shall forthwith report to the Director-General, and the Director-General shall notify the Permanent Secretary of the Ministry of Industry who shall order the closure of the factory pursuant to the law on factories.

A factory operator who has received a factory closure order under paragraph three or paragraph four shall be prohibited from operating a factory to engage in a business relating to aquatic animals and the licensor under the law on factories shall not issue a license for the operation of a business relating to aquatic animals to such person.

An order of factory closure under this section shall have the effect of license revocation for Category 3 factories under the law on factories.

Chapter 2

Fisheries Management

Section 12. The provisions of this Chapter aim to provide for policies and oversight of fisheries management by way of promoting the participation of all stakeholders in the management and conservation of aquatic animal resources, as well as to establish a system of good governance in order to ensure sustainable use as determined by the examination of best scientific evidence and balanced by economic, social and environmental considerations, in line with the ecosystem based approach and precautionary approach, and also to ensure that fisheries resources are maintained or restored to a level that can produce the maximum sustainable yield, as

well as to prevent and eliminate overfishing and overcapacity and ensure that the level of fishing effort does not undermine the sustainability of fisheries resources

Part 1

The National Fisheries Committee

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

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

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

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

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

(3) not more than two fisheries academics.

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

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

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

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

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

- (1) death;
- (2) resignation;
- (3) being removed as a representative of the association for which he/she is appointed, or being disqualified in relation to the qualification pursuant to section 15;
- (4) being removed by the Minister on account of his/her inefficient performance of duties, misconduct, or incompetence;
- (5) becoming bankrupt;
- (6) being an incompetent or quasi-incompetent person;
- (7) being sentenced through a final court judgment to imprisonment.

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

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

- (1) determining policies for the development of fisheries in Thai waters in line with aquatic animal resource stocks and the country's fishing capability based primarily on the points of reference;
- (2) determining policies for the promotion, development and resolution of problems pertaining to fisheries outside of Thai waters;
- (3) determining the country's aquaculture development policies;
- (4) determining policies for the development of the country's related fisheries industries;
- (5) determining control measures in order to achieve the policies under (1), (2), (3) and (4);
- (6) determining the total allowable catch for fishing operations within Thai waters;

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

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

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

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

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

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

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

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

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

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

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

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

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

that are in line with the natural reproductive capacity, and the ability to achieve sustainable exploitation;

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

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

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

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

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

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

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

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

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

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

(1) an approach to the issuance of fishing licenses in line with the fishing capacity and the maximum sustainable yield, using points of reference as the basis for determination;

(2) an approach to the restoration of aquatic animal resources to their normal natural state;

(3) an approach to a reduction in the fishing vessels engaged in commercial fishing operations;

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

(5) an approach to the resolution of conflicts of interests between artisanal and commercial fishing operations;

(6) an approach to preventing the catching of aquatic animals of premature sizes;

(7) an approach to the development of information related to fisheries;

(8) an approach to the enhancement of fisheries management.

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

(1) promote participation on the part of local fishing communities in the development of the policy pursuant to section 19(1);

(2) encourage association and arranging for the registration of local fishing community organisations pursuant to the rules prescribed by the Director-General;

(3) provide counsel to local fishing communities related to the management, maintenance, conservation, restoration and utilization of aquatic animal resources, as well as provide assistance and support to the implementation of communities' work, projects or activities in such matters;

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

Part 2

Provincial Fisheries Committee

Section 26. There shall be a provincial fisheries committee in each of the provinces prescribed by the Minister. Any such provincial fisheries committee shall comprise the

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

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

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

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

(1) representatives of local fishing community organisations in the fields of coastal fisheries, offshore fisheries, freshwater fisheries, aquaculture or aquatic animal processing who have been registered pursuant to section 25(2) as deemed appropriate after due consideration of the fair and comprehensive distribution of the stakeholders;

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

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

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

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

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

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

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

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

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

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

Chapter 3

Fishing Operations in Thai Waters

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

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

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

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

The issuance of a license pursuant to paragraph one shall be solely executed for each fishing vessel. The number and type of fishing gears authorized for the purposes of fishing operation shall also be specified on the license.

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

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

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

Section 34. An artisanal fishing license holder shall not engage in a fishing operation in offshore seas.

Section 35. Any person wishing to engage in a fishing operation without using a fishing vessel, but uses a fishing gear of the type and size prescribed by the Director-General, must obtain a license from the Director-General or a person designated by the Director-General and comply with the rules, procedures and conditions prescribed by the Director-General or as stipulated in the license.

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

The issuance of a license pursuant to paragraph one shall be executed specifically for a particular fishing vessel. The number and type of fishing gears authorized for the purposes of fishing operation, areas in which fishing operations are to be undertaken, the maximum allowable catch of aquatic animals allowed for fishing operations or the period during which fishing operations are allowed shall also be specified on the license in alignment with the fishing capacity and the maximum sustainable yield of aquatic animals for the purposes of sustainable fisheries stipulated in the Fisheries Management Plan.

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

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

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

(1) being convicted by a final court judgement due to a commission of any offence under section 114, and a period of five years has not yet lapsed since the judgment day;

(2) being a person whose fishing license is being suspended;

(3) being a person subject to an order of the Director-General issued pursuant to section 113(1) or (5) and a period of five years has not yet lapsed since the day of the order;

(4) being a person subject to an order of the Director-General issued pursuant to section 113(2) and the prohibition period has not yet expired;

(5) being a person whose fishing license has been revoked and a period of five years has not yet lapsed since the revocation to the day of the license application;

(6) a foreign state or international organisation has given written notice that a suspension of such person's fishing authorization has not yet expired or that fishing authorization has been revoked by the competent authority of such state or international organisation;

(7) being a person whose fishing license has been revoked twice within a period of five years.

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

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

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

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

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

Section 44. A fishing license may not be transferred with the exception of a transfer thereof to one's parents, spouse or descendant.

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

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

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

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

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

When determining whether a foreign fishing vessel has a history of IUU fishing, the competent authority under the law on Thai vessels and law on navigation in Thai waters shall seek verification from the relevant competent authority of the foreign state.

Chapter 4

Fishing Operations outside Thai Waters

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

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

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

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

Section 49. In the case where the holder of a license for fishing outside Thai waters engages in a fishing operation in an area under the jurisdiction of a coastal state or in an

area under the control and responsibility of an international organisation, apart from having to comply with this Royal Ordinance, the licensee shall have to comply with the laws, rules and standards of conservation and fisheries management of any such coastal state or international organisation.

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

An observer shall not be a person already assigned to do any other duty on board a fishing vessel, and shall have other qualifications as prescribed by the Director-General. The rules and procedures of training, as well as the registration of observers shall be as prescribed by the Director-General.

Section 51. An observer shall perform the following duties:

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

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

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

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

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

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

thirty days as from the date on which he/she receives a written notice from the Department of Fisheries.

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

Chapter 5

Conservation and Management Measures

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

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

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

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

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

(1) releasing, pouring, disposing of, discharging or causing the passage of hazardous matters as prescribed by the Minister into a fishing ground;

(2) acting in whichever way to cause the intoxication of aquatic animals in a fishing ground;

(3) releasing, pouring, disposing of, discharging or causing the passage of any particular thing into a fishing ground in a manner harmful to aquatic animals;

(4) causing a fishing ground to be polluted such that it becomes harmful to aquatic animals.

The provisions under paragraph one shall not apply to unavoidable acts for the benefit of military public service.

Section 59. Any person intentionally or through negligence causes a fishing ground to be polluted in a manner that may harm aquatic animals shall bear all the expenses incurred in rescuing or preventing the loss of aquatic animals' lives, and in restoring the fishing ground back to its natural state as prescribed by the Director-General.

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

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

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

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

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

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

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

Any person having aquatic animals or aquatic products under paragraph one in possession shall hand over such aquatic animals or aquatic products to the competent official within the period prescribed by the Minister. The competent official shall subsequently have any such aquatic animal or aquatic product destroyed without delay.

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

Section 65. For the purposes of protecting rare aquatic animal species or preventing danger caused by an epidemic disease, the Minister shall have the power to prohibit the importation, exportation, bringing in transit, culturing or possession of any kind of aquatic animal.

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

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

Section 67. 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.

The provisions under paragraph one shall not apply to fishing gears which utilize the form, vessel size, fishing procedure, fishing area and conditions prescribed by the Director-General for the benefit of artisanal fisheries.

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

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

Section 70. No person shall engage in a fishing operation during a season of aquatic animals' ovulation and egg-spawning, larvae rearing or during any other period of time designated for the protection of aquatic animals as prescribed by the Minister.

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

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

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

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

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

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

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

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

Chapter 6

Aquaculture Promotion

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

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

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

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

Section 76. For the purposes of supervising the quality of aquaculture and to prevent environmental consequences or hazards to consumers or others' enterprises, a Ministerial

Regulation may be issued to determine the kinds of aquatic animals or aquatic animals' features or types, forms or sizes or the objectives of aquaculture enterprises to be classified as those under aquaculture control.

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

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

(1) an aquaculture entrepreneur shall have to give notify the aquaculture undertaking to the competent official as per the procedure prescribed;

(2) determining the origins of aquatic animals prohibited for use in aquaculture;

(3) determining the types, features, and quality of aquatic animals' feed prohibited in aquaculture;

(4) determining kinds and quantities of any drug, chemical or hazardous matter prohibited in aquaculture;

(5) determining criteria and operational methods in the management of effluent water or solid waste from aquaculture farms;

(6) determining rules and procedures for preventing leaks of water used in aquaculture from aquaculture grounds;

(7) determining any further matter necessary for the prevention of impacts to the environment, or danger to consumers or to others' enterprises.

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

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

Chapter 7

Control, Surveillance, Traceability, and Inspection

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

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

Part 1

Control and Surveillance

Section 81. Any person wishing to use a commercial fishing vessel of a size prescribed by the Minister to engage in a fishing operation must undertake the following actions:

(1) having installed a fishing vessel monitoring system and maintained the functionality thereof at all times in accordance with the rules and procedures prescribed by the Director-General;

(2) prepare a fishing logbook, which shall at least comprise data on the types and quantities of aquatic animals caught, points at which the vessels have been anchored, aquatic animal transshipment, sale or discard of the aquatic animals, all of which shall have to be certified as true and accurate by the master of the vessel; the data contained therein shall be reported to the Department of Fisheries at the time intervals and in accordance with the procedures prescribed by the Director-General;

(3) report every port-in and port-out operation to the Port In-Port Out Control Centre in accordance with the rules and procedures prescribed by the Director-General; upon entry into a port for the purpose of transshipping or landing aquatic animals or aquatic animal products at a fishing port, a copy of the fishing logbook and other documents as prescribed by the Director-General shall be submitted;

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

(5) return to the applicable designated port on a regular basis within the time period prescribed by the Director-General.

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

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

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

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

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

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

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

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

Section 85. The owner of a fishing port pursuant to section 84 or a fish market entrepreneur shall record data on every fishing vessel berthed at the port, or transshipment or landing of aquatic animals at the port. Such records shall be kept for inspection by the competent official in accordance with the particulars, procedures and timeframe prescribed by the Director-General.

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

Section 86. Subject to section 87, no fishing vessel engaged in commercial fishing shall transship or land aquatic animals at any fishing port other than a fishing port pursuant to section 84 or at a site that is a fish market, as designated by Notification of the Director General.

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

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

Section 87. No transshipment of aquatic animals shall be made at sea with the exception of a transshipment onto a fishing vessel registered as a carrier for the transshipment of aquatic animals or a vessel for the storage of aquatic animals, in which case the owner or master

of the fishing vessel must obtain permission from the a competent official by radio transmission or a similar means of communication as well as submit a transshipment declaration certified as true and accurate by the master of fishing vessel to the competent official after completion of transshipment.

An application for permission and the submission of a transshipment declaration shall be in accordance with the rules, procedures and time period prescribed by the Director-General

The provisions of section 39 shall apply to the registration of a carrier vessel under paragraph one *mutatis mutandis*.

For the purposes of preventing and combatting IUU fishing, the Director-General shall have the power to prohibit transshipments at sea for certain or all vessels in the specified areas and time periods.

Section 88. Any person wishing to use a fishing vessel registered as a carrier for the transshipment of aquatic animals or as a vessel for the storage of aquatic animals to transship aquatic animals must take the following actions:

(1) having installed a fishing vessel monitoring system and maintained the functionality thereof at all times in accordance with the rules and procedures prescribed by the Director-General;

(2) prepare a marine catch transshipment document; the data contained therein shall be certified as true and accurate by the master of the carrier vessel and reported to the Department of Fisheries at the time and in accordance with procedures prescribed by the Director-General;

(3) report every port-in and port-out operation to the Port In-Port Out Control Centre in accordance with the rules and procedures prescribed by the Director-General.

Section 89. In addition to compliance with this Royal Ordinance, a fishing vessel registered as a carrier for the transshipment of aquatic animals or as a vessel for the storage of aquatic animals shall also comply with the laws, rules or regulations of a coastal state concerned when transshipping aquatic animals in a sea lying within the jurisdiction of any such coastal state. It shall also comply with the rules or regulations of the relevant international organisation when transshipping aquatic animals on the high seas.

Evidence for the Purposes of Traceability

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

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

(2) the owner or the master of a carrier for the transshipment of aquatic animals or the storage of aquatic animals shall prepare a marine catch transshipment document, and submit a report to the Department of Fisheries as prescribed under section 88(2);

(3) the owner or a fishing port or a fish market entrepreneur shall prepare a marine catch purchasing document for a buyer as per the form and particulars prescribed by the Director-General; a copy of such a certificate shall be submitted to the Department of Fisheries as prescribed pursuant to section 86 paragraph three;

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

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

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

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

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

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

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

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

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

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

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

Part 3

Inspection Measures

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

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

Section 95. A non-Thai fishing vessel wishing to import aquatic animals and aquatic animal products into the Kingdom shall notify the competent official by no less than forty-eight hours in advance prior to its arrival at a port of entry. Data in the notice and ports of entry shall be as designated by the Minister.

The competent official shall verify the data pursuant to paragraph one and notify the master of the vessel of the result within twenty-four hours after having been notified of the request for a berthing.

In the case where a non-Thai fishing 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 IUU fishing or has been involved in IUU fishing, the competent official shall not allow the requested berthing with the exception of reasons related to the safety of crewmen or of the fishing vessel, or in light of a *force majeure* case.

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 shall or aquatic animal products be lodged. After permission therefor has been granted, aquatic animals or aquatic animal products may then be unloaded from the fishing vessel.

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 caught in accordance with the regulations of the international organisations 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 the fishing vessel leave the Kingdom within a period of time prescribed and notify the flag state or any other country concerned and international organisations 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.

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

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

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

Chapter 8

Hygiene Standards of Aquatic Animals or Aquatic Products

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

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

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

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

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

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

Section 100. When it emerges that a particular fishing ground is faced with a state of pollution or contamination involving toxins or any other matter potentially harmful to human beings or to aquatic animals to a degree exceeding the standards prescribed by the competent official, the Director-General shall have the power to prohibit fisheries operation in such a fishing ground over a period of time prescribed.

Chapter 9

Competent Officials

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

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

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

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

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

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

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

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

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

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

(9) seize or attach drugs, chemicals or any other hazardous substance where there is reasonable cause for suspicion that that they are drugs, chemicals or any other hazardous

substance used or to be used in aquaculture in violation of the proscription(s) pursuant to section 78(4).

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

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

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

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

Section 103. The competent official shall have the power to order that any person having installed a fishing gear, built structure, or anything in a fishing ground without authorisation, or where authorised, failing to correctly implement the authorized installation/structure, or having implemented any such authorized installation/structure differently from the conditions prescribed in the license or permit, have any such installation/structure dismantled or rectified as per authorized within a stipulated period of time.

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

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

or a fishing vessel found to be undertaking IUU fishing outside Thai waters for inspection and for the execution of his/her duties.

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

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

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

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

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

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

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

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

Section 107. It shall be a duty of the Director-General to ensure that competent officials are available to perform their duties pursuant to Royal Ordinance at all times. In a case in which a person requests a service outside the official working hours or outside the normal office

premises, any such person shall pay an additional fee and a special charge pursuant to the rate prescribed by the Director-General.

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

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

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

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

Chapter 10

Administrative Measures

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

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

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

Section 112. If the owner of a fishing port, a fish market entrepreneur or the owner of a vessel registered as a carrier for the transshipment of aquatic animals or the storage of aquatic animals violates or fails to comply with this Royal Ordinance, or Ministerial Regulation, Notifications or Directives issued pursuant to this Royal Ordinance, the Director-General shall have the power to order that any such registration be revoked.

Section 113. The Director-General 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 any such fishing vessel or demanding that a security be deposited where such infringing fishing vessel is a non-Thai fishing vessel.

When seizing aquatic animals or aquatic animal products pursuant to (1), the Director-General may order the owner or master of the vessel to take care of and store the aquatic animals and aquatic animal products on board the vessel in the same conditions.

When issuing an order pursuant to paragraph one, the Director-General shall take into account the severity of the infringement, recidivism and the prevention of recidivism.

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

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

(2) fishing without a fishing license or a license for the use of a fishing gear pursuant to section 31, section 32, section 35, section 36 or section 48;

(3) failure to comply with section 81;

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

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

(6) modification of a fishing gear under section 42, or use of a prohibited fishing gear pursuant to section 67, section 68, section 69 or section 71(1);

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

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

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

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

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

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

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

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

Section 115. Any licensee who disagrees with an order to suspend a license, cessation of permission or revocation of license pursuant to section 111, revocation of a registration pursuant to section 112, or an order given pursuant to section 113, may file an appeal to the following persons within thirty days as from the day he/she is notified of the order:

(1) where a competent official is the person who issues any such order, an appeal may be filed to the Director-General;

(2) where the Director-General is the person who issues any such order, an appeal may be filed to the Minister.

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

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

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

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

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

- (1) the current name and previous name of the fishing vessel;
- (2) the flag of the fishing vessel and the flag designating the previous nationality of the fishing vessel;
- (3) the owner of the vessel, the previous owner of the vessel concerned, and the beneficiary of the said vessel;
- (4) the vessel's registration number or designated number issued by a relevant international organisation and that issued by the Marine Department;
- (5) a photo thereof;
- (6) the date on which the vessel is included on the list of vessels;
- (7) the offence causing the listing of the vessel;
- (8) the period of time during which the registration of the vessel for fishing purposes is revoked.

Section 118. The Department of Fisheries shall notify the list of fishing vessels issued by the Minister pursuant to section 116 to the Food and Agriculture Organisation of the United Nations and international organisations.

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

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

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

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

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

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

Section 120. Where the license expires or where the licensee is subject to the revocation of his/her license or permit pursuant to 111 or section 113, the licensee shall dismantle or destroy the fishing tool, structure or anything belonging to him/her in the fishing ground within thirty days as from the date on which the license expires or the date he/she is notified of the order revoking the license or permit, as the case may be. The provisions under paragraph two of section 103 shall be applied *mutatis mutandis*.

Chapter 11

Sanctions

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

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

Section 123. Any person violating section 10 shall be subject to a fine of between ten thousand baht and one hundred thousand baht, or to a fine of three times the value of

the aquatic animals obtained through the fishing operation. In whichever case, the higher fine shall apply.

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

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

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

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

Section 124. Any person who violates section 11 paragraph one shall be subject to a fine of four hundred thousand baht to eight hundred thousand baht per each unlawfully employed person.

Any person who operates a factory in violation of section 11 paragraph two, paragraph three or paragraph four shall be liable to a term of imprisonment not exceeding two years or to a fine of two hundred thousand baht or two million baht, or both, and a daily fine of one hundred thousand baht to five hundred thousand baht per day for the entire duration of the violation.

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

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

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

Section 128. Any person violating section 35 shall be subject to a fine of between ten thousand baht and five hundred thousand baht, or to a fine of five times the value of the aquatic animals obtained through the fishing operation. In whichever case, the higher fine shall apply.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 135. Any person who engages in a fishing operation which fails to comply with section 50 shall be subject to a fine of one million baht.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 152. Any person undertaking a fishing operation or transshipping aquatic animals without reporting in accordance with the rules prescribed under section 81(2) or (3), section 82, or section 88(2) or (3), or reporting false data, or failing to return to a designated port as provided under section 81(5), shall be subject to a fine of ten thousand baht.

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

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

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

Section 153. The owner of any fishing vessel making use of a seaman without a license or permit pursuant to section 83 shall be subject to a fine of between four hundred thousand baht and eight hundred thousand baht per seaman, and the Director-General shall order the revocation of the owner's fishing license, and the Director-General of the Marine Department shall also revoke the seaman document of the master of the vessel pursuant to the law on navigation in Thai waters.

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

Section 155. Any person violating section 86 paragraph one, section 87 or failing to comply with section 89 shall be subject to a fine of between ten thousand baht and one hundred thousand baht, or to a fine of five times the value of the aquatic animals transshipped. In whichever case, the higher fine shall apply.

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

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

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

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

Section 157. Any producer or processor of aquatic animal product failing to prepare evidence for the purposes of traceability or prepare evidence for the purposes of

traceability based on false data shall be subject to a fine of between one hundred thousand baht and two million baht.

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

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

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

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

Section 162. Any person failing to comply with a letter of summons issued by the competent official issued pursuant to section 102(1), or fails to facilitate a competent official pursuant to section 102 paragraph five, or violating an order of the Director-General issued pursuant to section 113(2) shall be subject to a fine between ten thousand baht and fifty thousand baht.

In the case where an offender under paragraph one is a juristic person, such juristic person shall be subject to a fine between one hundred thousand baht and one million baht.

In the case where a violation of an order of the Director-General issued pursuant to section 113(2) pertains to the use of a vessel from ten gross tonnage onwards, an additional fine shall be levied in the amount of ten thousand baht per gross tonnage in excess of ten gross tonnage.

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

Section 164. Any person disclosing to another person information obtained from a vessel monitoring system or a fishing log book which should normally be kept

confidential, shall be subject to a term of imprisonment between one month and one year, or to a fine between one hundred thousand and one million baht, or both.

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

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

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

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

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

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

Section 166. A supporter or beneficiary from the commission of an offence pursuant to this Royal Ordinance shall be subject to the same penalty as if he/she were the principal thereof.

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

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

Section 169. All the fishing gears, aquatic animals, or aquatic animal products, fishing vessels and any other thing used for or obtained through the commission of an offense pursuant to this Royal Ordinance shall be forfeited, with the exception of a non-Thai fishing vessel for which the owner or the possessor has deposited a security as prescribed by a court of law, in which case the court may order the release of any such vessel.

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

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

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

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

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

Transitory Provisions

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

when a Ministerial Regulation, Notification, Directive or Order pursuant to this Royal Ordinance comes into force.

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

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

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

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

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

Countersigned by

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Prime Minister

Taxation Rates Schedule

Permits authorizing the use of classified fishing tools

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

Fee rates

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

1.6.3b_Staff of enforcement authorities, Details

- Online Workshop on Modern Customs Procedures for Improved Control of Trade in CITES-listed Species (7-9 Dec 2020)
- The Meeting of Fighting Wildlife Trafficking in the Golden Triangle held by WWF.
 - (1) First on 10 May 2019 at Chiang Rai Province.
 - (2) Second on 14 June 2019 at Chiang Rai Province.
- The Meeting of Province Wildlife Law Enforcement Network (P-WEN) during 5 – 7 August 2019 at Lao PDR held by WCS.
- The International workshop with The Republic of the Union of Myanmar at local level to strengthen cooperation against the poaching and transnational wildlife trade on 22 – 24 September 2019 at Kanchanaburi Province held by WCF.
- The meeting of Exchange views on Law enforcement against Wildlife trade cross border (Chiangkhong / Wiangkaen) on 26 – 27 November 2019 at Chiang Rai Province held by WWF.