

THAILAND
Regulation of the Prime Minister Office
On the Prevention and Combating of Oil Pollution
B.E. 2547 (2004)

As it is necessary to update the Regulation of the Prime Minister Office on the Prevention and Combating of Oil Pollution 1995 to achieve more effective response, the Prime Minister, by virtue of clause 11 (8) of the Administration Organization of the State Act B.E. 2534 (1991) hereby issues a regulation as follows.

1. This regulation shall be called "Regulation of the Prime Minister Office on the Prevention and Combating of Oil Pollution B.E. 2547".

2. This regulation shall come into force on the day following the date of its publication in the Government Gazette.

3. The Regulation of the Prime Minister Office on the Prevention and Combating of Oil Pollution B.E. 2538 (1995) shall be abolished.

4. Other rules, regulations, cabinet's resolutions and orders as mentioned in this Regulation or which contradict this Regulation shall be replaced by this Regulation.

5. In this Regulation

"Operation Plan" means the operation plan for the prevention and combating of oil pollution as formulated by the Committee on the Prevention and Combating of Oil Pollution in accordance with this Regulation.

"Oil Pollution" means pollution resulted from a discharge or a leakage of oil or a dump of oily debris into the sea or water resources during the production, drilling, transport, transfer or storage of oil.

"Oil" means petroleum in any forms and other hardly degradable oils including oily debris.

"Operation" means action to prevent and combat oil pollution and to reduce oil pollution's impact.

"Coordination Centre" means a coordination centre for the prevention and combating of oil pollution established in accordance with this Regulation for the purpose of

coordinating the operation to ensure its effectiveness and to contact outside agencies to provide or request assistance in combating oil pollution in an oil spill incident.

“Operation Unit” means a public or private agency assigned to carry out duties as specified in the Action Plan.

“Public Agency” means ministry, bureau, department, regional administration, local administration, government organization and state enterprise.

“Private Sector” means an individual or a group of individuals with responsibility as specified in the Action Plan.

6. There shall be a committee called “the Committee on the Prevention and Combating of Oil Pollution” consisting of Minister of Transport as Chairperson, Permanent Secretary of the Ministry of Transport as Vice-Chairperson and the followings as members.

Director-General of the Department of Aviation or his representative

Director-General of the Pollution Control Department or his representative

Director-General of the Department of Marine and Coastal Resources or his representative

Director-General of the Customs Department or his representative

Director-General of the Department of Treaties and Legal Affairs or his representative

Director-General of the Meteorological Department or his representative

Director-General of Operations of the Royal Thai Army or his representative

Director-General of the Naval Operations Department or his representative

Director of Operations of the Royal Thai Air Force or his representative

Director-General of the Naval Hydrographic Department or his representative

Representative of the Ministry of Agriculture and Cooperatives

Representative of the Ministry of Interior

Representative of the Royal Thai Police

Representative of the Comptroller-General's Department

Representative of the Bangkok Metropolitan Administration

Representative of the Port Authority of Thailand

Representative of the CAT Telecom Public Company Limited

Chairperson of the Oil Industry Environmental Safety Group Association (IESG) or his representative

Other technically qualified individuals, not more than six, to be appointed by the Minister of Transport from those who have expertise in the fields of oil, economics, law, international organizations, mass communications, public relations or environment.

The Director-General of the Marine Department shall be a member and a secretary of the committee. Representative of the Office of the Permanent Secretary of the Ministry of Transport and Representative of the Marine Department shall be members and assistant secretaries.

7. The technically qualified members appointed by the Minister of Transport shall serve a term of two years. In the case of the appointment of a new member while the term of other appointed members has not yet expired, the member who is newly appointed as a replacement or as an additional member shall serve only the remaining of the term of these members.

A member who already serves his term may be re-appointed.

8. In addition to the expiration of the term of service under paragraph 7, the tenure of the technically qualified member shall be terminated upon

- (1) death
- (2) resignation
- (3) being sentenced to imprisonment except in the case of an offence committed through negligence or a petty offence
- (4) being an incompetent or quasi-incompetent person
- (5) being a bankrupt

9. Quorum and procedures of meeting of the Committee shall be as stipulated by the Committee.

10. The Committee shall have the following functions:

- (1) formulation of policy on the prevention and combating of oil pollution
- (2) formulation of the Operation Plan covering at least all of the followings:
 - (a) identification of duties and responsibilities of Operation Unit;
 - (b) inspection and monitoring during the incident;
 - (c) communications and processing of incident notification;
 - (d) acquisition of manpower and support equipment;
 - (e) recover of spilled oil and oily debris from water resources, seas and coastlines;

- (f) mobilization of spilled oil and oily debris;
 - (g) restoration of water resources, sea and coastlines to a pre-contaminated condition or as close as possible;
 - (h) public and media relations;
 - (i) other operations as necessary;
- (3) control and supervision of the prevention and combating of oil pollution
 - (4) follow-up and evaluation of the operation including public/media relations and reporting news concerning prevention and combating of oil pollution
 - (5) formulation of criteria to be used for the appraisal of operation cost and damage cost incurred from the oil pollution
 - (6) financial control and management of donation granted to the Operation Unit which is a public agency, as mentioned in article 17
 - (7) expedition and follow-up of legal action taken against violator causing oil pollution
 - (8) appointment of sub-committee

11. The Marine Department acts as the Coordination Center with the following responsibilities:

- (1) administrative matters pertaining to the Committee
- (2) processing of incident notification
- (3) coordinating with the Operation Units in the incident
- (4) preparing environmental impact assessment reports
- (5) studying, researching, compiling, and exchanging information on the prevention and combating of oil pollution
- (6) coordinating with government agencies in a set-up of personnel trainings and exercises to ensure smooth cooperation and submitting the training and exercise reports to the Committee
- (7) disbursement of advanced funds in accordance with the regulations of the Ministry of Finance
- (8) additional responsibilities assigned by the Committee
- (9) other responsibilities as designated in this Regulation or assigned by the Cabinet or the Prime Minister

12. The Operation Units shall consist of the following public agencies and private sectors.

- (1) Royal Thai Army
- (2) Royal Thai Navy
- (3) Royal Thai Air Force
- (4) Office of the Permanent Secretary of the Ministry of Agriculture and Cooperatives
- (5) Office of the Permanent Secretary of the Ministry of Transport
- (6) Office of the Permanent Secretary of the Ministry of Interior
- (7) Department of Aviation
- (8) Department of Local Administration
- (9) Marine Department
- (10) Pollution Control Department
- (11) Royal Thai Police
- (12) Department of Marine and Coastal Resources
- (13) Customs Department
- (14) Department of Treaties and Legal Affairs
- (15) Office of Natural Resources and Environmental Policy and Planning
- (16) Port Authority of Thailand
- (17) CAT Telecom Public Company Limited
- (18) Oil Industry Environmental Safety Group Association (IESG)
- (19) private agencies other than (18)

13. The Operation Unit shall timely carry out the operation for the prevention and combating of oil pollution in accordance with the Operation Plan. If obstacles are confronted, the Operation Unit shall report such obstacles to the Committee without delay to allow consideration for further action in a timely manner.

14. When oil pollution occurs, the Operation Unit shall report the progress of each stage of operation in accordance with the Operation Plan to the Secretary of the Committee, who after receiving of such report, shall inform the Committee without delay.

After the operation in paragraph 1 is completed, the Secretary of the Committee shall submit the report analyzing causes of oil pollution and the report on the operation to the Committee.

15. Public agencies concerned shall provide supports regarding technical experts, manpower, facilities, equipment, chemicals, vehicles and others that are necessary for the implementation of the Operation Plan as requested by the Coordination Centre.

16. The Coordination Centre may request cooperation and supports from private sectors in terms of experts, manpower, facilities, equipment, chemicals, vehicles and others necessary for the Operation.

17. The money donated for the prevention and combating of oil pollution can be used by the Operation Unit which is a public agency for the purpose in accordance with this Regulation. This money needs not be forwarded to the Ministry of Finance as government revenues.

The money received from compensation claim shall be forwarded to the Ministry of Finance by a government agency as government revenues.

18. With regard to the acquirement of equipment, chemicals, vehicles and others necessary for prevention and combating oil pollution, the Operation Unit which is a public agency shall prepare the budget in accordance with the law on budgeting procedures.

19. The Minister of Transport shall take charge and implement of this regulation.

Given on.....

(Taksin Shinnawat)

Prime Minister