

**VOLUNTARY PARTNERSHIP AGREEMENT
BETWEEN THE EUROPEAN UNION
AND THE KINGDOM OF THAILAND
ON FOREST LAW ENFORCEMENT,
GOVERNANCE AND TRADE**

FLEGT LICENSING SCHEME

1. General requirements and provisions for FLEGT licences
 - 1.1. Any shipment of timber and timber products (hereinafter referred to as “timber products”) included in Annex I to this Agreement exported from Thailand to the Union market is required to have a FLEGT licence. In accordance with Council Regulation (EC) No 2173/2005 and this Agreement, the Union shall accept such shipments from Thailand for import into the Union only if they are covered by FLEGT licences.
 - 1.2. In accordance with point (f) of Article 2 of this Agreement [Note to TH: this relates to the draft legal text], a FLEGT licence is a document issued by the Licensing Authority for a shipment of legally produced timber to be exported to the Union that is verified in accordance with the criteria and procedures laid down in this Agreement.
 - 1.3. A FLEGT licence shall be issued for a single shipment of a single exporter to a single point of entry into the Union. One single FLEGT licence should not be declared to more than one customs office in the Union.
 - 1.4. A FLEGT licence shall be issued before customs clearance in Thailand.
 - 1.5. A FLEGT licence may be in paper or electronic form. The licence form shall be made available by the Licensing Authority in English [and Thai], and the required information shall be provided in English. Both paper-based and electronic licences shall contain all information specified in the form and in accordance with the notes for guidance set out in the Appendix to this Annex.
 - 1.6. For complex shipments for which it may not be possible to include all required information referred to in Template 1 in the Appendix, an authorised attachment (additional goods description attached to the FLEGT licence) including qualitative and quantitative information related to the description of the shipment, as specified in Template 2 in the Appendix, must be

added to the licence. In that case, the corresponding boxes in the licence shall not include information on the shipment but reference to the authorised attachment.

1.7. In addition to FLEGT licensing for timber products exported to the Union market, Thailand may consider the application of a licensing scheme based on the THTLAS for all export markets.

2. Technical specifications with regard to paper-based FLEGT licences

2.1. Paper-based licences shall conform to the form set out in the Appendix to this Annex.

2.2. The paper size shall be standard A4.

2.3. A FLEGT licence shall be completed in typescript or by computerised means.

2.4. The stamps of the Licensing Authority shall be applied by means of a stamp. However, an embossment or perforation may be substituted for the Licensing Authority stamp.

2.5. The Licensing Authority shall use a tamper-proof method to ensure the authenticity of the FLEGT licence and to record the quantity allocated in such a way as to make it impossible to insert figures or references.

2.6. The form shall not contain any erasures or alterations, unless those erasures or alterations have been authenticated by the stamp and signature of the Licensing Authority.

3. Copies of FLEGT licences

3.1. The Licensing Authority shall issue a single original FLEGT licence to the licence applicant, who shall send it to the importer.

- 3.2. The importer shall lodge the original FLEGT licence with the competent authority of the Member State of the Union in which the shipment covered by that licence is declared for release for free circulation.
 - 3.3. Electronic copies of the FLEGT licence shall also be submitted by the importer to the relevant Union customs authority and the competent authority.
 - 3.4. The Licensing Authority shall retain for its records and for possible future verification of licences issued an electronic [Note to TH: if TH prefers there can also be a paper copy for the Licensing Authority – in that case the copy needs to be issued together with the original licence] copy of each FLEGT licence. A system shall be in place to ensure that the electronic database and the copies of the licences archived therein have legal value [Note to TH: TH to insert reference to law or regulation that assures legal value].
 - 3.5. The release for free circulation of the shipment within the Union is subject to the provisions set out in Annex III.
4. Licensing requirements for timber subject to the provisions of CITES
 - 4.1. Timber subject to the provisions of CITES, or products containing such timber that enter the supply chain in Thailand, are subject to the same THTLAS verification as other timber.
 - 4.2. Before export, the CITES Office of the **Department of Agriculture** of Thailand shall ensure that timber subject to the provisions of CITES or products containing such timber meet all THTLAS requirements.
 - 4.3. The CITES Office of the **Department of Agriculture** shall issue CITES permits for shipments into the Union containing only timber that is subject to the provisions of CITES or products containing such timber. Such timber products shall be exempted from the requirement to obtain a FLEGT licence [Note to TH: if TH prefers to, in addition to the CITES permit, issue a FLEGT licence to such shipments this is in principle possible. The FLEGT licence however

is not needed for entry into the Union market].

5. Licensing procedures

5.1. Licensing Authority

The Licensing Authority of Thailand shall be the Forestry Foreign Affairs Office.

The Licensing Authority is responsible for issuing FLEGT licenses, and for storing relevant data and information, for information exchange between Thailand and the competent authorities in the Member States of the Union, as well as other competent Thai authorities or licensees on FLEGT licence-related issues.

The detailed requirements and procedures for the issuance, extension of the validity, withdrawal, replacement and management of FLEGT licences shall be regulated by the Government of Thailand after the signing of this Agreement. The FLEGT licensing procedures shall be made public.

The Government of Thailand shall provide the Union and its Member States with authenticated sample licences, specimens of stamps of the Licensing Authority, and signatures of the authorised officers.

The Licensing Authority shall establish systems to receive both hard-copy and electronic licence registrations in order to respond to the capacity and location of export operators. The FLEGT licensing system will be progressively linked to the National Single Window system of Thailand as conditions allow for development of the systems.

In line with the definition of “goods of a non-commercial nature” included in point 21 of Article 1 of Delegated Regulation (EU) 2015/2446, samples and demonstration products for commercial purposes are subject to the FLEGT licensing scheme when exported to the Union market.

5.2. [Licensing steps [inclusion of chapter 5.2. to be decided later]]

The licensing steps are illustrated in Figure 1.

Step 1: Submission of application to Licensing Authority

The applicant exporting timber to the Union submits the application for FLEGT licensing to the Licensing Authority for each export shipment. Upon receipt, the application is registered by the Licensing Authority.

Step 2: Licensing Authority requests assessment of application by Verification Institution

The Licensing Authority forwards a copy of the application for FLEGT licensing to the Verification Institution, requesting a compliance assessment.

Step 3: Verification Institution assesses compliance

Upon receipt of request, the Verification Institution assesses whether the application complies with the Legality Definition and Supply Chain Control requirements, as prescribed in section 6.2. of the THTLAS.

Figure 1: FLEGT licensing procedure [TH to add]

Step 4: Licensing decision

The Verification Institution shall inform the Licensing Authority of the results of the assessment.

- (a) In cases where the application is assessed to be compliant with THTLAS requirements, the Licensing Authority shall issue the FLEGT licence for the shipment, unless it identifies any other legal or procedural issues that need to be resolved, independently of the Verification Institution's assessment.
- (b) In cases where the Verification Institution assesses that compliance requirements have not been satisfied, the Licensing Authority shall reject the application for FLEGT licensing. The Verification Institution shall clearly identify all areas of non-compliance in the written report it submits to the Licensing Authority.

Step 5: Remedial action

When the Licensing Authority identifies other legal or procedural issues, or the Verification Institution assesses the application to be non-compliant with THTLAS requirements, the Licensing Authority shall inform the applicant of the identified legal or procedural issue, or area of non-compliance, and provide written instruction on the necessary remedial action; unless a violation is detected, in which case the Licensing Authority shall take action in line with applicable legislation.

The applicant shall take the necessary remedial action within the period specified by the Licensing Authority. If the applicant fails to take the necessary remedial action within the specified period, the Licensing Authority shall reject the application for FLEGT licensing. The Licensing Authority shall provide the reason for the rejection of the application to the applicant in writing.

An applicant may challenge the decision of the Licensing Authority through the process

prescribed in Section 10 [THIS REFERENCE WILL CHANGE] of the THTLAS.

Unless a violation has been detected, the applicant may submit a new application for FLEGT licensing for the same export shipment, once they have remedied the identified areas of non-compliance, or legal or procedural issue.]

6. Validity, withdrawal and replacement of FLEGT licences

6.1. Validity and extension of validity of FLEGT licences

A FLEGT licence shall be valid from the date on which it is issued.

The period of validity of a FLEGT licence shall not exceed six months. The date of expiry shall be indicated on the licence.

After the date of expiry of the licence, the validity of the licence may be extended once for another period of a maximum of two months by the Licensing Authority. In cases where an extension of the validity of the licence is required, applicants shall submit a written request to the Licensing Authority together with any explanation on the request to extend the validity of the licence. Upon such extension, the Licensing Authority shall insert and validate the new expiry date in the licence.

6.2. Withdrawal of FLEGT licences

The FLEGT licence shall be withdrawn in the following situations:

- any violation of the exporter related to the shipment is identified after the licence has been issued;

- the FLEGT licence expires without the export of timber products having taken place and without the request for an extension of the validity of the licence;
- the exporter returns the licence.

6.3. Replacement of FLEGT licences

A FLEGT licence may be replaced in the following situations:

- the FLEGT licence is lost, stolen or destroyed;
- the FLEGT licence contains mistakes by the Licensing Authority;

In the event of loss, theft or destruction of the original FLEGT licence, the licensee or the licensee's authorised representative may apply to the Licensing Authority for a replacement. Together with the application, the licensee or the licensee's authorised representative shall provide an explanation for the loss, theft or destruction of the original licence.

If the Licensing Authority is satisfied with the explanation, the Licensing Authority shall issue a replacement licence within [five] working days of receipt of the request from the applicant exporting timber to the Union. The replacement shall contain the information and entries that appeared on the licence it replaces, including the licence number, and shall bear the stamped endorsement "Replacement Licence" and the date of issue of the replaced licence.

In the event that the lost or stolen licence is retrieved, it shall not be used and shall be returned to the Licensing Authority.

For licences containing mistakes by the Licensing Authority, the Licensing Authority shall withdraw the FLEGT licence and issue a corrected licence, which shall be authenticated with the stamped endorsement "Duplicate" and forwarded to the competent authority in the EU.

6.4. FLEGT licence re-application

A new FLEGT licence shall be requested by the exporter whenever there is a change in the timber product, HS code, species or number of units, or any deviation in the weight and/or volume of the shipment by more than 10 % in comparison with the FLEGT licence. The original FLEGT licence must first be withdrawn under Section 6.2, either by the Licensing Authority or the exporter, and the withdrawal documented, before a new FLEGT licence covering the same export shipment can be issued.

7. Management of violations related to FLEGT licensing

In the event of (a) any violation or fraudulent information related to the application for FLEGT licensing, or (b) counterfeiting, altering or modifying information in the licence or infringement of the licensing regulations, administrative or legal measures shall apply according to the level of violation, in accordance with Thai law and regulations.

8. Responsibility of the Licensing Authority

- The FLEGT licence shall be issued to the exporter in line with relevant provisions of this Agreement.
- In any case concerning the extension of the validity, withdrawal or replacement of the FLEGT licence, the Licensing Authority shall inform the competent authority concerned.
- The Licensing Authority is responsible for responding to any questions from the competent authorities, as well as other authorities of Thailand, if there is doubt concerning the authenticity and validity of any licence, and providing additional information and clarification as requested.
- The Licensing Authority shall manage a licensing database for the applications received, including FLEGT licences issued and applications rejected.

FLEGT LICENCE FORM

Template 1: FLEGT licence form [Note to TH: the use of this template is mandatory; logos can be added]

European Union

FLEGT

ORIGINAL	1 1. Issuing authority/ Name, address/:		2. Importer/ Name, address/:	
	3. FLEGT licence number / :		4. Date of expiry (DD/MM/YYYY) / :	
	5. Country of export / :		7. Means of transport/:	
	6. ISO code / :			
	8. Licensee / : Name, address, and [business / exporter] registration number [or tax payer number] of the exporter /:			
	9. Commercial description of the timber products/:		10. HS heading/:	
1	11. Common and scientific names /:		12. Countries of harvest /:	13. ISO code of countries of harvest /:
	14. Volume (m ³) /:		15. Net weight (kg) /:	16. Number of units /:
17. Distinguishing marks (if any) / :				
18. Signature and stamp of issuing authority /:				
		Signature and stamp of issuing authority		
Place /				
Date (DD/MM/YYYY) /				

Template 2: Form for the authorised attachment [Note to TH: this template is an example and can be further refined]

No	Commercial description of the timber products /	HS heading	Common and scientific name /	Countries of harvest /	ISO code of country of harvest	Volume (m ³)	Net weight (kg)	Number of units

Place

Date
(DD/MM/YY)

Signature and stamp of issuing authority

DRAFT

Notes for guidance on FLEGT licence

General:

- Complete in capitals.
- ISO codes, where indicated, refer to the international standard two-letter code for any country.
- Box 2 is for use by the Thai authorities only.

Box	Specification	Meaning
1	Issuing authority	Indicate the full name and address of the Licensing Authority.
2	Information for use by Thailand	Indicate the full name and address of the importer. [Note to TH: other information can be added for TH internal purposes]
3	FLEGT licence number	Indicate clearly the licence number in the required format.
4	Date of expiry	Indicate clearly the expiry date of licence.
5	Country of export	This refers to the partner country from where the timber products were exported to the Union.
6	ISO code	Indicate the two-letter code for the partner country referred to in Box 5.

Box	Specification	Meaning
7	Means of transport	Indicate the means of transport at the point of export.
8	Licensee	Indicate the name, address and [business / exporter] registration number [or tax payer number] of the exporter.
9	Commercial description of timber products	Indicate the commercial description of the timber product(s). The description should be sufficiently detailed to allow for classification into the HS.
10	HS heading and description	Give the six-digit commodity code established pursuant to the Harmonised Commodity Description and Coding System.
11	Common and scientific names	Indicate the common and scientific names of the species of timber used in the product. Where more than one species is included in a composite product, use a separate line. May be omitted for a composite product or component that contains multiple species whose identity has been lost (e.g. particle board).
12	Countries of harvest	Indicate the countries where the species of timber referred to in Box 10 was harvested. For a composite product, include for all sources of wood used. May be omitted for a composite product or component that contains multiple species whose identity has been lost (e.g. particle board).

Box	Specification	Meaning
13	ISO code of country of harvest	Indicate the ISO code of the countries referred to in box 12. May be omitted for a composite product or component that contains multiple species whose identity has been lost (e.g. particle board).
14	Volume	Give the overall volume in m ³ . May be omitted unless the information referred to in box 15 has been omitted.
15	Net weight	Give the overall weight in kg. This is defined as the net mass of the timber products without immediate containers or any packaging, other than bearers, spacers, stickers etc. May be omitted unless the information referred to in box 14 has been omitted.
16	Number of units	Indicate the number of units, where a manufactured product is best quantified in this way. May be omitted.
17	Distinguishing marks	Indicate any distinguishing marks where appropriate (e.g. lot number, bill of lading number[, barcode]). May be omitted.
18	Signature and stamp of issuing authority	The box shall be signed by the authorised official and stamped with the official stamp of the licensing authority. The place and date shall also be indicated.