

Minutes of The Ad-Hoc Working Group Meeting

No. 3/2017

On 31st August 2017 at Orchid 3 meeting room,

Rama Garden Hotel, Bangkok

Ad-Hoc Working Group

1. Mr. Chonlatid Suraswadi Director-General , RFD
2. Mr. Sukan Sirichantaradilok Legal Officer, Professional Level, Thai Customs Department
3. Pol. Maj. Wittaya Kitkamtorn Inspector Super Intendent, Crime Suppression Division About Natural Resources and Environment (Land Administration)
4. Mr. Narongchai Chonlapap Manager of Commercial Wood Innovation Office, Forest Industry Organization
5. Mr. Worapob Chuainukul Legal Officer, Professional Level, Agricultural Land Reform Office
6. Mr. Seree Rattajaiyen Director of Private Plantation Division, Reforestation Promotion Bureau, RFD
7. Mr. Niwat Luengborisut Forestry Officer Professional Level, Reforestation Promotion Bureau, RFD
8. Mr. Piya Kengpenkhae Legal Officer, Practitioner Level, Legal Bureau, RFD
9. Mr. Metanee Seemantra Forestry Technical Officer, Professional Level, Forest Protection and Fire Control Bureau, RFD
10. Mrs. Benjawan Kongruai Economic Officer, Professional Level, Forest Research and Development Bureau, RFD
11. Mr. Krek Meemoogkij Secretary, Community Enterprise Network
12. Mr. Trakul Sawangarom President, Community Forest Network in 5 Province of Eastern Forest Complex
13. Mr. Wichian Sattathara President, Mueng Ling Family Forest Network, Surin
14. Mr. Phongsa Choonam President, Tree Bank
15. Mrs. Yingluck Patiphanthewa President, Private Forest Plantation Cooperative Limited
16. Mr. Ekkasit Aneksitthisin The Thai Chamber of Commerce and Board of Trade of Thailand

- | | | |
|-----|-----------------------------|---|
| 17. | Mr. Karoon Krairawee | Thai Timber Association |
| 18. | Ms. Rungnapa Wattanavichian | Thailand Forest Certification Council,
The Federation of Thai Industries |
| 19. | Mr. Pingsun Wang | Secretary, Thai Panel Product Industry Club |
| 20. | Mr. Poramet Payapsatan | FLEGT-VPA Project Coordinator, RECOFTC |

Absentees

1. Representative of Department of Trade Negotiations
2. Representative of Department of Foreign Trade
3. Representative of Planning and Information Technology Bureau, RFD
4. Representative of Forest Land Management Bureau, RFD
5. Representative of the Sawmill Association
6. Asst. Prof. Ethipol Srisaowalak, Legal Expert
7. Representative of Faculty of Forestry, Kasetsart University
8. Director of Permission Bureau, RFD
9. Director of Forest Certification Division, RFD

Attendees

- | | | |
|----|---------------------------|--|
| 1. | Mr. Warakorn Kasempankul | Forestry Technical Officer, Professional Level, RFD |
| 2. | Mr. Wirachai Meerungruang | Customs Officer, Experienced Level, Customs Department |
| 3. | Mr. Thawat Karnsomdee | Customs Officer, Experienced Level, Customs Department |
| 4. | Mr. Silpachai Sukprasert | Customs Officer, Experienced Level, Customs Department |
| 5. | Mr. Sapol Boonsermsuk | Director of International Forestry Cooperation Office, RFD |
| 6. | Ms. Sarintara Laochan | Forestry Technical Officer, Forest Research
and Development Bureau, RFD |
| 7. | Mr. Thanun Ounkomol | Vice President, Thai Furniture Industry Club |
| 8. | Ms. Wasu Wipoosanapat | RECOFTC |

9. Ms. Pawinee Udommai Legal Consultant
10. Mr. Wiroat Kanaphongsa Manager, Thai Panel Product Industry Club
11. Ms. Arunwan Petchsung Thai Hevea Wood Association
12. Mr. Thanapol Torsittidechkul Consultant, Thai Hevea Wood Association
13. Ms. Supassara Chaipipat Trade and Investment Promotion Officer
The Thai Chamber of Commerce and Board of Trade of Thailand
14. Dr. Narumol Phookhaw Director of Agricultural Industry Institute
15. Mr. Piya Kengpenkhae Legal Officer, Practitioner Level, Legal Bureau, RFD
16. Mr. Rattawut Chitphana Legal Officer, Practitioner Level, Reforestation Promotion
Bureau, RFD
17. Mr. Thada Suwanwimon Forestry Technical Officer, Professional Level,
Permission Bureau, RFD
18. Mr. Boonsuthee Jeravongpanich Forestry Technical Officer, Professional Level,
Permission Bureau, RFD
19. Ms. Nongnut Sae-Jia Forestry Technical Officer, Professional Level,
Permission Bureau, RFD
20. Ms. Pattayasorn Panthong Finance and Accounting Officer, Experienced Level
Permission Bureau, RFD
21. Mr. Krittasin Yammoon Forestry Officer, Permission Bureau, RFD
22. Ms. Pitchaya Wetchasap Coordinator, Permission Bureau, RFD
23. Ms. Chatdinee Konman Coordinator, Permission Bureau, RFD
24. Ms. Panjit Tansom Technical Consultant, Thai - EU FLEGT Secretariat Office (TEFSO)
25. Ms. Isiyanee Samrit Database Officer, Thai - EU FLEGT Secretariat Office (TEFSO)
26. Ms. Kessara Sanmongkol Operation Officer, Thai - EU FLEGT Secretariat Office (TEFSO)
27. Ms. Somrudee Nicro FLEGT Facilitator for Thailand, EFI
28. Ms. Erica J. Pohnan Consultant FAO-FLEGT Programme Asia-Pacific, FAO
29. Mr. Jongsatid Angwittayatorn Project Officer of FAO-FLEGT Programme Asia-Pacific, FAO

The meeting started at 09.40 hrs.

Mr. Chonlatid Suraswadi, the Director-General of the Royal Forest Department (RFD) was the chairman of the Thai- EU FLEGT VPA Ad-Hoc Working Group meeting No.3/2017. There were 51 participants from government sector, civil society, and private sector. The meeting was run agendas as following:

Agenda item 1: Notifications

Royal Forest Department is responsible for forestry development; therefore, cooperation among all relevant sectors is needed for management. Thai government has an explicit way to proceed among RFD, Department of National Park, Wildlife and Plant Conservation, and Department of Marine and Coastal Resources. RFD has two dimensions in order to conduct natural resources management and take care of area in national reserved forest. RFD's goal is to increase forest area of Thailand to 40% of Thailand's area. Thus, RFD creates a policy to promote planting, domestic plantation in order to lessen importation and facilitate timber business in Thailand. Now, there is no law regulating evidence of transporting timber on private land; hence, discussion on this point must be operated clearly and it can lead to build certification system through standard and civilized country's acceptance.

Agenda item 2: Approval the minute of The Ad-hoc Working Group Meeting of Thai-EU FLEGT VPA on LD Field Testing No.2/2017 on Wednesday, 19th August 2017

Resolution The meeting adopted the minutes.

Agenda item 3: Accordance with The Ad-hoc Working Group Meeting on LD Field Testing No. 2/2016 on 19th August 2017

3.1 The consultant will send the summary the number of sites and considering select sites to cover as planned to TEFSO to circulate the document via email in order to fill the needed information such as co-participants' name and sites which cannot be concluded at the meeting to Ad-hoc Working Group.

- TEFSO circulated the document identified co-participants name/sites for LD field testing via e-mail, also coordinated with co-participants already.

3.2 TEFSO collected all data to coordinate and set up the schedule then circulate to Ad-hoc Working Group.

- TEFSO coordinated and announce for observers who were interested in field testing (M032/2017 on 9th August 2017), including uploaded the schedule on website for dissemination.

3.3 TEFSO will circulate the draft minutes of JEM2 and NEG1 to Thai committee.

- TEFSO circulated M029-1/2017, Minutes of JEM2, English version on 31st July 2017; and M027/2017, Minutes of NEG1 English version on 5th July 2017.

Resolution The meeting was informed.

Agenda item 4: Notifications

4.1 Update on the minutes of JEM and NEG

Ms. Panjit Tansom, Technical Consultant of Thai-EU FLEGT Programme, informed the meeting that TEFSO already translated the minutes of the 1st NEG into Thai, also circulated to Thai Committee via e-mail on 30th August 2017 (M027-1/2017). Furthermore, the minutes of the 2nd JEM in Thai version is being reviewed on translation. If it is finished, TEFSO will distribute to Sub-Committee.

Resolution The meeting was informed.

4.2 Update on Legality Definition (LD) Field Test

Ms. Pawinee Udommai, Local Consultant of LD Field Test, reported that due to field testing on 14 sites to verify the efficiency of indicators of each operator during two weeks. From the Consultant's point of view, there are interesting points as following:

- **Verification:** According to LD, some details has not been integral yet, for example, Forest Checkpoint and Customs Checkpoint at Lad Krabang were found that imported timber is stamped together with Import Entry, including inspected by a forest officer, customs officer and agricultural officer.

- **Environmental and Social Effects:** Primarily, the operators still realize the environmental effects, both marine and air, through Maintenance of Public Sanitary and Order Act and other local Acts not identified in LD.

- **Issuing Letter of Acknowledgement for timber:** The way to issue Letter of Acknowledgement for timber by Khao Chakan Community Enterprise is systematic and verifiable. However, this system must be studied that whether the law is based.

- **Registration Steps:** The systematic and reliable verification must be recognized. Moreover, it must be more studied to comply with TLAS. Nevertheless, the documents need to be credible and certified by an authorized officer.

- **RFD Single Window/E-tree:** The consultant noticed that RFD Single Window may be adaptable to TLAS, but it needs to be developed completely.

For field testing in next week, the auditors will visit at the North-East and the South. The findings will be analyzed and concluded then. However, this project is expected to finish in the end of September or the early of October 2017.

Mr. Chonlatid Suraswadee, Director-General of RFD, suggested that in the next meeting, government sector and others relevant to social aspect should be invited for discussion.

Resolution The meeting was updated on LD field test. Also, the meeting agreed to invite related offices to participate the meeting.

Agenda item 5: Discussion

5.1 Presentation on Conclusion of post-discussion about verification of imported timber, refer to the previous meeting

Mr. Boonsuthee Jeravongpanich, Permission Bureau, explained how to control imported timber in Vietnam (Attachment No.1). Basically, Vietnam considers types of license (FLEGT or CITES) attached with imported timber. On the other hand, in case of imported timber without that license, self-certification is available. In accordance with Ad-hoc Working Group Meeting No. 2/2017 on TLAS Description on Tuesday 25th April 2017, the meeting agreed with these following summary:

- The way to control imported timber of Vietnam is model.
- Timber and timber products certified by FLEGT, CITES, FSC, or other international licenses can be imported automatically.
- Those certified timber or timber products can be checked through Due Diligence System which is a scrutiny of documents instead of risk assessment based on species and source of timber.
- There must be a regulation of imported timber under the same standard to easily carry out.

Ms. Panjit Tansom, Technical Consultant, reiterated the resolution of the previous Ad-hoc Working Group Meeting on TLAS that imported timber is verified through Due Diligence System. Then, she asked for the discussion on how to operate and conclude from the meeting.

Mr. Thanun Ounkomol, Vice President of Thai Furniture Industry Club, clarified that DDS is to examine species and source of timber. In personal opinion, there is no need to set up any organizations to certify or legislate. The operators just prepare documents thoroughly as an evidence presenting self-certification. The meeting agreed to build TH DDS based on Thai context for supporting the verification of imported timber.

Mr. Chonlatid Suraswadee, Director-General of RFD, encouraged to build TH DDS based on Thai context and emphasized that it must be voluntary. In addition, he appointed the private sector to establish TH DDS Working Group. Mr. Thanun Ounkomol acts as a leader of that Working Group (Name list of TH DDS as attached No.2)

Resolution The meeting agreed to appoint TH DDS Working Group, with Mr. Thanun Ounkomol as the leader (Name list of TH DDS as attached No. 2).

5.2 Presentation on Verification of unregulated species on private land

(1) How E-tree work and benefits by Forest Certification Office (FCO)

Mr. Thada Suwanwimon, Permission Bureau, presented how e-tree works and benefits. E-tree is a system under the strategic plan and conducted by FCO. This system aims to commercially

assure the legality of timber. It has been developed to be used via mobile phone. Furthermore, it focuses on timber on private land. It records information such as land document, ID card, physical information of timber so that exportation can refer to these kinds of information. Also, E-tree facilitates checking information (Attachment No. 3).

Resolution The meeting was informed the overview of E-tree.

(2) Conducting Project Pilot and Discussion by RECOFTC

2.1 The project of promoting small-farmers' capacity to legally access timber and trade in order to efficiently comply with VPA in Thailand

Mr. Poramet Payapsatan, a representative of RECOFTC, presented the project of promoting small-farmers' capacity to legally access timber and trade in order to efficiently comply with VPA in Thailand (Attachment No. 4). It aims to raise awareness based on situation and operators' intention to certify unregulated species at present and to discuss an appropriate way of unregulated species certification in order to offer the options of unregulated species certification to technical working group. This project refers to three different operators identified in LD, namely, 1) Public Land (National Reserved Forest) Operators 2) Public Land (Other Than National Reserved Forest and Protected Forest) Operators 3) Private Land Operators. It has been conducted in three sites: 1) Mae Tha sub-district, Mae On district, Chiang Mai where is legally permitted as Sor Thor Kor or Khor Thor Chor 2) Pluang Thong sub-district, Bo Thong district, Chonburi where is legally permitted as Sor Por Kor and 3) Muang ling sub-district, Chom Phra district, Surin where is under Land Code (Land title deed). It has been studied a process of legal logging activity of each type of land that what problems occur while logging by small-farmer is in process. Then, the findings will be shown under FLEGT VPA of Thailand and be discussed in Ad-hoc Working Group later. Now, this project is being conducted (Attachment No.4).

Resolution The meeting was informed with no additional suggestions.

2.2 The study of right and ownership on small-farmers' forest land in National Reserved Forest

Mr. Poramet displayed the study of right and ownership on small-farmers' forest land in National Reserved Forest. This study refers to the gap paper in the topic of accessing to the land/right to harvest the timber on public land. The study aims to collect quantitative information of land where people live on public land, including legal status of such land. Moreover, it is to review the law, regulation, policy and past operation related to forestry land in order to learn conditions, restrictions and opportunities to give the currently legal right of forestry land ownership and to present information and suggestion to relevant offices and FLEGT VPA Ad-hoc Working Group to improve the legality definition and the timber legality assurance system. Plus, this project will be presented on 3rd October 2017 and Ad-hoc Working Group will be invited to that meeting (Attachment No. 5).

Resolution The meeting was informed with no additional suggestions.

2.3 Discussion to conduct gap paper on certification of the origin of unregulated species

Mr. Poramet talked about the discussion to conduct gap paper on certification of the origin of unregulated species. According to the previous discussion on FLEGT VPA, there were plenty of options to certify unregulated species. RECOFTC collected those and finalized as follows: 1)

cancellation of the attachment of Plantation Act identified that only 58 species are allowed to register 2) certification by local mechanisms 3) building up self-certification 4) certification of Thai Hevea Wood Association 5) certification of Eucalyptus Group 6) certification under TFCC standard 7) certification through E-tree 8) certification of Thai Timber Association 9) improvement of species list. One of many options written in gap paper is to improve the attachment of Plantation Act or to permit all species to register. Mr. Poramet presented the current circumstance of this club, including suggestion from the meeting. There are four options needed to discuss further (Attachment No. 6).

Resolution The meeting was informed.

(3) The study of verification of unregulated species on private land by Ms. Pawinee Udommai

A research of timber and timber products certification under VPA between Thailand and EU (Attachment No. 7) aims to suggest the way to set up a system of timber and timber products certification and the way to improve the law complied with VPA between Thailand and EU, and to suit for logging activity in Thailand. This research focuses on rubber wood on private land. The 403 farmers were tested and 53% of that wishes to be certified the legality by Rubber Authority of Thailand (RAOT).

Resolution The meeting was informed.

(4) Registered evidence of farmers and rubber wood in Thailand by Thai Hevea Wood Association

Ms. Arunwan Petchsang, a representative of Thai Hevea Wood Association, presented an idea to operate Barcode Software for supporting traceability of legal source of timber products. This project aims to develop the software as a tool connecting information at rubber wood plantation until exportation of timber products. Plus, there is a supporting system connecting information among government sector, RAOT and RFD so that the legality of source of timber is able to be verified (Attachment No. 8).

Resolution The meeting was informed the idea of operating Barcode System to support traceability of rubber wood products.

(5) Certification under national standard (TISI 2861)

Ms. Rungnapa Wattanawichian, a representative of Thailand Forest Certification Council under the Federation of Thai Industries, presented the certification under national standard (TIS 2861) which is voluntary certification of timber and timber products. The timber has two categories: timber with Forest Management (FM) certification and timber with non-FM. The timber products originated from FM plantation can automatically go through CoC process. Moreover, it becomes CoC certified timber products. On the other hand, the timber originated from non-FM must go through Due Diligence System to verify the legality of the source of timber before entering CoC process in order to certify that the products are controlled their own source (Attachment No. 9).

Resolution The meeting was informed the certification under national standard (TISI 2861).

(6) Discussion on verification of unregulated species on private land of Thailand

Ms. Arunwan Petchsang, the representative of Thai Hevea Wood Association, offered that the registration of rubber farmers can verify the legality. Nowadays, there are two types of rubber plantation: plantation with cess and private land without cess. It is already known that some plantation with cess is uncertified area. Plantation on private land is able to go through Due Diligence to certify the legality. On the other hand, the 1.4 million farmers, who have registered for cess, the association has offered to certify that the land is legal. For uncertified area, it needs to find the way of verification. Additionally, local administration which might be appointed to certify the legality of timber in order to be applicative before some other notifications or measures are enforced on the land.

Mr. Phongsa Choonam, the representative of Tree Bank, presented a form of self-certification which contains four elements, namely, 1) the ownership information 2) land and geographical ordinate 3) tree and wood identified species, amount, size and photo and 4) legal authority information. Self-certification is the right under Civil and Commercial Code, section 144-145 and section 1335-1336. It means that a component part of the land is a property and a perennial tree is a component part of the land. Refer to the property, the land is property and the owner has the right to manage in any ways and take advantages from such property, including protect other people who interfere in the property. Therefore, the law does not bestow authority to any organizations to certify and control because of the violation of legal right and international right under Paris Agreement. For example, the decree did not let RFD issue regulations controlling supply chain. In addition, designing certification form issued by many sides can affirm the entity and right as the owner so this point should proceed and can conduct. However, there is no any law supporting any certified organizations; plus, certification by other organizations cause difficulty and accrue the payment to farmers (Attachment No.10).

Mr. Chonlatid Suraswadee, Director-General of RFD, explained that the timber from private land is classified into two kinds which are local and nonlocal. Thailand might begin the self-certification by such kinds of timber. If forest area is designated, it strongly ensures that there is no rubber wood entering forest area. For the certification, the Director-General suggested that the three kinds of certification should be conducted: self-certification, third-party certification and electronic certification by government, like E-tree. Presently, there is no any organization acting as the third-party. Hence, Thailand must study and select a suitable organization. Nevertheless, no matter how the operators conduct or what organizations give a certificate, customers' intention must be taken into account.

From the discussion today, the Director-General of RFD appointed Mr. Phongsa Choonam to format the self-certification, and Mrs. Yingluck Patiphanthewa to study about the third-party certification; furthermore, RFD will develop the certification under Plantation Act through

National Single Window (NSW) and E-tree. The design must be based on the legality and the benefits for next generations.

In order to operate fast and efficiently, the three Working Groups: 1) TH DDS Working Group 2) self-certification Working Group and 3) third-party certification Working Group will join the round-table meeting to discuss and conclude the way of operation. Then they will send the information to TEFSO on 8th September 2017 for circulating to the Ad-hoc Working Group.

The Director-General of RFD made an appointment with the three Working Groups to discuss again on 12th September 2017, 09.00-12.00 hrs at the meeting room No. 2, Royal Forest Department to conclude the explicit way and prepare to technically discuss on 14th September 2017.

Resolution The meeting adopted to conduct the three certifications and informed the timeframe as primarily identified.

Agenda item 6: Other matters

Mean/Way/Form to discuss to address and rank gap issues

Ms. Panjit Tansom, Technical Consultant, recommended the way of operating after the 1st Negotiation that the role of Ad-hoc Working Group should be adjusted. The meeting is to find a resolution of each topic. In addition, there should be a sub-meeting to contemplate and scrutinize information among related persons before presented in the meeting, with Director-General as the chairman.

Ms. Arunwan Petchsang, the representative of Thai Hevea Wood Association, suggested that FLEGT should be more disseminated through government sector or Trade Extension Department that is widespread.

Resolution The meeting agreed to adjust the role and to more promote FLEGT.

Agenda item 7: Next Meeting

The discussion about how to control imported timber and verification of unregulated species on private land will be set up on 12th September 2017, 09.00-12.00 hrs. at the meeting room No.2, Royal Forest Department in order to conclude the explicit way and make a preparation to discuss with EFI on 14th September 2017 at Rama Gardens Hotel, Bangkok.

Resolution The meeting was informed the appointment and the topic_in the next meeting.

Next step:

- TEFSO will circulate the draft minute of the 2nd JEM, Thai version, to sub-committee.

- The three Working Groups will discuss and conclude information and send to TEFSO on 8th September 2017. Then, TEFSO will circulate to Ad-hoc Working Group.

Meeting finished at 16.00 hrs.

Ms. Isiyanee Samrit

Minutes Recorder

Ms. Pitchaya Wetchasap

Minutes Translator

Mr. Boonsuthee Jeravongpanich

Deputy-Director of TEFSO

Ms. Panjit Tansom

Technical Consultant

Minutes Verifier