

Minutes of The Ad-Hoc Working Group Meeting

No. 2/2018

On 12th February 2018 at Meeting Room 1,

Canna Meeting room, Rama Garden Hotel Bangkok

Ad-Hoc Working Group

1. Mr. Banjong Wongsrisoontorn Director of Forest Certification Office, RFD
2. Mr. Patkamol Thatthiphong Trade Officer, Senior Professional Level,
Department of Trade Negotiations
3. Ms. Benjamaporn Pornperm Trade Officer, Senior Professional Level, Department of
Foreign Trade
4. Pol.Col. Worasak Bandit Inspector Superintendent, Crime Suppression Division on
Natural Resources and Environment (Land Administration)
5. Mr.Supat Moonpruk Legal Officer, Professional Level,
Agricultural Land Reform Office
6. Mr. Narongchai Chonlapap Manager of Commercial Wood Innovation Office,
Forest Industry Organization
7. Ms.Chonlanet Prechacharuensri Forestry Technical Officer Professional Level, Forest Land
Management Division, RFD
8. Mr. Niwat Luengborisut Forestry Officer Professional Level, Reforestation Promotion
Bureau, RFD
9. Mr.Vijarn Seankul Legal Officer, Professional Level forestry law Division
10. Mr.Prateep Lisakulruk Forestry Technical Officer, Professional level, Forest-checkpoint
Division, RFD
11. Mr. Krek Meemoogkij Secretary, Community Enterprise Network
Eastern Forest Complex
12. Mrs. Yingluck Patiphanthewa President, Private Forest Plantation Cooperative Limited

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| 13. | Mr. Ekkasit Aneksitthisin | Secretary-General, Thai Timber Association |
| 14. | Mr. Prasert Emdeengamlert | President of Sawmills Association |
| 15. | Mr. Montree Nuchanong | Director of Forest Industries Permission Division |
| 16. | Ms. Achara Khemthongyai | Legal Officer, Senior Professional Level,
The Customs Department |
| 17. | Mr. Piyapong Thampanya | Officer project, The Federation of Thai Industries |

Absentees

1. Director of Planning and Information Technology Bureau, RFD
2. Forest Research and Development Bureau, RFD
3. Representative of Community Forest Network in 5-Province of Eastern Forest Complex
4. Representative of Mueang Ling Family Forest Network, Surin
5. Representative of Tree Bank
6. Representative of Sustainable Development Foundation
7. Representative of The Thai Chamber of Commerce and Board of Trade of Thailand
8. Representative of Thai Panel Product Industry Club
9. Representative of Chulalongkorn University
10. Representative of Faculty of Forestry Kasetsart University

Attendees

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| 1. | Ms. Somrudee Nicrowattanayingyong | FLEGT Facilitator for Thailand |
| 2. | Ms. Kanchanavadee Amphaisri | Scientist, Professional Level, Department of Industrial Works |
| 3. | Ms. <i>Nutpornapat</i> Sinthusith | Engineer, Practitioner Level, Department of Industrial Works |
| 4. | Mr. Pornthep Tawsomboon | Agricultural Research Officer, Professional Level,
Department of Agriculture |
| 5. | Mr. Thawat Chaidech | Labour Specialist, Professional Level, Department of Labour |

- Protection and Welfare
6. Ms. Phakaiprut Moolasart
Labour Specialist, Professional Level, Department of Labour
Protection and Welfare
 7. Ms. Chuleekorn Savetwong
Plan and Policy Analyst, Office of Natural Resources and
Environmental Policy and Planning
 8. Mr. Thanun Ounkomol
Committee of the Federation/ Vice President of
Thai Furniture Industry Club
 9. Mr. Montri Yotarak
Committee, Private Forest Plantation Cooperative Limited
 10. Mrs. Arunwan Petchsang
Manager, Thai Hevea Wood Association
 11. Mr. Boonsuthee Jeravongpanich
Forestry Technical Officer, Professional Level,
Forest Certification Office, RFD
 12. Mr. Metanee Seemantra
Forestry Technical Officer, Professional level
 13. Mr. Poramet Payapsatan
FLEGT-VPA Project Coordinator
 14. Mr. Panus Siriarporntham
Former Director of Forest-checkpoint Division, RFD
 15. Ms. Pavinee Chapanon
Trade Officer Practitional Level,
Department of Foreign Trade
 16. Ms. Apiradee Chitprarop
Legal Officer, Professional Level,
Forestry Law Division, RFD
 17. Ms. Sachada Sornprasom
Legal Officer, Practitioner Level
Forestry Law Division, RFD
 18. Somkiat Changsawin
Legal Officer, Forestry Law Division, RFD
 19. Mr. Karoon Krairawee
Committee, Thai Timber Association
 20. Ms. Jetsadapan Tongsrinutch
Trade Officer Practitional Level,
Department of Trade Negotiations
 21. Mr. Thatchai JaiPlod
Senior Forestry Officer, Reforestation Promotion Office

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| 22. | Mr. Anuchit Dasri | Computer Officer, Permission Division, RFD |
| 23. | Ms.Nongnut Sae-Jia | Forestry Technical Officer Professional Level
Royal Forest Department: RFD |
| 24. | Mr.Wanchalerm Kranto | Officer, Royal Forest Department: RFD |
| 25. | Ms. Panjit Tansom | Technical Consultant, Thai - EU FLEGT Secretariat Office
(TEFSO) |
| 26. | Ms. Isiyanee Samrit | Database and Information Officer, Thai - EU FLEGT
Secretariat Office (TEFSO) |
| 27. | Ms. Kessara Sanmongkol | Operation Officer, Thai - EU FLEGT Secretariat Office
(TEFSO) |
| 28. | Ms. Chatdinee Konman | Administrative Coordinator, Thai - EU FLEGT Secretariat
Office (TEFSO) |
| 29. | Mr.Surasak Kasemsirisawad | Information Technology Coordinator, Thai - EU FLEGT
Secretariat Office (TEFSO) |

The meeting started at 09.45 AM

Mr. Jareysak Nantawong, the Deputy Director General of Royal Forest Department, assigned Mr. Banjong Wongsrisoontorn, the Director of Forest Certification Office (RFD), to act as the chairman of the Thai- EU FLEGT VPA ad-hoc working group meeting No.2/2018. The meeting was aimed to

- 1) Prepare the working group for the EFI Mission on 19th- 21st February 2018
- 2) Acknowledge ways of developing the legality definition and timber legality assurance system (TLAS)
- 3) Understand and follow up on documents development concerning unregulated species on private land and import controls

The meeting attendees are from the government agencies, civil society, and private sector. The total number of the attendees were accounting for 46 people divided into 19 people for female and 27 people for men. The meeting agenda was as follows:

Item Agenda 1 Notification Notes from Mr. Banjong Wongsrisoontorn, the Director of Forest Certification Office

- On 6th February 2018, the representative from the Food and Agriculture Organization of the United Nations (FAO) invited the sub-working group joining in experience sharing regarding the traceability of timber by Mr. Jérôme Laporte.

- On 9th February 2018, the leader of Due Diligence System (DDS) sub-working group arranged a sub-working group meeting. On the same day, FAO and TEFSO provided a conclusion of a study by Mr. Laporte by discussing over the issues relating to the self-declaration and Thailand's National Single Window.
- On 21st-23rd February 2018, an EU consultant would have a visit for following up on the FLEGT VPA Implementation in Thailand

Resolution The meeting was acknowledged.

Item Agenda 2:

2.1 Approval on the Minute of -AdH oc Working Group Meeting of Thai-EU FLEGT VPA No.1/2018 on 18th January 2018

Ms. Benjamaporn Pornperm, a representative from Foreign Trade Department asked for a revision on item agenda 5.1 page 14 by changing from “sharing views on issuing the DDS regulation which might negatively affected the operators, bringing to the disagreement on the issue” to “this might be a burden for the minor operators who are not intending to do the export. Therefore, all aspects are needed to be well-rounded considered before launching the timber import regulation. This is to mitigate the negative effects on the operators”

Mr. Banjong Wongsrisoontorn, the chairman of the meeting requested the TEFSO to check for wording errors before developing the absolute minute of the meeting for the further process.

Resolution The meeting approved the minute of a-dh oc working group meeting of Thai-EU FLEGT VPA no.1/2018 on 18th January 2018.

2.2 Associated Issues According From the -Adh oc Working Group Meeting of Thai-EU FLEGT VPA No.1/2018

- 1) Sub-working group for the LD revision revise the content stated in the LD annex and discuss over a framework of an outsource consultant.
 - The LD sub-working group had done on the above tasks and will inform the meeting in the next item agenda.
- 2) TEFSO discussed with the EFI over hiring an outsource consultant for revising LD and coordinating with the sub-working group.
 - TEFSO coordinated with the EFI regarding the framework of the outsource consultant based on the meeting's resolution which was under the discussion.
 - TLAS sub-working group drafted the TLAS and discussed over the framework of an outsource consultant. TLAS sub-working group had done on the above tasks. All related details will be informed in the next agenda.
- 3) Unregulated-species-on-private-land sub-working group leading by the Federation of Thai Industries developed and sent an English description to Mr. Alex by 9th February 2018.
 - The sub-working group were developing the English description and will send to Mr. Alex for the further process. The details are in the following agenda.

- 4) The sub-working group developed and sent the English description of DDS import control to Mr. Alex by 9th February 2018. Mr. Alex would go through and learn the documents before the meeting with EFI on 19th -23rd February 2018.
 - The sub-working group were developing the English description and will send to Mr. Alex for the further process. The details are in the next agenda.

Resolution The meeting noted the associated issues from the ad-hoc working group meeting of Thai-EU FLEGT VPA No. 1/2018

Item Agenda 3: Notifications

3.1 Update Report on Legality Definition Development by Forestry Law Division (Attachment1)

Mr. Vijarn Seankul, legal officer, presented views of Thailand to the reports on result of the LD field-test which developed by the sub-working group. Main issues agreed with the consultant are as follows.

- 1) Improve the LD structure
- 2) Remove chainsaw out of the LD
- 3) Put the verifier details into a separated annex
- 4) Add a standard legal indicator
- 5) An environmental factory-measurement should be stated in the LD
- 6) Add more timber definition such as regulated timber, unregulated timber under the Forestry Act. These should be stated in the LD.

However, the sub-working group did not have comments on the other issues, therefore, the discussion over these issues will be on the further process. Also, the will-be-revised law during the VPA would also put into the LD.

Resolutions The meeting noted the updates on LD development without any additional suggestions.

3.2 Update Report on Draft-TLAS Development by Forest Certification Office

Mrs. Yingluck Patiphanthewa, the Director of Private Forest Plantation Cooperative Limited, informed the meeting that the TLAS sub-working group had primarily discussed on 25th January 2018, including the 5 components of TLAS which are under the developing process. The important issues are as follow:

- 1) Process of issuing documents for a special case such as loss of transport pass or error information
- 2) Agreement with the LD sub-working group on putting the verification process in a separated annex as well as on verification process of timber or timber product which are not in the LD into TLAS annex.
- 3) Thailand had developed a delivery note which should be adoptedly used and add more explanation.
- 4) The role of a middleman should not be stated. For the documents management, the meeting agreed to be a responsible for those who are involved with stocking timber.

Mr. Banjong Wongrisoontorn, the Director of Forest Certification Office (RFD), informed the meeting that they will hire an expert on developing TLAS. This is under the

discussion. However, the meeting has never discussed over which organization or agency will be in charge of being an independent audit. Therefore, the chairman then assigned the TLAS sub-working group to discuss and update on this matter in the AHWG.

Resolutions The meeting noted the updates on draft-TLAS development and the TLAS sub-working group will later discuss over which agency will be responsible for an independent audit.

Item Agenda 4: Considerations

4.1 Document describing verification process of unregulated timber on private land developed by The Federation of Thai Industries (Attachment 2)

Mr. Piyapong Thampanya, an officer project, The Federation of Thai Industries, informed the meeting that the sub-working group had arranged a meeting for collecting comments and for drafting the process-description document. However, the meeting was proposed to take the document into account on details and correctness in order to develop an absolute version then translate to English and send to EFI for the further process.

Mr. Banjong Wongsrisoontorn, the chairman of the meeting, proposed a representative of the forestry legal office to be one of the members under the unregulated-species sub-working group. In this regard, the representative of the forestry legal office was pleased and agreed.

Mrs. Arunwan Petchsang, Manager, Thai Hevea Wood Association, informed that the project under the association which financially supported by FAO was to develop the traceability system and its linkage with the RFD E-Tree system.

Resolutions The meeting agreed to revise documents as the following.

- 1) remove the definition regarding land and remain only definition of the private land
- 2) revise the definition of regulated and unregulated timber on private land
- 3) revise the timber-related procession on private land (with the diagram)

However, the Federation of Thai Industries was responsible for revising the documents based on the meeting's resolution and send the documents back to TEFSO by 12th February 2018. This is because the ad-hoc working group could revise and then send them to the EFI for translation for the further process.

4.2 Description Documents of DDS Import Controls developed by the Federation of Thai Industries (Attachment 3)

Mr. Piyapong Thampanya, a project officer of the Federation of Thai Industries, informed that, according to DDS sub-working group meeting, it was agreed with the procedure of developing DDS system. Also, it was proposed that Thailand should present our strength point of the import control system to the EU for their consideration since we had a system to check the timber and its associated products importing to Thailand in every shipment. The meeting had also raised that the system in-place was already tough and strong but might lack of a written document. Consequently, the sub-working group then came to the resolution assigning Department of Agriculture, Customs Department and RFD to provide all information

related to check process and its penalty to the group by 14th February 2018. The group leader would consequently collect and circulate to the member by 15th February 2018 for the revision. Thought, the revision process would be only on 16th February 2018. Moreover, the sub-working group was asked to develop the update documents regarding import controls and send all documents to TEFSO no later than 12 February 2018 and TEFSO would forward to the EFI team for the further process.

The meeting disagreed to determine in which country was in risk or not since Thailand would be questioned on what standard used in the determine. This would affect the country's image. Mrs. Somruedee Nicrowatthanayingyong, the consultant of EU FLEGT Facility, informed the meeting that the EU did not suggested to state in the documents about what country was in risk. Also, she informed that the EU had never developed a risk-country list and that this had not been an obligation from the EU. Instead, this was only to stimulate each country to find their way meaning that a country had to develop and design their own regulation and method as in Vietnam the species and geography were used.

Mrs. Benjamaporn Promperm, a trade officer of the department of Foreign Trade, added that CO can describe where the tree was cut from and raised that Thailand usually import timber for domestic use as a raw material for manufacture. Moreover, she suggested that the operator without expecting for timber-exporting to the EU needed to be taken into account regarding its effects. Also, she added that department of Foreign Trade in cooperation with related organizations presently put all the import-export measures into consideration, not only exporting timber and its association products to the EU. In the case that the present control of timber export to the EU had a beneficial condition or measurement, it could be adapted with Thai context. However, setting up an additional measurement must consider on its necessity and effects. If the DDS for import control is still recommended, the precise procedure is also important such as who would be responsible for submitting the document between the importer and the exporter, the document need to be submitted before or after importing, which agencies would be in charge of verification, and the verification depends on correctness of the documents or its completeness. Once the precise procedure was developed, the development of the DSS would be easier to be considered and acceptable from each sector.

Resolution The meeting noted the DDS meeting's result.

Item Agenda 4: Others

Ms. Panjit Tansom, Technical Consultant, presented the agenda of JEM3 and informed the meeting that the next AHWG meeting will be later arranged after held the meeting of JEM3.

Next Step

- The representative from the Federation of Thai Industries revise the description of unregulated timber on private land together with the progression document of import controls and, then, send the documents to TEFSO by 12th February 2018 for circulating to all AHWG to revise. After that, the documents will have been translated before sending to the EFI for the further process.

Next Meeting

The next meeting of the ad-hoc working group for Thai - EU FLEGT VPA no.3/2018 will be held on 26th April 2018. For time and venue will be later informed.

The Meeting adjourned at 15.50 p.m.

Ms. Isiyanee Samrit
Minutes Recorder

Mr. Banjong Wongsrisoontorn
Director of TEFSO
Minutes Verifier