

## (Draft) Minutes of Meeting

### EU FLEGT VPA

#### 2<sup>nd</sup> Legality Definition Meeting, 18 July 2014

TEFSO Meeting Room, 3<sup>rd</sup> Floor, Kasetsart University Alumni Association Building

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#### 1. Starting the meeting at 9:00 hrs

Mr. Sapol, Chair of the Meeting, opened the meeting and informed the purpose of the meeting was to edit the LD draft that has been prepared since the 1<sup>st</sup> Legality Definition Meeting on 23 June 2014 and made the draft more complete.

#### 2. Approving the minutes of meeting

The Chair of the Meeting brought up the minutes of 1<sup>st</sup> Legality Definition Meeting on 23 June 2014 for consideration and the Meeting agreed to edit and change as shown in Annex 1 (adopted minutes of meeting). The Meeting has approved this minutes.

#### 3. Conclusions and points in the meeting

##### 3.1 Format of LD

Mr. Jirawat, representative of Thai Timber Association suggested specifying the date of editing the LD draft to avoid confusion. However, the Meeting agreed to use the current format with columns or information added to keep the discussion flow.

##### 3.2 Presenting the LD draft edited by RECOFTC (CSO)

Miss Warangkana, representative of RECOFTC, raised the opinions of the CSO from its internal meeting held on 30 June 2014, as the followings:

- 1) To repeal Section 7 of Forest Act, B.E. 2484 (1941)
- 2) Suggested to add the Criteria “Possessory right and harvesting right” and “land in dispute” by the community shall have the rights on the land and trees grown in the community, and trees in this land are not restricted.
- 3) Suggested to add the Criteria “Productive land in the process of verifying the land right or preparing community title deeds”.
- 4) Suggested to establish a new organization to certify timber and register new planted trees.
- 5) Suggested to add the Criteria on certifying source of timber in the ‘Planting’ Principle as well as other suggestions shown in Annex 2 (Issues from the CSO).

Followed RECOFTC presentation, Mr. Pongsa, representative from the Tree Bank requested the Government side to solve the problems on planting and timber harvesting of the people. While Thai Timber Association requested to put the priority on driving FLEGT VPA before solving the mentioned problems. Dr. Somrudee, EFI representative, suggested to note all requests, issues, and suggestions in black and white to ensure that these problems will be solved.

For *Natural Resources and Environment Network Esan* (Mr. Nirut) gave his opinion that all parties should exchange experiences and issues, and jointly prepare the roadmap.

For Tree Bank (Mr. Pongsa) informed that EU FLEGT does not solely focus on trade but also sustainable forest management. The Meeting agreed, and EFI added that the EU Ministry responsible for EU FLEGT is the Ministry of Environment, therefore, the main of EU FLEGT is on environment. Mr. Phatkamol, representative of Department of trade Negotiations mentioned that signing agreements with foreign bodies must be done carefully and do not too bind the country.

### **3.3 Issues on laws and solutions**

Mr. Pongsa, representative of Tree Bank, expressed his opinion on amending the Restricted Species Law that repealing the mentioned law will allow people to trade more as timber for export must be of domestic planters. Miss Warangkana from RECOFTC added that CSO saw FLEGT as an opportunity for people's participation in international trade and timber processes, and also an opportunity in permanence of timber industry in the country.

Mr. Jirawat from Thai Timber Association informed that FLEGT do not only aim for business industry as the business sector can employ the Due Diligence System (DDS) but it is for all parties involved. Furthermore, amending the law takes time to do so it should not be the solution. He also suggested adding a column of 'Issues' separately in the LD draft to discuss them in other meetings. The Meeting agreed to separate the issues arise from the LD clearly, by creating roadmap and assigning persons responsible for different tasks, working separately but simultaneously with FLEGT. The Meeting also agreed to have TEFSO prepare the table of Issues and circulate to all parties involved for comments, as well as collect issues and suggestions from all sectors to be considered in the next meeting.

### **3.4 Discussion rules of the meeting**

- 1) All points must be agreed upon but can still be changed later.
- 2) Minutes is required in every meeting and must be circulated.
- 3) All parties must have confidence in each other and believe that everyone joins for the benefits of the country.

### **3.5 Timber certification**

Mr. Pongsa, representative of the Tree Bank, raised an issue about wood certification that there is no timber certification, legal timber is also confiscated. The Meeting discussed on it and agreed to have an independent organization to certify timber for the Royal Forest Department, by the Department will check the certification to increase its reliability in the world market. The Meeting saw that additional information on the practice from EFI would be beneficial to follow and learn the possibility. Moreover, Mr. Phatkamon (Department of Trade Negotiations) commented that law on certification should be legislated first to have no gaps in enforcement and able to control the practice.

### **3.6 Issues relating to the laws and rules on drafting LD**

- 1) EU see the importance on legal labor, therefore it is important to be taken into consideration. Thailand still has an issue on family and relative labor that they do not get paid. This point must be figured how to deal with.
- 2) Will registering the planters limit their freedom on planting.
- 3) Purpose of community forest is to allow people make use for a living, but it is still unclear whether it can be for trading. For example, carved products of the locals made of woods from the community forest cannot be exported to Europe because there is no certification. The Meeting wanted to discuss on this matter too.
- 4) Are handicrafts made of woods from community forest eligible for certification.

### **3.7 Points on preparing Legality Definition**

The Meeting jointly considered and completed the LD draft (in tables) to be a model in negotiating with the EU.

### **3.8 Other points**

The Meeting agreed to invite Director of Royal Forest Department to hear the issues in the last session of the next meeting.

#### **4) Tasks to be done**

4.1 TEFSO prepares a table for issues and suggestions and circulates to the parties involved for comments, and submits to experts for consideration before being discussed in the next meeting. Miss Warangkana from RECOFTC will collect the comments from CSO and Miss Arunwan from \*\*\* will collect comments from private sector. Comments will be submitted to TEFSO within 1 August 2014 to be proceeded further.

4.2 Miss Warangkana from RECOFTC will submit documents regarding the effects from Section 7 to TEFSO within 1 August 2014.

4.3 Dr. Somrudee, EFI representative will submit information on regulations and timber certification models of other countries to TEFSO.

#### **5) Next Meeting**

The Meeting set the next LD meetings as follows:

5.1 3<sup>rd</sup> LD Meeting will be held on 13–14 August 2014. The Meeting will discuss on Indicators and Verifiers.

5.2 4<sup>th</sup> LD Meeting will be held on 10–11 September 2014.

**6) The Meeting was closed at 17:00 hrs.**

#### **7) Attachments**

7.1 2<sup>nd</sup> LD draft, edited on 18 July 2014

7.2 Points on forest reform, economical forest management, and sustainable wood products.

7.3 Report on 1<sup>st</sup> LD Meeting on 23 June 2014 (adopted)

**Minutes Takers**

Miss Rotcharek Limkitisupasin

Miss Yada Saifag

Miss Panjit Tansom

**Minutes checked by**

Mr. Banjong Wongsrisoontorn