



**Minutes of the 1st Ad-Hoc Working Group Meeting on Legality Definition
On 28th January 2016, at Meeting Room 1, Tiem Komkrit Bldg. RFD**

Attendees

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| 1. Mr Sapol Boonsermsuk | International Forestry Cooperation Office, RFD |
| 2. Mr. Sukul Sirichantaradilok | The Customs Department |
| 3. Ms. Benjamaporn Prompem | Department of Foreign Trade |
| 4. Ms. Suthinee Wattana | Department of Foreign Trade |
| 5. Pol.Gen. Anucha Kitiripara | Natural Resources and Environmental
Crime |
| 6. Mr. Prasit Tinthara | Suppression Division |
| 7. Ms. Rattana Saardnak | Forest Industry Organization |
| 8. Mr. Panus Siriarporntam | Permission Bureau, RFD |
| 9. Mr. Sak Sansuriyawong | Forest Checkpoint Bureau, RFD |
| 10. Ms. Chonlanate Prechacharuensri | Forest Checkpoint Bureau, RFD |
| 11. Mr. Chatchai Lohithan | Forest Land Management Division, RFD |
| 12. Mrs. Ranee Pothipak | Reforestation Promotion Office, RFD |
| 13. Mr. Pattawee Puttipairoj | Reforestation Promotion Office, RFD |
| 14. Mr. Wijarn Sansakul | Reforestation Promotion Office, RFD |
| 15. Mr. Boonlab Suksai | Legal Bureau, RFD |
| 16. Mr. Baramee Chairat | Forest Protection and Fire Control Bureau |
| 17. Mr. Nirut Buapha | Assembly of the poor |
| | Natural Resources and Environment
Network Esan |
| 18. Mr. Sawat Sookchan | Mae Tha Sustainable Agriculture
Development |
| 19. Mrs. Yingluck Patiphanthewa | Private Forest Plantation Cooperative
Limited |
| 20. Mr. Prasert Iemdeengamlert | Sawmills Association |
| 21. Mr. Wiroat Kanaphongsa | Thai Panel Product Industry Club |
| 22. Ms. Warangkana Rattanarat | RECOFTC Thailand |
| 23. Mr. Banjong Wongsrisoontorn | Forestry Certification Office, RFD |
| 24. Mr. Boonsuthee Jeravongpanich | Thai-EU FLEGT Secretariat Office
(TEFSO) |

Participants

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| 1. Ms. Pachyasorn Panthong | Forestry Certification Office, RFD |
| 2. Ms. Nisapat Tonwoot | Forestry Certification Office, RFD |
| 3. Ph.D. Somrudee Nicro | EFI |
| 4. Mr. Poramet Payapsatan | RECOFTC Thailand |
| 5. Ms. Pawinee Udommai | LD Consultant |
| 6. Mr. Rod Nixon | LD Consultant |
| 7. Mr. Bruno Cammaert | Food and Agricultural Organization (FAO) |
| 8. Ms. Panjit Tansom | TEFSO |
| 9. Ms. Kessara Sanmongkol | TEFSO |
| 10. Ms. Isiyanee Samrit | TEFSO |

Absentees

1. Director General of RFD
2. Deputy Director General of RFD
3. Tree Bank representative
4. Foreign Trade Department representative
5. Thailand Chamber of Commerce representative
6. Agriculture Land Reform Office representative
7. Thai Timber Association representative
8. Asst.Prof. Ethipol Srisaowalak

The Meeting started at 9.30 hrs.

Mr. Sapol Boonsermsuk, the Director of International Forestry Cooperation Office, RFD, the chairman of the meeting welcomed the FLEGT VPA Ad-Hoc working group and followed the agenda items below;

Agenda item 1 Notifications

Mr. Sapol informed the meeting that this meeting is the first Ad-Hoc WG meeting on Legality Definition (LD) of year 2016 according to the notification of appointment 247/B.E. 2559 FLEGT Ad-Hoc WG. The meeting aimed to give related stakeholders to comment on the 3rd draft of LD which was updated and revised the legal context following the feedback from the last meeting on 18th December 2015. It also discussed on Gap/Option paper and Recommendation to build governance in forestry.

Agenda item 2 Indicator and Verifier prepared by LD Consultants

Ms. Pawinee Udommai, the LD Consultant, presented the overall of the 3rd LD draft, which has 7 difference operator tables. Each table is separated in 6

parts; principle, criteria, indicator, verifier, legal reference, and description of auditing process/ frequency/ responsible person. Then Ms. Pawinee explained the updated part following the comment and feedback from the working group at 18th December 2015 meeting.

- Forest Industry Organization (FIO) representative asked LD consultant to describe “Minimum wage.” Ms. Pawinee explained that in this issue operators must follow the minimum wage condition, but operator can add other benefits. FIO representative noted and clarified that FIO currently has been paying wage higher than the standard and providing another benefit to its workers, which can be further, found in wage rate clarification issue 7 article 5.

- In operator 4 principle 2, Ministry of Commerce representative ask to add its announcement on importing good into the kingdom (issue 29) B.E. 2533 article 5 in that principle.

- Mr. Banjong Wongsrisoontorn, the director of Forestry Certification Office, asked to correct the term “inventing” to be “invention” as the first one has no meaning in technical term.

- Ms. Rattana Saardnak, a representative from Permission Bureau, asked to correct that the term in operation 5 V1.2.2.1 the timber processing/invention licensor from RFD is the Director General of RFD not the Director of Permission Bureau and change the term of verification frequency from “once a year” to “regularly.” The meeting agreed to identify the verification frequency clearly so they resolved to remain the same term as “verification frequency: once a year and to change the term in I2.3.1 to “Operators follow the Ministerial regulation, conditions, and RFD announcement to prepare timber account and timber flow passport” since there are many types of timber account and passport. Thus the meeting suggested using the overall term. Furthermore the meeting suggested to use the term “Officer” instead of “Forestry Officer” as a person taking care of the verification process because it is more suitable at every level, both center and regional.

- Operators 6 criteria 2.3 Legal reference, the meeting added Ministerial Regulation No. 25 (1976) issued under Forest Act, 1941 Clause 8, and Ministerial Regulation No. 27 (1987) issued under Forest Act, 1941 Clause 6. They also cut “Announcement of RFD on granting to the licensee who has a permit for transformation of rubber by machine or trading transformed rubber place entitle to issue the Letter of Confirmation.”

- Operator 7 principle 1 V1.2.2.1, it was changed from “Copy of Confirmation Letter” to “Confirmation Letter stub” and changed the legal reference from “Ministerial Regulation No. 27” to “Ministerial Regulation No. 25.”

- Operator 7 I1.3.1, the meeting cut “except those exempted by Ministerial regulations” and correct the organization who issue the export license from “RFD” to “Department of Foreign Trade”

Resolution: The meeting agreed to correct all terms as mentioned.

Agenda item 3 Discussion on Gap/Issues paper

The recommendation of 3 sectors.

Ms. Pawinee and Mr. Rod Nixon, LD Consultants, provided Option/Gap paper from Regional Consultation and stakeholders discussion, which has 2 parts as follow;

Group A: Potential FLEGT Critical Gap/issues consisted with 5 issues as following;

- 1) Imported Timber
- 2) Verification Mechanisms Ensuring Compliance with the LD
- 3) Supply Chain Controls to Ensure Traceability of all Timber Back to the Origin
- 4) Verification of Unregulated Species (i.e. Rubber) on Private Land
- 5) Environmental Management

In group A, Participants were separated into 3 sectors; government, CSO, and private sector, discussing on 5 critical issues and presenting to the meeting.

3.1) The result on discussing 5 critical issues

CSOs sector comments

Issue 1: Imported timber

Support “Due diligence” to prevent illegal timber importing and exporters (foreign) should provide document and perform them to operators.

Issue 2: Verification Mechanisms

Principle comments as follow:

- 1) There should be a study of the supply chain for each source of timber before considering verifying mechanism that is suitable for each supply chain.
- 2) The result of study may find that verifying mechanism is different in each supply chain.
- 3) The volume of timber processing should be considered, as small operators may have different system from major operators.

Issue 3: Supply Chain Controls

Should study as recommended in item 2, since supply chain controls is one of the verification mechanism.

Issue 4: Verification of Unregulated Species (i.e. Rubber) on Private Land

As recommended on issues 2

Issue 5: Environmental Management

- 1) Agreed that there should be environmental management including social management as well.
- 2) Currently there is no legal support.
- 3) To establish sustainable forest management standards is still in the study process.
- 4) To set criteria: the size of diversity area, public hearing, and etc.
- 5) Should promote this standard as a law.

Private sector comments

Issue 1: Imported timber

Only Co is not enough. It is essential to provide other document or National standard or external certification system.

Issue 2: Verification Mechanisms

Noted that Thailand have a supporting law for certification. For example, Forest Act., and etc. Moreover RFD also has a supporting for certification. It is wonder that other organization will enforce which regulation to certificate and how much credibility they have in international forum.

Issue 3: Supply Chain Controls

It needs to consider whether Supply Chain Controls or controlling letter and forest account can be controlled. Private sector believed that forest account can be an evidence-tracing source and can be shown to Customs. They noted that NSW is a good choice, as it is a real time traceability system.

Issue 4: Verification of Unregulated Species (i.e. Rubber) on Private Land

Observed that the reason that un-controlled timber doesn't want to be in Forest Act, because of the restrictiveness of the law. They recommended that those timbers should be in the system so they can be certified their source.

Issue 5: Environmental Management

Most of industrial timbers are from monoculture forest as mixed-culture forest is not enough for large industry.

Government sector comments

Issue 1: Imported timber

Not agreed to exclude CO and recommend that there need to provide other document proofing timber source such as the timber source certification in each country.

Issue 2: Verification Mechanisms

Government sector should be the organization to certify verification. However in the future it can be private organization, which has qualities and standard provided by government sector.

Issue 3: Supply Chain Controls

On monitoring timber origin, NSW should consist with related documents more than it has currently for traceability.

Issue 4: Verification of Unregulated Species (i.e. Rubber) on Private Land

At present timber from orchards doesn't have law supported. There needs to add those species in Plantation Act annex, provide that government need to certify un-restricted timber on private land.

Issue 5: Environmental Management

Government's land control excluded reserved forest land such as an immovable land of state property or other type of lands. Related organizations were assigned to implement environmental management before reforestation.

Group B: Other issues raised by stakeholders consisted with 5 issues as following;

- 6) Land Access / Harvesting Rights for Planted Timber on Public Land
- 7) Harvesting Restricted Species on Private Land
- 8) Plantation Act Annex
- 9) Simplification of Processing Permits
- 10) Community Forests Process
- 11) Others
 - Export of Unprocessed Timber
 - Tariff on Round Log and Sawn Timber
 - Plantation Act (processing timber sourced from another plantation without a permit)
 - Chainsaw Regulation

Participants will chose the issue that he/she recognizes it important by scoring a star in each issue.

3 stars = very important

2 stars = fair important

1 star = less important

3.2) The result from discussing Gap/Issue paper

CSOs sector giving comments on 2 issues as following:

Issue 6: Land Access / Harvesting Rights for Planted Timber on Public Land (3 stars)

- 1) Should include community forest in this issue.
- 2) Now villagers can utilize non-timber products, but cannot utilize timbers
- 3) Allow cutting trees for trade.
- 4) Make it clear/Simplify the state's land renting (The current policy doesn't allow the people to rent.)
- 5) Propose to review sector 16 in Reserved Forest Act; on the renting land farmer can do agro forestry and cut a tree.

Issue 7: Harvesting Restricted Species on Private Land (2 stars)

- 1) Issue 8 should be included as it is related to timber species issue.
- 2) Cancel Plantation Act annex and allow all species can be registered in the Act.
- 3) Review Forest Act B.E. 2484 by canceling restricted timber on private land or except private land.

Issue 11: Others - Plantation Act (processing timber sourced from another plantation) (1 star)

Registered operators forming into community enterprise/ cooperative/ association and etc., can process their timber at the same sawmill/processing plant.

Private sector giving comments on 3 issues as following:

Issue 7: Harvesting Restricted Species on Private Land (3 stars)

Cancel restricted species.

Issue 8: Plantation Act Annex (3 stars)

Cancel Plantation Act annex and allow all species can be registered in the Act.

Issue 9: Simplification of Processing Permits (2 stars)

Support separate license but asked to deduce procedures.

Government sector giving comments on 3 issues as following:

Issue 7: Harvesting Restricted Species on Private Land (3 stars)

Restricted species; such as Teak and Burma rosewood, are allowed to be registered in the Plantation Act. It is best if those can be certifying their source clearly.

Issue 8 Plantation Act Annex (3 stars)

As the species, which are not in the list cannot be certified. Government sector proposed that every species could be registered in the Plantation Act.

Issue 10 Community Forests Process (3 stars)

Allow the community to have the right to manage their forest land provided by government and utilize it. However there shouldn't allow to cut a tree there and for reserved forest must not allow to utilize at all.

Table of total 6-option score

	Government	CSOs	Private sector	TOTAL
Issue 6	★	★ ★ ★	★	5
Issue 7	★ ★ ★	★ ★	★ ★ ★	8
Issue 8	★ ★ ★	★ ★	★ ★ ★	8
Issue 9	★ ★		★ ★	4
Issue 10	★ ★ ★	★ ★ ★	★	7
Issue 11		★		1

From the result of rating the issues priority, it is found that the every important issue is Issue 7 Cutting restricted species on private land, Issue 8 Plantation Act annex and Issue 10 Community Forests Process.

Resolution LD consultants will develop those comments and will sent the final draft of Gap/Issues paper on providing Indicators and Verifier, moreover they will present their comments to the meeting to approve.

Agenda item 4 Other matters

Actions to be taken

TEFSO will collect all comments and send them to LD consultants for reviewing and revising LD draft including Gap/Issues paper on providing Indicators and Verifier.

Next meeting

TEFSO will inform the date and time again.

Resolution The meeting approved

The meeting finished at 17.15 Hr.

Ms. Isiyanee Samrit
Database Officer
Minute recorder

Mr. Banjong Wongrisoontorn
Director of TEFSO
Ms. Panjit Tansom
Technical Consultant
Minute verifier

Ms. Kessara Sanmongkol
Operation Officer
Minute translator