



## Meeting Minutes

EU FLEGT VPA On “Legality Definition”

Round 2, Time 2, on 16 September 2014

At Phirun Meeting Room,

2<sup>nd</sup> Floor, Kasetsart University Alumni Association Building

### Participants

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|-----|----------------------------------|--|
| 1.  | Mr.Theerapat Prayunrasiddhi      | Director General of Royal Forest Department                            |
| 2.  | Mr.Sapol Boonsermsuk             | Director of International Cooperation Division                         |
| 3.  | Mr.Banjong Wongsrisoontorn       | Director Forest Certification Office                                   |
| 4.  | Mr.Thada Suwannawimon            | Director of Wood Certification Division                                |
| 5.  | Mr.Boonsuthee Jerawongpanich     | Director of Administration Division                                    |
| 6.  | Dr. Alexander Hinrichs           | EU FLEGT facility- Regional Advisor Asia                               |
| 7.  | Mr. Sebastian Schrader           | EU FLEGT Facility, EFI   |
| 8.  | Ms. Marta Caruda                 | EU Delegation  |
| 9.  | Mr.Prayuth Lohsuwankiri          | President of the Alumni Association of Forestry                        |
| 10. | Mr.Satitpong Sudchookiet         | Former Deputy Secretary-General of The Agricultural Land Reform Office |
| 11. | Asst.Prof. Eathipol Srisaowalak  | Legal Expert, Chulalongkorn University                                 |
| 12. | Dr.Somrudee Nicrowattanayingyong | FLEGT National Expert, EFI Consultant                                  |
| 13. | Ms.Somying Soontornwong          | Thailand Program Coordinator RECOFTC                                   |
| 14. | Ms. Warangkana Rattanarat        | RECOFT Assistant   |
| 15. | Ms. Phitsamai Pengvigrail        | Agricultural Technical Specialist Department of Agricultural Extension |
| 16. | Mr. Sukul Sirichantaradilok      | Legal Officer of The Customs Department                                |
| 17. | Mr. Jirawat Tangkijngamwong      | President of Thai Timber Association                                   |
| 18. | Mr. Akekasit Aneksitthisin       | Secretary-General of Thai Timber Association                           |
| 19. | Mr. Thanun Ounkomol              | Committee of The Federation of Thai Industries                         |
| 20. | Mr. Boonhan U-udomying           | President of Rubber-based Industry Club                                |
| 21. | Ms. Arunwan Petchsang            | Manager of Thai Hevea Wood Association                                 |
| 22. | Mrs.Yingluck Patiphanthewa       | President of Private Forest Plantation Cooperative Limited             |
| 23. | Mr. Sawas Sookchan               | Mae Tha Sustainable Agriculture Development                            |

24. Mr. Phongsa Choonam	President of Tree Bank Foundation
25. Mr. Narong Meenuan	Manager of FSC, Pulp and Paper Industry Club
26. Mr. Wiroat Kanaphongsa	Manager of Thai Panel Product Industry Club
27. Mr. Prasert Santichaikul	Vice President of Thai Hevea Wood Association
28. Ms. Kreuwan Reunthongkam	President of Chong Meg SMCE
29. Mr. Baramee Chairat	Secretary General of the Assembly of the Poor
30. Miss Panjit Tansom	TEFSO Technical Consultant
31. Miss Rotcharek Limkitisupasin	TEFSO Administrative Assistant
32. Miss Yada Saifag	TEFSO Administrative Assistant
33. Ms. Dolrudee Kusiripanich	Administrative Officer, Royal Forestry Department.

### 1) The meeting started at 13:30 Hrs.

#### 1.1 The opening Meeting by Director General of Royal Forest Department (RFD)

- Mr.Theerapat Prayunrasiddhi, Director General of Royal Forest Department (RFD), presided over the meeting. He was welcomed the delegation from the European Union, representative from European Forest Institute (EFI), business sector, and civil society. Moreover, Mr.Theerapat was mentioned on the cooperation on FLEGT issue among the European Union and the working group.
- Mr.Theerapat clarified the situation of forest encroachment and illegal logging. Since Thailand has been stopping the forest concession, which affected to people living around that area could not harvested in the forest. It was a reason on illegal logging including to lack of supporting activities were implement in that area.
- Furthermore, Mr.Theerapat also emphasized the importance of various scale of timber industry. By the study on the Thailand orientation of the wood utilization. (Data from the study indicated that wood demand in Thailand was divided into six categories, each category can be estimated with a volume categories and estimated to more than 40 million Rai (6.4 million hectares) of Forest Plantations in Thailand, which be about 18 million rai (2.88 million hectares) of the Heave Plantation, about 5 million rai (0.8 million hectares) of private and government forest plantation. RFD will take these information to planning and managing the forest which aimed to increase 20% of each areas for agriculture; such as Agriculture Land Reform Act (Sor Por Gor) land, encroachment land that RFD had policy to return the forest and supporting to economic forest which cover both Community and national level.
- In the past, National Forest Policy was focused on conservation; 25% of to economic forests and 15% unspecified of planting type, which caused the problem on cannot cutting tree in that area i.e. it may planted in the encroachment land or inaccurate land right. RFD will find a solution on this by flexible on the Laws and promote economic forest in private sector.

- The Plantations Forest Act (Revision Issue), currently the Draft was under the process and found that some restrictions were obstructed on promoting. In case of to fulfill any gaps should be better on amendment in the commission level.
- People living in the forest area, RFD will manage the communities by community economy. For the former community forest and be a natural forest, RFD will allow harvesting product from the forest only. If there were deforestation RFD will promote to economic forest. The Director-General of the Royal Forest Department will discuss and get approval from Minister of Natural Resource and Environmental on this method in the next step. Director General of the Royal Forestry Department gave conclusion on EU FLEGT implementation following the plan, which included participatory of stakeholder. For some prohibited species, RFD attempted to provide fast permission method to be not obstruct operators and farmers.

## 1.2 Question & Answer

- Ms. Kreuwan Reunthongkam, President of Chong Meg SMCE, proposed to the Royal Forest Department on promoting Bamboos for trade. Director-General agreed.
- Mr. Sawas Sookchan from Mae Tha Sustainable Agriculture Development, requested the Royal Forest Department to solve the problem on forest utilization. Director General of the Royal Forestry Department commented that community forestry is important, it can divided into 2 parts 1). The Royal Forest Department agreed with the Department of Medicine Development and the Department of alternative medicine to encourage people on herbs planting outside forest area legally. 2) Community Forest RFD will manage to a new forestry plan by followed his majesty in the past on promoting properly planting.
- Mrs. Yingluck Patiphanthewa, President of Private Forest Plantation Cooperative Limited, agreed one illegal deforestation problem and suggested joining forest management; RFD taking care national forest and public organization (National Bureau of Economic Tree, under the Prime Minister's Office) taking care private forest. Moreover, it should be allow people to planting prohibited/valued species with registered to both Cooperatives and the community enterprise. If we followed this process will cause to increasing the forest area. Director General of the Royal Forestry Department placed this issue to Asst.Prof. Eathipol Srisaowalak, The Legal Expert from Chulalongkorn University on searching information. In addition, The Director-General explained that the forest issues were complicated and related to many aspects, which were economics; as Forest officers was less amount to taking care whole forest areas in the country. Anyhow, The Royal Forest Department will make their best efforts to improve forest management.
- Mr. Phongsa Choonam, President of Tree Bank Foundation said that never see any countries have successful on value reforestation. Conversely, there were succeeding on price reforestation. So it should be promoted incentives for reforestation. In Thailand there were a lot of people to planting trees but due to limit in the

processing wood that limited of sawmill licensing were a reason to people on stopping plant trees. Not alike Laos PDR, which allowed to planting teaks and sawmill licensing.

- Asst.prof. Eathipol Srisaowalak, The Legal Expert from Chulalongkorn University added that the idea on establishing a public organization was from discussion under the EU FLEGT process and query on wood certification agency in private area that should be the authorize of the Royal Forest Department or not, however Asst.prof. Eathipol will be study more about these topics.
- Mr. Phongsa Choonam, the President of Tree Bank Foundation, expressed his concern on declaration of Article 7 on the Prohibited species, which announced by NPOMC. Director General has informed that seem to be a forcing method to control illegal timber trade and it was not proposed by the Royal Forestry Department. However, the Forest Department was under action on the timber process to solve this problem. There will be equitable for all parties on conservation and utilization so he was appreciated to hear all comments for improve the management.
- Mr.Prayuth Lohsuwankiri President of the Alumni Association of Forestry, expressed his opinion on the Agricultural Land Reform Office that was a forest area where gave to people on utilization; so it should be extend forest plantation toAgricultural Land Reform Office . area. Next was about an integration between the Forestry Department and other agencies that were needed to modify. The last, he leaved the Royal Forestry Department to taking care problems of farmers in protected areas as most of farmers were poor. The Director General of the Royal Forestry Department explained that the Forest Department has already implemented an agreement with Agricultural Land Reform Office. which will focusing on solution and improving the quality of life. This was an importance issues that Director-General paid attention.
- Ms. Arunwan Petchsang, Manager of Thai Hevea Wood Association, explained that 1) Wood Pellet from Heave products have been exported to Korea and Japan, which are expanding very well; she was appreciated that the Director-General was recognized on the importance and accelerate the implementation of the EU FLEGT which will be support rubber exporting business. 2) Requested the Director-General to expedite follow up cabinet action on solution of rubber industrial obstacle under Forest Act B.E.2484 and rubber industry development under Cabinet resolution on November 28, 2553B.E. until March 8, 20 October, and latest October 11, 2556B.E. . There was two points that no conduct. Firstly, extension of period on wood account from current to 7 days. Secondly, extension of period on license renewal from 1 year to 3 years. The Director-General has assigned relevant departments to carry out.
- Mr. Narong Meenuan Manager of FSC, Pulp and Paper Industry Club, inquired the Director-General on the method of sustainability forest certification which was an importance issue of global level. Mr.Theerapat agreed to organize a forum to discuss on these issues. Including to providing a sustainable forest management principle. Both of legality term and practical situation. Mr.Narong explained that sustainable forest management standard had existed since 10 years ago and certified by the private sector with about 100,000 rai (16,000 hectares), which operating by 4-5 private companies. The Forest Industry Organization was certified and adjusted to use

for Thailand. There were two agencies that can able to give information and sharing experiences. The Director-General was accepted to carry this out and follow up on any blocked process.

- Mr. Thanun Ounkomol Committee of The Federation of Thai Industries, exchanged his idea on forest management i.e. reason on illegal logging, legal logging was drop. The Director General clarified that in the past people had negative point of view on timber trade were a reason of deforestation; no one interesting to invest. After this, there needs to do more public relations on legal timber industry and suitability used. There should be select a good pilot areas on sustainable forest management, Forest Economy, Good publicity which will help to change the negative attitudes on the wood industry.

## 2) Adopted Minutes of Meeting

2.1 Mr.Sapol Boonsermsuk, Director of International Cooperation Division, assigned by the Director General of the Forestry Department, presided over and implementation of the meeting. Chairman proposed the meeting to adopt the minutes of workshop on Legality Definition (LD) Round 2 time 1 on 14 August 25014 by the correction. The Chairman has proposed amendments to the Foreign Trade Department revised draft of the Legality Definitions in chapters 1 and 4 ( as an attachment in the meeting). The Meeting adopted the minute meeting.

### 2.2 Certification of Draft of the Legality definitions of timber.

- Mr. Phongsa Choonam, The President of Tree Bank Foundation, proposed to add the purpose that could be put on one of annex in VPA. This document will be available on modify. Moreover, he informed that RFD will try to get FLEGT License within two years.

## 3) Regulations and guidelines to ensure the legality of timber in another country.

(Case studies) and Guidelines prepared by the first round of negotiations by Dr. Alexander Hinrichs (Appendix 10.1) .

- Dr.Alexander proposed the processing and monitoring System under FLEGT, and also gave FLEGT example to raise understanding on FLEGT process such as Liberia, Malaysia and Indonesia. Furthermore, he was stressed that draft legality definition was be a part of the Voluntarily Partnership Agreement (VPA) but very important because this process will raise new idea or method as may see at some countries were establish working grup or specific agencies to work on this process or in some countries were open to participatory process of civil society by independent monitoring on the FLEGT license.

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Dr.Somrudee Nicrowattanayingyong, FLEGT National Expert, inquired on Independent Conformity Assessment Bodies (CAB), which Dr. Alexander was explained that the board will involve members from 15 companies and responsible on licensing process verification independently; but there was a government agency to be verify in the next step.

4) Progress Report and Preparation of the EU FLEGT Action Plan in Thailand by Mr.Banjong Wongsrisoontorn, Director of Forest Certification Office, RFD, (Appendix 10.2).

- Mr.Banjong Wongsrisoontorn, Director Forest Certification Office, proposed the EU FLEGT process in Thailand, which will arrange consultation workshop in regional level 6 times and will be start the process on November 2557 onwards. However, this project may need to be postponing as if the meeting considered on clear draft legality definition. In the meanwhile, the meeting agreed to expedite the consultation process to be complete within two months and the Thai EU FLEGT Secretariat Office (TEFSO) will be taken into consideration.
- Ms.Somying Soontornwong, Thailand Program Coordinator RECOFTC, emphasized the importance of understanding, transmission and preparation before go to the field. Especially, clearing of draft legality definition. The result of process conclusion needed more time to screen and should build balancing of all sectors.
- Asst.Prof. Eathipol Srisaowalak Legal Expert, commented that RECOFT has been preparing people in various sectors, but perhaps not sufficiently comprehensive so it should be preparation process prior public on FLEGT, which may arrange 2 days meeting.
- Mr. Phongsa Choonam, President of Tree Bank Foundation, expressed his concern on FLEGT information which should take more than 1-2 days and should be give continually information and clear. In the same time, the meeting should ensure the understanding of people. Ms.Panjit Tansom, TEFSO Technical Consultant, explained that Thai EU FLEGT Secretariat Office (TEFSO) had coordinated to local RFD officers to organize the meeting and coordinate with other network representative in the area for make good understanding and exchanging information including to be a focal point with TEFSO on proposing participants list. This method will help to promote participatory of relevant sectors in each level and cover all stakeholder in the area.
- Mr. Thanun Ounkomol ,Committee of The Federation of Thai Industries commented that in the past meeting was focused on providing legality definition which was only one part of VPA but in VPA process still had several parts to take action, so he inquired on the next step. The Chairman informed to focus on completing legality definition first.

5) Recommendations and guidelines on Draft amendments to the Legality Definition (LD) by Mr.Sebastian Schrader (Attachment 1.03).

- Mr. Sebastian was provided feedback on the draft Legality Definition which divided to basis measuring such as criteria, principles and relevant laws and emphasized the importance of explanation or additional of principles and criteria at first with the easy language to understanding. He also suggested on key factor that EU was interested in negotiation process.
- The law/regulation reformation process if the meeting agreed to reform so if can add to the annex. The annex can be flexible to change even VPA signed. In term of indicator and verifier should be discussed in the next step after clear on principle and criteria. Anyhow, verifier could be topics that develop after indicator.

6) Conclusions and matters arising from the meeting.

6.1 Order NPOMC No. 106: Amendments to the Forests Act. (National Peace and Order Maintaining Council No. 106/2557)

- Ms. Somying Soontornwong, Thailand Program Coordinator from RECOFTC, informed the meeting that there had submitted the request to modify the order NPOMC No.106 about Restricted Wood list to NPOMC already. Ms. Warangkana Rattanarat, RECOFT Assistant, explained the problem on specifications of Wood Type Gor (A) that wood grown up in any areas are the restricted wood, which proposed to modify by add wording of "exception wood in the private sector area".
- Mr. Phongsa Choonam, Tree Bank Foundation, expressed his opinion on FLEGT that was a stage to change and provided equitable to people. The NPOMC Order No. 106 was obstructed FLEGT process so proposed RFD to be a host on solving a problem. The Chairman confirmed that RFD by currently Director-General will be host in this matter. Ms.Somying will send summary and recommendation to RFD next future.

6.2 Wood certification

- Mr. Phongsa Choonam, Tree Bank Foundation, said on certification system that should be registration that close any gap on illegal timber. The Chairman explained that this kind of system would be put on the monitoring system, which can trace back.
- Asst.Prof. Ethipol Srisaowalak said on wood certification required registration of operators and timber. This system should have legal public organization and should be check their authority. So we should discuss on the system and credibility such as Customs system, which had verification unit, ISO system that no need inspection from Customs. If there can use the same method and had end-point monitoring to ensure legality of timber would be good.
- Mr. Prayuth Lohsuwansiri, President of the Alumni Association of Forestry, explained that the EU needs operator to provide origin of wood that exporting. Especially, wood importing that how we can check their origin. The current laws focusing on the sawmill registration so RFD certified the wood from the registered sawmill. In case of wood from other area where were not under RFD authority will be a problem and sawmill cannot certified the wood. If there can register at Tambon Administration Organization, the authority to certify will by RFD which linked to idea of establish public organization so there will not authorize to certify wood because the public organization cannot manage wood system like RFD.
- However, Mr. Phongsa Choonam, Tree Bank Foundation said that the wood was not belong to RFD as there were private wood and no need control and certify by RFD but should be a public organization or Administration Organization to taking care and certify.
- Mr. Prayuth Lohsuwansiri ,President of the Alumni Association of Forestry, further explained that currently law was not allowed to implemented as Mr.Pongsa proposed. We should find the wood certification method to negotiate with the EU so we should prioritize on currently law. For the idea on law reforming should work in

parallel, which will be more worth for public. The certification of RFD was certified exporter. (Certified fabrication processing plant registered with RFD).

6.3 The revised draft definition of legality (LD). .การปรับแก้ร่างนิยามความถูกต้องตามกฎหมาย (LD)

- The meeting agreed to take wood type module out base on Mr. Sebastian instruction and move to other module.
- The meeting agreed that TEFSO took responsibility to revise legality definition base on EFI instruction and proposed at small working group before next meeting.

7) Next step

7.1 TEFSO will revise draft legality definition base on EFI instruction by focusing on principle and criteria.

8) The next meeting

- The meeting agreed to arrange small working group to revise legality definition base on EFI method, which TEFSO will make an appointment with the working group later.

9) The Meeting ended at 16:30 hrs..

10) Attachments

10.01 Presentation on guideline of regulatory and timber verification of other countries and guidelines on first negotiation by Dr. Alexander Hinrichs.

10.02 The EU FLEGT action plan in Thailand by Mr.Banjong Wongsrisoontorn

10.03 The recommendations and solution on draft legality definition by Mr. Sebastian Schrader.

**Minutes taken by**

Miss Panjit Tansom

Miss Rotcharek Limkitisupasin

Miss Yada Saifag

**Minutes Approved By**

Mr. Banjong Wongsrisoontorn