



**Minutes of the 3rd Legality Definition Meeting
On 18th December 2016, at Maruay Garden Hotel, Bangkok**

Participants

1. Mr Sapol Boonsermsuk International Forestry Cooperation Office, RFD
2. Mr. Banjong Wongsrisoontorn Thai-EU FLEGT Secretariat Office (TEFSO)
3. Mr. Rarit Thanpan Permission Bureau, RFD
4. Ms. Ratri Boonrod Permission Bureau, RFD
5. Mr. Sak Sansuriyawong Forest Checkpoint Bureau, RFD
6. Ms. Chonlanate Prechacharuensri Forest Land Management Division, RFD
7. Mr. Weerapol Moungram Reforestation Promotion Office, RFD
8. Mr. Somchai Nuchananontep Forest Protection and Fire Control Bureau, RFD
9. Mr. Patkamol Thatthiphong Department of Trade Negotiations
10. Ms. Natsuda Thammatanom The Customs Department
11. Ms. Nawaporn Tangjitcharoenchai The Customs Department
12. Pol.Col. Sumet Punnasi Natural Resources and Environmental Crime Suppression Division
13. Ph.D. Somrudee Nicro EFI
14. Mr. Jirawat Tangkijngamwong The Thai Chamber of Commerce and Board of Trade of Thailand.
15. Ms. Panadda Deeyham Thai Timber Association
16. Mr. Prasert Iemdeengamlert Sawmills Association
17. Mr. Wiroat Kanaphongsa Thai Panel Product Industry Club
18. Mr. Ping Zun Wong Thai Panel Product Industry Club
19. Ms. Warangkana Rattanarat RECOFTC Thailand
20. Mrs. Yingluck Patiphanthewa Private Forest Plantation Cooperative Limited
21. Mr. Nirut Buapha Natural Resources and Environment Network Esan
22. Mr. Phongsa Chooneam Tree Bank
23. Ms. Pawinee Udommai LD Consultant
24. Mr. Rod Nixon LD Consultant
25. Ms. Panjit Tansom TEFSO
26. Ms. Kessara Sanmongkol TEFSO
27. Ms. Isiyanee Samrit TEFSO

The Meeting started at 9.30 hrs.

1) Opening speech by the Director of International Forestry Cooperation Office, RFD

Mr. Sapol Boonsermsuk, the chairman of the meeting welcomed the Legality Definition (LD) working group and strengthened the objectives of the meeting. The 3rd LD meeting in 2015 aims to seek comments on the 3rd LD draft especially on indicator and verifier from all related stakeholders. The participation of stakeholder is the principle to negotiate FLEGT VPA between Thailand and EU.

2) Notifications

Mr. Banjong Wongsrisoontorn, the Director of Thai-EU FLEGT Secretariat Office (TEFSO) informed the meeting on the new working group notification of appointment which is changed the title and adjusted the list from a full name to be a representative. Furthermore the new notification of appointment was also expanded the scope of work and duty to cover all of annexes under VPA.

Regarding to the government rule, RFD cannot disburse travel and accommodation expenses to working members. However the DG of RFD has authority to decide on this, which TEFSO need to ask for permission at each meeting.

TEFSO planned to ask for RFD budget to support TEFSO's implementing in 2017, which is processing.

3(Progress report by Mr. Banjong Wongsrisoontorn, the Director of TEFSO;

3.1 There are 3 Ad-Hoc working group meetings on LD in the previous year as following;

- The 1st meeting on January 15th, 2015 at Rama Gardens Hotel, Bangkok
- The 2nd meeting on April 29th, 2015 at Louise Tavern Hotel, Bangkok
- The 3rd meeting on December 18th, 2015 at Maruay Garden Hotel, Bangkok

3.2 TEFSO had arranged the tentative Product Scope (PS) meeting attended by related stakeholders to seek for guideline on drafting PS, which was discussed with EU at the last Video Conference (VC) in October. This draft have to be develop with Ad-Hoc WG continually.

3.3 The previous Video Conference on October 6th had discussed on PS guideline, Thai negotiation structure, and appointing the negotiation next year.

3.4 The 6 Workshops of "Stakeholder Participatory Workshop on Timber Legality Definition in Thailand" were arranged in 4 regions of Thailand as following;

- The 1st Kick off event on September 21st, 2015 in Bangkok
- The 2nd Consultation Workshop between November 4th – 6th, 2015 in Khon Kean

The 3rd Consultation Workshop between November 17th – 19th, 2015 in Ratchaburi.

- The 4th Consultation Workshop between November 25th – 27th, 2015 in Surat Thani.
- The 5th Consultation Workshop between December 2nd – 4th, 2015 in Chiang Mai.
- The 6th Final Workshop in February 2016 in Bangkok.

4(Overall and description on the 3rd draft of LD by Mr. Rod Nixon

Mr. Rod Nixon, the LD consultant, presented the difference of the 3rd draft table, EUTR, and the 2nd draft table and also explained principle and criteria of the new draft. (Annex 1)

5) The discussion of the 3rd LD draft

Participants were grouped into 3 sectors to analyse, to comment, and also to recheck the regulation or the gap in the draft. All the comments and feedback are recorded. (Annex 2)

Operator 1: Public Land (Reserve Forest) Operators

- In principle 1 criteria 1.1 indicator, Mr. Phongsa Choonam (CSOs representative) suggested that there should be an explanation of “appropriate” in “A person sourcing timber from Reserve Forest holds an appropriate RFD permit.” The meeting agreed to identify “appropriate” more clearer.
 - o On this issue Ms. Warangkana Rattanarat, RECOFTC Thailand representative, proposed the accessing to land right issue that villagers can use following sectors 16 bis. In Mae Tha case, there is the issue on right submission delaying process. As the result villagers cannot take advantage of timber during that time. Especially there is the appropriate criteria issue, which the word “appropriate” caused the complicated verifying process. Thus “appropriate” should not have complicated process to verify and be practical.
- In principle 2 criteria 2.2 verifier 2.2.1.1, Mr. Phongsa (CSOs representative) proposed that other than stamped on timber it should add bar code for verifying. In this issue Mr. Patkamol Thatthiphong, Department of Trade Negotiations representative, suggested that the stamp should be on paper not on timber as it is not convenient to verify.
- Mr. Sapol Boonsermsuk, Director of International Forestry Cooperation Office, proposed that the 3rd LD draft should be put all details for reference.

- Mrs. Yingluck Patiphanthewa, Private Forest Plantation Cooperative Limited representative proposed that all species could be registered to export to foreign countries.
- As the labour contract issue in sawmills or wood industries, the meeting suggested consultants discussing this issue with operators and Ministry of Industry Thailand to conclude over again.
- In principle 5 criteria 5.3 verifier 5.2.1.2 on using Customs record for verification, Customs officer will check which document is needed and will report back to consultants.

6) Gap/Option paper presentation

Mr. Rod presented gap/option paper which from stakeholder's comments in 4 consultation workshops. The presentation of Gap/Option paper aim to ask for feedback and overlooked issues to develop LD. (Annex 3)

8) Other suggestions

- Ms. Warangkana asked TEFSO to present workplan and inform the meeting role and duty of this new Ad-Hoc working group and also requested SME to participate in this meeting as well.
 - o Ms. Panjit Tansom, the technical consultant of TEFSO, explained that the 2016 workplan is in process discussing with DDG of RFD. When it has been finalised, TEFSO will inform the meeting.

9) Actions to be taken

- TEFSO will send the gap/option paper to the working group for comments and collect all comment sending to LD consultants by December 30th.

10) Next meeting

- The next Ad-Hoc working group on LD is on January 28th 2016. TEFSO will officially inform date and place again.

11) The meeting finished at 18.00 hrs.

The minute recorded by
Ms. Isiyanee Samrit

The minute verified by
Ms. Panjit Tansom

The minute translated by
Ms. Kessara Sanmongkol