



Meeting Minutes

.EU FLEGT VPA On “Legality Definition”

Round 2, Time 1, on 14 August 2014,

At Phirun Meeting Room,

2nd Floor, Kasetsart University Alumni Association Building

Participants

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| 1. Mr.Sapol Boonsermsuk | Director of International Cooperation Division |
| 2. Mr.Banjong Wongsrisoontorn | Director Forest Certification Office |
| 3. Mr.Thada Suwannawimon | Director of Wood Certification Division |
| 4. Mr.Boonsuthee Jerawongpanich | Director of Administration Division |
| 5. Mr.Prayuth Lohsuwankiri | President of the Alumni Association of Forestry |
| 6. Mr.Satitpong Sudchookiet | Former Deputy Secretary-General of The Agricultural Land Reform Office |
| 7. Mr. Patkamol Thatthiphong | Trade Officer, Senior Professional Level |
| 8. Mrs.Orawan Wichailuck | Director of Perennial Tree Promotion Group |
| 9. Asst.Prof. Eathipol Srisaowalak | Legal Expert, Chulalongkorn University |
| 10. Dr.Somrudee Nicrowattanayingyong | FLEGT National Expert, EFI Consultant |
| 11. Ms.Somying Soontornwong | Thailand Program Coordinator RECOFTC |
| 12. Mr. Prasert Santichaikul | Vice President of Thai Hevea Wood Association |
| 13. Mr. Aekasit Aneksitthisin | Secretary-General of Thai Timber Association |
| 14. Mr. Thanun Ounkomol | Committee of The Federation of Thai Industries |
| 15. Ms. Arunwan Petchsang | Manager of Thai Hevea Wood Association |
| 16. Mrs.Yingluck Patiphanthewa | President of Private Forest Plantation Cooperative Limited |
| 17. Mr. Sawas Sookchan | Mae Tha Sustainable Agriculture Development |
| 18. Mr. Narong Meenuan | Manager of FSC, Pulp and Paper Industry Club |
| 19. Mr. Wiroat Kanaphongsa | Manager of Thai Panel Product Industry Club |
| 20. Ms.Panjit Tansom | TEFSO Technical Consultant |
| 21. Ms.Rotcharek Limkitisupasin | TEFSO Administrative Assistant |
| 22. Ms.Yada Saifag | TEFSO Administrative Assistant |
| 23. Ms. Dolrudee Kusriripanich | Administrative Officer, Royal Forestry Department |

1) The Meeting started at 09:45 hrs.

- Mr.Sapol Boonsermsuk, Director of International Cooperation Division, presided over the meeting, was opened the meeting and introduced participants to the conference. This meeting aimed to revised draft legality definition from the previously version.

2) Adopted Minutes of Meeting “Legality Definition”, Time 2, on 18 July 2014, Phirun Meeting Room, 2nd Floor, Kasetsart University Alumn Association Building.

- Chairman of the meeting, proposed the meeting to reviewr the minutes of workshop on the Legality Definition No. 2 on 18 July 2557. Dr.Somrudee Nicrowattanayingyong, FLEGT National Expert, EFI Consultant, proposed to amends article 4) Things to be done, sub item 4.3 out from " Dr. Somruedee. EFI Representative, are to sending the information rules and guidelines for the certification of other countries to TEFSO " replaced with " Dr. Somruedee, EFI Representative, are to collect information about guidelines for the certification of other countries ". The Meeting agreed and adopted the minutes.

3) Conclusions and matters arising from the meeting.

3.1 Land ownership

- Mr. Satitpong Sudchookiet, Former Deputy Secretary-General of The Agricultural Land Reform Office, provided information on land rights allocation, which had three forms. 1) The right of land used that considered as ownership type. 2) Leasehold. 3) The right to purchase. The land, whether public or private, can be purchased. The Ministry of Agriculture and Agricultural Land Reform Board stated that no trading allowance for the agriculture land purpose that acquired from government. However, the land rights under the draft definition mentioned that the land could be use for agriculture purpose only was wrong because the agriculture land reform can also be used for any activity of land reform also.

3.2 The objective of the EU FLEGT and EU FLEGT in Thailand.

- Mr.Prayuth Lohsuwankiri, President of the Alumni Association of Forestry, highlighted the main objectives of the EU FLEGT that EU countries do not want to trade illegal logging to their countries which due to the causes of global warming. So if we can guarantee the legality of raw materials, such as wood grown on land ownership or land allocation under of Agriculture Land Reform Act (Sor Por Kor), the products can be trade with EU countries. If we were all understanding of EU FLEGT objective then we be able to stipulate the legality definition easier. Mr.Prayuth suggested classifying illegal timber issue for discussion with EU first.
- In addition, Mr.Prayuth was added more comment on EU FLEGT proceed in Thailand does not serve for new legislate, but rather to prepare a draft negotiating with EU to ensure that EU will accept our existing laws. EU will

not interfere any legislative of Thailand and emphasized that the Royal Forest Department must be classify legality of timber and any illegal that has to be discuss in the next workshop.

3.3 Certification bodies define the legality of timber.

- Ms. Arunwan Petchsang, Manager of Thai Hevea Wood Association, proposed the meeting to approve the draft definition of legality that was updated on 18 July 2557; and write down the suggestions and reasons before starting the Indicators and Verifiers. The meeting agreed and adopted.
- Mr.Prayuth Lohsuwankiri, President of the Alumni Association of Forestry, also proposed that all participants who missed the Meeting shall accept the Meeting resulted.
- The land use claim certification (SK1) issue, Mr.Prayuth Lohsuwankiri, President of the Alumni Association of Forestry, recommended to remove wording of “SK 1” out of clause 1 Right of Land Use, Sub-clause c1.2 Right of Possession and Use because of law abolished since B.E. 2553 and changed to Land Title Deed only. In case of disputation over National Conserved Forest area were considered to not issue any land use right document. Since the Parliament Act of National Forest issued, within 90 days, the landowner who’s their Land within the National Conserved Forest shall declare their right to hold their Land Title Deed. The Meeting agreed and approved the draft definition of legality of wood No. 2 (revised on 18 July 2557).

3.3.1 Under Section 7, Associated to Natioal Frest Act B.E.2484

- Mr.Prayuth Lohsuwankiri, President of the Alumni Association of Forestry, commented on Article 7 that can be viewed as two difference sides. The law regulated that teak and rubber that located in private land were prohibited wood under Type Gor (A). Any actions need the permission from the relevant authorities prior. Currently, the list were added more 13 species because of many illegal logging and problem to identify the resource of the timber and bribe. It was a solution for authorities on working.
- In the other hand, the Land Owners who planted teak and rubber suffered to permission process which deprivation of rights when they need to cut their owned trees. Because of the number of Authorities were limited and lack of knowledge on law including to in legality some species cannot allow cutting as the law mentioned only teak and rubbe. It shown that the laws were conflicted on implementation. Mr.Prayuth suggested removing this law since the law was issued conflict illegally.
- In addition, Ms.Somying Soontornwong, Thailand Program Coordinator RECOFTC, commented to combine comments from all stakeholders on section 7 and invites the meeting to talk about it on 19 August 2557, which will be invite media to attend.

3.3.2 Organization for Certified Wood

- Mr. Prayuth Lohsuwankiri, President of the Alumni Association of Forestry, commented on establishing private agency to certify timber as the list below.
 - 1) Did Government sector can support on this? If yes, it should not establish new agency, as it will be duplicate.
 - 2) If the Government cannot set up a certification agency. It is a must to consider that government can/cannot certify the private agency and EU will be accept this or not. For establish new agency, he thought it would be more difficult.
- Ms. Somying Soontornwong, Thailand Program Coordinator RECOFTC, explained that the meeting in the past that have commented to establish a Public Organization. Mr. Prayuth, President of the Alumni Association of Forestry, commented that the majority of the Public Organization in Thailand has no authorized and difficult for Government to certify the Public Organization. However, the timber certification of EU was related to legal matters; all illegal timber products were not allowed to entering the EU so organizations which will be proceed on this must be lawful.
- Dr. Somrudee Nicrowattanayingyong, FLEGT National Expert, EFI Consultant, suggested FLEGT is a trade agreement that gives priority on participatory of stakeholders. There was an opportunity to find out the solution on forestry. Refer to the past discussion, stakeholders had proposed various of certification wood organization patterns such as public organization which under the law and it should be consider specifically in this situation that easier on law reform. EU also suggested that Legality Definition should be following the existing law of that country.
- Mr. Narong Meenuan, Manager of FSC, Pulp and Paper Industry Club, commented that Currently, there was three Forestry Certification Organizations in Thailand as followings.
 - 1) FSC, an organization that uses law to be an principle, but if there is any conflict there will be flexible on the law with considered the fact which difference from Thailand which stick on the law only. For FSC in Thailand was divided to the group for certification to reduce expense cost; use same principle but difference practical as teak and eucalyptus forest etc.
 - 2) PEFC, Association and Business Enterprises (non-government organizations) can gathering to submit PEFC certification, which help to reduce the costs.
 - 3) EU FLEGT, which is primarily focused on legal issues.

So Mr. Narong had suspicioned on the view of laws of Thailand and EU was alike or not, such as EU may accept something, which Thailand was not or internally disagree among department.

- Mrs. Yingluck Patiphanthewa, President of Private Forest Plantation Cooperative Limited, proposed that nowadays there had information on the timber certification by people but government was not interested in this. That was when people planted, it will be record by Tambon Administrative Organization and acknowledge by

village leader which can develop to be a group or a cooperative system in the future. For the Public Organization, it may be use (Adopted) Plantation Forest Act B.E.2535 to support on other sides. RECOFTC representative commented that FLEGT should be flexible otherwise it would not be useful. Also Ms. Arunwan Petchsang Manager of Thai Hevea Wood Association, commented that she need Thailand certification sustainability forest management standard and expected that FLEGT will be a good beginning of this goal.

- Mrs.Yingluck Patiphanthewa, President of Private Forest Plantation Cooperative Limited said that Thailand had the standard which developed by The Bureau of Industrial Standards Institute (TISI), there could be apply from that which will not be affect to farmers on any addition cost. Mr. Patkamol Thatthiphong, trade officer from Department of Trade Negotiations supported this idea and commented that if establish a new organization on certification timber, there may have a problem on credibility of the organization which based on clarification with the EU.
- For the law point of view between Thailand and the EU that EU no need to intervene national law or smallest as possible. Therefore, it is necessary to differentiate between existing accurate and comment. In addition, Mr. Patkamol Thatthiphong, trade officer also suggested that should not over commitment on negotiations; providing Legality Definition was too details and should be flexible on adjusting in the future.

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3.6 Preparation of indicators and proof of verification.

- Mr.Banjong, Director of Forest Certification, and Ms. Panjit Tansom, TEFSO Technical Consultant, explained to the meeting on indicators and verifiers, which were a part of the Timber Legality Definition by showing presentation of Dr. Alexander Hinrichs. The indicator means specification of legal details that can be measure. The verifier means result of verification that shows compliancy process such as report of verification on labor from relevant authorities, etc.
- Mr. Patkamol Thatthiphong, trade officer from Department of Trade Negotiations, suggested the issue of proof of verification (Verifier) that 1) some issue may be difficult to measure such no confirmation documents 2) If need confirmation documents in every process; it will provide a lot of documents. So if some process no confirmation documents should be leave because if set up the new form; it will be setting a new standard.

3.7 community forest

- Ms. Somying, RECOFTC representatives, commented that the community forest often an example of international sustainability forest managemtn because of people in the community were aware on the forest degradation which was the problem on develop to be a sustainability forest. Mr. Sawas Sookchan Mae Tha Sustainable Agriculture Development, was emphasized on community participatory process on sustainability forestry management and developed degradation to abundance forest as presently and government and other sectors should be aware on this success.

4) Next Steps

- The Secretary will prepare a draft indicator and verifier for Legality Definition (from Module 3 onwards); send to participants in next week (Sunday, 18 August 2557) and will request their feedback participants within a week.
- After gathering information from the Working Group on Indicators and Verification, secretariat will translate draft LD and send to Dr. Alex in the first week of September to comment of the draft.

5) The next meeting

- The next "The Legality Definition (LD)" meeting will be on September 16, 2557.

6) The Meeting ended at 16:50 hrs.

Minutes taken by

Miss Miss Rotcharek Limkitisupasin

Miss Yada Saifag

Miss Panjit Tansom

Minutes Approved By

Mr.Banjong Wongsrisoontorn