



Minutes of 2nd Legality Definition Meeting
On 29th April 2015, at Louis Tavern Hotel, Bangkok

Participants

1. Mr. Preuk SoNo Department Inspection of RFD
2. Mr Sapol Boonsermsuk Director, International Forestry Cooperation Office, RFD
3. Mr. Banjong Wongsrisoontorn Director, Thai-EU FLEGT Secretariat Office (TEFSO)
4. Mr. Boonsutee Jerawongpanich Director of Standardization Division, RFD
5. Mr. Worapat Jantramit Trade Officer, Senior Professional Level
Department of Trade Negotiation
6. Ms. Asama Jasaman Trade Officer, Senior Professional Level
Department of Foreign Trade
7. Mr. Sukal Sirichantaradilok Legal Officer, Custom Department
8. Dr. Somrudee Nicro National FLEGT Expert, EFI Consultant
9. Mr. Prasert Iemdeengamlert Delegate, Thai Timber Association
10. Mr. Thanun Ounkomol The Federation of Thai Industries
11. Miss Arunwan Petchsang Thai Hevea Wood Association
12. Mr. Wiroat Kanaphongsa Thai Panel Product Industry Club
13. Asst. Prof. Eathipol Srisaowalak Legal expert, Chulalongkorn University
14. Ms. Warangkana Rattanarat RECOFTC
15. Mr. Poramad Phayupsakon RECOFTC
16. Mrs. Yingluck Patiphanthewa Private Forest Plantation Cooperative Limited
17. Mr. Phongsa Choonam Tree Bank Foundation
18. Mr. Baramee Chairat Assembly of the Poor
19. Ms. Phawinee Udommai MS. Law Student, Chulalongkorn University
20. Mr. Sawas Sookchan Mae Tha Sustainable Agriculture Development
21. Mr. Nirutt Buapha Natural Resources and Environment Network Esan
22. Ms Panjit Tansom Thai-EU FLEGT Secretariat Office : TEFSO
23. Ms Isiyanee Samrit Thai-EU FLEGT Secretariat Office : TEFSO
24. Ms Kessara Sanmongkol Thai-EU FLEGT Secretariat Office : TEFSO

The Meeting started at 9:00 hrs.

1. Mr. Preuk SoNo, Department Inspection of RFD, the chairman of the opening ceremony, welcomes Ad-Hoc Working Group on Legality Definition (LD) informing the objectives and expected outcomes of this Meeting.
2. The Meeting agreed and adopted the minutes of the 1st “Legality Definition” meeting, on 15 January 2015, at Maruay Garden Hotel, Bangkok, which appears as **ANNEX1**
3. Dr. Somrudee Somrudee Nicrowattana-yingyong presented key point from summarized the FLEGT WEEK meeting and the meeting between the delegation of Thailand led by Mr Sapol Boonsermsuk, Director of International Forestry Cooperation Office, RFD, and EU Focal point Mr. Luca Perez, on March 18th, 2015, in Brussels, Belgium, appeared as **ANNEX2**
4. Mr. Banjong Wongsrisoontorn, Director of TEFSO presented VPA roadmap which is the action plan for the next 5 years (2015-2019). The roadmap divided into 5 phrases appears on **ANNEX3**
5. Update and Progress on “Preparing Stakeholder Consultation Process” by Ms. Panjit Tansom
Ms. Panjit Tansom updated the meeting that in 2015, TEFSO hosted the Ad-Hoc WG meeting to implement on “Preparing Stakeholder Consultation Process” as follows;
 - The 1st on March 9, 2015, to discuss on the suitable process.
 - The 2nd on March 25th, 2015, to draft an agenda and participants
 - The 3rd on April 9th, 2015, to discuss on time and place for the meetings

The conclusions of such meeting as follows;

Kick-Off Event

The event will be held on 4–5 August, 2015, to contribute and publicize FLEGT, process, and effect on stakeholders both in government, civil society, and private sector, It is also to better understand on FLEGT The main target group is a chief executive of relevant organization.

The regional meetings are as follows;

- The 1st meeting on August 19th -21th, 2015, in Chiangmai.
- The 2nd meeting on September 9th -10th, 2015, in Ratchaburi.
- The 3rd meeting on September 22nd-24th, 2015, in Suratthani.
- The 4th meeting on October 13th-15th, 2015, in Konkaen

/The finalized ...

The finalized consultation meeting

After completing all the meetings, TEFSO will hold the finalizing consultation meeting with Ad-hoc on December 16th-17th, 2015, which appears on **ANNEX4**

Remark: The schedule can be adjusted as appropriate. TEFSO will inform the meeting further.

The afternoon session started at 1.30 hrs.

6. Presenting LD comments from EU and editing

From the discussion on LD draft in several previous meetings, RFD has submitted the 1st draft of LD to EU on March 24th, 2015. The commission of EU had sent comments back which has some questions on relevant law appeared as **ANNEX5**. The meeting has discussion and agreed on comment below;

Principle 1

- The meeting agreed to use “business operators” instead of “operator/corporations.”

Principle 2 Criteria 1

- The meeting agreed to summarize those law details into LD draft.

Principle 3

- Principle 3 covers most relevant timber sources. However there is no reference to timber from conversion of forestland to other land uses, as well as confiscated timber (which may legally re-enter supply chains e.g. through public auctions etc.). To what extent are these sources relevant / regulated in Thailand?
- Mr. Banjong Wongsrisoontorn, Director of TEFSO explained, in the past the exhibit wood were sell out during prosecution. However, if the government side is losing a lawsuit, they have to return the accused by the money from the auction but presently, there is no any policy to sell an exhibit wood. Mr. Banjong will put the related timber laws and detail later. The meeting agreed.

Principle 3 Criteria 3: EU needs the description for current procedures for timber imports in Thailand.

- Mr.Sukal Sirichantaradilok, Legal officer from Custom Department explained, Presently Custom Department co-operates with RFD to verify imported timber by certificate origin (CO) checking, According to the Ministry of Commerce. However, CO still couldn't verify legal timber sources and supply chain controls from the origin country.
- Asama Jasaman from Department of Foreign Trade suggested to edit law section in Criteria 3 by adding “Announcement of Ministry of Commerce; Importing goods into the country No.92, B.E. 2535 (1992)” instead “Announcement of Ministry of Commerce; Declaring Timber must be Permitted prior to Exporting out of the Country B.E. 2555 (2012) announced on 11 April 2012”. Announcement of Ministry of Commerce; Importing goods into the country need to be used with “Ministerial rule of Ministry of Commerce; Custom Checkpoints for importing timber into the country No.2, B.E. 2548 (2005)

Principle 4 Criteria 2: “Affected persons must be aided” is compensation and benefit sharing covered here?;

- The meeting concluded that treat is not a benefit sharing of people who have been affected but there is a nature of the assistant base on the good governance.
- Asst. Prof. Eathipol Srisaowalak, Chulalongkorn University proposed to add Administrative Court Act in this Principle.

Principle 5 : What exactly are such obligations at the forest site and how are they checked?

- Mr. BanjongWongsrisoontorn, Director of TEFSO explained that the forest obligation is all of the forest plantation must follow the sustainable forest management standard. If any registered sectors are default to this standard, their timbers cannot be selling. Nowadays, Thailand is using ISO standard only, no law to support those sustainable forest management standard yet.

Principle 5 Criteria 8: Are environmental obligations and workers' rights, health and safety and welfare covered at the forest operation and also at the mill site? It may be practical to list environmental and social requirements for forest operation and mill operations under separate criteria.

- Miss Arunwan Petchsang from Thai Hevea Wood Association suggested separating principle 5, 7 and 8 to be forestry operators and sawmill operators, the meeting agreed.

Principle 6: The EU suggested that there might be a need to describe the role of the government in the timber tracking part of the LD

- . To describes the government role in tracking timber. Should do after clearly in LD principle. It can clarify the role of government to be involved in any process.

Principle 8 Criteria 1

- Added "Social Security Act" into legal reference's article.

Principle 10: The EU commented, There will have to be a procedures on the issuance of licenses (new procedure)

- Mr. Banjong Wongsrisoontorn, FCO Director explained; Thailand has the licensing procedure to verify timber already.

Principle 10 Criteria 1

- Miss AssamaNgasaman from Department of Foreign Trade suggested to delete "Regulation of Ministry of Commerce on Registration of Certificate Applicants, Form A" and "Announcement of Ministry of Commerce on Exporting Rice, Tusk, and Timber out of the Kingdom B.E. 2549 (2006)" from P10C1. Then sort priority of Regulation and Announcement as follows;
 1. Announcement of Ministry of Commerce on Defining Timber to be Permitted Prior to Exporting out of the Kingdom B.E. 2555 (2012)
 2. Regulation of Ministry of Commerce on Criteria, Methods, and Conditions on Exporting Timber and Processed Timber out of the Kingdom B.E.2549 (2006)

/ 3. Announcement ...

3. Announcement of Ministry of Commerce on Exporting Charcoal out of the Kingdom B.E.2549 (2006)
4. Regulation of Ministry of Commerce on Documents or Evidence Supporting Certificate Application for Exporting Charcoal out of the Kingdom B.E. 2549 (2006)

Principle 11: The EU Note that each VPA has an Annex on “Public disclosure of information”. Such disclosure is not only the task of the operators; it in fact is mainly the task of different government agencies. How transparency and general disclosure needs to be described in the LD should be further discussed.

- Mr. Sukal Sirichantaradilok, Legal Officer from Custom Department proposed, official Information Act, B.E. 2540 (1997) should be added into this principle.

7. Other matters

Dr. Somrudee Nicro, EFI Consultant informed that the technical meeting with EFI will be held on 11 June, 2015; Mr. Sebastian Schrader and Mr. Alex Hinrichs from EFI will attend the meeting to discuss about next step of LD and answer the question which may have from EU comment on first draft of LD. TEFSO will coordinate and support logistic arrangement with financial support from EFI.

8. Additional comments

As there are lacking of awareness on FLEGT so the meeting suggested to find channel to promote FLEGT. The meeting suggested using the topic of Illegal logging and Illegal Unreported and Unregulated Fishing (IUU)

According to the comment from EU on translating the comment from the LD working meeting, the meeting needs to review the comment before sharing any comment to EU.

9. Conclusion and Next steps

TEFSO will collected LD Ad-hoc Working Group meeting’ previous comments into Excel, and send to AD-hoc WG to review within 30th June 2015.

/ Date and Venue ...

10. Date and Venue of Next meeting

The next Ad-hoc working group meeting, TEFSO will inform later.

11. The Meeting ended at 16:30 hrs.

Minutes taken by

Miss Isiyanee Samrit

Miss Kessara Sanmongkol

Minutes approved by

Miss PanjitTansom