



**Minute of The Ad-Hoc Working Group Meeting on Legality Definition**

**No. 2/2016**

**On 26<sup>th</sup> May 2016 at Meeting room of H.A.Slade, 2nd Floor,  
Department of National Park, Wildlife and Plants**

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**Attendees**

1. Mr.Pralong Damrongthai Royal Forestry Department, RFD
2. Mr.Sapol Boonsermsuk International Forestry Cooperation Office, RFD
3. Mr.Sukan Sirichantaradilok The Customs Department
4. Ms.Benjamaporn Pornperm Department of Foreign Trade
5. Pol.Col.Suttiroj Noppophonong Natural Resources And Environmental Crime Division
6. Ms.Rattana Saartnak Permission Division, RFD
7. Mr.Panus Siriarporntham Forest-checkpoint Division, RFD
8. Mr.Niwat Luengborisut Private Forest Plantation, RFD
9. Mr.Vijarn Seankul Forestry Law Division, RFD
10. Mr.Phongsa Choonam Tree Bank
11. Mr.Nirut Buapha Natural Resources and Environment Network Esan
12. Mrs.Yingluck Patiphanthewa Private Forest Plantation Cooperative Limited
13. Mr.Jirawat Tangkijngamwong Thai Timber Association
14. Mr.Thanun Ounkomol The Federation of Thai Industries
15. Mr.Prasert Emdeengamlert Sawmills Association
16. Mr.Ekasit Aneksittisin Thai Timber Association
17. Mr.Wiroat Kanaphongsa Thai Panel Product Industry Club
18. Mr.Poramet Payapsatan RECOFTC
19. Mr.Banjong Wongsrisoontorn Forestry Certification Office, RFD
20. Mr.Boonsuthee Jeravongpanich Forestry Certification Office, RFD

**Absentees**

1. Mr.Patkamol Thatthiphong Department of Trade Negotiations
2. Mr.Jarat Jirapanpanich Agricultural Land Reform Office
3. Mr.Baramee Chairat The Assembly of the Poor
4. Mr.Sawas Sookchan Mae Tha Sustainable Agriculture Development

5. Asst.Prof.Ethipol Srisaowalak Chulalongkorn University
6. Forestry Faculty, Kasesart University representative
7. Forestry Industry Organization representative
8. Forest Land Management Division, RFD representative
9. Forest Protection and Fire Control Bureau Assembly of the poor

### **Participants**

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|-----|--------------------------|--|
| 1.  | Ms.Sutinee Wattana       | Department of Foreign Trade                |
| 2.  | Ms.Pawinee Udommai       | LD Consultant                              |
| 3.  | Ms.Somrudee Nicro, Ph.D  | EFI  |
| 4.  | Mr.Sak Seansuriyawong    | Forest Protect Planning Division, RFD      |
| 5.  | Ms.Nichanan Chuekoksoong | Reforestation Promotion Office, RFD        |
| 6.  | Ms.Krittaya Manawut      | Reforestation Promotion Office, RFD        |
| 7.  | Mr.Piya Kengpenkhae      | Forestry law Division, RFD                 |
| 8.  | Ms.Rungkarn Losiri       | Permission Division, RFD                   |
| 9.  | Mr.Tanakarn Srisomboon   | Permission Division, RFD                   |
| 10. | Mr.Patapee puttipairot   | Reforestation Promotion Office, RFD        |
| 11. | Ms.Panjit Tansom         | Thai - EU FLEGT Secretariat Office (TEFSO) |
| 12. | Ms.Isiyanee Samrit       | Thai - EU FLEGT Secretariat Office (TEFSO) |
| 13. | Ms.Kessara Sanmongkol    | Thai - EU FLEGT Secretariat Office (TEFSO) |

### **The meeting started at 09.50 hrs.**

Mr.Pralong Damrongthai the Deputy Director of Royal Forest Department (RFD) is the chairman of the meeting. The total of participants are 42 from government, CSOs and private sectors.

### **Agenda item 1 Notifications**

The chairman opened the meeting and requested the meeting to review the minute meeting of last time (No.2/2016). However, the draft Legality Definition (LD) which will pass the meeting today, RFD will present overview to Permanent Secretariate of Natural Resource and Environment Ministry for his information afterward.

**Conclusion** The meeting be informed.

### **Agenda item 2 Adoption**

Ms.Rattana Saardnak, representative of Permission Bureau, RFD revised the minute meeting as followed.

- Page 5 from ‘Ministry regulation no.25 B.E. 2519 topic 8 and no.25’ to ‘Ministry regulation no.25 B.E.2519 topic 8 and no.27
- Page 6 Operator 7 revised from “copy of RFD letter” to “stub of letter attach”

Mr. Thanun Ounkom, The Federation of Thai Industries representative requested secretariate to identify attendee and absentee of The Federation of Thai Industries representative for the next minute meeting.

Conclusion The meeting adopted the minute meeting no.2/2016

**Agenda item 3** Consider on Legality Definition of timber and their product in Thailand (Draft)

Mr.Vijarn Seankul, Forestry Law Division, informed that nowadays, National Reservation Forest Act has been change content which annouced on 25 May 2016. The chairman asked Mr.Vijarn to review an Act and section to complete .

**Operator 1 : Public Land (Reserve Forest)**

**Principle 2 Criteria 2.2 Verifier 2.2.1.1**

Mr.Niwat Luengborisut, Private Forest Plantation, RFD correctted Thai wording for more appropriate.

**Principle 2 Criteria 2.3**

Mr.Vijarn Seankul, Forestry Law Division, RFD revised legal reference from “Forestry Act B.E.2484 Section 11” to “Forestry Act B.E.2484 Section 12” He informed in case of timber from forest plantation, an operator can inform authority related and proceed to cutting.

**Principle 3 Indicator 3.1.1**

Correct Thai wording of verifier in Principle 3 Indicator 3.1.1 as same as Verifier 2.2.1.1 at Principle 2.

**Principle 3 Criteria 3.2 Verifier 3.2.1.1**

Principle 3 Verifier 3.2.1.1 on cutting permission of RFD, Mr.Vijarn Seankul, Forestry Law Division, RFD and Ms.Rattana Saartnak, Permission Division, RFD will disussed more on this issue with related people.

**Principle 3 Criteria 3.3 Indicator 3.3.1 Verifier 3.3.1.1**

Mr.Vijarn Seankul, Forestry law Division, RFD added “Section 11” of Forestry Act B.E.2484

**Principle 3 Criteria 3.3 Indicator 3.3.1 Verifier 3.3.1.2**

Mr.Vijarn Seankul, Forestry law Division, RFD revised section in National Forest Reservation Act B.E.2507 from “section 14” to “section 15”

**Principle 3 Criteria 3.4 Indicator 3.4.1**

Indicator 3.4.1 “A person possessing a chainsaw with a bar length of 12 inches or over has complied with RFD chainsaw licensing requirements” the chairman assigned Ms.Rattana Saartnak, Permission Division, RFD will re-check it again.

**Principle 4 Criteria 4.2**

The chairman asked Ms.Pawinee Udommai, LD Consultation on a resource of “child labor” in Principle 4 Criteria 4.2 which consultant informed the meeting that resource were from a consultation with Labor Department.

**Operator 2: Public Land (Other than Reserve Forest and Protected Forest)**

**Principle 2 Criteria 2.2 Indicator 2.2.1 Verifier 2.2.1.1**

The meeting requested to edit Thai wording for more appropriate.

**Principle 2 Criteria 2.3 Indicator 2.3.1 Verifier 2.3.1.1**

Mr.Vijarn Seankul, Forestry Law Division, RFD revised Forestry Act B.E. 2484 from “section 12” to “section 11”

### **Principle 3 Criteria 3.3**

The meeting have an opinion on Principle 3 Operator’s Forest Management, Environment and Harvesting Obligations and Practices should separate timber from forest plantation, restricted and non-restricted species for clearly understand in LD.

Mr.Vijarn Seankul, Forestry Law Division, RFD explained in case of cutting timber restricted species on Sor Por Gor land, the operator must get permission from authority first. For non-restricted species, an operator can cut timber without permission. However, if operator need to dispense, there must to pay fee for government to issue transport license. The meeting have an opinion this issue has a patch to implement then should put more information into LD.

### **Operator 3 : Private Land**

#### **Principle 3 Criteria 3.2 Indicator 3.2.1 Verifier 3.2.1.1**

Mr.Phongsa Choonam, Tree Bank commented on standing timber is an assest of land and no regulation assigning to certify legality so the land property can certify and verify legality of thier timber. He also insist on the right of people to certify thier planting timber as same as Indonesia.

### **Operator 4 : Imported Timber**

#### **Principle 2 Criteria 2.1 Indicator 2.1.1 Verifier 2.1.1.1**

Mr. Thanun Ounkom, The Federation of Thai Industries suggested Thailand to ask EU on other document except C/O as EU need.

Ms.Somrudee Nicro, Ph.D, EFI explained the meeting , EFI used to explained that declaring only C/O document isn’t enough for timber legality verification because C/O only specific the origin of timber but it couldn’t guarantee timber legality.

Mr.Panus Siriarporntham, Forest-checkpoint Division, RFD explained C/O can show the timber originate so it should be an important enough evidence and prove legality of timber. Normally, C/O issueing will proceed by government only. He insisted that Thailand imported legally timber only and there need to have C/O and other documentation in attach such as invoice, delivery order and so on.

Mr.Jirawat Tangkijngamwong from Thai Timber Association suggested to address Due Diligence Form which importers have to fill the information to declare the documents.

The meeting agreed to attach the CO, relevant documents and Due Diligence Form to prove legality of imported timber.

Mr.Sukan Sirichantaradilok, The Customs Department revised Criteria 2 from “right” of operator on importing timber to other appropriate word. Moreover, he and Ms.Benjamaporn Pornperm, Department of Foreign Trade added a legal reference “Customs Act B.E.2469 Section 40, Export and Import Goods out of country Act B.E.2522, Forestry Act B.E.2484” into this criteria.

Mr.Sapol Boonsermsuk, International Forestry Cooperation Office, RFD (Mr.Pralong Damrongthai, DDG assigned to be a chairman in the afternoon section) replaced “people who importing timber” to “right” of operation on importing timber at Criteria 2.

### **Operator 5 Processing**

#### **Principle 1 Criteria 1.2 Indicator 1.2.1**

Mr.Niwat Luengborisut, Private Forest Plantation, RFD revised Thai wording in Indicator 1.2.1 for more appropriate.

Ms.Rattana Saartnak, Permission Division, RFD explained an operator who need to ask for permission of processing timber under Plantation Act B.E.2535 must register as plantation operator only. For operator who asks for permission of processing timber under Forestry Act B.E.2484 can use timber from other country, forest plantation and every species of planting for raw materials.

Mr. Thanun Ounkom, The Federation of Thai Industries requested to revise Indicator 1.2.2 for clear understanding which Mr.Niwat Luengborisut, Private Forest Plantation, RFD undertake to revise it.

#### **Principle 3 Criteria 3.4 Verifier 3.4.1.1**

Mr.Vijarn Seankul, Forestry Law Division, RFD revised “chain saw permission of RFD” to “chain saw permission of registrar”

Ms.Rattana Saartnak, Permission Division, RFD will review the content and revise it again afterward.

#### **Principle 3 Criteria 3.7 Verifier 3.7.2.1**

The meeting disagree on EIA report which mentioned Verifier 3.7.2.1. The reason is EIA do not related to timber legality certification.

#### **Principle 4 Criteria 4.1 Verifier 4.1.1.1**

Mr. Thanun Ounkom, The Federation of Thai Industries suspected is Letter of Acknowledgement from the Department of Labor Protection and Welfare enough for verify? Ms.Pawinee Udommai, LD Consultant informed that she had consulted with the Labor Department on this issue.

### **Operator 6: Transportation**

#### **Principle 2 Criteria 2.2 Indicator 2.1.1 Verifier 2.2.1.1**

Mr.Panus Siriarporntham, Forest-checkpoint Division, RFD added “Cutting timber from forest plantation certification” after timber list and adding “timber list” into the description of verification process “A transportation operator must ensure that plantation timber being transported has been Stamped with the seal of the Licensed Entrepreneur from whom the timber was sourced. The transportation operator must also ensure that he or she has *cutting document and timber list from plantation operator*, which records the transfer of the timber to the transferee. Competence Officer must verify this documentation at every RFD station through which the timber passes” He gave the reason that a registered operator on forest plantation is not need to pass any checkpoint.

#### **Principle 2 Criteria 2.3 Indicator 2.3.1 Verifier 2.2.1.1**

Mr.Niwat Luengborisut, Private forest plantation, RFD revised Thai wording to more appropriate and added section 53 ter. under Forestry Act B.E.2484 in legal reference.

Ms.Rattana Saartnak, Permission Division, RFD revised Verifier 2.2.1.1 to Verifier Issued by: Operator (Licensed Entrepreneur)

Mr.Panus Siriarporntham, Forest-checkpoint Division, RFD requested to cut content in bracket under verification description which will be “An operator who wishes to transport timber must either apply for an RFD Transportation Certificate or prepare a Confirmation Letter of Transformed Timber or Timber Products. A Competence Officer will verify the transportation documentation at every RFD station through which the timber passes”

**Principle 4 Criteria 4.5 Indicator 4.5.1**

Mr.Panus Siriarporntham, Forest-checkpoint Division, RFD commented on a verify driver name with transportation license should be enough and revised authority on verification process to “Authority from Transportation Department and Police”

**Principle 4 Criteria 4.5 Indicator 4.5.2**

The meeting agreed to revise Indicator 4.5.2 from “All personnel employed by the operator as drivers will hold licenses of the appropriate category” to “All personnel employed by the operator as drivers will hold correct licenses category” and revised some Thai wording on verification description process.

**Principle 5 Criteria 5.2 Verifier 5.2.1.2**

Mr.Panus Siriarporntham, Forest-checkpoint Division, RFD revised “RFD Transportation of Timber permit records” to “RFD Transportation of Timber receipt”.

Ms.Benjamaporn Pornperm, Department of Foreign Trade revised verification frequency from “per permit” to “per export”

**Operator 7: Export and Trade**

**Principle 1 Criteria 1.2 Indicator 1.2.2**

Mr.Panus Siriarporntham, Forest-checkpoint Division, RFD revised Thai wording for appropriate.

**Principle 1 Criteria 1.2 Verifier 1.2.2.1**

Mr.Panus Siriarporntham, Forest-checkpoint Division, RFD revised Thai wording for appropriate.

**Principle 1 Criteria 1.2 Verifier 1.2.2.2**

Mr.Panus Siriarporntham, Forest-checkpoint Division, RFD revised Thai wording for appropriate.

**Principle 1 Criteria 1.3 Verifier 1.3.1.1**

Ms.Benjamaporn Pornperm, Department of Foreign Trade revised verification to “Issue by: DG of Foreign Trade Export Permit Department, Verify by Customs authority” and verification frequency to “per export

**Principle 2 Criteria 2.2**

The meeting agreed to add verifier V 2.2.1.2: Cutting certification from forest plantation and V 2.2.1.3: RFD certification” and added “regulation/annocument of Commercial Department and timer certification regulation” into legal reference.

**Principle 2 Criteria 2.3 Indicator 2.3.1**

Mr.Panus Siriarporntham, Forest-checkpoint Division, RFD revised content to “An operation have legally evidence which comply to Ministry regulation/annoucement of RFD on providing timber list”

**Principle 2 Criteria 2.3 Verifier 2.3.1.1**

Ms.Rattana Saartnak, Permission Division, RFD revised content from “recently timber list” to “transportation certification, Processing document, Rubber wood processing document and product document”

Mr.Panus Siriarporntham, Forest-checkpoint Division, RFD added “Regulation no.26 and Forestry Act B.E.2484 Section 39,40,48,53 ter. Moreover, he added regulation/announcement of Commercial Department and Timber Certification of RFD” into legal reference.

**Principle 5 Criteria 5.3**

Mr.Sukan Sirichantaradilok, The Customs Department requested to cut “before issue export permit ”out under verification process description of Principle 5 Criteria 5.3

**Conclusion** The meeting be infomred on revised content draft LD version 26 May 2016

**Agenda item 4** Other Matters

Ms.Somrudee Nicro, Ph.D, EFI informed the meeting, on 12 May 2016, EFI had met Mr.Kasemsan Chinnvaso, Permanent Secretariat of Natural Resources and Environment Ministry on FLEGT VPA in Thailand discussion. He supported the stakeholders cooperation system and be informed, Gap/issue papers is drafting. He also suggested, the purpose should be set by stakeholders, all the problems should not be solved separately, it may cause to make new problems.

**Conclusion** The meeting be informed

**Next Step**

- Mr.Pralong Damrongthai, DDG of RFD suggested to arrange RFD officers meeting to revise related legal which could not solved during the meeting.
- Ms.Rattana Saartnak, Permission Division, RFD will review permission issue and consult with related people.
- Mr.Niwat Luengborisut, Private Forest Plantation, RFD will revise forest plantation issue and related legal.
- The chairman assinged Mr.Vijarn Seankul, Forestry Law Division, RFD to review Act and Section to ensure all list are correct.
- Request the meeting to review LD and give a feedback to TEFSO before 13 June 2016

**Next meeting**

Next meeting will be arrange on Monday 13 June 2016 at meeting room of H.A.Slade, 2nd Floor of National Park, Wildlife and Plants Department at 09.30-16.30 hrs.

**The meeting finished at** 16.30 hrs.

Ms.Isiyanee Samrit  
Database Officer  
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Mr.Banjong Wongsrisoontorn  
Director of TEFSO  
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