

**Recommendation from Timber Legality Definition
(Ad-Hoc Working Group)
On 24th February 2016**

Background

Thailand was sent the letter to European Union (EU) to officially open the negotiation on Voluntary Partnership Agreement: VPA) on 12th February 2013 and acknowledged from EU on 15th March 2013. After that, Royal Forest Department (RFD) established Thai-EU FLEGT Secretariat Office (TEFSO) to coordinate and support VPA negotiation with EU

Moreover, Thailand arranged the first Joint Expert Meeting (JEM) on 13th – 15th November 2013 at RFD. The meeting is the technical discussion between Thai and EU representative to consider the negotiation structure. The meeting established the working group, which consists of 3 stakeholders. Those are Government, Private and Civil Society sector called “Timber Legality Definition Working Group” to provide the draft legality definition which is one of the annexes and the main one to negotiate with EU. The working group has been developing Timber Legality Definition draft through LD meeting since 2014; there are 6 LD meetings and several sub-working group meetings concurrently. After the fifth meeting on 15th January 2016, RFD had submitted the first LD draft to EU (technical level) on 24th March 2015 and EU responded the feedback back on 24th April 2015.

Since all the six of LD meetings opened the way for stakeholders to inform the meeting on both political and systematical local issues including the problem of people taking advantage on forest. Therefore, the working group had assembled issues and solution from the meeting to solve the problem for government sector following current situation and stakeholders’ requirement that lead to sustainable forest management anticipatively and effectively forest governance in the future.

Problem and Recommendation from Legality Definition Working Group consulted with related stakeholders in 4 regions

Subject 1: Plantation and Logging of public sector

Problem:

Complicated plantation process and logging is the reason why SME cannot comply causing the reduced motivation of public planter since the law emphasizes to control, not to promote.

Solution:

- 1.1 Reform Forestry Act B.E.2484 “Section 7: Teak, Dipterocarpaceae wood, *Dalbergia oliveri* Gamble (Shing-Shan, Ged-Dang, E-meng, Pha-yung Glab), *Dalbergia cochinchinesis* Pierre (Pha-Yong, Dang-

Chien, Kha-yong), *Dalbergia parviflora* (Kra-Sik, Kra-Sib, Mhak-Plu-Tak-Tan) , *Dalbergia cultrata* Graham (Kra-Pii, Kra-Pii-Kho-Kwai, Ged-Dum, E-Toa, Ged-Kho-Kwai) whenever they are in Thailand Kingdom, they are prohibited as a wood type A. What species are prohibited in what type is appointed by the act” should be “Section 7: Teak, Dipterocarpaceae wood, *Dalbergia oliveri* Gamble (Shing-Shan, Ged-Dang, E-meng, Pha-yung Glab), *Dalbergia cochinchinesis* Pierre (Pha-Yong, Dang-Chien, Kha-yong), *Dalbergia parviflora* (Kra-Sik, Kra-Sib, Mhak-Plu-Tak-Tan), *Dalbergia cultrata* Graham (Kra-Pii, Kra-Pii-Kho-Kwai, Ged-Dum, E-Toa, Ged-Kho-Kwai) whenever they are in Thailand Kingdom except in private land, they are prohibited wood type A. Other species are prohibited in what type is appointed by the act”

- 1.2 Promote and build public motivation to participate as a planter and a forest manager that is able to make full use of wood in economic way independently following the sustainable forest management.
- 1.3 Revoke the restriction of cutting prohibited timber species is the important motivation to private sector and community on increasing logging investment. However, these should be limited only for private land timber but should be excluded the timber from natural forest or conserved forest.
 - This can be done as the private land has the title deed, so it’s owner has the right which includes the tree on that land. Furthermore the cutting on private which is mostly planted in private land does not affect the forest abundance like the destruction of natural forest.
- 1.4 In the Plantation Act. B.E. 2535 and amendments, every planted species can be registered.
- 1.5 The timber verification bases on the Plantation Act. B.E. 2535 and amendments should provide the additional verification channel to be convenient to planter, e.g., self verification.
- 1.6 Raise awareness on forest governance and eliminate the problem on corruption in every process on forestry in government sector, private sector, and CSOs.
- 1.8 Sawmills should be allowed to process every species and to run 24 hours.
- 1.9 Sawmills license should be only one document that can allow operators to saw, dry, shape, process invention or process timber for domestic trade and exporting.¹
- 1.10 Revise/cancel the Chainsaws Act. B.E.2545 and amended in B.E.2555. All size of chainsaws must be registered to trader or

¹ The trade license for traders still remains.

producer and the registered one can be use in other area not only the one that registered.

- 1.11 Revise the expiration of timber processing license to be expanded and complied with other related licenses. For example, license to operate last five years, so the wood processing license should last five years as well.
- 1.12 Improve the Forest Act B.E.2484 on passport and timber invoice procedure by deducting it to be convenient, efficient, and acceptable to all stakeholders.

Subject 2: Timber source certification

Problem: Some of public planters who plant in their own land misunderstand on the tree name that cannot certificate source if it has a same name as tree in the forest.

Solution:

- 2.1 Raise awareness on timber registration for planters thoroughly.
- 2.2 Deveolp the registration system to be quick and efficient.
- 2.3 The authority should be decentralized on timber source certification to local government or external organization². Government sector sets conditions; authority, procedures and penalties, effective traceability, accpeted by all stakeholders.

Subject 3: The free trade of exporting logging, timber, sawn wood and wood product

Problem: Log and sawn wood are limited to use only in domestic; and cannot export to other countries. Presently, only *Acacia* sp. and Eucalyptus can be exported which planted by major manufacturers to serve as raw materials to their business. On the other hand, the high value wood planters, i.e. teak or other species, are not supported as expected. Thus many teak planters have no motivation and start to change the land use to other activities causing the forest area lost.

Solution:

- 3.1 Allow private forest plantations to export log and sawn wood and it is not limited only to *Acacia* sp. and Eucalyptus. Legal timber complies with Plantation Act B.E. 2535 and amended including teak and Dipterocarpaceae wood that can be exported in both log and sawn wood
- 3.2 Importing timber including teak and Dipterocarpaceae wood can re-export both log and sawn wood.

² The definition of external organization included related stakeholders participation.

- 3.3 Balled wood can export, though in the past it was able to be export but the new interpret made it cannot export in the present.
- 3.4 Reduce timber, sawn wood customs tariff from 40% to 0% to compete with other countries.
- 3.5 There should use tax incentives to promote planters.

Subject 4: Invention Definition

Problem: The officer's interpret and private's one does not conform. Currently, industry technology is changed and progress including the consumer usage. For example, jointed wood which RFD defines that it is a scantling but nowadays, it can be large piece of wood (i.e., stairs, floor, window or door frame). In foreign countries, they have new technology to process a 2"x6" jointed wood to be a pole, beam, or joist for construction. On the other hand Thailand considers those sawn wood or timber that were processed through quality improving technology, i.e., heat treatment.

Solution:

- 4.1 Cancel the size limit of timbers and define 'invention' clearly.

Subject 5: Rubber legal verification

Problem: In the past rubber wood was crops and was not under RFD. When there had been industrial cutting, Forestry Act B.E. 2484 was in force to control. However the traceability is very difficult. Moreover, conserved forest encroachment for planting rubber is still a problem and affects ecosystem. Then there should find solution to protect these mixed timbers to mix with legal timber.

Solution:

- 5.1 Verify land certification of owner, there has to show possession or utilization certification 46 types i.e. title deed, N.S. 3 K, por.bor. tor. 5, etc.
- 5.2 Develop the rubber verification system suites Thailand context and conforms with other countries' need, i.e. Due Diligence System (DDS)
- 5.3 In Plantation Act. B.E. 2535 and amendments, all species can be registered. (including rubber)
- 5.4 To deveolp the registration system to be quick and efficient.

Subject 6: The penalties of Plantation Act. B.E. 2535 and amendments does not encourage public planter to register.

Problem: The Plantation Act. B.E. 2535 and amendments intents to promote legal reforestation, on the other hand the penalties reflects the intention to control rather than to encourage public planter to register legal reforestation and legal logging.

Solution:

- 6.1 Cancel the criminal penalty in Plantation Act. B.E. 2535 and amendments by changing from restrained to fined or cancel the license instead.
