

Annex 9

Public Disclosure of Information

1. Introduction

The parties recognise, in the preamble of the VPA, that the publication of information is essential to improve governance and that the provision of information to stakeholders should therefore be central to this Agreement in order to facilitate the implementation and monitoring of systems, increase transparency, and thus improve stakeholder and consumer confidence, as well as to ensure accountability of the Parties.

The parties are committed to ensuring that key forestry-related information is made available to the public. This annex aims to ensure that: (1) Joint Implementation Committee (JIC) operations during implementation of this Agreement are transparent and understood; (2) a mechanism exists for the Parties as well as relevant stakeholders to access key forestry-related information; (3) the functioning of the Thailand Timber Legality Assurance System (THA-TLAS) is strengthened through the availability of information for independent monitoring; and (4) that the broad objectives of the Agreement are achieved.

To achieve these objectives and in line with Article 19 of the VPA, this annex provides (1) the forestry-related information to be made available to the public, (2) the bodies responsible for making that information available, and (3) the mechanisms by which it can be accessed.

2. Legal basis on public disclosure of information of Thailand

This Annex is in line with the Thai Official Information Act, 1997 specifying that the public has a right to access official information. There is an explicit exemption for non-disclosed information, and it is limited to information that, if disclosed, will damage the country or the vital interest of the private sector.

Official information means information in possession or control of a State agency such as ROYAL FOREST DEPARTMENT, whether it is information relating to the operation of the State or information relating to a private individual.

Under this Act, official information may be classified as 4 categories as follows.

Category 1 Information published in the Government Gazette (Section 7) such as the structure and organization of a state agency's operation, the summary of important powers and duties, a contacting address for the purpose of contacting the State agency, and laws, regulations and rules.

Category 2 Information provided for public inspection (Section 9) such as a result of consideration or a decision which has a direct effect on a private individual, a policy or an interpretation which does not fall within the scope of the requirement of publication in the Government Gazette, a work-plan, project and annual expenditure estimate of the year, a manual or order relating to work procedures of the state officials, and a resolution of the cabinet or committees.

Category 3 Information which may be disclosed to a person upon request (Section 11) other than those in Category 1,2, and 4.

If any part of information in Category 2 or Category 3 is prohibited from disclosure under Category 4, it shall be deleted, omitted or effected in such manners whatsoever so as not to disclose such part of the information.

Category 4 Information prohibited from disclosure (Section 15). A State agency or State official may issue an order prohibiting the disclosure of official information, by having regard to the performance of duties of the State agency under the law, public interests and the interests of the private individuals concerned.

3. List of information to be made public

The information to be made public is divided into two groups, namely VPA-specific information and information on Thailand's forest and timber sector. Details of the information to be made public and the bodies responsible for making that information available are outlined in **Appendix 1**.

3.1 VPA-specific information

Information as outlined in the provisions of the VPA and in the JIC Annex that consists of:

- (1) The text of this Agreement, its Annexes and amendments (to be published after ratification);
- (2) Regular information provided by the JIC;
- (3) Regular reports provided by the EU.

3.2 Information on Thailand's forest and timber sector

Identification of information on Thailand's forest and timber sector is carried out by consultation with multi-stakeholder, namely government sector, private sector and civil society sector. The first step, the scope of information that is essential to the implementation of the THA-TLAS is identified. After that, the stakeholders consider list of information that need to be made public that is essential to the development of Thailand's forestry governance. Then, responsible bodies and category of information are identified.

The list of information to be made public is provided in Appendix 1, Table 2. The scope of information covers the following areas.

- (1) Laws, Regulations, Guidelines and Procedures,
- (2) Information on Land and Forest,
- (3) Information on forest management practices,
- (4) Information on timber movements/supply chain,
- (5) Information on workers, worker rights, including safety and health,
- (6) Information on mill and processing operations,
- (7) Information on revenue, royalty and tax payments,
- (8) Information on enforcement,
- (9) Trade Information.

4. Mechanisms by which the information can be accessed

To implement the Official Information Act, 1997, the State agency has duties and powers to carry out by using the mechanisms as stipulated in the laws as following:

- A State agency, at the departmental level, issues regulations to ensure compliance with the Official Information Act, 1997 in accordance with Section 9 of the Official Information Act, 1997 and Section 32 of the State Administration Act, 1991.
- A Ministry-level government agency provides a joint service center, to facilitate the public's access to information, to request permissions, or approval in any matter, in accordance with Section 30 of the Royal Decree on Rules and Procedures for Good Governance, 2003.
- A State agency provides an administration and the establishment of public services in digital forms and channels to increase efficiency and facilitate the provision of service and public access, and for disclosing the official information to the public and enhancing the participation of all sectors in accordance with the Section of the Digital Government Administration and Services Act, 2019.

As the mechanism mentioned above, a State agency, which possesses or controls the information specified in this Annex, provides channels to access information via the following methods:

- (1) Contact in person at an official office,
- (2) Contact by phone,
- (3) Contact in writing,
- (4) Contact via website.

Government agencies shall disclose information as follows: (1) in the event that people request information from a state agency and the state agency has such information that is ready to be provided, the state agency must complete the process as soon as possible or within the date of receiving the request, or (2) in the event that there is a large amount of information requested or there is unable to complete the process within 15 days, the state agency must notify the requester within 15 days, including notifying the date of completion to the requester. Each state agency can specify the period otherwise but must not exceed the period specified above.

Any person, who considers that a State agency fails to publish the information, fails to make the information available for public inspection, fails to provide them with the information, violates or fails to comply with the Official Information Act, 1997, is delayed in performing its duties, or who considers that they do not receive convenience without reasonable cause, is entitled to lodge a complaint with the official information board, except where it is the case concerning the issuance of an order dismissing the objection of the information in Category 4 or an order refusing the correction, alteration or deletion of the personal information.

In the case where the complaint is lodged with the board, the board shall complete the consideration thereof within thirty days as from the date of the receipt. In case of necessity, such period may be extended; provided that, the reason therefor is specified and the total period shall not exceed sixty days.

Appendix 1
Information to be made public and responsible bodies

Table 1 VPA specific information

No.	Descriptions	Responsible bodies	Category
(1)	VPA agreement, its annexes and any amendments (to be published after ratification)	Royal Forest Department and EU	2
(2)	Regular information provided by the JIC		
(2.1)	Joint annual JIC report	Royal Forest Department and EU	2
(2.2)	Public summary of JIC meetings	Royal Forest Department and EU	2
(2.3)	Summary of monitoring reports, such as the public summary of the Independent Audit report	Royal Forest Department and EU	2
(2.4)	Full Independent Audit report	Royal Forest Department and EU	3
(2.5)	Summary of the tender evaluation report for the IA	Royal Forest Department and EU	3
(2.6)	Report by the Thai licensing authority on its procedures and number of licences issued	Royal Forest Department	2
(3)	Regular reports provided by the EU		
(3.1)	Thai Country report by the Independent Market Monitor	EU	2
(3.2)	List of EU FLEGT Competent Authorities	EU	2
(3.3)	Annual report by the EU CAs on number of licences received	EU	2

Table 2 Information on Thailand's forest and timber sector

No.	Descriptions	Responsible bodies	Category
(1)	Laws, Regulations, Guidelines and Procedures		
(1.1)	Laws and regulations specified in the LD Annex and the TLAS	Royal Forest Department and relating State agencies	1
(1.2)	Royal Forest Department letters as specified in the LD and SCC Annexes	Royal Forest Department	2
(1.3)	Structures and organizations of its operation of the State agencies relating to THA-TLAS	Royal Forest Department	1
(1.4)	Summary of important powers and duties and operational methods of the State agencies relating to THA-TLAS	Royal Forest Department	1
(1.5)	Procedures of request and issuance of relating permission letters and verification letters	State agencies who issue relating permission letters and verification letters	2
(1.6)	Procedures of lodging a complaint and an appeal	State agencies relating THA-TLAS	2
(1.7)	Resolutions of the cabinet or committees appointed by-law or by the cabinet's resolution relating to the forestry sector	Royal Forest Department	2
(1.8)	International conventions and agreements signed and ratified by Thailand applying to VPA.	Department of Treaties and Legal Affairs	2
(2)	Information on Land and Forest		
(2.1)	Annual summary of the forest area condition in Thailand	Royal Forest Department	2
(2.2)	Maps showing the national park boundary	Department of National Park Wildlife and Plant Conservation	1
(2.3)	Maps showing the boundary of the forest park, botanical garden or arboretum	Department of National Park Wildlife and Plant Conservation	1
(2.4)	Maps showing wildlife sanctuary boundary	Department of National Park Wildlife and Plant Conservation	1
(2.5)	Maps showing the non-hunting boundary	Department of National Park Wildlife and Plant Conservation	1
(2.6)	Maps showing the boundary of mangrove forest conservation area	Department of Marine and Coastal Resources	1
(2.7)	Maps showing the permanent forest boundary according to the cabinet resolution	Royal Forest Department	3
(2.8)	Maps showing the boundary of the established community forest	Royal Forest Department	1

No.	Descriptions	Responsible bodies	Category
(2.9)	Maps showing the national reserved forest boundary	Royal Forest Department	1
(2.10)	Maps designating the boundary of the agricultural land reform area	Agricultural Land Reform Office	1
(2.11)	Maps designating the boundary of cooperative land settlement established	Cooperative Promotion Department	1
(2.12)	Maps designating the boundary of self-help land settlement established	Department of Social Development and Welfare.	1
(2.13)	Maps showing the boundary of the state land	Treasury Department	3
(2.14)	Maps showing the boundary of state land lease	Treasury Department	3
(2.15)	State land owned by government agencies	Treasury Department	3
(2.16)	Map sheets of land in a title deed	Department of Land	2
(2.17)	Total and area of authorised use of forest activities by fiscal year	Royal Forest Department	2
(2.18)	Total, area and species registered the land to be forest plantation under the Forest Plantation Act by year	Royal Forest Department	2
(2.19)	Information of each forest plantation plot registered under the Forest Plantation Act	Inside Bangkok: Royal Forest Department Outside Bangkok: Provincial Office of Natural Resources and Environment	2
(2.20)	Permission letter of authorised use of forest area	Royal Forest Department	3
(2.21)	Certificate of plantation registration and timber inventory of timber registered a plantation	Inside Bangkok: Royal Forest Department Outside Bangkok: Provincial Office of Natural Resources and Environment	3
(2.22)	Permission letter on utilization within the agricultural land reform area	Agricultural Land Reform Office	3
(2.23)	Permission letter on utilization of land in estate cooperative area	Cooperative Promotion Department	3
(2.24)	Permission letter on utilization of self-help land settlement	Department of Social Development and Welfare	3
(2.25)	Land lease agreement on state land	Treasury Department	3
(2.26)	Title deed or Certificate of possessive right	Department of Land	3
(2.27)	Acknowledged letter of possessive letter or Pre-emptive certificate	Provincial Land Office or Branch Land Office or Sub-Branch Land Office or District Land Office	3

No.	Descriptions	Responsible bodies	Category
(2.28)	Memorandum of understanding between the Royal Forest Department and the Forest Industry Organisation on land use within the national reserved forest	Forest Industry Organisation and Forest Industry Organisation	2
(2.29)	Maps of the Forest Industry Organisation's forest plantation	Forest Industry Organisation	2
(2.30)	Coordinates plots, plantation owner list, plantation inspection, and aid funding information of the rubber farmer who is a member of the Rubber Authority of Thailand	Rubber Authority of Thailand	3
(3)	Information on forest management practices,		
(3.1)	National forestry policy	Royal Forest Department	2
(3.2)	Economic timber planting promotion plan	Royal Forest Department	2
(3.3)	Inspection report on forest condition before issuance of Permission letter of authorised use of forest area	Royal Forest Department	3
(3.4)	Total and species of timber permitted to harvest by year	Royal Forest Department	2
(3.5)	Logging permits including its timber inventory	Royal Forest Department	3
(3.6)	Survey reports and tree inventories for forest converted to other uses	Royal Forest Department	3
(3.7)	Maps of forest converted to other uses	Royal Forest Department	3
(3.8)	Project plans operating in the forest converted to other uses	Royal Forest Department	3
(3.9)	Documentary evidence demonstrating a result of consideration of a council of local government to give a consent.	Royal Forest Department	3
(3.10)	Memorandum of consent on a remedy of problem affecting to the people	Royal Forest Department	3
(3.11)	Acknowledged Certificate on harvesting a tree on registered forest plantation and harvesting tree inventory	Inside Bangkok: Royal Forest Department Outside Bangkok: Provincial Office of Natural Resources and Environment	3
(3.12)	Timber certificate	Royal Forest Department	3
(3.13)	Environmental Impact Assessment (EIA) Report (including report of public hearing relating to and information on EIA report)	Office of Natural Resources and Environmental Policy and Planning	2
(3.14)	Monitoring report and other relevant reports	Office of Natural Resources and Environmental Policy and Planning	2

No.	Descriptions	Responsible bodies	Category
(3.15)	Reports relating to information and the amount of pollutant emission into the environment	Inside Bangkok: Department of industrial works Outside Bangkok: Provincial Industry Office	3
(4)	Information on timber movements/supply chain		
(4.1)	Total annual timber produced by the Forest Industry Organisation by year	Royal Forest Department, Forest Industry Organisation	2
(4.2)	Accompanying transportation documents include transportation permit, Certificate of timber inventory from registered forest plantation, movement document and permit for movement of wood from a construction of old building (Mor Gor 4)	Inside Bangkok: Royal Forest Department Outside Bangkok: Provincial Office of Natural Resources and Environment	3
(4.3)	Certificate of seal registration and Certificate of stamp under the Forest Plantation Act	Inside Bangkok: Royal Forest Department Outside Bangkok: Provincial Office of Natural Resources and Environment	3
(4.4)	Record of timber inspection such as verification of timber source, inspection of timber when moving through or entering the forest checkpoint and inspection of timber in the event of suspicion.	Royal Forest Department	3
(5)	Information on workers, worker rights, including safety and health		
(5.1)	Total workers or contractors who are authorised under the Forest Act	Royal Forest Department	3
(5.2)	Total workers in the establishment	Inside Bangkok: Department of Labour Protection and Welfare Outside Bangkok: Province Office of Labour Protection and Welfare	3
(5.3)	Record of work conditions inspection	Inside Bangkok: Department of Labour Protection and Welfare Outside Bangkok: Province Office of Labour Protection and Welfare	3
(5.4)	Record of safety inspection	Inside Bangkok: Department of Labour Protection and Welfare Outside Bangkok: Province Office of Labour Protection and Welfare	3

No.	Descriptions	Responsible bodies	Category
(5.5)	List of operators who have received the certificate on Thai labour standard	Department of Labour Protection and Welfare	2
(5.6)	Documents on employment and occupational safety of the Forest Industry Organisation	Forest Industry Organisation	3
(6)	Information on mill and processing operations		
(6.1)	Total sawmills, timber product factories and shops where are authorised under the Forest Act by fiscal year	Royal Forest Department	2
(6.2)	List of sawmills, timber product factories and shops where are authorised under the Forest Act	Royal Forest Department	3
(6.3)	Industrial factories where are authorised to operate timber processing or produce timber product	Inside Bangkok: Department of industrial works Outside Bangkok: Provincial Industry Office	3
(6.4)	Business registration Information of an operator	Department of Business Development	2
(6.5)	Permit on processing place to process timber from registered plantation	Inside Bangkok: Royal Forest Department Outside Bangkok: Provincial Office of Natural Resources and Environment	3
(6.6)	Permit on establishment of processing mill	Inside Bangkok: Royal Forest Department Outside Bangkok: Provincial Office of Natural Resources and Environment	3
(6.7)	Permit on processing timber	Inside Bangkok: Royal Forest Department Outside Bangkok: Provincial Office of Natural Resources and Environment	3
(6.8)	Permit on operation of business hazardous to health	Local government organization	3
(6.9)	Possessive License of hazardous substance	Department of industrial works	3
(6.10)	Information on industrial factory inspection	Department of industrial works	3
(7)	Information on revenue, royalty and tax payments		
(7.1)	Evidence of royalty payment	Royal Forest Department	3
(7.2)	Evidence of timber price payment (in the case of the Forest Industry Organisation conducts a logging on the plantation that the trees are planted by the Royal Forest Department budget or a logging on the forest converted for other uses)	Royal Forest Department	3
(7.3)	Evidence of forest maintenance fee payment	Local Forest Resource Management Office	3
(7.4)	Evidence of fee payment for issuing relevant documents	Agencies issuing a document	3

No.	Descriptions	Responsible bodies	Category
(7.5)	Evidence of duty payment	Thai Customs Department	3
(8)	Information on enforcement		
(8.1)	Statistics of forest offenses by fiscal year	Royal Forest Department	2
(8.2)	Summary of forest encroachment cases by provinces	Royal Forest Department	2
(8.3)	Determination and decision in forestry cases	Royal Forest Department	3
(8.4)	Total, species and status of confiscated timber	Royal Forest Department	3
(8.5)	Total of complaints on operations in the forestry sectors	Royal Forest Department	2
(8.6)	Status on complaint handling	Royal Forest Department	2
(9)	Trade Information		
(9.1)	Permit on establishment of trading place	Inside Bangkok: Royal Forest Department Outside Bangkok: Provincial Office of Natural Resources and Environment	3
(9.2)	Permit on establishment of timber product trading place	Inside Bangkok: Royal Forest Department Outside Bangkok: Provincial Office of Natural Resources and Environment	3
(9.3)	Importers and exporters of timber and timber products	Office of the Permanent Secretary Ministry of Commerce, Thai Customs Department	2
(9.4)	Statistics of import and export of timber and timber products (by HS-Codes) monthly and yearly	Office of the Permanent Secretary Ministry of Commerce, Thai Customs Department	2
(9.5)	Total of logs and processed timber import and export (by species and countries)	Royal Forest Department	2
(9.6)	Letters of import permission, export permission or transit permission of CITES listed species	Department of Agriculture	3
(9.7)	Import entry declaration and Export entry declaration	Thai Customs Department	3
(9.8)	Record of co-inspection of the Thai Customs Department and Royal Forest Department	Thai Customs Department	3
(9.9)	Cargo Permit	Thai Customs Department	3
(9.10)	Letter of Certification for Trade and Export of Timber, Wood Products and Charcoal	Royal Forest Department	3
(9.11)	Export permit	Department of Foreign Trade	3