



## Meeting Minutes

### between EU representative and Thai working group on Legality Definition in technical level

11<sup>th</sup> May, 2015 at Rama Garden hotel, Bangkok

#### Participants

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|---------------------------------|--------------------------------------------------------------------------|
| 1. Ms. Jenni Lundmark           | EU Delegate                                                              |
| 2. Mr. Sebastian Schrader       | EU FLEGT facility-Regional Advisor Asia, EFI                             |
| 3. Dr. Somrudee Nicro           | Consultant to EU FLEGT Facility, EFI                                     |
| 4. Mr. Bruno Cammaert           | Forestry Officer, EU FAO FLEGT Programme                                 |
| 5. Mr. Banjong Wongsrisoontorn  | Director, Thailand-EU FLEGT Secretariat Office (TEFSO)                   |
| 6. Mr. Thada Suwanwimon         | Director of Timber Certification division                                |
| 7. Mr. Worapat Jantramit        | Trade Officer, Professional Level,<br>Department of Trade Negotiation    |
| 8. Mrs. Wasinee Atisook         | Trade Officer, Senior Professional Level,<br>Department of Foreign Trade |
| 9. Mr. Sukal Sirichantaradilok  | Legal Officer, Custom Department                                         |
| 10. Mrs. Yingluck Patiphanthewa | Private Forest Plantation Cooperative Limited                            |
| 11. Mr. Jirawat Tangkijngamwong | Thai Timber Association                                                  |
| 12. Mr. Akekasit Aneksitthisin  | Thai Timber Association                                                  |
| 13. Ms. Warangkana Rattanasat   | RECOFTC                                                                  |
| 14. Mr. Thanun Ounkomol         | The Federation of Thai Industries                                        |
| 15. Mr. Sawas Sookchan          | Mae Tha Sustainable Agriculture Development                              |
| 16. Mr. Nirutt Buapha           | Natural Resources and Environment Network Esan                           |
| 17. Mrs Panjit Tansom           | TEFSO                                                                    |
| 18. Ms Isiyanee Samrit          | TEFSO                                                                    |
| 19. Ms Kessara Sanmongkol       | TEFSO                                                                    |

#### The Meeting started at 13.30 hrs

1. Dr.Somrudee Nicro, the consultant to EU FLEGT Facility, EFI, open the meeting and welcomed the working group to the meeting including to introduce Ms.Jenni Lundmark, the new EU delegate of Thailand.

2. Q&A session on Legality Definition and comment from EU

As cooperating among the Ad-hoc working group on drafting the Legality Definition (LD) , Royal Forest Department (RFD) can submit the first LD draft to the EU on 24 March 2015. European Commission (EC) has submitted and replied the comment on 25 April 2015 with the question on some legalities in the draft. Therefore, Thai-EU Secretariate Office (TEFSO) has arranged the meeting to discuss on the question of EU at Louis Tavern hotel, Bangkok on 29 April 2015.

3. On 11 May, 2015 Dr.Somrudee Nicro, the consultant to EU FLEGT Facility, and Mr.Sebastian Schrader, the regional EU-FLEGT consultant from EFI arranged the meeting between EU

representative and Ad-hoc working group on Legality Definition which involved all 3 main stakeholders (Government, Private and CSOs sectors). This informal technical meeting aims to open an opportunity for working group to ask questions on the EU's comments in the draft of Legality Definition including to discussion on the legality, procedure and implementation steps to conduct the Voluntary Partnership Agreement (VPA) negotiation between Thai and EU.

4. The meeting discussed on the issue mentioned below:

4.1 Principle 2

- 1) The criteria start with the existence of forestland permission. Prior to P2-C1, to what extent will the permit allocation process itself be covered? Including to legality verification of big concession case, which Thailand may need to consider on more detail of allocation issue.
- 2) Mr. Banjong Wongsrisoontorn, Director of Forest Certification Office, RFD explained the meeting that in the dam case; there has to have an impact assessment and be allowed to construction. The relevant agencies have to inspect, seal and book keeping of timber. The Forest Industry Organization that is the government agency will be obtain the concession and consider as legal timbers. Moreover, Mr.Banjong mentions to cutting timbers on sideways which need to follow the regulation and identify the source of timber if are from the government area, the Forest Industry Organization will be obtain the concession.
- 3) Mr.Sebastian suggested to link the law and procedure which related to forestland permit for example, what is the procedure in case of private company need to expand their plantation on government land? Any relevant laws to support? Dr.Somrudee Nicro, added that Mr.Sebastian only needed Thai side to consider and checked any miss out on the legality definition list about forestland allocation permit due to keep benefit on VPA. The working group explains that all relevant law and act are already put in the draft.
- 4) Ms.Panjit Tansom, the Technical Consultant of TEFSO mentioned that details of the law questioning from EU should be put in the indicator and verifier which can put more details and linkage as Mr.Sebastian suggested.
- 5) Mr.Sebastian concluded that LD draft structure which includes principle, criteria and relevant laws liken to a guideline on developing indicator and verifier; these have to go back through the law related when started developing these elements and be ensured the laws are covered all issues. However, Mr.Sebastian understood that all relevant law and regulation were listed into the LD draft but he cannot review on details as they are not yet mentioned in the draft.

4.2 Principle 3

- 1) 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.Sebastian suggests adding timber from conversion of forestland to other land uses.

- 2) The meeting asked advise from Mr. Sebastian on any cutting procedure adjustment which he suggested to review existing law and enumerate in document on problem, task and take these to discuss after that.

#### 4.4 Principle 10

- 1) EU commented on the issuance of licenses procedures (new procedure). Mr. Banjong.... explained that at this time Thailand had permission processed and requested Mr. Sebastian to describe EU comment on this issue.
- 2) Mr. Sebastian described that this comment mentioned the new mechanism which may need to process for changing in the future. There has to focus on increasing law enforcement in exporting. The meeting be informed and agrees to take this issue to further discussion.

#### 5. Currently situation and next step on indicator and verifier developing (TEFSO roadmap/work plan)

- 1) TEFSO presented the VPA roadmap of year 2015-2020 to the meeting so that the meeting requests to further discussion on this and presents in the next meeting. TEFSO be informed.
- 2) Mr. Banjong commented that currently TEFSO has faced various factors as the problem on budget and human resources who have technical background to work on each annex. Moreover he proposed to take the 3 subcommittees back to the cue which hopes to increase effectiveness on the implementation. Moreover, TEFSO need to draft the VPA roadmap to setting up the goal and inform relevant sectors on the process.
- 3) TEFSO will hire the consultant on law and forestry to develop indicator and verifier both Thai and English. Mr. Sebastian agreed.

#### 6. Work procedure in each issue on LD which law doesn't cover

##### 6.1 Uncontrolled timber

- 1) The meeting has been discussing on the uncontrolled timber especially on procedure of transforming rubber and exporting. Mr. Banjong mentioned that no problem for domestic market but for exporting an operator need to process for permit under legality verification.

##### 6.2 Importing timber

- 1) Mr. Jirawat mentioned that currently importing timber to Thailand has to present Certification of Origin (CO) to certify the resource of timber but cannot assure timber legality. The certify of importing timber issue is still in the beginning study process so that Mr. Jirawat commented whether Thailand can find reference to identify the risk of exporting countries, it will help to legality screening. However, this issue may be the task of exporter to use due diligence on verification.

##### 6.3 Law related to compensation and Benefit sharing-Example

- In this case Mr. Sebastian do not present the example of other country in the meeting

#### 7. Comments from Thai side on technical exchange with EU on LD and other issues.

- 1) The meeting agrees it is a good opportunity from Thai side to technical consult with EU and EFI that each consultation makes benefit and next step procedure however,

Thai side need to have more example of other countries from EU for study and develop VPA process.

- 2) Today there is a few of technical exchange among Thai and EU side on LD and other issues so Thai side makes more effort to communicate for exchange comments thouruhg VDO call.

#### 8. Other annex of VPA and development methodology

- the meeting agreed to take this isse to further discussion.

#### 9. Other comment

- 1) the meeting suggests to link FLEGT issue to Illegal Unreported and Unregulated Fishing (IUU) as there has similar principle. If Thailand takes silently it may have result as IUU. To present this issue aims to communicate with high level/decision maker and public as this issue is under attention of media and public which may easier to communicate and understanding at this time.
- 2) Details on legal improving in each annex should be prepare in advance by arranging sub meeting and specify clear responsibility including selecting participant coherence to the content.
- 3) To making the Roadmap must be under negotiation of both side and needs TEFSO to propose roadmap into the negotiation matter.

#### 10. Next steps

- 1) TEFSO will coordinate with Thai PBS on FLEGT public relation to disseminate information to public and other agencies.
- 2) Arrange working group meeting on product scope and unfinished others procedure
- 3) TEFSO will proceed to emply consultant on indicator and verifier.
- 4) Discussion about roadmap with the sub meeting

#### 11. Next meeting

- The next technical meeting with EFI, TEFSO will inform date and time later.

**The meeting closed at 17.00 hrs.**

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**Minutes taken by**  
Miss Isiyanee Samrit  
Miss Kessara Sanmongkol

**Minutes audited by**  
Miss Panjit Tansom