

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 (5) that the broad objectives of the Agreement are achieved.

Therefore, to achieve the objectives and to be 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 Official Information Act, 1997 specifying the public has a right to know the 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 private sector.

Official information means an information in possession or control of a State agency as RFD, whether it is the information relating to the operation of the State or the information relating to a private individual.

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

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

Category 2 The 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 The information may be disclosed to a person making a request (Section 11) which is other than the Category 1 and Category 2, but it is not be the Category 4 below.

If any part of information in Category 2 or Category 3 is prohibited from disclosure under the 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 The information prohibited from disclosure (Section 15). The information falling under any of the followings, a State agency or State official may issue and order prohibiting the disclosure of such 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.

(1) The disclosure thereof will jeopardise the national security, international relations, or national economic or financial security.

(2) The disclosure thereof will result in the decline in the efficiency of law enforcement or failure to achieve its objectives, whether or not it is related to litigation, protection, suppression, verification, inspection, or knowledge of the source of the information.

(3) An opinion or advice given within the State agency with regard to the performance of any act, not including a technical report, fact report or information relied on for giving opinion or recommendation internally.

(4) The disclosure thereof will endanger the life or safety of any person.

(5) A personal information the disclosure of which will unreasonably encroach upon the right of privacy and is in line with the Personal Data Protection Act, 2019.

(6) An official information protected by law against disclosure or an information given by a person and intended to be kept undisclosed.

(7) Other cases as prescribed in the Royal Decree.

An order prohibiting the disclosure of official information may be issued subject to any condition whatsoever, but there shall also be stated therein the category of information and the reasons for non-disclosure. It shall be deemed that the issuance of an order disclosing official information is the exclusive discretion of State officials in consecutive levels of command, provide that, a person who makes a request for the information may appeal to the Information Disclosures Tribunal.

3. List of information to be made public

The information to be made public divides into two groups namely the VPA specific information and the 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 outlined in **Appendix 1**.

3.1 VPA specific information

It is an information as outlined in the provisions of the VPA and in the JIC Annex that consists of:

- (1) VPA agreement (to be published after ratification);
- (2) JIC Regular information provided by the JIC;
 - Joint annual JIC report,
 - Public summary of JIC meetings,
 - Summary of monitoring reports, such as the public summary of the Independent Audit report,
 - Report by the Thai licensing authority on its procedures and number of licences issued.
- (3) Regular reports provided by the EU;
 - Thai Country report by the Independent Market Monitor,
 - List of EU FLEGT Competent Authorities,
 - Annual report by the EU CAs on number of licences received.

3.2 Information on Thailand's forest and timber sector

It is an information is essential to THA-TLAS and that stakeholders consider it essential to the development of Thailand's forestry governance which covers the following matters:

- (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 are as following:

- A State agency, at the department level, issues the regulations to ensure the compliance with the Official Information Act, 1997 is clear and consistent 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 in contacting, requesting for information, requesting permission, or requesting 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 a administration and the establishment of public services in digital forms and channels to increase efficiency and facilitate for providing service and public access, and for disclosing the official information to the public and enhancing the participation of all sectors in accordance with Section of the Digital Government Administration and Services Act, 2019.

As the mechanism mentioned above, a State agency, who possesses or controls the information specified in this Annex, provide channels to access the information by the following methods:

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

State agencies responsible for the publication of information and channels for information access are included in **Appendix 2**.

5. Mechanism on public disclosure of information

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 him with the information, violates or fails to comply with the Official Information Act, 1997 or delays in performing its duties, or considers that he does not receive convenience without reasonable cause, is entitle 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 and 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 (to be published after ratification)	RFD	2
(2)	JIC Regular information provided by the JIC		
(2.1)	Joint annual JIC report	RFD	2
(2.2)	Public summary of JIC meetings	RFD	2
(2.3)	Summary of monitoring reports, such as the public summary of the Independent Audit report	RFD	2
(2.4)	Report by the Thai licensing authority on its procedures and number of licences issued	RFD	2
(3)	Regular reports provided by the EU		
(3.1)	Thai Country report by the Independent Market Monitor	RFD	2
(3.2)	List of EU FLEGT Competent Authorities	RFD	2
(3.3)	Annual report by the EU CAs on number of licences received	RFD	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	RFD and relating State agencies	1
(1.2)	RFD letters as specified in the LD and SCC Annexes	RFD	2
(1.3)	LD Annex	RFD	2
(1.4)	Structures and organizations of its operation of the State agencies relating to THA-TLAS	RFD	1
(1.5)	Summary of important powers and duties and operational methods of the State agencies relating to THA-TLAS	RFD	1
(1.6)	Procedures of request and issuance of relating permission letters and verification letters	State agencies who issue relating permission letters and verification letters	2
(1.7)	Procedures of lodging a complaint and an appeal	State agencies relating THA-TLAS	2
(1.8)	Resolutions of the cabinet or committees appointed by-law or by the cabinet's resolution relating to the forestry sector	RFD	2
(2)	Information on Land and Forest		
(2.1)	Annual summary of the forest area condition in Thailand	RFD	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	RFD	3
(2.8)	Maps showing the boundary of the established community forest	RFD	1
(2.9)	Maps showing the national reserved forest boundary	RFD	1
(2.10)	Maps designating the boundary of the agricultural land reform area	Agricultural Land Reform Office	1

No.	Descriptions	Responsible bodies	Category
(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	RFD	2
(2.18)	Total, area and species registered the land to be forest plantation under the Forest Plantation Act by year	RFD	2
(2.19)	Information of each forest plantation plot registered under the Forest Plantation Act	Inside Bangkok: RFD Outside Bangkok: Provincial Office of Natural Resources and Environment	2
(2.20)	Permission letter of authorised use of forest area	RFD	3
(2.21)	Certificate of plantation registration and timber inventory of timber registered a plantation	Inside Bangkok: RFD 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	
(2.28)	Maps of the Forest Industry Organisation's forest plantation	Forest Industry Organisation	3
(2.29)	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

No.	Descriptions	Responsible bodies	Category
(3)	Information on forest management practices,		
(3.1)	National forestry policy	RFD	2
(3.2)	Economic timber planting promotion plan	RFD	2
(3.3)	Inspection report on forest condition before issuance of Permission letter of authorised use of forest area	RFD	3
(3.4)	Total and species of timber permitted to harvest by year	RFD	2
(3.5)	Logging permits including its timber inventory	RFD	3
(3.6)	Survey reports and tree inventories for forest converted to other uses	RFD	3
(3.7)	Maps of forest converted to other uses	RFD	3
(3.8)	Project plans operating in the forest converted to other uses	RFD	3
(3.9)	Acknowledged Certificate on harvesting a tree on registered forest plantation and harvesting tree inventory	Inside Bangkok: RFD Outside Bangkok: Provincial Office of Natural Resources and Environment	3
(3.10)	Environmental Impact Assessment (EIA) Report	Office of Natural Resources and Environmental Policy and Planning	2
(3.11)	Report of public hearing relating to and information on EIA report	Office of Natural Resources and Environmental Policy and Planning	2
(3.12)	Monitoring report and other relevant reports	Office of Natural Resources and Environmental Policy and Planning	2
(3.13)	Reports relating to information and the amount of pollutant emission into the environment	Inside Bangkok: Department of industrial works Outside Bangkok: Provincial Industry Office	2
(4)	Information on timber movements/supply chain		
(4.1)	Total annual timber produced by the Forest Industry Organisation by year	RFD, Forest Industry Organisation	2
(4.2)	Accompanying transportation documents include transportation permit, Certificate of timber inventory from registered forest plantation and movement document	Inside Bangkok: RFD 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: RFD Outside Bangkok: Provincial Office of Natural Resources and Environment	3

No.	Descriptions	Responsible bodies	Category
(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.	RFD	3
(5)	Information on workers, worker rights, including safety and health		
(5.1)	Total workers or contractors who are authorised under the Forest Act	RFD	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
(5.5)	List of operators who have received the certificate on Thai labour standard	Department of Labour Protection and Welfare	2
(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	RFD	2
(6.2)	List of sawmills, timber product factories and shops where are authorised under the Forest Act	RFD	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
(7)	Information on revenue, royalty and tax payments		
(7.1)	Evidence of royalty payment	RFD	3
(7.2)	Evidence of timber price payment (in the case of the Forest Industry Organisation conducts a logging on the plantation that	RFD	3

No.	Descriptions	Responsible bodies	Category
	the trees are planted by the RFD budget or a logging on the forest converted for other uses)		
(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
(7.5)	Evidence of duty payment	Thai Customs Department	3
(8)	Information on enforcement		
(8.1)	Statistics of forest offenses by fiscal year	RFD	2
(8.2)	Summary of forest encroachment cases by provinces	RFD	2
(8.3)	Determination and decision in forestry cases	RFD	3
(8.4)	Total, species and status of confiscated timber	RFD	3
(8.5)	Total of complaints on operations in the forestry sectors	RFD	2
(8.6)	Status on complaint handling	RFD	2
(9)	Trade Information		
(9.1)	Imports and exporters of timber and timber products	Office of the Permanent Secretary Ministry of Commerce	2
(9.2)	Statistics of import and export of timber and timber products (by HS-Codes) monthly and yearly	Office of the Permanent Secretary Ministry of Commerce	2
(9.3)	Total of timber and timber products import and export (by HS-Codes)	Thai Customs Department	2
(9.4)	Total of logs and processed timber import and export (by species and countries)	RFD	2
(9.5)	Letters of import permission, export permission or transit permission of CITES listed species	Department of Agriculture	3

Appendix 2
Dissemination channels of relevant State agencies

No	Name of State agencies	Ministry	Contact information	Website
1	-	-	-	http://www.mratchakitcha.soc.go.th
2	Royal Forest Department	Ministry of Natural Resources and Environment	61 Phaholyothin Road, Ladyao, Chatuchak, Bangkok 10900 Tel: +66 2561 4292-3 Fax: +66 2940 6664 Email: webmaster@forest.go.th	https://www.forest.go.th
3	Local Forest Resource Management Office (13 offices)	Ministry of Natural Resources and Environment	Regional agencies under the Royal Forest Department	https://www.forest.go.th
4	Provincial Office of Natural Resources and Environment (76 Provinces)	Ministry of Natural Resources and Environment	Regional agencies under the Permanent secretary Natural Resources and Environment	http://www.mnre.go.th
5	Department of National Parks, Wildlife and Plant Conservation	Ministry of Natural Resources and Environment	61 Phaholyothin Road, Chatuchak, Bangkok 10900 Tel: +66 2561 0777 , +66 2579 6666 Fax: +66 2579 9707 Email: webmaster@dnpc.mail.go.th	http://portal.dnp.go.th
6	Department of Marine and Coastal Resources	Ministry of Natural Resources and Environment	120 Moo 3, Floor 5-9, Rattaprasasan Phakdi Building 80th Anniversary Government Center, 5 December 2007, Chaeng Watthana Road, Thung Song Hong Subdistrict, Lak Si District, Bangkok 10210 Tel: +66 2141 1296-99 Fax: +66 2143 9242 Email: it@dmcr.mail.go.th	https://www.dmcr.go.th

No	Name of State agencies	Ministry	Contact information	Website
7	Forest Industry Organisation	Ministry of Natural Resources and Environment	76 Ratchadamnoen Nok Road Wat Sommanat, Pom Prab Sattru Phai, Bangkok 10100 Tel: +66 2282 3243 – 7 Fax: +66 2282 4197 Email: fiocenter@gmail.com	http://www.fio.co.th
8	Office of Natural Resources and Environmental Policy and Planning	Ministry of Natural Resources and Environment	(Temporary office) Tipco Tower 2, 8th Floor, 118/1 Rama 6 Rd., Phayathai, Phayathai, Bangkok 10400 Tel: +66 2265 6532 Fax: +66 2265 6511 Email: webmaster@onep.go.th	https://www.onep.go.th
9	Department of Lands	Ministry of Interior	The Government Complex Commemorating His Majesty the King's 80th Birthday Anniversary Rattaprasasanabhakti Building Chaeng Wattana Road, Laksi District, Bangkok 10200 Tel: +662 141 5555 Fax: +66 2143 9004 Email: secretary-admin@dol.go.th	https://www.dol.go.th
10	Provincial Land Office or Branch Land Office or Sub-Branch Land Office or District Land Office	Ministry of Interior	Regional agencies under the Department of Lands	https://www.dol.go.th
11	Agricultural Land Reform Office	Ministry of Agriculture and cooperation	1 Rachadamnoen Nok Road, Ban Phanthom, Phra Nakhon, Bangkok, 10200 Tel: +66 2282 9004 Fax: +66 2281 0815	http://www.alro.go.th

No	Name of State agencies	Ministry	Contact information	Website
			Email: alro@alro.go.th	
12	Cooperative Promotion Department	Ministry of Agriculture and cooperation	12 Krung Kasem Road, Wat Sam Phraya, Phra Nakhon, Bangkok 10200 Tel: +66 22813095, +66 2281 1900 Email: cms@cpd.go.th	https://www.cpd.go.th
13	Department of Social Development and Welfare	Ministry of Social Development and Human Security	1034 Krungkasem Road, Mahanak, Pom Prap Sattru Phai, Bangkok 10100 Tel: +66 2659 6399 Email: dsdw@dsdw.go.th	http://www.dsdw2016.dsdw.go.th
14	Treasury Department	Ministry of Finance	Soi Ari Samphan, Rama 6 Road, Phayatha, Phaya Thai, Bangkok 10400 Tel: +66 2059 4999, +66 2273 0899-903 Fax: +66 2273 0753 Email: sec@treasury.go.th	http://trdservice.treasury.go.th
15	Department of Labour Protection and Welfare	Ministry of Labour	Mitmaitri Road, Dindaeng, Dindaeng, Bangkok 10400 Tel: 1506 Ext 3 Email: info@labour.mail.go.th	https://www.labour.go.th
16	Province Office of Labour Protection and Welfare	Ministry of Labour	Regional agencies under the Department of Labour Protection and Welfare	https://www.labour.go.th
17	Department of Industrial Works	Ministry of industry	75/6 Rama VI Road, Ratchathewi, Bangkok 10400 Tel: +66 2202 4000 and 3967 Fax: +66 2354-3390 Email: pr@diw.mail.go.th	https://www.diw.go.th
18	Provincial Industry Office	Ministry of industry	Regional agencies under the Permanent Secretary for Ministry of Industry	https://www.industry.go.th

No	Name of State agencies	Ministry	Contact information	Website
19	Office of the Permanent Secretary Ministry of Commerce	Ministry of Commerce	563, Nonthaburi Road, Bang Kraso Sub-district, Mueang District, Nonthaburi 11000 Tel: +66 2-507-7000 and +66 2-507-800002 Fax: +66 2-547-5209-10 Email: webmaster@moc.go.th	http://ops.moc.go.th
20	Department of Business Development	Ministry of Commerce	563, Nonthaburi Road, Bang Kraso Sub-district, Mueang District, Nonthaburi 11000 Tel: +66 2 528 7600 Fax: +66 2 547 4459 Email: secretary@dbd.go.th	https://www.dbd.go.th
21	Thai Customs Department	Ministry of Finance	1 Sunthornkosa Road, Klongtoey, Bangkok 10110 Tel: +66 2667 6000, +66 2667 7000 Fax: +66 2667 7767 Email: saraban_customs@customs.go.th	https://www.customs.go.th
22	Department of Agriculture	Ministry of Agriculture and cooperation	50 Phaholyothin Road, Ladyao, Chatuchak, Bangkok 10900 Tel: +66 2579 0151-8 Fax: +66 2579 5248 Email: itc@doa.in.th	https://www.doa.go.th
23	Rubber Authority of Thailand	Ministry of Agriculture and cooperation	67/25 Bangkhunnon Road Bangkok Noi, Bangkok 10700 Tel: +66 2433 2222 Ext 511 Email: orf2008@rubber.mail.go.th	https://www.raot.co.th