

**Main FLEGT Asia comments on Thailand's Concept Paper on Supply Chain Controls on Private Land
Dated 31 May 2021**

By FLEGT Asia programme, 2 August 2021

- **Section 1 - Background:** No comment
- **Section 2 - Pathways for declaration of timber legality on private land:** No comment
- **Section 3 - Self-declaration method**
 - **Section 3.1:** We would be interested to learn whether the self-declaration form and the transportation form are two separate documents, or whether they are effectively the same document, i.e. they must always be completed and accompany the timber shipment together. This comment also applies to section 4.
 - **Section 3.1:** The section currently explains that “timber owners can be landowners, tenants or attorneys, who will sign the self-declaration document for a declaration purpose.” We would recommend differentiating between “legal owners” (landowner, tenant) and “legal representatives” of the legal owner (attorney).
 - **Section 3.2:** We would be interested to learn more about the status of the SD guideline, noting that the guideline and the description of the SD concept in the SCC Annex will need to be aligned. In particular, we are wondering whether it is foreseen that guidance to the mills will be provided on acceptable substitute documentation to the SD form. Generally, substitute information is acceptable in our view as long as it covers all the same information presented in table 1.
 - **Section 3.2 – CITES:** This section describes that the CITES competent officer will verify the evidence submitted and conduct an onsite inspection “(if needed)”, before the CITES certificate can be issued. We would be interested to learn more about the circumstances under which the onsite inspection is needed.
- **Section 5 - Timber processing and Measures for preventing the process of bringing illegal timber to enter supply chain**
 - This section explains that the mill is required to archive the evidence of legality for inspection by RFD in digital or analog form for at least 2 years. We would be interested to know if there is already a legal basis for archiving the evidence for at least 2 years and for related checks by RFD.
 - This section explains that if “inconsistency or uncertainty of information” is found, the mill operator may need to conduct additional verification measures. We understand this as a due diligence process, as the mill operator is effectively mitigating risk by taking additional steps to ensure the legality of the timber being purchased. However, the process currently described focuses on document validation; it does not represent a risk-based approach (risk of the supply chain being contaminated by timber from other than the declared source). Moreover, most of the mitigation measures listed (“additional verifying” in the paper) are only

appropriate for one type of sale arrangement – when farmers have a prearranged agreement with a mill operator. Additional mitigation measures would be needed for sales between traders and mill operators, and when timber and timber products are sold at the mill gate. At this stage we suggest to make it explicitly clear that the mill operator must conduct a form of due diligence to reduce the risk of illegal timber being mixed with legally produced timber. The last sentence of the second paragraph of Section 5 could read something along the lines of: “If in the course of the document review and risk assessment the mill operator identifies a risk of illegality, such as inconsistency or uncertainty of information, especially with regard to source, or suspected mixing of legal and non-verified timber along the supply chain, additional mitigation measures need to be carried out that are proportionate to and effective in reducing the identified risk. These may include measures 2-5 (as per this paragraph).” More detailed guidelines on risk assessment and risk mitigation could be developed later to assist mill operators in this process.

- **Section 6 – Exportation of Timber**

- Does RFD issue a transport document in addition to the export certificate, following the onsite inspection?