

Guidelines for Declaring the Legality of Timber from Public Land (Sor Por Kor type)

- Sub-working group on Supply Chain Control from Public Lands -

1. Background

Under the Forest Law Enforcement, Governance and Trade Voluntary Partnership Agreement between Thailand and the European Union (Thai-EU FLEGT VPA), the timber legality assurance system of Thailand (THA-TLAS) has been developed in accordance with applicable laws and regulations currently in force in Thailand, including various management requirements that apply within Thailand to demonstrate the legality of timber in Thailand providing assurances to the process of planting, cutting, importing, transporting, processing, trading and exporting timber and timber products. The THA-TLAS does not allow any illegal or unverified timber and timber products to enter the timber supply chain in Thailand.

The announcement from the Ministry of Natural Resources and Environment dated 16 December B.E. 2563 on the derestriction of planted trees and the applicable allotted public land types specifies that all trees planted on the land allotted by the Agricultural Land Reform Act B.E. 2518 and its amendments are to be unrestricted trees. Agricultural Land Reform allotted lands are lands that hold these agricultural title documents: Sor Por Kor 4-01, Sor Por Kor 4-01 Kor, Sor Por Kor 4-01 Khaw, Sor Por Kor 4-01 Kho, or Sor Por Kor 4-01 Chor (hereafter called Sor Por Kor lands). The felling, cutting, and transportation of such trees can be done without governmental permission.

Pertaining to the announcement above, it shall apply to the three following cases below:

Case 1: unplanted or planted trees on Sor Por Kor lands that are not the restricted species as specified on the Royal Decree (e.g., unrestricted species native to Thailand such as Jackfruit and Tamarind, and non-native species such as Hevea and Eucalyptus). The felling, cutting, processing, and possessing of these trees can be done without governmental permission. Notwithstanding, since Sor Por Kor lands are still recognized to have a forest land status, transportation of these trees/timber is still regulated by the Forest Act B.E. 2484. When transporting the timber to the first forest checkpoint, the transporter is required to pay a fee as stipulated by Article 25 of the Forest Act and obtain a transportation permit as stipulated by Article 38(2) and 39 of the Forest Act.

Case 2: unplanted trees on Sor Por Kor lands that are the restricted species as specified on the Royal Decree (e.g., Teak, *Dalbergia*, *Dalbergia Oliveri*, and *Pterocarpus Macrocarpus*) still retain the restricted tree status. All lumbering processes: felling, cutting, transporting, processing, and possessing of such trees/timber are regulated by the Forest Act B.E. 2484 and its amendments.

Case 3: planted trees on Sor Por Kor lands that are the restricted species as specified on the Royal Decree. Control of such trees was once similar to Case 2. However, the ministerial announcement of 16th December B.E. 2563 with reference to Article 7 of the Forest Act B.E.

2484 and its amendments has designated all planted trees to be unrestricted trees; regardless whether the trees are restricted or unrestricted species. The control of such trees shall follow Case 1.

Example [This part will be revised following the pending confirmation from the Legal Office of the Royal Forest Department.]:

There are two trees on the Sor Por Kor land: one is an unplanted Teak, and another is the planted Teak. The unplanted Teak is the restricted tree and will be controlled as per Case 2. The planted Teak is the unrestricted tree and will be controlled as per Case 1.

2. Guidelines for declaring the legality of timber from public lands (Sor Por Kor)

The legality of timber is determined by the source and ownership of the timber. Guidelines for declaring the origin and transportation of timber are categorized into the above three cases as follows:

Type of timbers	Guideline for Declaring the Legality of Timber	
	Origins	Transportation
Case 1	(a) the registration and implementation of Forest Plantation Act B.E. 2535 and its amendments	
	(b) the implementation of Section 18/1, including the delegating option under Section 18/3 of the Forest Act B.E. 2484 and the amendment of the Forest Act (No. 8), B.E. 2562	When transporting the timber to the first Forest Checkpoint, the transporter is required to pay a fee as stipulated by Article 25 of the Forest Act B.E. 2484 and obtain a transportation permit as stipulated by Article 38 (2) and 39 of the Forest Act B.E. 2484.
	(c) submitting a request to the Provincial Prefect as detailed on the Official Letter of the Royal Forest Department no. Kor Sor 0704.3/540 dated 23 January B.E. 2546	
	(d) self-declaration	
Case 2	Implementation of Article 11 of the Forest Act B.E. 2484 and its amendments	
Case 3	(a) the registration and implementation of Forest Plantation Act B.E. 2535 and its amendments	

	<p>(b) the implementation of Section 18/1, including the delegating option under Section 18/3 of the Forest Act B.E. 2484 and the amendment of the Forest Act (No. 8), B.E. 2562</p> <p>(c) submitting a request to the provincial prefect as indicated on the official letter no. Kor Sor 0704.3/540 dated 23 January B.E. 2546 issued by the Royal Forest Department</p> <p>(d) self-declaration</p>	<p>When transporting to the first Forest Checkpoint, the transporter is required to pay a fee as stipulated by Article 25 of the Forest Act B.E. 2484 and obtain a transportation permit as stipulated by Article 38 (2) and 39 of the Forest Act B.E. 2484.</p>
--	--	--

Remark: (Details of (a), (b) as per Annex 6, Thai Supply Chain Control)

3. Self-declaration method

Case 1: planted trees that are not the restricted species as specified on the Royal Decree will use the following self-declaration method ([follows the guidelines of timber from private land](#)):

Table 1. Information/Documents/Evidence in a Self-Declaration Document

No.	Information	Documents/Evidences
1	Source of tree/timber: location/land parcel	A copy of Certificate of Land Use Rights, including a simple map
2	Geographic coordinates of source of tree/timber	Indicate in self-declaration document
3	Identification of the owner: name and address	A copy of ID card/ sale contract (In addition, a sale contract is attached if timbers have already been purchased by mill operators/buyers from timber owners/landowners.)
4	Species of timber	Indicate in self-declaration document
5	Characteristics of timber	Photos of trees, logs, or plantation

3.1 The tree/timber owner can declare the legality of timber by themselves by preparing the self-declaration document along with relevant documents/evidence as recommended by the Royal Forest Department or any other documents/evidence in addition to the Royal Forest Department's guidelines. The self-declaration process also includes preparing a transportation document and information for transporting timber to the processing mill or any other

destinations. The tree/timber owner is a landowner, tenant, or attorney who will sign the self-declaration document to affirm the authenticity of the information given.

3.2 Other documents/evidence can substitute the documents/evidence specified in Table 1. The mill operator is responsible for making the judgment on the appropriateness of the substitute documents/evidence. Those substitutes must be able to demonstrate the legality of the timber source. The appropriate substitutes follow the same instruction provided on the Guideline for Declaring the Legality of Timber from Private Land.

Case 2: unplanted trees that are the restricted species as specified on the Royal Decree shall follow the regulations in Article 11 of the Forest Act B.E. 2484.

Case 3: planted trees that are the restricted species as specified on the Royal Decree that were once restricted trees and had to comply with the same regulation as Case 2, now follows the ministerial announcement dated 16 December B.E. 2563 referencing Article 7 of the Forest Act B.E. 2484, making such trees to be unrestricted. The control shall follow Case 1 with additional risk mitigation measures.

Risk mitigation measures for Case 3 are as follow:

1. Witness: having a witness to testify for the self-declaration, further details on witness shall follow the details provided on supply chain control on private land in Annex 6 Thai Supply Chain Control. Witness means Subdistrict Headman or Village Headman. Or having a legally recognized association such as National Farmers Council, Tree Bank, Private Forest Plantation Cooperative Limited, and others as a witness to testify for the self-declaration. These associations can only give testimonials for their members;

or

2. Presenting a farmer registration record with the Department of Agriculture to testify that the trees have been planted on the allotted land.

4. Documents for transporting timber from public lands (Sor Por Kor)

A tree/timber owner whose trees fall under Case 1 or Case 3 can process the self-declaration document as announced by the Royal Forest Department and declare the timber transportation by themselves ([follows the guidelines of timber from private land](#)).

A tree/timber owner can declare information on timber transportation through the following two documents:

4.1 Self-Declaration Document and attached document of no.1-5 in table 1, and loaded timber photo

4.2 A form for timber transportation comprising the following details:

- Maximum time for transportation determined by transporter
- Location of departure and destination
- Name of the transporter

- Type of vehicle and its license plate number
- Signature of a purchaser or a timber owner
- Log list; species, size, quantity, and volume or weight

5. Timber processing and measures for preventing the process of bringing illegal timber to enter the supply chain (follows the guidelines of timber from private land)

The mill operator must examine the timber to ensure that all the timber and timber products entering the processing mill are legal, have legal production process, and come from legal sources. The mill operator shall archive the evidence for inspection by RFD, archiving can be done in digital or analog form and kept for at least 2 years. And the mill shall always check log list at least once a year when requesting a mill permit renewal. Details as per Annex 6: Thailand Supply Chain Control.

Guidelines to verify the legality of timber and timber products which are operated by the mill operators themselves in order to prevent illegal timber enter to their mills. The operator is responsible for verifying the correctness of the self-declaration document according to item 1 when receiving the information. If found inconsistency or uncertainty of information, additional verifying may be carried out in some of item 2-5 (as per this paragraph) as follows;

1. Check the reliability of information such as coordinates: do they match information of the source of tree, land title: does the identification of tree/timber owner relate to the landowner, species: are they correct according to the attached list.
2. Make a purchase agreement
3. Register vendors or make a membership system between suppliers and mills.
(Membership verification)
4. Visit the plantation site
5. Check the registration with the government sector or being a member under specific organizations such as the Royal Forest Department, Rubber Authority of Thailand, the Department of Agricultural Extension, Bank for Agriculture and Agricultural Cooperatives, or the Forest Cooperative

There is no difference in practices between valuable native species and exotic species since the government measure effectively prevents illegal timbers from entering the supply chain and protects forest resources. Since 30th April B.E. 2561, Royal Forest Department has established Forest Centers and Forest Protection and Development Bodies, which have authorities “to protect and suppress forest trespassing, control wildfire, and coordinate with local agencies to suppress infraction in accordance with forest laws, and solve the forest problems”. There are 76 Forest Centers, which contain 329 Forest Protection and Development Bodies across Thailand.

6. Exportation of timber (follows the guidelines of timber from private land)

The operator who wishes to export logs can submit a self-declaration document together with relevant documents/evidence to apply for an export certificate in accordance with Section 18/2 of Forest Act B.E. 2484, which was amended further by Forest Act (No.8) B.E.2562 after that RFD competent officer will do an onsite inspection before issuing the certificate. Details as per Annex 6: Thailand Supply Chain Control.