

## **Minutes of the Fifth Joint Expert Meeting (JEM5) for the Thailand-EU FLEGT VPA At Rama Gardens Hotel and via Video Conferencing Bangkok, Thailand and Brussels, Belgium, 9-10 September 2020**

### **Participants:**

Participants from the EU side (EU) included: Mr. Diego Torres, Directorate-General for Environment, European Commission (lead on EU side); Mr. Laurent Lourdais, EU Delegation to Thailand; Mrs. Sutthiya Chantawarangul, EU Delegation to Thailand; Mr. Alexander Hinrichs, EU FLEGT Asia Programme European Forest Institute; Mr. Morne Van Der Linde, EU FLEGT Asia Programme, EFI; and Dr. Somrudee Nicrowattanayingyong, FLEGT Facilitator to Thailand.

Participants from the Thai side (TH) included: Members of Thailand's Sub-Committee on FLEGT and was led by Mr. Somsak Sapakosonkun, Deputy Director-General of the Royal Forest Department. The meeting was observed by the FAO and RECOFTC.

The full participant list is attached as Appendix I.

### **Discussions:**

Discussions at JEM5 covered the following points:

- TH and EU provided updates on FLEGT-VPA related developments, policy and legal reforms, institutional priorities, and FLEGT-VPA document development.
- TH presented its draft Legality Definition (LD), Product Scope (PS) developments, Condition for Release for Free Circulation in the European Union of Thai FLEGT-Licensed Timber Products (CR), Thailand's Timber Legality Assurance System (THA-TLAS), Supply Chain Control (SCC), and Independent Audit (IA) annexes. TH and EU discussed and agreed on the way forward.
- TH provided updates on the SCC on Private Land and Import Control developments.
- TH and EU deliberated the draft VPA roadmap to be presented at NEG 3 and agreed on how to jointly prepare and present NEG 3 negotiation points.

The meeting agenda is attached as Appendix II.

### **Session 1: Introduction**

**Mr. Somsak Sapakosonkun**, Deputy Director-General of the Royal Forest Department (RFD) co-chaired the meeting. His opening remarks emphasised the importance of the FLEGT-VPA process for providing economic benefits, improving quality of life for the Thai people, and contributing towards climate change mitigation as well as adaptation to the 'New Normal' in this rapidly changing world. He underlined that the technical exchanges among the experts will enhance the effectiveness of legal applications for the promotion of trade in legal timber and timber products, as well as putting in place implementation processes that are doable and effective enough to prevent illegal timber and timber products from entering the supply chain. He reaffirmed that decisions taken at remote meetings are as effective as physical meetings, as enshrined in the Royal Ordinance on Electronic Meetings B.E. 2563 (2020). **Mr. Sapol Boonsermsuk**, Director of International Forestry Cooperation Office, was then assigned to co-chair the remainder of the meeting.

**Mr. Diego Torres**, International Relations Officer of the Directorate-General for Environment and co-chair from the EU side, gave opening remarks that expressed expectations for this meeting to make progress towards the conclusion of the FLEGT-VPA agreement. He noted that Thailand's FLEGT-VPA process demonstrates commitment towards achieving TH's and EU's common goals of eco-friendly growth, increasing forest cover as well as protecting biodiversity and the global environment. He also emphasized that the EU remains committed to concluding the FLEGT-VPA agreement with TH. The VPA will not only contribute to combating illegal logging but also strengthen the legal status of Thai timber in the international market. Mr. Torres expressed appreciation for the legal reforms that the Thai government has undertaken under the framework of the FLEGT-VPA process.

## **Session 2: National Process and Updates since JEM 4**

### **EU Updates**

EU provided an update on the status of VPA processes with 15 countries in varying stages of negotiation and implementation. Mr Torres updated TH on the EU's work on deforestation and FLEGT, including the EU Timber Regulation (EUTR).

The EU is currently conducting a 'fitness check' of the EUTR and FLEGT regulation, covering the EUTR Product Scope. The results will be made public next year. TH was encouraged to provide comments and inputs to the EU on this process via the open public consultation available on the website of the European Commission 'Have Your Say'. Several inconsistencies were, as example, identified within the EUTR Product Scope which will be reconsidered based on the broad range of comments received.

The EU is also progressing on implementing the Communication on Stepping up EU Action to Protect and Restore the World's Forests (2019) with the goal of reversing global deforestation. A study is also being undertaken to assess the effectiveness of private certification. The EU is further launching a multi-stakeholder platform on deforestation and developing an 'EU Observatory' to use satellite images and trade statistics to provide better information on deforestation.

### **TH Updates**

Thailand's 20-year National Strategy delineates strategies on Competitiveness Enhancement, Eco-friendly Development and Growth, and Public Sector Rebalancing and Development. This coincides with the FLEGT-VPA's aims to promote sustainable development, benefit-sharing, and good governance. The Master Plans under the National Strategy also describe Thailand's goals for sustainable forest management and the eradication of illegal logging. A new National Forest Policy was formulated in 2019 and shares similar goals with the FLEGT-VPA in promoting sustainable forest management and trade, policies on forest products, economic development through the responsible use of forest resources, and biodiversity conservation.

TH also outlined actions being taken to increase forest cover, reduce forest degradation and increase the quality and resilience of the country's forest resources. The 20-year National Strategy aims to have forests cover no less than 40 percent of the country, with economic forests accounting for no less than 15 percent by 2032. The Country Reform Plan sets a goal of natural forests covering no less than 25 percent of the country, cultivated forest area (economic

forests) no less than 15 percent, and green area in community area no less than 15 percent. The EU welcomed these updates, noting that the Thai interest in eco-friendly growth is very much aligned with the EU's priorities.

TH revised several laws relevant to the FLEGT-VPA: (1) Forest Act (No. 8), B.E. 2562 (C.E. 2019); National Reserved Forest Act, B.E. 2507 (C.E. 1964), and National Reserved Forest Act (No. 4), B.E. 2559 (2016); Private Forest Plantation Act (No. 2), B.E.2558 (C.E. 2018); Community Forest Act, B.E. 2562, (C.E. 2019); and the Factory Act (No. 2), B.E. 2562 (C.E. 2019). TH noted that the Community Forest Act has no direct relevance to the VPA as timber in community forests are not allowed for trade.

TH presented overview of FLEGT-VPA document development:

- **VPA legal text** – TH decided to put this on hold and prioritised drafting other Annexes.
- **Product Scope** – TH intends to review the annex further and engage additional stakeholders via the SWG on PS to hold discussion and consultations.
- **Legality Definition (LD)** – The annex is ready for negotiation. However, the draft will be revised to accommodate recent legal revisions and amendments.
- **Condition for Release for Free Circulation in the European Union of Thai FLEGT-Licensed Timber Products (CR)** – TH reviewed and discussed the draft sent by EU. The annex is ready for negotiation.
- **Thailand's Timber Legality Assurance System (THA-TLAS)** – Draft is ready for negotiation but Thailand will provide more details on verification and license processes and institutions.
- **Supply Chain Control (SCC)** - Draft is ready for negotiation. However, the draft does not contain the import control and supply chain control on private lands since more discussions are needed.
- **Import control** – TH is further developing the concept paper after studying various import control models. Now TH is discussing the appropriate model for Thailand.
- **Supply Chain Control on Private Lands (SCC PL)** – TH is developing Guidelines for declaring the legality of timber from private land.
- **Reclaimed timber** – A SWG on reclaimed timber was formed, and through EU-FAO support, the SWG will discuss the reclaimed timber supply chain control.
- **Independent Audit (IA)** – TH developed the annex further building on the version provided by the EU. The draft is ready for negotiation.

#### **JEM5 conclusions**

- TH takes note of the EU's concerns to reduce global deforestation and forest degradation, increase forest cover and improve the resilience of natural forests.
- EU will update on the results of the 'Fitness Check' of the FLEGT and the EUTR, which is meant to study how effective these two regulations have been. It will also update on any related and eventual proposal for changing the product scope of the EUTR.

#### **Annex II: Thai Timber Legality Definition (LD)**

A revised LD draft was endorsed by all committees from the TH side, following revisions in accordance with the new and amended laws, and taking into account the result of multi-

stakeholder discussion and consultations. EU acknowledged the improvements and efforts made, noting that the LD will need to be constantly revised following new legislative developments as well as updates on other annexes such as SCC on PL, imports, reclaimed wood and the Product Scope.

EU requested clarifications on the different regimes used for private and public lands, noting the challenge of legality control for timber harvested from public lands and the risk that timber harvested from land classified as natural forests could lead to forest degradation. TH explained that the regime within public lands only refers to specifically permitted areas. For example, in the Reformed Zone for Agricultural Purposes, it has been proposed to the Minister to allow legal harvest and transportation of timber for the personal use of people legally permitted to utilise land within this zone. The SD for timber on public lands could be similar as the SD for timber in private land, with the additional requirement for a clear evidence of legal permission to use the land.

TH side further explained that clear requirements are in place governing the allocation of public lands to farmers under Agricultural Land Reform Office (Sor Por Kor land). The areas must be former degraded forests which are later allocated for people to practice agriculture, the people must demonstrate they earn a living from agriculture, and farmers must use at least 20% of the allocated land to grow perennial trees to increase the green area. RFD officers will be able to verify if the timber comes from Sor Por Kor land by verifying the age of the species, and cross-checking with GPS or satellite data.

EU requested information on the number of mills that would not be covered under the scope of the revised Factory Act. TH emphasised that all mills would still be governed under other environmental laws, such as the Public Health Act, and that MNRE would conduct annual environmental checks on all timber processing factories regardless of size.

EU will closely follow developments on public lands, emphasising the need to ensure that harvesting in natural forests would not lead to forest degradation or conversion of natural forests to forest plantations.

The TH side requested clarification on the process for revising the LD after signing the VPA as a result of national regulatory changes. EU clarified that the Joint Implementation Committee (JIC) can initiate VPA Annex revisions which will have to undergo internal approval procedures of both sides before the revised Annex can be published. In Indonesian VPA case, the approval process once took 5-6 months. In the meantime, the original LD Annex remained in force.

### **JEM5 conclusions**

- TH and the EU agreed to put this Annex aside at technical level until closer to the initialling of the Agreement. TH will continue to update this Annex to reflect related legislative changes as well as progress made in other VPA Annexes.
- Exchanges on technical issues will continue, particularly related to the regime for public lands, legality control for timber on public lands, implications of the amendment of the Factory Act, and what this will mean in practice in terms of checks and control of legality.

- TH will continue to work on outstanding aspects in the LD and monitor and document future regulatory changes relevant to the VPA.
- TH will send a revised LD as the August 2020 version has two minor mistakes.

### **Annex I: Product Scope (PS)**

In 2020, TH established a SWG on the Product Scope for consultations and discussions with additional stakeholders whose businesses will be affected by the Annex on Product Scope. The SWG will hold consultations in different regions of Thailand, and feedback will be used as reference when reviewing the PS.

The TH side requested updates on the EUTR product scope and its treatment of recycled products. EU clarified that the EUTR Product Scope has not been amended, but that the assessment is ongoing amid the fitness check of the EUTR and could eventually lead to changes.

The TH side asked if recycled products would be listed under the product scope, citing that the Thai Pulp and Paper Industries Association requested that pulp and paper products in Chapters 47 & 48 should not be included in the Product Scope.

EU explained that recycled materials were left out from the EUTR product scope. EU clarified 6 digit and 8 digit HS Code descriptions, including the possibility of identifying recycled materials at sub-level under an HS Code; reference were also made to qualifying certain products listed in the PS (i.e. ex HS codes, text in brackets) as has been done in the case of Indonesia and Ghana. EU also clarified that there would be a need to provide assurances from competent authorities in Thailand or through a similar process that a certain product is made from recycled materials in order for it not to be FLEGT licensed. The EU illustrated the point with the example of Indonesia and explained how a national authority certifies paper products as recycled.

EU reinforced the possibility of adding products to the PS during TH's review. TH could consider adding chemical pulp, which is under the EUTR, and seats. TH will check whether such products, as well as other products under the EUTR, are represented in the Thai PS.

The EU requested TH to communicate the list of wooden products that it intends to exclude from the scope of the agreement to see how much they represent in terms of exports to the EU. The EU emphasised that the PS should be as close as possible to the EUTR – or beyond EU TR - to ensure smooth implementation. Moreover, the product's market share should also be taken into consideration.

### **JEM5 conclusions**

- Both sides agreed to continue working and exchanging on the Product Scope.
- TH will continue discussions with stakeholders to ensure full participation from all stakeholders representing the products that are covered.
- TH will send a revised Product Scope to the EU that will reflect stakeholder discussions and linkages with other Annexes.
- TH agreed to consider the EU's recommendations related to minimum alignment with the EUTR and broadening of scope.

### **Annex III: Condition for Release for Free Circulation in the European Union of Thai FLEGT-Licensed Timber Products (CR)**

TH shared that the NFC endorsed the CR draft in NFC 1/2020. TH has clarified the responsible agencies (i.e., RFD) and requested the EU's response to this. The EU acknowledged the progress on this Annex and noted their satisfaction with the version that the Thai side shared with the EU.

EU shared updates from Indonesia where they are working on e-licensing, i.e., promoting the exchange of FLEGT licence information from Indonesia to Europe through electronic means. TH could consider this approach under its RFD Single Window, in exploring the possibility of linking the TH database related to FLEGT licenses with the electronic database that is used by CAs in Europe (FLEGIT). In early 2021, EU will share further information on how electronic information exchange can be done, and encouraged further discussion in the Thai context.

#### **JEM5 conclusions**

- TH and EU agreed at technical level to put aside this Annex until the end of the VPA negotiation process, when all Annexes will be reviewed again.

### **Annex VII: Terms of Reference for the Independent Audit (IA)**

TH presented annex development overview starting from NEG 2 in which EU recommended that this Annex should be providing further detail from the IA description in the TLAS Annex. TH noted that the current draft of the IA Annex has been approved by the NFC. EU affirmed readiness to agree on the technical level to this Annex.

The role of CSOs was generally discussed. TH confirmed their understanding of IA as a third party that would audit the TLAS in Thailand and that CSOs cannot be IAs because that would contradict the requirements.

TH clarified that discussions are ongoing regarding the potential role of CSOs in Independent Observation or Independent Monitoring of the TLAS. RECOFTC has received financial support from the FAO-EU FLEGT Programme to lead CSO deliberations on this topic.

TH will continue to discuss this issue, noting the need for clear terminology as the differences between independent monitoring, independent observation, and independent audit may not be clear to all. EU expressed interest to understand how civil society can engage in the future of the agreement. TH noted that they would continue to deliberate on finding a way for CSOs to be involved officially in the future.

#### **JEM5 conclusions**

- TH and EU were satisfied with the current wording and agreed at technical level that this Annex can be put aside until the end of the VPA negotiation process.

### **Annex V: Thai Timber Legality Assurance System (THA-TLAS)**

TH informed that main elements of the THA-TLAS draft consist of LD, SCC, verification, licensing and IA. LD, SCC and IA are written as separated Annexes. Details on licensing and verification institutions have not yet been described in the THA-TLAS, as discussions on these aspects remain ongoing.

EU raised concern on four points of importance for the EU side: (1) The role of private certification, (2) confiscated timber, (3) ensuring independence between agencies in charge of verification and licensing, and (4) data management.

*Private Certification:* EU clarified that VPAs are bilateral treaties under which the EU accepts all timber that Thailand verified as legal, but this can become complex if ‘legality’ is determined based on checks by private companies rather than public institutions. The EUTR accepts private certification as a risk mitigation tool but does not accept it as replacement for government checks and controls.

TH clarified that 1) the provisions on certification in TH are stipulated and controlled by a dedicated government agency. 2) The certification process is conducted in a systematic manner in accordance with the government’s standard. 3) The scheme and all processes under the scheme are recognised by the dedicated government agency. TH further cited an example of labour standard check of factories, by which third-party certification is used, provided that the check meets the standard set by Dept of Labour Protection and Welfare. TH noted that in the context of the LD, private certification is planned to be used for the verification of labour indicators. Details of the role of certification under the TLAS will be further developed during the negotiation process.

EU requested a clarification on terminology since the term “certification” is often used to refer to a broad array of actions related to verification, and can give the impression that documents are issued by private companies or third-party organisations rather than government institutions. EU asked the TH side to further develop plans so that EU can assess how it will affect the overall TLAS and its implementation. EU will seek more exchange on this, recognising the sensitivities of this issue, to ensure the system TH is putting in place will exert legality control.

*Confiscated Timber:* TH confirmed that all timber for which legal origin cannot be proven will be confiscated. Confiscated timber will either be used for the development of the Timber Museum, a committee will be convened to consider its use for public purposes, or it will be left to decay. Confiscated timber, convicted of being illegal, will never be sold to anyone or released into the supply chain.

EU confirmed satisfaction with the explanation and noted that both TH and the EU were in agreement on the objective of not allowing confiscated timber to enter the TH supply chain. The EU also noted that further discussions on the precise wording of the text on confiscated timber in the TLAS Annex may be needed in order to avoid any misunderstanding.

*Verification and licensing authority:* EU reiterated that verification and licensing bodies need to be independent from each other. TH understands the principle of ensuring independence for both agencies even though both could be placed under RFD. TH is considering using existing agencies with disparate missions and whose mandates are neither connected to each other nor to the LD and SCC.

EU noted that the principle function of both the licensing and the verification institutions seems workable, and reminded TH to also consider the independence of FLEGT licensing and verification bodies from organisations implementing field checking/groundwork.

(4) *Data management*: The EU stressed the importance of data management and how information is linked to RFD single window and how the verification body will access data in the RFD single window system. It noted that a more detailed description of data management is needed in the Annex. EU noted the need for further exchange, and TH agreed that further discussion on this among Thai stakeholders is also needed.

EU asked about the section on transparency or public disclosure of information in the TLAS Annex. TH agreed that work on this will be reflected in the Roadmap.

### **JEM5 conclusions**

- TH will provide more details in the TLAS description on key points raised by the EU, i.e., treatment of confiscated timber, the role of private certification in accordance with government standard, and independence of agencies in charge of verification and licensing, and information management.
- EU notes that both the issue of terminology of “certification” and the broader issue of the role of private certification within the VPA need to be further discussed and clarified. Recognising that this is a sensitive issue, TH and EU will continue to exchange information to ensure that the system TH puts in place does not adversely impact on the TLAS implementation or its objectives.
- TH and EU reaffirmed their common understanding that confiscated timber will be excluded from the TH-TLAS regardless of its origin, and agreed to further discuss the precise wording of the text to guarantee this goal.
- Exchanges on data management in context of implementing LD, supply chain controls, verification, and licensing functions taking the developments of the RFD Single Window system into account will continue.
- The EU agreed to provide TH with examples of FLEGT licensing schemes in other countries that have signed VPAs and to share a draft version of the Annex IV.
- Annex IX on Public Disclosure of Information and Annex X on Functions of the JIC will be later deliberated.

### **Annex VI: Thai Supply Chain Control (SCC)**

EU acknowledged and congratulated TH on the progress made since 2019, noting that the Annex deals in a clear way with the different CCPs.

*Reclaimed Timber*: EU requested additional information on the topic of reclaimed timber, in terms of its use, markets, volume traded within Thailand.

TH clarified that almost all reclaimed timber in Thailand comes from demolished houses. Recently, there is a surge in popularity in reclaimed timber products and houses. Though it is still a niche market, reclaimed timber has potential for export. For this reason, the topic of SCC of reclaimed timber is being considered in the FLEGT-VPA process following the requests of the Reclaimed Timber Association.



The EU noted that the main outstanding / remaining aspects of this Annex is the lack in the current description as to how data is managed in the electronic system(s) – the RFD Single Window (SW) – and how SCC data eventually informs compliance and a decision to issue a FLEGT License.

### **JEM5 conclusions**

- EU acknowledged and congratulated TH on the progress that has been made since 2019 in developing the SCC Annex.
- TH side will continue to exchange with the EU on the issue of reclaimed timber, import control, self-declaration procedures (including plans to implement the self-declaration system in public lands), and data management.
- Both sides agreed that aspects such as reclaimed wood, imports, self-declaration and data management would be incorporated into Annex VI once finalised.

### **SCC on Private Land**

TH informed that the SWG on SCC on PL has developed a sample Self-Declaration Form and is drafting Guidelines which will eventually become legally binding upon announcement by RFD. Capacity development for farmers and mill operators will be carried out after the guideline is officially announced.

EU requested TH to further clarify the role of the mill operators in assessing the legality of timber, and how it can be ensured that this approach will be effective in banning illegal timber from entering the supply chain.

TH explained that the Forest Act requires that the mill operators only receive legal timber. Mill operators are required to prove to the RFD officers during checks, which are performed at least once a year, that the timber received complies with the law. Failure to prove legality will have legal consequences, such as imprisonment, heavy fines, and revocation of processing mill permits. Provincial Natural Resource Office and RFD officers have the rights to check mills anytime or upon complaints filed by individual citizens. The law requires that mill operators verify legality of timber and keep accurate records of incoming and outgoing timber and timber products.

EU noted the need to continue exchanging information about the role of mill operators in checking legal compliance, and RFD's procedures for checking the mill operators.

EU requested clarification whether TH would accept private certification as a replacement for SD. TH explained that private certification is a tool to mitigate risk and can only replace some documents such as certificate of land ownership and location of timber source as these are already required for certification. This will not replace the SD, but can be attached to the SD to replace certain required documents and evidence required by the SD.

### **JEM5 conclusions**

- TH will share the framework for the risk classification study with the AHWG and FLEGT Asia for comment before undertaking the study, which is expected to be completed in November 2020. TH will communicate with EU regarding the extent to which the study's findings will affect changes in the self-declaration procedures.

- EU and TH will continue to exchange views on role of mill operators in complying with the legal sourcing requirements, and related RFD's process for monitoring the mill operators.
- EU noted that the extension of the self-declaration system to some forms of public land should be further discussed and TH agreed to continue to provide information in this regard.
- TH will continue discussions on the self-declaration Guidelines via the SWG on SCC on Private Land; training will be conducted after the Guidelines are adopted and announced.

### **SCC on Imported Products**

TH continues to deliberate on appropriate SCC for Imported Products, based on the results of the Thai Timber Association's field test and ongoing discussions within the SWG on Import Control. The current concept is a Due Diligence System (DDS) whose design mirrors the EUTR, although the SWG is still considering both pre-import and post-import control models, and also deliberating which government agency would carry out the DD inspections.

EU shared experience from Indonesia, which changed from a pre-import to post-import control regime. This was due to a regulatory change made by the Ministry of Commerce after the VPA was signed and not because the pre-import regime did not work. In the new regime, the Due Diligence exercise is done by importers before importing timber products, but the checks on operators' DDS are done after import.

TH will informally submit the updated import control concept draft as of 2019 to EU as an update on work progress for comment by EU. EU offered to provide technical assistance, e.g. an expert workshop, on import control to assist TH in developing the import control concept.

EU also noted that further development of risk assessment and risk mitigation methods is needed, illustrating the issue with some examples based on the EUTR experience.

EU commended Thailand on the work that has been done so far on a very complex matter, towards creating a useful tool for operators and for the Thai government to fulfil their obligations from preventing illegal timber from entering the Thai market. TH expressed appreciation for the technical assistance offered by the EU to help TH to decide on the appropriate import control model.

### **JEM5 conclusions**

- TH noted the key importance attached by the EU side to the import control system within the larger VPA process with TH.
- EU congratulated TH on the progress made on the presentation on import control, but noted that further development of risk assessment and risk mitigation methods was needed, illustrating the issue with some examples based on the EUTR experience.
- TH Import Control SWG will continue internal discussions on pre vs. post import control of operators' DDS, and other outstanding issues, as well as the role of RFD and Customs Department in implementing import control. TH took note of the shared experiences of the Indonesian, Vietnam and EUTR case in developing their import control system.

- EU requested an update of the August 2019 Import Control Concept Paper to serve as a basis for specific topics on which additional technical assistance could be offered. TH will share a draft of the import control in early 2021 and begin the drafting of the Import Control section of the SCC Annex with support from FLEGT Asia.
- EU proposed to conduct joint technical consultations or workshops on import control to share the EU experiences and to assist TH in developing the Import Control section of the SCC Annex.

### **Points for VPA Negotiations**

TH-EU agreed on the VPA roadmap, after making several mutually agreed changes:

- Date for JEM 6 to be postponed to early September 2021 which would give the EU more time to analyse submissions and come up with more detailed comments and feedback
- TH to prepare a Draft of the Annex on Public Disclosure of Information before JEM 6; EU has shared Guidelines on preparing this Annex and noted that it should not be complex to develop. Draft PDI Annex will be shared in March 2021.
- TH side will send a draft version of the import controls concept to the EU in January/February 2021. EU will provide comments for TH to further develop the concept to include in the SCC Annex, and conduct a virtual expert workshop.
- SWG technical discussions in the coming months should include the LD to ensure that ongoing legal reform is incorporated into the draft LD

TH and EU agreed to take turns in laying out the conclusions of the JEM, the negotiator points and Roadmap in the NEG3 meeting.

### **Attachments:**

1. Meeting agenda
2. Participant list

## Appendix 1: Meeting Agenda

<b>JEM 5 – Day 1</b>	
<b>Session 1: Introduction</b>	
13.30 - 14.00 (30 mins)	Greetings, introduction of Thai and EU delegations Agreement on JEM agenda, working methods, note-taking
<b>Session 2: National updates</b>	
14.00 - 14.20 (20 mins)	Update by EU on FLEGT progress since JEM 4 focusing on VPAs, EUTR and related policy developments in the EU: Presentation and discussion
14.20 - 15.20 (60 mins)	Update by Thai side on VPA and regulatory progress since JEM 4 focusing on forest policy/law/regulation and institutional developments in Thailand: Presentation and discussion
<b>Session 3: Annex II: Thai Timber Legality Definition</b>	
15.20 – 16.20 (60 mins)	LD update by Thailand: Presentation and discussion
16.20 – 16.30 (10 mins)	Take a break/พักร้อน
<b>Session 4: Annex I: Product Coverage</b>	
16.30 – 17.00 (30 mins)	Product Coverage update by Thai side: Presentation
<b>Session 5: Annex III: Condition for Release for Free Circulation in the Union of Thai FLEGT-Licensed Timber Products</b>	
17.00 – 17.30 (30 mins)	Condition for Release for Free Circulation in the Union of Thai FLEGT-Licensed Timber Products development: Introduction by EU, discussion targeting agreement on draft Annex
<b>Session 6: Annex VII: Terms of Reference for Independent Audit</b>	
17.30 – 18.00 (30 mins)	Terms of Reference for the Independent Audit: Introduction by Thai side, discussion targeting agreement on draft Annex
<b>Session 7: Annex V: Thai Timber Legality Assurance Systems</b>	

18.00 – 18.30 (30 mins)	TLAS development by Thai side: Presentation
<b>JEM 5 – Day 2</b>	
<b>Session 7: Annex V: Thai Timber Legality Assurance Systems</b>	
13.30 – 14.30 (60 mins)	TLAS development: Discussion
<b>Session 8: Annex VI: Thai Supply Chain Control</b>	
14.30 – 15.30 (60 mins)	Thai Supply Chain Control development by Thai side: Presentation of Annex VI and discussion
15.30 – 15.50 (20 mins)	Update Supply Chain Control on Private Land by Thai side
15.50 – 16.00 (10 mins)	Take a break
16.00 – 17.00 (60 mins)	Update Import Control by Thai side
<b>Session 9: Points for negotiation and roadmap development</b>	
17.00 – 18.00 (60 mins)	Jointly prepare negotiator points: key points and process to define these further until negotiations
18.00 – 18.20 (20 mins)	VPA negotiation roadmap development (focusing on steps until NEG 4)
18.20 – 18.30 (10 min)	Conclusion

## **Appendix 2: Participants list**

### **EU Side**

1. Mr. TORRES Diego, International Relations Officer - International Forest Policy, Multilateral Environmental Cooperation Unit, DG Environment, European Commission
2. Ms. PARDO LOPEZ Dorte, International Relations Officer - International Forestry Policy and Multilateral Environmental Agreements, Multilateral Environmental Cooperation Unit, DG Environment, European Commission
3. Ms. SAUL Katharina, Legal Assistant, Multilateral Environmental Cooperation Unit, DG Environment, European Commission
4. Ms. CHANTAWARANGUL Sutthiya, Programme Officer, Cooperation, Delegation of the European Union to Thailand
5. Mr. LOURDAIS Laurent, Counsellor Agriculture, SPS, Environment, Delegation of the European Union to Thailand
6. Mr. HINRICHS Alexander, Programme Director EU FLEGT Asia Programme and Head of Asia Regional Office, European Forest Institute
7. Ms. NICRO Somrudee, Ph.D., FLEGT Facilitator for Thailand
8. Mr. Morne van der Linde, FLEGT Expert, European Forest Institute

### **TH Side**

1. Mr. Somsak Sapakosonkun, Royal Forest Department
2. Ms. Pantalika Pongchabubapa, Department of Foreign Trade
3. Mr. Pathkamol Dattibongs, Department of Trade Negotiations
4. Ms. Satirajit, Paripoonyo, Department of Trade Negotiations
5. Mr. Sukal Sirichandilok, Thai Customs Department
6. Ms. Achara Khemthongyai, Thai Customs Department
7. Mr. Akarin Wongaphirat, Thai Hevea Wood Association
8. Ms. Rungnapa Wattanavichian, The Federation of Thai Industries
9. Ms. Janya Suwatthanapiseth, Agricultural Land Reform Office
10. Mrs. Sirichada Thongtan, Department of European Affairs
11. Mr. Pathompong Singthong, Department of European Affairs
12. Ms. Narumol Oris, Ministry of Natural resources and Environment
13. Mr. Joompot Tanmani, Pulp and Paper Industry Club
14. Mr. Kirik Meemungkit, Thai CSO FLEGT Network
15. Mrs. Pornpen Warawilawan, Forest Industry Organization
16. Mr. Pingsun Wang, Thai Panel Product Industry Club
17. Mr. Karoon Krairawee, Thai Timber Association
18. Mrs. Piyathip Lewpanich, Thai Timber Association
19. Mrs. Yingluck Patiphanthewa, Private Forest Plantation Cooperative
20. Mr. Montri Yotharak, Private Forest Plantation Cooperative
21. Mr. Suwit Tonghom, Sustainable Development Foundation
22. Mr. Ekkasait Aneksitthisin, Thai Chamber of Commerce and Board of Trade of Thailand
23. Mr. Sapol Boonsermsuk, Office of Forestry Foreign Affairs
24. Mrs. Kantinan Peawsaad, Forest Economics Bureau
25. Mr. Witaya Nawipun, Forestry Standard Division