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Thailand Risk Mitigation Guide

Timber



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Public consultation draft



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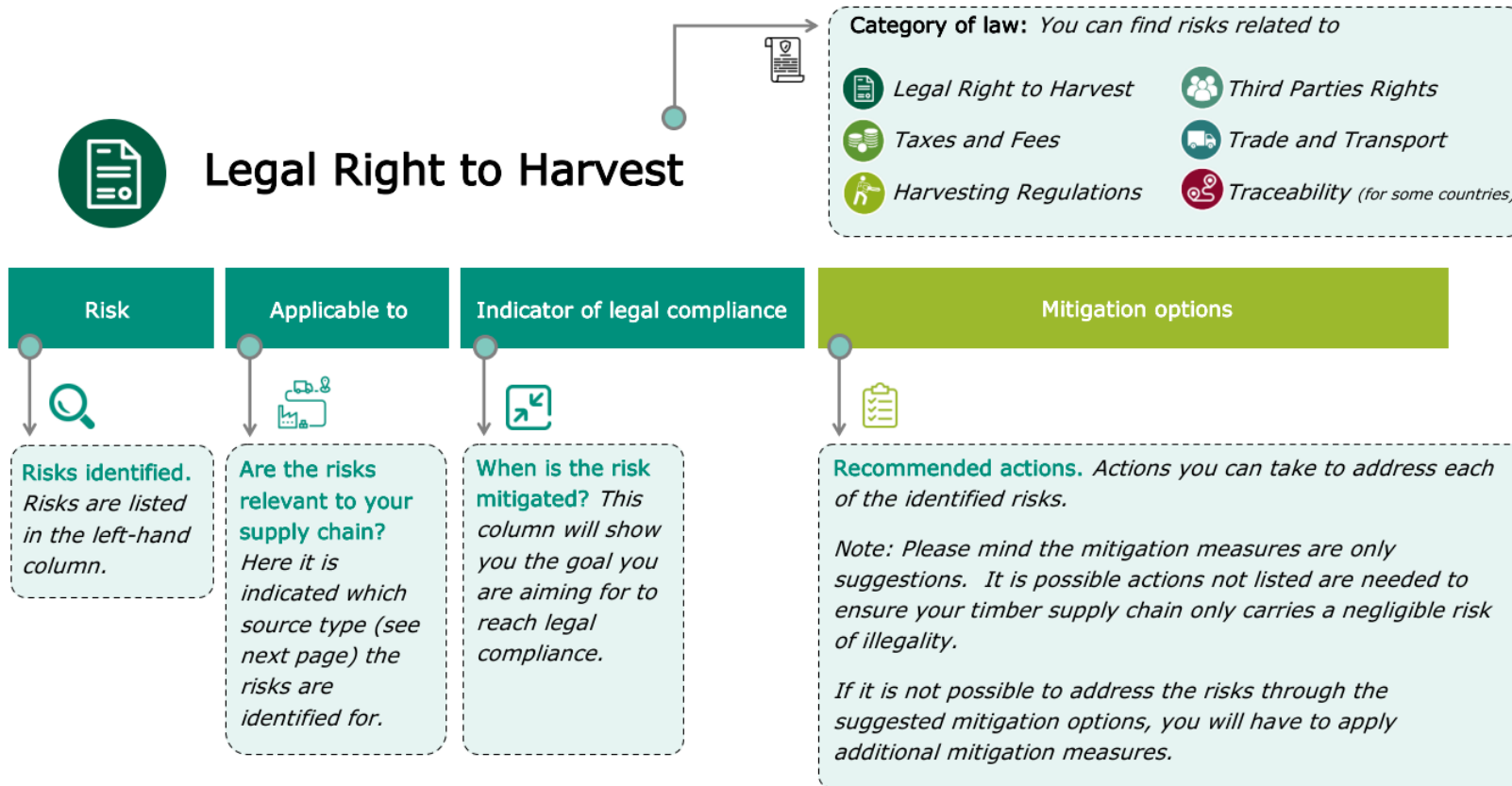


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Thailand Forestry Risk Mitigation Guide

This guide provides a series of mitigation options to assure low risk of illegality of timber harvested in Thailand.



Overview of methodology

Thailand Risk Mitigation Guide is an update of mitigation actions provided in the [Timber Legality Risk Assessment](#) for Thailand made in 2017 considering recent (2017 – 2021) legislative changes and consultation with local experts. Description of indicators for legal compliance and risks can be found in the abovementioned Risk Assessment while the recent legislation is included in the footnotes of this document.

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Timber Source Types

To understand what risks are relevant for your supply chain, you will first need to identify the origin of your timber. In general, it is often helpful to know not only the country of origin, but also other information about the origin, such as legal ownership, management regime, forest classification and permits in order to select the Timber Source Type(s) that applies to your supply chain. Identifying the right Timber Source Type is important to detail which risks are related to your supply chain and your timber products and how you can mitigate them.

Here is a description of the different kinds of Timber Source Types, you will find in Thailand:

Forest type	Classification	Description of source type
Registered Plantations ¹²	<ul style="list-style-type: none">National Forest ReserveForest outside National Forest Reserve andPrivate land	<p>Registered Plantations under the Forest Plantation Act B.E. 2535 (1992) and the Forest Plantation Act (No. 2) B.E. 2558 (2015) in National Forest Reserves. State owned registered plantation may be managed by the state, state-owned enterprise, or corporations. Privately owned registered plantations are managed by individuals.</p> <p>Plantation operators register the plantation with Royal Forest Department. Once approved, Plantation Certificate Sor Por 3 is issued to the plantation operator.</p> <p>Before harvesting, the plantation operator must obtain the following documents:</p> <ul style="list-style-type: none">Certificate of Seal Registration (Sor Por 8)Certificate of Seal (Sor Por 9)Certificate of Cutting/Felling Notification (Sor Por 13) (must accompany the timber during transport)Plantation Timber Packing List (Sor Por 15) (must accompany the timber during transport) <p>Plantation registration and relevant documents apply to all registered plantations.</p>

¹ Registered under the Forest Plantation Act B.E. 2535 (1992) and the [Forest Plantation Act \(No. 2\) B.E. 2558 \(2015\)](#)

² The difference between registered plantations and plantations: the benefits of registered plantations are to receive the right to plant restricted trees; royalty exemption and not being subject to certain rules as stipulated in the Forestry Act, B.E. 2484.

Plantations (Non-registered)	<ul style="list-style-type: none"> National Forest Reserve 	<p>State-owned plantations (not registered under the Forest Plantation Act B.E. 2535 (1992) and the Forest Plantation Act (No. 2) B.E. 2558 (2015)) in National Forest Reserves. Plantation (non-registered) May be managed by the state, state-owned enterprise, individuals, or corporations.</p> <p>Permission related to access:</p> <ul style="list-style-type: none"> Plantation License (Por Sor 31) Plantation License (Sor Tor Khor 1 Kor) Plantation exceeding 160 ha requires Ministerial Authorisation <p>Permission related to harvesting and others: <i>Permit (and documents) related to harvesting depends on the species.</i></p>
	<ul style="list-style-type: none"> Forest outside National Forest Reserve 	<p>State-owned plantations (not registered under the Forest Plantation Act B.E. 2535 (1992) and the Forest Plantation Act (No. 2) B.E. 2558 (2015)) outside National Forest Reserves. May be managed by the state, state-owned enterprise, individuals, or corporations.</p> <p>Permits related to access:</p> <ul style="list-style-type: none"> Forest Utilization License <p><i>Permission (and documents) related to harvesting depends on the species (no legal requirement for exotic tree species)</i></p> <p>Before the 15th of April 2019:</p> <ul style="list-style-type: none"> Teak (<i>Tectona grandis</i>), yang (<i>Dipterocarpus alatus</i>), and rosewood (<i>Dalbergia spp.</i>): Harvesting permit, processing permit, trading permit, removal pass All other species: no legal requirements <p>After the 15th of April 2019³:</p> <ul style="list-style-type: none"> All timber species that grown in public land that has title document showing ownership or possessory right according to Land Code, can be harvested without a permit. <p>Ownership shall be documented one of the following ways:</p>

³ [Forests Act \(No.8\), B.E. 2562 \(2019\)](#)

	<ol style="list-style-type: none"> 1. Trees registered under the Plantation Act (see Registered Plantations source type above) 2. Verification/ Attestation under the Section 18/1 of the Forest Act 3. Verification/ Attestation under the Section 18/2 of the Forest Act; 4. A self-declaration of conformity (E-Trees online platform)⁴
Plantations and Natural Forest (Non-registered)	<ul style="list-style-type: none"> • Private <p>Private forest and plantations. Plantations not registered under the Forest Plantation Act B.E. 2535 (1992) and the Forest Plantation Act (No. 2) B.E. 2558 (2015). Permits required:</p> <p>Before the 15th of April 2019:</p> <ul style="list-style-type: none"> • Teak (<i>Tectona grandis</i>), yang (<i>Dipterocarpus alatus</i>), and rosewood (<i>Dalbergia spp.</i>): Harvesting permit, processing permit, trading permit, removal pass • All other species: no legal requirements <p>After the 15th of April 2019⁵:</p> <ul style="list-style-type: none"> • All timber species that grown in private land that has title document showing ownership or possessory right according to Land Code, can be harvested without a permit. <p>Ownership shall be documented one of the following ways⁶:</p> <ol style="list-style-type: none"> 1. Trees registered under the Plantation Act (see Registered Plantations source type above) 2. Verification/ Attestation under the Section 18/1 of the Forest Act 3. Verification/ Attestation under the Section 18/2 of the Forest Act; 4. A self-declaration of conformity (E-Trees online platform)
Forest (as defined in Section 4.1 of the Forest Act) ⁷	<ul style="list-style-type: none"> • Inside or outside of National Forest Reserve <p>State-owned forest inside or outside of National Forest Reserves, managed by the state, state-owned enterprise, individuals, or corporations. Permits and documents related to harvesting vary by species (no legal requirement for exotic tree species)</p>

⁴ [THA-TLAS – VERIFICATION OF TIMBER FROM PRIVATE LAND](#)

⁵ [Forests Act \(No.8\), B.E. 2562 \(2019\)](#)

⁶ [THA-TLAS – VERIFICATION OF TIMBER FROM PRIVATE LAND](#)

⁷ Forest is defined as “land which has not been taken up or acquired by any other means under the Land Code”. Forestry laws apply to any piece of land that is not private property, or where no person has possessory rights.



In column two below, you can see what Source Types the risks are applicable for. The majority of risks in Thailand are related to all source types. Only for tenure and land rights the risk only relates to collective forest plantations in specific provinces. For State Forest Enterprises especially, there is a risk of lack of management plans. Other than that, all risks listed applies to all timber sources. For more information see below.

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Legal Rights to Harvest

Risk	Applicable to	Indicator of legal compliance	Mitigation options
Unclear land tenure rights due to unclear boundaries (1.1)	All source types	Boundaries shall be clearly mapped or demarcated on the ground, in applications and/or digital maps ⁸	<p>Review documents and verify:</p> <ul style="list-style-type: none"> Land tenure documents to confirm ownership, as well as allocated land boundaries. Land tenure documents can be verified in: <ul style="list-style-type: none"> The database (https://landsmaps.dol.go.th/) The application: Forest4Thai for National Forest Reserves. The application: LandsMaps for privately owned land Harvesting permit - may be used to confirm the ownership or tenure, as well as allocated land boundaries. To verify legal tenure, contractors shall have a valid contract signed by all land tenure owners of the area. <p>Onsite verification</p>

⁸ [Land Code B.E. 2497 \(1954\)](#)

			<ul style="list-style-type: none"> • Inspections of harvesting sites shall confirm that harvesting takes place within property limits (including felling, transport, and log loadings). <p>Consult</p> <ul style="list-style-type: none"> • Stakeholder consultation (Royal Forest Department) shall confirm the rights for conducting the established activities are not subject to court orders or other legally established decisions to cease operations.
<p>Land tenure documents are issued illegally (1.1)</p>	<p>All timber sources</p>	<p>Land tenure documents shall be issued by the legal authorities⁹</p>	<p>Review documents and verify:</p> <ul style="list-style-type: none"> • Land tenure documents can be verified in: <ul style="list-style-type: none"> ○ The database (https://landsmaps.dol.go.th/) ○ The application: Forest4Thai for National Forest Reserves. ○ The application: LandsMaps for privately owned land • Records/minutes of consultation showing the process of land allocations legally issued by the relevant governmental departments. • Records/minutes of consultation showing no land use conflicts; or, alternatively, that conflicts of land tenure are managed <p>Consult</p> <ul style="list-style-type: none"> • Stakeholder consultation with Royal Forest Department shall confirm that land allocations have been granted following legally prescribed processes. • In areas with land ownership conflicts, consultation with neighbours, local communities, and others shall confirm that land tenure rights are clear.

⁹ [Land Code B.E. 2497 \(1954\)](#)

<p>Legal requirements for forest management planning are not adhered (1.3)</p>	<p>Plantations in National Forest Reserves. N/A for other sources</p>	<p>Forest management planning documents shall be in place and conducted in compliance with legal requirements¹⁰</p>	<p>Review documents and verify: The following management planning documents shall be in place and comply with legal requirements:</p> <ul style="list-style-type: none"> • Forest Management plan shall be approved by competent authorities. • Approved annual operating plan. • Plantation Annual Management Report <i>Por Sor 32</i> • Maps showing harvesting areas • Harvesting inventories <p>Onsite verification:</p> <ul style="list-style-type: none"> • Visit the logging site to observe if forest management plan is in conformance with the situation in the field – e.g., if the species are correct and if the map corresponds to harvesting areas
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¹⁰ Royal Forest Department Regulation on Logging Permission in National Forest Reserve B.E. 2529, in Royal Forest Department Handbook on Permission related to Timber and Forest Product (2008), pp. 60-63.



Timber Harvesting Activities

Risk	Applicable to	Indicator of legal compliance	Mitigation options
Forest management plan is not implemented correctly (1.8)	Plantations in National Forest Reserves. N/A for other sources	Forest management plan shall be implemented in compliance with legal requirements	Onsite verification: <ul style="list-style-type: none"> Visit the logging site to observe if forest management plan is in conformance with the situation in the field – e.g., if the species are correct and if the map corresponds to harvesting areas
Chainsaws are sold and/or used without the legally required permit (1.8)	All timber sources	Operator involved in harvesting activities shall hold required chainsaw licences for the function they carry out ¹¹	Review documents and verify: <ul style="list-style-type: none"> Check that the chainsaw licenses have been approved and signed by the applicable authority (local authority at province level or above). License to operate or own electric chainsaw with 1 horsepower or over (Electric Chainsaw Operator License Lor Sor 3) Permit to operate chainsaw in a different location for Licensed Electric Chainsaw Operator/Owner (Electric Chainsaw Temporary Relocation Permit Lor Sor 13) Onsite verification: <ul style="list-style-type: none"> Verify that persons involved in harvesting activities hold required chainsaw licences for the function they carry out and use in a licensed area.
Illegal harvesting in protected areas (1.9)	All timber sources	Harvesting is not allowed in protected areas	Review documents and verify: Verify the following documents to make sure harvesting does not take place in protected areas:



- [Harvesting permit](#)
 - [Forest management plan](#)
- Consult:**
- Consult with Office of Natural Resources and Environmental Policy and Planning about location of protected areas
- Onsite verification:**
- Visit harvesting site to make sure it is not located in the protected areas

Protected (restricted) timber species and forest products are illegally logged (1.9)	Registered Plantations	Harvesting of protected (restricted) species listed in Category A and B ¹² requires authorisation	<p>Review documents and verify:</p> <p><u>Restricted timber species:</u></p> <ul style="list-style-type: none"> • Category A: Harvesting permit • Category B: Ministerial Authorisation <p><u>Restricted forest product</u></p> <ul style="list-style-type: none"> • Harvesting permit <p>Conduct targeted timber testing:</p> <ul style="list-style-type: none"> • on samples of purchased material to identify the species or origin of timber and verify that timber purchased corresponds to the harvesting permit or authorisation required. See Preferred by Natures Thematic article No 1 on Timber Testing Techniques
	And Non-registered plantations in National Forest Reserve	Harvesting of protected (restricted) forest products requires authorisation	
	Private forest	Before the 15th of April 2019: Harvesting permit is required for harvesting trading teak (<i>Tectona grandis</i>), yang	<p>Review documents and verify:</p> <p>Before 2019: Harvesting permit</p> <p>After 2019:</p> <ul style="list-style-type: none"> • Attestation under the Section 18/1 of the Forest Act • Attestation under the Section 18/2 of the Forest Act¹³

¹¹ [Electric Chainsaw Act B.E. 2545 \(2002\)](#)

¹² Category A and Category B species are listed in [Royal Decree on Restricted Timber Species B.E.2530 \(1987\)](#)

¹³ See the detailed explanation of verification steps for timber from private land by [Sub-Working Group on Private land restructured by EFI/EU FLEGT \(2019\)](#)

		<p>(<i>Dipterocarpus alatus</i>), and rosewood (<i>Dalbergia spp.</i>)</p> <p>After the 15th of April 2019: No restricted species on private land. Ownership of trees shall still be documented.</p>	<ul style="list-style-type: none"> • A self-declaration of conformity (an owner has registered in the E-trees platform¹⁴ and indicated the species growing on his land) <p>Conduct targeted timber testing:</p> <ul style="list-style-type: none"> • on samples of purchased material to identify the species or origin of timber and verify that timber purchased corresponds to the harvesting permit required or ownership declaration forms. See Preferred by Natures Thematic article No 1 on Timber Testing Techniques
<p>Occupational health and safety regulations are violated (1.11)</p>	<p>All timber sources</p>	<p>Occupational health and safety (OHAS) regulations must be followed.</p>	<p>Consultation and observation during onsite verification:</p> <p>Inspection of Forest Management Enterprise and harvesting sites shall verify that Personal Protective Equipment (PPE), safety training and Health and Safety procedures are in place:</p> <ul style="list-style-type: none"> • Interviews with relevant staff/workers shall provide confidence that they are aware of health and safety procedures and have participated in training; • Interviews with staff/workers engaged in special areas of work shall provide confidence that they have attended specific training applicable to their role and responsibilities, have obtained the relevant level of qualification for the task they perform, have access to required PPE and it is being used in all relevant situations. • PPE shall be available and worn as required by the law. <p>Review documents and verify during onsite verification:</p> <ul style="list-style-type: none"> • Records of training of staff on Personal Protective Equipment. • Occupational Safety, Health and Environmental Reports - shall be verified and certified by a Licensed Person determined by a ministerial regulation.

¹⁴ [E-trees](#) is a service to a tree owner to submit a request on timber utilization

- Reports on working conditions related to heat, light, and noise in the workplace
- Worker’s manual (only in the work deemed at risk)
- Injury, Illness, Death Report to Licensed Safety Inspector
- Health check records - held by employer
- Personal health book - held by staff
- Abnormality or Illness Report submitted to Labour Inspection Officer
- Workers personal health book - signed by a medical doctor.

The legal rights of workers are violated (e.g. through human trafficking, forced labour, debt bondage, child labour, illegal wages, and extortion) (1.12)

All timber sources

The legal right of workers must be followed to the labour laws.

- Review documents and verify during onsite verification:**
- Employment Contract (can be verbal or written)
 - Letter of Acknowledgement from the Department of Labour Protection and Welfare shall exist in a workplace that employs any person aged 15-18.
 - Conditions of Employment shall exist in a workplace that employs any person aged 15-18 years.
 - Work Rules - shall exist in a workplace that has more than 10 employees.
 - An Employee Register - shall exist in a workplace that has more than 10 employees.
 - A Record of Payment of Wages, Overtime Pay, Holiday Pay, verified by employee’s signature - shall exist in a workplace that has more than 10 employees.
 - An Agreement on Conditions of Employment - shall exist for a state enterprise (e.g., the FIOisation).
 - Social Security Certificate of Registration issued by the Social Security Office (hold by worker)
 - Social Security card of the workers (hold by worker)
 - If foreign workers are employed - a work permit and/or a resident permit.
 - Record of Payment of Wages, Overtime Pay, Holiday Pay, verified by employee’s signature (in a workplace that has more than 10 employees)

Consult:

- Interview shall be conducted with staff to determine that there is no illegality in terms of overtime, holidays, social security, contracts, salaries, working conditions, etc. Translators may be required for migrant workers. These interviews shall be conducted without the presence of the police.



Trade and Transport

Risk	Applicable to	Indicator of legal compliance	Potential mitigation actions
Species, quantities and qualities of timber are incorrectly specified during trade and transport (1.16)	Registered forest plantations	The forest operator shall be correctly declared the species, quantities and qualities of timber during trade and transport.	Review documents and verify: Verify that product are correctly classified on Sales documents and custom declarations Products (species, quantities, qualities etc.) . The information shall match between documents: Plantation Certificate Sor Por 3 <ul style="list-style-type: none">• Certificate of Cutting/Felling Notification Sor Por 13• Plantation Timber Packing List Sor Por 15• Timber mark/tag, clearly marked by the Licensed Entrepreneur's registered seal Onsite verification: <ul style="list-style-type: none">• Visit transport sites to verify that the present material equals what has been invoices and marked.

State-owned plantations and private land

(All species from National Forest Reserve;

Teak (*Tectona grandis*), yang (*Dipterocarpus alatus*), rosewood (*Dalbergia* spp.) from Private land and forest outside National Forest Reserve; (before the 15th of April 2019))

Review documents and verify:

Verify that product are correctly classified on Sales documents and custom declarations Products (species, quantities, qualities etc.). The information shall match between documents:

- Removal Pass with Packing List
- White-form Sawn Timber Certificate with Packing List
- Yellow-form Sawn Timber Certificate with Packing List
- Restricted Wood Product Certificate with Packing list
- Timber mark/tag/seal, clearly marked on the timber by the authority
- Attachments: Record of Royalty Collection, Tariff receipt

Processing and trading operator:

- Mechanical Processing Facility's License
- Manual Processing Facility's License
- Sawn Timber Trading Facility's License
- Restricted Wood Product Trader's License
- Commercial Timber Processing's Permit with Packing List
- Non-commercial Timber Processing's Permit with Packing List

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<p>Transport documents and trade permits are falsified or obtained through bribery (1.17)</p>	<p>Registered forest plantations</p>	<p>Transport documents and trade permits shall be issued by competent officers or authorities</p>	<p>Review documents and verify:</p> <p>All documents that transporters bring with them should be checked. They should be signed and stamped with red ink. In some cases it can be possible to go through the Royal Forestry Department website to check the validity of document online (if applicable). Verify the following:</p> <ul style="list-style-type: none"> • Certificate of Cutting/Felling Notification <i>Sor Por 13</i> • Plantation Timber Packing List <i>Sor Por 15</i> shall exist. • Timber mark/tag/seal shall be clearly marked by the Licensed Entrepreneur's registered seal.
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	<p>State-owned plantations and private land</p> <p>(All species from National Forest Reserve;</p> <p>Teak (<i>Tectona grandis</i>), yang (<i>Dipterocarpus alatus</i>), rosewood (<i>Dalbergia</i> spp.) from Private land and forest outside National Forest Reserve; (before the 15th of April 2019))</p>		<p>Review documents and verify:</p> <p>All documents that transporters bring with them should be checked. They should be signed and stamped with red ink. In some cases it can be possible to go through the Royal Forestry Department website to check the validity of document online (if applicable). Verify the following:</p> <p><u>For timber and wood products from other sources:</u></p> <ul style="list-style-type: none"> • Transport documents (removal pass, packing list) shall have signatures from the authorities, with proof of receipt of royalties and tariffs. <p><u>For wood products made from restricted species:</u></p> <ul style="list-style-type: none"> • Restricted Wood Product Certificate with Packing list shall exist.
<p>Illegally harvested CITES-species enter the supply chain and/or are smuggled out of the country and imported back into the country (1.19, 1.20)</p>	<p>CITES-listed species.</p> <p>N/A for other species.</p>	<p>CITES-species enter the supply chain and/or export and re-import into the country shall be legally harvested, correctly declared and CITES import certificate shall be in place for CITES species.</p>	<p>Review and verify documents:</p> <ul style="list-style-type: none"> • CITES export (from the country of harvest), import and re-export certificates relevant along the supply chain: <ul style="list-style-type: none"> ◦ All cross border-trade of CITES-listed species shall be documented and accompanied by the certificates issued by competent authorities (CITES Management Authorities), as well as correctly classified (type, HS custom code, species, quantities, qualities, etc.). • Information (species, quantity, date, etc) on the customs declarations shall match the commercial invoice, packing list and

phytosanitary certificate (if applicable).

Conduct targeted timber testing:

- on samples of purchased material to identify the species or origin of timber and verify that timber purchased corresponds to the harvesting permit required or ownership declaration forms. See Preferred by Natures [Thematic article No 1 on Timber Testing Techniques](#)

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About LIFE Legal Wood

[LIFE Legal Wood](#) is an initiative that aims at supporting timber-related companies in Europe with knowledge, tools and training in the requirements of the EU Timber Regulation. Knowing your timber's origin is not only good for the forests, but good for business. The initiative is funded by the LIFE Programme of the European Union.



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