



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

-----=====000=====

Minutes of Meeting

Consultation workshop of the Thematic Expert Group on Plantation regarding the revision of Draft Timber Legality Definition on Plantation at the meeting room of District Agriculture and Forestry Office of Paklay district, Sayaboury province on 08-09/09/2016

In order to implement the planned activities of the Thematic Expert Group on Plantation, in the morning of 09th September 2016, at 08:30 the meeting of Thematic Expert Group on Plantation was held at the meeting room of District Agriculture and Forestry Office of Paklay district, Sayaboury province. This meeting was chaired by Dr. Oupakone ALOUNSAVATH, there were 33 participants (with 3 females) which represented for government, private sectors and CSOs from central level, Sayaboury and Luangprabang provinces and Paklay district, please see the annex participant lists.

1. Objectives

- 1) To improve the first draft of timber legality definition and to report the progress of planned activities in last period.
- 2) To comment on the revision draft of Decree No.96/PM.

2. Contents of the meeting

- 1) Plantation Promotion and Investment Division had presented the progress of planned activities of Thematic Expert Group in last period.
- 2) The representative from Sayaboury province had presented the progress of planned activities of FLEGT in Sayaboury in last period.
- 3) The Technique Standard and Development Division had presented the progress of revision draft of Decree No.96/PM and meanwhile, participants also commented on the draft.
- 4) In the meeting had separated working in groups in order to have a common understanding on the first draft of timber legality definition and find out the gaps or incomplete issues in the draft.
- 5) The facilitators had gathered all comments on the first draft from TWG meeting, European Forest Institute (EFI) and ProFLEGT to be guided for revising draft. After that, the working groups were going on with consultation in order to clarify and compare the differences between smallholder and industrial plantations.

3. Results of the meeting

❖ Revision draft of decree No.96/PM

- The participants commented on the revision draft of Decree No.96/PM but there are still many articles and points should be revised properly with actual situation especially the definition of smallholder and industrial plantations must be clearly defined.
- Conditions and required documents for the plantation registration should be revised in Decree or created specific guideline to get an effectiveness and efficiency on implementation.

❖ Timber Legality Definition

- The participants had understood the first draft and gaps were identified and discussed.
- Open questions were raised to improve the draft TLD.
- The implementation and legal frameworks of smallholder and industrial plantations were clarified and divided. In this regards, some principles are the same such as cutting operation, timber sales and timber transportation. For different principles, they are land allocation and plantation establishment and management that should be defined properly in the draft.
- The participants had also given the recommendations for editing the draft TLD.

4. Next steps

- Assign the Plantation Promotion and Investment Division to continue improving the forms of plantation registration and planted tree certificates by organizing the consultation workshop with relevant provincial staff, to bring up existing problems to discuss together and create effectiveness and efficiency forms. This should ask for financial supports from ProFLEGT urgently.
- Organize the additional meeting to summarize all inputs from this meeting and re-structure the draft TLD to be ready for presenting in TWG meeting on 27th September, 2016.
- Assign the participants to give further comments on the revision draft of Decree No. 96/PM and then send to the responsible agency and assign the Technique Standard and Development Division to organize the consultation workshop and the members of Thematic Expert Group should be invited. In the meantime, the points that remain unclear and unclarified should be brought to discuss in order to get a good result.

This meeting was running for one and haft day and closed at 12:00 on 09th September, 2106. Therefore, the minutes of meeting has created as a reference for the action forward.

Paklay district, July 12, 2016

Chairman

Minutes taker

LEGALITY STANDARD 3: PLANTATION

Principle 3.1 Land allocation for plantation		
Criteria 3.1.1 Land for smallholder plantation must comply with laws and regulations on land use rights		
Indicator 3.1.1.1 Land for smallholder plantation must be approved by the related authorities	Verifiers: <ul style="list-style-type: none"> • Temporary land use certificate • Receipt of tax payment • Land use map 	
Legal references: <ul style="list-style-type: none"> • Land Law No. 04/NA, Article 21 and 22, dated on 21/10/2003. • Forestry Law No. 06/NA, Article 68, dated on 24/12/2007 	Responsible organizations: <ul style="list-style-type: none"> • MONRE • MAF 	Verification procedures: <ul style="list-style-type: none"> • Legal documents of land use
Criteria 3.1.2 Land for industrial plantation must comply with laws and regulations on land use rights		
Indicator 3.1.2.1 Land for industrial plantation must be approved by the related authorities	Verifiers: <ul style="list-style-type: none"> • Land lease and concession documents • Land use map • Receipt of land lease and concession fees 	
Legal references: <ul style="list-style-type: none"> • Land Law No. 04/NA, Article 21 and 22, dated on 21/10/2003. • Forestry Law No. 06/NA, Article 68, dated on 24/12/2007 • Investment Promotion Law, Article 58 	Responsible organizations: <ul style="list-style-type: none"> • MONRE • MAF • MPI • MOF 	Verification procedures: <ul style="list-style-type: none"> • Legal documents of land use • Receipt of royalty fee
Principle 3.2 Plantation establishment and management		
Criteria 3.2.1 Establishment of smallholder plantation complies with plantation management regulations		
Indicator 3.2.1.1 Smallholder plantation must be registered and planted trees must be certified in accordance with regulations	Verifiers: <ul style="list-style-type: none"> • Plantation registration certificate • Planted tree certificate 	
Legal references: <ul style="list-style-type: none"> • Forestry Law No. 06/NA • Instruction of Minister No. 1849/MAF 	Responsible organizations: <ul style="list-style-type: none"> • Village, DAFO 	Verification procedures: <ul style="list-style-type: none"> • Inspecting plantation registration certificate • Interviewing related staff

<ul style="list-style-type: none"> • New revision of Prime Minister Decree No. 96/PM • Regulation No. 115/MAF, dated on 21 March 2003 • Notification No. 1374 	<ul style="list-style-type: none"> • PAFO 	<ul style="list-style-type: none"> • Field inspection.
Criteria 3.2.2 Establishment of industrial plantation complies with plantation management regulations without causing social and environmental impacts		
Indicators 3.2.2.1 Industrial plantation must be conducted an economic - technical study	Verifiers: <ul style="list-style-type: none"> • Report of economic - technical • Plantation development plan 	
<u>Legal references:</u> <ul style="list-style-type: none"> • Forestry Law No. 06/NA • Instruction No. 1643/DOF, Dated on 17 June 2010 	Responsible organizations: <ul style="list-style-type: none"> • PAFO • DPI 	Verification procedures: <ul style="list-style-type: none"> • Inspecting report of economic - technical • Interviewing related staff • Field inspection.
Indicator 3.2.2.2 Industrial plantation must conduct the social and environmental impact assessment based on regulations	Verifiers: <ul style="list-style-type: none"> • Social and environmental impact assessment report 	
<u>Legal references:</u> <ul style="list-style-type: none"> • Forestry Law No. 06/NA, chapter IV, article 74, section 3 • Environmental law • Decree on environmental impact assessment, No. 29/NA. Chapter I, article 22, 2012 	Responsible organizations: <ul style="list-style-type: none"> • Department of Social and Environmental Impact Assessment • MAF (DOF) 	Verification procedures: <ul style="list-style-type: none"> • Inspecting Social and environmental impact assessment report • Interviewing staff of Department of Social and Environmental Impact Assessment
Indicators 3.2.2.3 Industrial plantation must be registered according to the regulations	Verifiers: <ul style="list-style-type: none"> • Plantation registration certificate 	
<u>Legal references:</u> <ul style="list-style-type: none"> • Forestry Law No. 06/NA • Instruction of Minister No. 1849/MAF • New revision of Prime Minister Decree No. 96/PM • Regulation No. 115/MAF, dated on 21 March 2003 • Notification No. 1374 	Responsible organizations: <ul style="list-style-type: none"> • PAFO 	Verification procedures: <ul style="list-style-type: none"> • Inspecting plantation registration certificate • Interviewing related staff • Field inspection.
Principle 3.3 Cutting approval and operation		
Criteria 3.3.1 Proposal for cutting timber from smallholder and industrial plantations must comply with relevant regulations		

<p>Indicators 3.3.1.1 proponent must correctly and completely carry out documentation based on regulations</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Plantation registration certificate • Tree certificate • Inventory list of standing tree • Timber cutting proposal • Cutting permit 	
<p>Legal references:</p> <ul style="list-style-type: none"> • Forestry law (Instruction No. 0115/MAF, section 7) • Prime Minister Decree No. 96/PM • Order No. 17/PM • Regulation No. 196, Chapter I Article 12 Section 1 and 2, dated on 15/8/2000 • Order No. 15/PM 	<p>Responsible organizations:</p> <ul style="list-style-type: none"> • PAFO • DAFO • Village authorities 	<p>Verification procedures:</p> <ul style="list-style-type: none"> • Inspecting documents related to cutting permits • Interviewing related staff • Field inspection
<p>Indicator 3.3.1.2 Utilizations of equipment and vehicles in cutting operation must be permitted by PAFO</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Chainsaw license • Vehicle use permit • Cutting permit • Technical certificate (Labors) 	
<p>Legal references:</p> <ul style="list-style-type: none"> • Forestry law • Decision 0080 • Joint Decision of MAF and PWT 019 • Notice 1440 MOIC, DIMEX 	<p>Responsible organizations:</p> <ul style="list-style-type: none"> • PAFO • DAFO • Village 	<p>Verification procedures:</p> <ul style="list-style-type: none"> • Inspecting documents related to equipment and vehicles permits • Interviewing related staff • Field inspection
<p>Principle 3.4 Timber purchases-sales</p>		
<p>Criteria 3.4.1 Purchasing and selling of timber from smallholder and industrial plantations must comply with relevant regulations</p>		
<p>Indicator 3.4.1.1 buyers and seller make a sales contract based on log list with verification from related authorities</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Sales contract • Payment records • Log list • Tax receipts • Bank certification document 	
<p>Legal references:</p> <ul style="list-style-type: none"> • Regulation No.1862/MOIC • Presidential ordinance No.003 • Instruction No. 0509/MOF 	<p>Responsible organizations:</p> <ul style="list-style-type: none"> • PAFO • POIC • POF • Witness (Court, village, witnesses) 	<p>Verification procedures:</p> <ul style="list-style-type: none"> • Inspecting sales documents • Interviewing related staff

Principle 3.5 Timber transportation		
Criteria 3.5.1 Transportation of timber from smallholder and industrial plantations in domestic and for export must comply with relevant regulations		
Indicators 3.5.1.1. Operators carry out documentation correctly for transporting timber for domestic.	Verifiers: <ul style="list-style-type: none"> • Plantation registration certificate • Tree certificate • Cutting permit • Timber list • Sales contract • Transport permit • Tax receipts • Timber marking records for releasing 	
Legal references: <ul style="list-style-type: none"> • Order No. 115/MAF • Regulation No. 196/MAF • Notification No. 1601/MOIC • Order No 17/PM • Order No 15/PM • Prime Minister Decree No. 96/PM 	Responsible organizations: <ul style="list-style-type: none"> • PAFO • POIC • POF 	Verification procedures: <ul style="list-style-type: none"> • Inspecting transport documents • Interviewing related staff • Village
Indicators 3.5.1.2. Operators carry out documentation correctly for transporting timber for export	Verifiers: <ul style="list-style-type: none"> • Cutting permit • Enterprises certificate • Timber list • Sales contract • Transport permit • Tax receipts • Timber marking records for releasing 	
Legal references: <ul style="list-style-type: none"> • Agreement No. 41/PM • Notification No. 0032/MAF • Notification No. 1791/MOIC 	Responsible organizations: <ul style="list-style-type: none"> • PAFO • POIC • POF 	Verification procedures: <ul style="list-style-type: none"> • Inspecting transport documents for export • Interviewing related staff