**ANNEX**

**PUBLIC DISCLOSURE OF INFORMATION**

1. **INTRODUCTION**

The Parties are committed to ensuring that agreed forestry-related information is made available to the public.

This Annex provides for this objective to be met by outlining:

1. the forestry-related information to be made available to the public;
2. the bodies responsible for making that information available; and
3. the mechanisms by which it can be accessed.

The aim is to ensure that:

1. Joint Implementation Committee (JIC) operations during the implementation of this Agreement are transparent and understood;
2. a mechanism exists for the Parties as well as relevant stakeholders to access key forestry-related information;
3. the Lao PDR Timber Legality Assurance System (LAO-TLAS) functioning is strengthened through the availability of information for independent monitoring; and
4. the broad objectives of this Agreement are achieved.

The public availability of information and the commitment to facilitate access of stakeholders to this information represents an important contribution to reinforcing Lao PDR's forest governance.

1. **INFORMATION TO BE PUBLISHED BY LAO PDR**

Legal Information

* The text of this Agreement, its Annexes and any amendments.
* All relevant legislation referred to in the Legality Definitions set out in Annex II and the LAO-TLAS and any amendments thereto.
* International conventions and agreements signed and ratified by Lao PDR applying to this Agreement.

Information on Land

* Resolution No. 098/NA dated 28 June 2018, of National Assembly of the Lao People’s Democratic Republic regarding to the adoption of the National Master Plan on Land Allocation.
* The 5-year National Master Plan on Land Allocation.
* The Provincial Integrated Plans on Land Allocation, Natural Resource Management and Environment.
* Periodic information on state land leases and land concessions, including maps.
* Periodic information on land use rights, including maps

Information on Forest Land

* Location and boundary of the three categories of forests (protection, conservation, and production forests) and village forest areas at national and provincial level, including maps
* Periodic National Forest Inventory data and National Forest Cover Assessment Report.
* Periodic information on State land leases or concessions of investment project by sectors in the three categories of forests (protection, conservation and production forests) and village forest areas, including maps.

Information on Forest Management

* Periodic information on Forest Land Use Allocation Plans, including maps
* Periodic information on Village Forest Management Plans, including maps.
* Periodic information on registered plantation, harvesting and transportation of plantation timbers at national and provincial levels, including maps.
* Periodic information on forest rehabilitation in three categories of forests at national level, including maps.
* Periodic information on Production Forest Areas and the respective Sustainable Forest Management Plans (SFMP) in production forest areas, including maps.
* Data on annual harvesting plans in Production Forest Areas, forestland conversion areas and Village Use Forests approved by the Government of Lao PDR.

Information on Domestic Timber Production

* Data on timber production values and growth.
* Data on the volume of natural and planted timber harvesting including timber from confiscation.

Information on Timber Movements/ Supply Chain.

* + Periodic information [report, species, volumes, weights] on natural timber movement from production forests, forestland conversion areas and village use forests at national level.

Information on Wood Processing Operations

* + Number of formally registered wood processing factories classified by types (sawmilling, finished wood processing factory and furniture) and size of business operations (micro, small, medium and large size).
  + Periodic information on input and output monitoring report on timber and wood products.

Information on Trade

* + Quarterly and annual quantities, volumes, weights, and values of production for domestic and export distribution.
  + Quarterly and annual quantities, volumes, weights, and values of exported timbers and derived timber products by HS code and destination countries at provincial levels.
  + Annual quantities, volumes and weights of timbers and derived timber products cleared at customs for import and export by international check points.
  + Annual data on import and export of timber and wood products with a CITES permit.

Information on Environment and Social Impact Management

* + Certified copy IEE/EIA report and EMMP of investment projects.
  + Certified copy of Environmental Compliance Certificate of investment projects.
  + Progress Report on the implementation of EMMP by the operator.
  + Approved Compensation, Resettlement and Vocation Plan of investment projects.

Information on Workers, Workers’ Rights, including Occupational Health and Safety

* + Periodic information on the number of national and foreign workers in wood processing factories disaggregated by gender at national and provincial level.
  + Labour inspection report in wood processing factories at provincial and national level.

Information on Revenue, Royalty and Tax Payments

* Annual data on the results of auctions including the timber auction lists from the provincial committee to central committee.
* Annual data on payment for applicable environmental services and environmental rehabilitation fees from investment projects and activities as stated in concession agreement.
* Annual data on forest sector revenues.
* Annual data on state allocated budget and investment in forest and forestland protection, including areas of village use forests.

Information on Enforcement

* Compliance of forest law, forest destruction; exploitation of forest products; forest land use regulations; purchase and trade of forest products; forest product processing regulations.
* proceedings of cases, including administrative fines and criminal cases.
* type of violation and location.
* quantity and type of confiscated timber from confiscation and post-auction.

Information on the LAO-TLAS

* Regulations and procedures guiding the implementation of all LAO-TLAS elements, and related implementation guidelines, manuals and methodologies.
* Regulations and procedures guiding the issuing, withdrawal and management of FLEGT licences.
* List of FLEGT Licensing Authority offices and its branches in Lao PDR, including contact details.
* List of memoranda of understanding (MoUs) and bilateral agreements between Lao PDR and other countries on forestry and timber trade and legality.
* MoUs and bilateral agreements between Lao PDR and other countries on forestry and timber trade and legality, unless contrary to confidentiality provisions of such MoUs and agreements.
* Public reports on internal inspections related to the implementation of the LAO-TLAS in accordance with Lao legal regulations.

1. **INFORMATION TO BE PUBLISHED BY THE UNION**

* 1. *The text of this Agreement, its Annexes and any amendments.*
  2. *Lao PDR Country Report by the Independent Market Monitoring (IMM).*
  3. *List and contact details and address of the competent authorities (CAs) of the Member States of the Union responsible for FLEGT and Union timber regulation*
  4. *Annual report by the EU CAs, in particular information relating to:*
* *The number of FLEGT licences from Lao PDR that are received by the CAs of the Member States of the Union;*
* *Total and annual quantities and values of timber and derived timber products by country imported into the Union from Lao PDR, with and without FLEGT licences.*
  1. *Information on Union regulations related to timber trade, and financial and technical supports related to the implementation of this Agreement in Lao PDR.*
  2. *Information on market opportunities and its requirement of timbers and derived timber products in the Member States of the Union under the FLEGT licensing scheme.*

1. **INFORMATION TO BE PUBLISHED BY THE JOINT IMPLEMENTATION OF COMMITTEE (JIC)**
   1. Information of relevance to the implementation and functioning of Agreement. This includes:

* The text of this Agreement, its Annexes and any amendments;
* Procedures guiding the functioning of the JIC;
* Overview of activities undertaken to implement this Agreement;
* Information on authorities:

1. List of Lao licensing authorities including address and contact details;
2. Address and contact details of the Licensing Information Unit in Lao PDR; and

List of competent authorities in the Union including address and contact details;

* Information on procedures of FLEGT licences and list of entities granted FLEGT licences, including address and contact details.

This information will be made available through the websites of the Parties.

* 1. Minutes of meetings of the JIC and summaries of decisions
  2. Annual reports produced by the JIC, in particular information relating to:
* Progress in achieving the objectives of this Agreement and matters relating to its implementation;
* Number of total applications for FLEGT licences, rejected applications, issued FLEGT licences, suspended, withdrawn and expired certificate by Lao PDR;
* Total and annual quantities and values of timber and timber products exported from Lao PDR to the Union under the FLEGT licensing scheme, according to the relevant HS headings and according to the Member State of the Union in which importation took place;
* Total and annual quantities and values of timber and timber products imported into Lao PDR, including under the FLEGT licensing scheme;
* Number of FLEGT licences from Lao PDR received by the Union;
* Total and annual quantities of timber and derived products imported by country into the Union under the FLEGT licensing scheme, according to the relevant HS headings and according to the Member State of the Union in which importation took place;
* Number on cases and quantities and values of timber and timber products about which clarifications/ consultations were needed between the Licensing Authority and the competent authorities of the Member States of the Union;
* Number of cases of non-compliance with the FLEGT Licensing Scheme, actions taken to deal with them, and actions taken to prevent exports and imports of illegal timbers and timber products.
  1. Information on the periodic evaluation
* Terms of Reference of the periodic evaluation;
* Documented procedures of the Evaluator for carrying out evaluations;
* Public summary reports of the periodic evaluation.

1. **MECHANISMS AND MEANS TO ACCESS INFORMATION**

This Annex complies with current legislation of Lao PDR on public disclosure and provision, access and use of information, as regulated by: Law No.69/NA 2019 on Documents, Law No. 25/NA 2017 on Electronic Data Protection, Law No. 24/NA 2017 on Statistics, Law No.02/NA 2016 on Information and Communication Technology, Law no.01/NA 2016 on Mass Media, the Law No. 19/NA 2012 on Making Legislation, Law No. 09/NA 2011 on Telecommunication, Law No.05/NA 2008 on Publication, Decree No. 330/GPL 2014 on Surveying, Aerial Photography and Mapping, Decree No.363/PM 2010 on Announcement and Provision of Data related to Trade, Decision No.531/MPTC 2020 on Technical Standard of Government Website, Decision No.3203/MAF 2019 on Development, Management and Dissemination of Agriculture Statistics, Decision No.2507/MPTC 2016 on Communication via Satellite; and other amendments and revisions that may follow.

The information mentioned above will be publicly available:

* On newspaper, T.V, radio, websites, portals or media publications such as leaflets, newsletters, magazine, annual reports and others produced by both Parties;
* At the offices of the FLEGT Standing Office (FSO) and the Union Delegation in Lao PDR responsible for monitoring this Agreement;
* Through press conferences of both Parties; and
* by official request letter submitted to the competent agencies representing the Government of Lao PDR, the Union and JIC;

The Ministry of Agriculture and Forestry (Department of Forestry, Department of Forest Inspection), Ministry of Industry and Commerce (Department of Industrial and Handicrafts, Department of Import and Export), Ministry of Natural Resources and Environment (Department of Land, Department of Environment, Department of Pollution Control and Monitoring), Ministry of Finance (Department of Tax, Department of Custom, Department of State Asset Management), Ministry of Labour and Social Welfare (Department of Labor Management); and Ministry of Justice (Department of Law Dissemination) are all significant institutions in the functioning of the TLAS and therefore obliged as part of their duties to disclose forestry-related information to the public. Mechanisms are contained in the appendix of this Annex.

To reinforce monitoring and evaluation of the implementation and functioning of the TLAS, the specific procedures/ guidelines/ instruction on information management system will be developed separately.

1. **IMPLEMENTATION OF PUBLIC DISCLOSURE PROVISIONS**

As part of the implementation of this Annex, the Parties will assess:

* The need for institutional support on the internet-based, electronic information management system in Lao PDR to make information available from local to and from central authorities;
* The need for capacity-building on the use of public information for independent observation;
* The need to raise public sector and stakeholder awareness of the public disclosure provisions contained in this Agreement.

***Appendix***

**MECHANISM TO DISCLOSE INFORMATION BY LAO PDR**

* Referring to Law No 69/NA 2019 on Documents, Article 66 states that organization and individuals have rights to access and use information of documents, except accessing to contents of said documents that are considered confidential, which often relate to national protection and security and thus requires permission from concerned organization and sectors. The purposes of using information shall be for official work, scientific research, reference for implementation of activities. Organization and individuals are obliged to submit a Letter from their organization to request for use of documents and the purpose of the organizational activities along with a copy of national Identification Number, family book or passport to request for use of documents. The fees and service charges will be collected for administrative and technical services and to supplement expenditures from the state budget.
* Referring to Law no. 25/NA 2017 on Electronic Data Protection, Article 22: Ranking of the official data security: 1) first level- destruction or disclosure of data damages the rights and benefits of the state, individual, legal entities or organizations; 2) second level- destruction or disclosure of data causes serious damage to the rights and benefits of the state, individuals, legal entities, organizations, or community; and 3) third level- destruction or disclosure of data damages the production and maintenance of peace, social security and nation-public security.
* Referring to Law No.24/NA 2017 on Statistics, Article 30 Confidentiality: (1) State confidentiality regarding to stability, national defense-security and official secrets that are defined in a specific manner by concerned organization; (2) Confidentiality of individuals, entities and organization on information gathering/collecting from survey and administrative report.
* Referring to Law No.24/NA 2017 on Statistics, Article 43 Access and use of statistics: 1) Individuals, entities and organization can access and use statistics and database that has been announced for use and dissemination by the national statistics system; 2) User of statistics that are raw data (primary data) and database shall indicate the purpose of use and exchange the results of use statistics to concerned organization(s); 3) User of statistics, raw data and database shall detail the sources of statistics when using clearly.
* Referring to Law No. 25/NA 2017 on Electronic Data Protection, Article 8, 9 and 10 stated that type of data: 1) general data- accessed, used and disclosed with referencing to data sources; and 2) specific data- accessed, used and disclosed with permission from data owner or relevant organization. Specific data includes official data and personal data.
* Referring to Decision No. 3203/MAF 2019 on Development, Management and Dissemination of Agriculture Statistics, Article 19 on Accessibility and use of agriculture statistics stated that individual, entities and organization could access and use statistic data or database that are announced and disseminated from administrative report and survey system. To use raw data, users should clearly define the objectives of use with a permission from the concerned organization.
* Referring to Law no. 25/NA 2017 on Electronic Data Protection, Article 27 Rights of data owners: develop, access, use, disclose, provide, improve, stop, amend, delete and register safety code on their electronic information; Article 29 Right of data administration authority: to prevent for developing, accessing, transferring, receiving, using or disclosing electronic information which impacts to national stability, peace, and social security and nation-public security.

Hereby, disclosure of information pertaining to the Annex on Public Disclosure of Information is categorized in three levels: 1) publicly disclosed, 2) disclosed by request, and 3) non-disclosure of highly restricted or confidential information.

Access to information shall be compliant with one of above three-level classification for disclosure of information, as outlined below:

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Document to be made publicly available** | **Agencies that hold the document** | **Category of disclosure** |
|  | All relevant legislation referred to in the Legality Definitions set out in Annex II and the LAO-TLAS and any amendments thereto. | Department of Law Dissemination, Department of Forest Inspection | 1 |
|  | Resolution No. 098/NA dated 27 June 2018, of National Assembly of the Lao People’s Democratic Republic regarding to the adoption of the National Master Plan on Land Allocation. | Department of Land | 1 |
|  | The 5-year National Master Plan on Land Allocation. | Department of Land | 1 |
|  | The Provincial Integrated Plans on Land Allocation, Natural Resource Management and Environment. | Department of Land | 1 |
|  | Periodic [Metadata] information on state land leases and land concessions, including maps. | Department of Land | 2 |
|  | Periodic [Administrative data/report] information on state land leases and land concessions, including maps. | Department of Land | 1 |
|  | Periodic [Metadata] information on land use rights, including maps | Department of Land | 2 |
|  | Periodic [Administrative data/report] information on land use rights, including maps | Department of Land | 1 |
|  | Periodic [Metadata] Location and boundary of the three categories of forests (protection, conservation, and production forests) and village forest areas at national and provincial level, including maps | Department of Forestry | 2 |
|  | [Administrative data/report] Location and boundary of the three categories of forests (protection, conservation, and production forests) and village forest areas at national and provincial level, including maps | Department of Forestry | 1 |
|  | Periodic National Forest Inventory data and National Forest Cover Assessment Report. | Department of Forestry | 2 |
|  | Periodic [Metadata] information on State land leases or concessions of investment project by sectors in the three categories of forests (protection, conservation and production forests) and village forest areas, including maps. | Department of Forestry | 2 |
|  | Periodic [Administrative data/report] information on State land leases or concessions of investment project by sectors in the three categories of forests (protection, conservation and production forests) and village forest areas, including maps. | Department of Forestry | 1 |
|  | Periodic information on Forest Land Use Allocation Plans, including maps | Department of Forestry | 2 |
|  | Periodic [Administrative report] information on Village Forest Management Plans, including maps. | Department of Forestry | 1 |
|  | Periodic information on registered plantation forests and harvesting and transporting plantation timbers at national and provincial levels, including maps | Department of Forestry | 2 |
|  | Periodic information on forest rehabilitation in three categories of forests at national level, including maps. | Department of Forestry | 2 |
|  | Data on timber production values and growth. | Department of Import and Export | 2 |
|  | Data on the volume of natural and planted timber harvesting including timber from confiscation. | Department of Forestry/Department of Forest Inspection | 2 |
|  | Number of formally registered wood processing factories classified by types (sawmilling, finished wood processing factory and furniture) and size of business operations (micro, small, medium and large size). | Department of Forestry | 2 |
|  | Quarterly and annual quantities, volumes, weights, and values of production for domestic and export distribution. | Department of Import and Export | 1 |
|  | Quarterly and annual quantities, volumes, weights, and values of exported timbers and derived timber products by HS code and destination countries at provincial levels. | Department of Import and Export | 2 |
|  | Annual quantities, volumes and weights of timbers and derived timber products cleared at customs for import and export by international check points. | Department of Custom | 2 |
|  | Annual data on import and export of timber and wood products with a CITES permit. | Department of Import and Export | 2 |
|  | Periodic information on the number of national and foreign workers in wood processing factories disaggregated by gender at national and provincial level. | Department of Forestry | 2 |
|  | Annual data on payment for applicable environmental services and environmental rehabilitation fees from investment projects and activities as stated in concession agreement. | Department of State Asset Management | 2 |
|  | Annual data on forest sector revenues | Department of Tax, Department of Custom, Department of State Asset Management | 2 |
|  | Annual data on state allocated budget and investment in forest and forestland protection, including village forest areas | Ministry of Agriculture and Forestry (Department of Forestry, Department of Planning and Finance).  Ministry of Finance (Budget Department) | 2 |
|  | Compliance of forest law, forest destruction; exploitation of forest products; forest land use regulations; purchase and trade of forest products; forest product processing regulations. | Department of Forest Inspection | 2 |
|  | Proceedings of cases, including administrative fines and criminal cases. | Department of Forest Inspection, | 2 |
|  | Type of violation and location. | Department of Forest Inspection | 2 |
|  | Quantity and type of confiscated timber from confiscation and post-auction. | Department of Forest Inspection | 2 |
|  | Regulations and procedures guiding the implementation of all LAO-TLAS elements, and related implementation guidelines, manuals and methodologies. |  | 1 |
|  | Regulations and procedures guiding the issuing, withdrawal and management of FLEGT licences. |  | 1 |
|  | List of FLEGT Licensing Authority offices and its branches in Lao PDR, including contact details. |  | 1 |
|  | List of memoranda of understanding (MoUs) and bilateral agreements between Lao PDR and other countries on forestry and timber trade and legality. |  | 1 |
|  | MoUs and bilateral agreements between Lao PDR and other countries on forestry and timber trade and legality, unless contrary to confidentiality provisions of such MoUs and agreements. |  | 1 |
|  | Public reports on internal inspections related to the implementation of the LAO-TLAS in accordance with Lao legal regulations. |  | 1 |