

**Voluntary Partnership Agreement on Forest Law Enforcement, Governance
and Trade (VPA-FLEGT) between Viet Nam and the European Union**

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FIRST MEETING OF THE JOINT PREPARATION COMMITTEE (JPC-1)

AIDE MEMOIRE

Ha Noi, November 17, 2017

Introduction

1. The first meeting of the Joint Preparation Committee (JPC-1) to oversee the initial implementation of the Voluntary Partnership Agreement on FLEGT between Viet Nam and the European Union (EU) took place in Ha Noi on November 17, 2017. The first JPC meeting follows the conclusion of the negotiation of the Agreement between the parties in May 2017. The JPC meeting was co-chaired by Dr Ha Cong Tuan, Vice Minister of the Ministry of Agriculture and Rural Development (MARD), and Mr Bruno Angelet, Ambassador – Head of the European Union Delegation to Viet Nam.
2. On the Viet Nam side, the meeting was attended by representatives from the Ministry of Foreign Affairs, Ministry of Justice, Ministry of Industry and Trade, the General Department of Customs and the Vietnam Administration of Forestry (VNFOREST), together with representatives from the VPA-FLEGT Multi-Stakeholder Implementation Core Group, including the Co-chair from the Centre for Education and Development. On the EU side, the meeting was attended by representatives of the EU Delegation and the Directorate General on Environment of the European Commission, together with some representatives of Member States in Viet Nam and the EU FLEGT Facility. The list of participants is attached as Annex 1 to this Aide Memoire.
3. Opening the meeting on behalf of Viet Nam, the Vice Minister of MARD acknowledged the encouraging results of the deep and comprehensive collaboration between Viet Nam and the EU, as reflected in the conclusion of the VPA negotiation in May 2017 and the steps that have since been taken to begin to establish the implementation arrangements.
4. The Vice Minister informed the JPC that the National Assembly of Viet Nam has recently passed the new Forestry Law, which replaces and expands the scope of the previous law from 2004. The new law strengthens the provisions on sustainable forest management, timber supply control for both domestic and internationally traded timber, the protection of natural forests, as well as promoting multiple-ownership and investment in forest plantations. The Vice Minister noted that key elements of the VPA and the Viet Nam Timber Legality Assurance System (VNTLAS) have been incorporated in the new law, which will provide a conducive basis for implementation of the Agreement. The Vice Minister confirmed Viet Nam's commitment to the Agreement and to ensuring the effectiveness of the JPC which is considered a high priority by the Government.
5. Opening the meeting on behalf of the EU, the Ambassador concurred that both Viet Nam and the EU have raised the importance of FLEGT in recent years, and there has continued to be good progress on the implementation arrangements since concluding the negotiation. With the expectation that the Agreement can be signed and ratified within 2018, the Ambassador noted that this will be an excellent result, not only in terms of Viet Nam–EU cooperation, but also with respect to Viet Nam's global integration and to promote sustainable development. In this regard, the Ambassador noted that ratification of the EU–Viet Nam Free Trade Agreement (EVFTA) is taking place in parallel, and that it will be favorable to conclude the signing and ratification of the VPA as soon as possible which will also support the EVFTA process. The EU welcomed the adoption of the new Forest Law and the explanation about how the new law includes the main elements of the VPA.

Joint Expert Meeting (JEM)

6. The parties agreed on the formation of a Joint Expert Meeting (JEM) which will support the Joint Preparation Committee, and the Joint Implementation Committee (JIC) at a later stage after ratification of the Agreement, on technical matters relating to implementation of the VPA and the VNTLAS. The JEM is co-chaired by the Vice Director General of VNFOREST and the Head of Development Cooperation of the EU Delegation. The JEM will also convene and supervise sub-groups of experts to work on specific issues as required. The participation, functions and modalities of the JEM are described in the Joint Implementation Framework.

Multi-Stakeholder Implementation Core Group

7. A presentation was made on the establishment of the Multi-Stakeholder Implementation Core Group (“Multi-Stakeholder Core Group”) by the current Co-chair of the Multi-Stakeholder Core Group (the Centre for Education and Development). The Multi-Stakeholder Core Group initially has around 30 members, including representatives from the industry associations, professional associations, Vietnamese non-governmental organisations, research institutes, FLEGT project holders and verification agencies as active members, together with international development partners in an observer status. The Multi-Stakeholder Core Group is co-chaired by VNFOREST and one other member of the Multi-Stakeholder Core Group on a revolving basis; and the Multi-Stakeholder Core Group will be represented on the JPC/JIC by the other member revolving co-chair. The main functions of the group are to provide a focal point for effective communication and information exchange between stakeholders; to promote coordination and synergy between VPA-FLEGT related actions; and to provide advice and feedback on the implementation of the VPA and VNTLAS; and to jointly propose issues for consideration by the JPC/JIC. The first meetings of the Multi-Stakeholder Core Group have been held in 2017 to establish the group and to agree on its representation, functions and modalities, which are described in the Joint Implementation Framework.
8. The EU welcomed the formation of the Multi-Stakeholder Core Group, which will be an important element in implementation of the Agreement. The EU suggested that the role of the Multi-Stakeholder Core Group should be considered broadly, for example as a means through which independent monitoring can be built into VPA implementation as an essential element of a credible timber legality assurance system. The EU further noted that the chapter on sustainable development in the EVFTA foresees that independent representative organisations, including economic, social and environmental stakeholders, will create a platform to contribute to the sustainable development objectives. The Multi-Stakeholder Core Group is a good model for this and the EU is supportive of this initiative.

Joint Implementation Framework (JIF)

9. A presentation was made of the draft Joint Implementation Framework (JIF) which will be used by the parties to guide and monitor implementation of the Agreement. The JIF was prepared through a multi-stakeholder process, with inputs from the Multi-Stakeholder Core Group and other stakeholders. The specific objectives of the JIF are: (i) to identify the strategic tasks and priority actions needed to establish the institutional mechanisms to implement the Agreement and to prepare and operationalize the VNTLAS and other elements of the VPA; (ii) to identify responsibilities and sources of support and funding for these strategic tasks and priority actions; (iii) to help promote stakeholder engagement and coordination around the actions for implementation of the Agreement; and (iv) to provide a framework for monitoring implementation of the Agreement.
10. The JIF is structured according to eight Strategic Tasks:
 - 1) VPA ratification process;
 - 2) VPA management, monitoring and review mechanisms;

- 3) VNTLAS legal documents, regulations and information management systems;
 - 4) Capacity building plans for verification agencies and the private sector;
 - 5) Monitoring and evaluation mechanisms for VPA implementation;
 - 6) Information and communications strategy and products;
 - 7) Stakeholder engagement, coordination and outreach;
 - 8) VPA-FLEGT connected and supporting actions.
11. It was agreed that while the strategic tasks and the major outcome areas will remain fixed, there will need to be some flexibility in the supporting actions and the schedule for implementation to accommodate the needs of both parties along the way.
 12. The parties also acknowledged that it will be important to implement the spirit of the Agreement as it stands during the transition period to full implementation. Furthermore, the parties will regularly exchange information and conduct joint strategic communications which will be important particularly in response to any issues arising during the ratification process.
 13. The parties endorsed the JIF and agreed that it will be made public by both parties.

Finalisation of the VPA document package

14. The JPC was informed about the status of the legal checks and final editing of the VPA document package. It is expected that this work will be completed shortly before the end of the year, which will allow the parties to proceed with the next steps in the ratification process.

Draft Rules of Procedure for the Joint Implementation Committee

15. The JPC was informed that an initial exchange of views has taken place at JEM level on a preliminary draft of the Rules of Procedure (ROP) for adoption by the Joint Implementation Committee after ratification. It was agreed that the parties will conduct further internal consultations on the draft, and joint discussion at JEM level with the intention that the ROP document will be tabled for consideration at the second meeting of the JPC.

Indicative schedule for ratification of the Agreement and Annual Roadmap

16. The parties reviewed and agreed on an indicative schedule for ratification of the Agreement and a Roadmap of priority actions for 2018 (Annex 2 to this Aide Memoire).
17. With regard to the indicative schedule for ratification, it is anticipated that signing the Agreement could take place in mid-2018, with full ratification by the end of the year. It was noted that while there is no official link between ratification of the VPA and the EVFTA, timely conclusion of the VPA process will demonstrate progress on the sustainable development chapter of the EVFTA which will in turn support the EVFTA ratification process.
18. With regard to the Roadmap of priority actions, it was noted that the priorities for 2018 including progressing on the preparatory work for establishing the VNTLAS, developing an information and communications strategy and action plan for public disclosure, and producing and disseminating information materials to help explain the VPA for both domestic and international audiences. To this end, the parties agreed to maintain the momentum in the coming year to implement the Roadmap and to work towards ratification of the Agreement.

Date of the next JPC meeting

The 2nd meeting of the JPC is scheduled for mid-2018.

Annex 1. List of participations at JPC-1

No.	Name	Position and Institution
VIET NAM REPRESENTATIVES		
1	H.E. Dr. Ha Cong Tuan	Vice Minister, Ministry of Agriculture and Rural Development (MARD)
2	Mr. Nguyen Van Ha	Deputy Director General, Vietnam Administration of Forestry (VNFOREST)
3	Mrs. Nguyen Tuong Van	Deputy Director, Department of Science, Technology and International cooperation, VNFOREST
4	Mrs. Ha Thi Tuyet Nga	Director, CITES Management Authority, VNFOREST
5	Mr. Pham Van Dien	Deputy Director General, Department of International Cooperation, MARD
6	Mr. Nguyen Huu Phu	Head of Division, Department of Legislation and International Conventions, Ministry of Foreign Affairs
7	Ms. Duong Phuong Thao	Deputy Director General, Department of Import and Export, Ministry of Industry and Trade
8	Mr. Ngo Minh Hai	Deputy Director General, Department of Supervision and Management of Customs, General Department of Customs
9	Mr. Ngo Si Hoai	Deputy Secretary General, Vietnam Timber and Forest Product Association
10	Mrs. To Kim Lien	Director, Centre for Education and Development and Co-Chair of Multi-Stakeholder Implementation Core Group
11	Mr. Dang Quang Huy	Officer, Department of International Cooperation, MARD
12	Mr. Tran Van Trien	Deputy Head of Division, Forest Protection Department, VNFOREST
13	Mr. Ho Van Cuong	Officer, Department of Forest Production Development
14	Mr. Tran Hieu Minh	Officer, Department of Science, Technology and International cooperation, VNFOREST
15	Mr. Nguyen Van Doan	Officer, CITES Management Authority, VNFOREST
EU REPRESENTATIVES		
16	H.E. Ambassador Bruno Angelet	Head of Delegation, Delegation of the European Union to Vietnam
17	Mr. Tom Corrie	Deputy Head of Cooperation, Delegation of the European Union to Vietnam
18	Mr. Luca Perez	Team Leader, International Forest Issues, Global Multilateral Cooperation, Directorate-General for Environment, European Commission

19	Ms. Gordana Topic	Policy Officer, International Forest Issues, Global Multilateral Cooperation, Directorate-General for Environment, European Commission
20	Mr. Hoang Thanh	Programme Manager, Cooperation Section, Delegation of the European Union to Vietnam
21	Mr. Dominic Stanculescu	Programme Coordinator, Programme on Conservation and Sustainable Use of Forest Biodiversity and Ecosystem Services in Vietnam, GIZ (on behalf of German Embassy to Vietnam)
22	Mr. Tim Dawson	Team Leader, FLEGT VPA Expert, EU FLEGT Facility, European Forest Institute (EFI)
23	Ms. Cannelle Phillipps	FLEGT VPA Expert, EU FLEGT Facility, European Forest Institute (EFI)
SUPPORT TEAM		
24	Mr. Edwin Shanks	FLEGT Joint Implementation Coordinator in Vietnam, European Forest Institute (EFI)
25	Mr. Duong Quoc Hung	Assistant to FLEGT Joint Implementation Coordinator
26	Mrs. Luong Thi Phuong	Officer, Standing Office for FLEGT and Lacey Act, VNFOREST
27	Mrs. Pham Minh Thu	Officer, Standing Office for FLEGT and Lacey Act, VNFOREST

Annex 2. Indicative schedule for Agreement ratification Roadmap of priority actions for 2018

1. Indicative Time Schedule for Agreement Ratification

November 16-17 2017	JEM-1 / JPC-1	
24 November	Draft minutes of meetings of JEM/JPC and JPC-1 Aide Memoire shared for comment	EU-Del & VNFOREST
30 November	Receipt of comments and finalisation of minutes of meetings and JPC-1 Aide Memoire	EU-Del & VNFOREST
30 November	DG-ENV to share revised legal scrubbing document package	DG-ENV
11 December	VN to provide written response to revised legal scrubbing document package	VNFOREST etc.
11 December	Uploading JPC-1 Aide Memoire and JIF for public dissemination	VN & EU
December-January 2018	European Commission to conduct inter-service consultations	DG-ENV
December-January 2018	VN to finalise VPA Impact Assessment	VNFOREST
Mid/end January	DG-ENV to share final VPA document package (after inter-service consultations)	DG-ENV
Early February	JEM VC to discuss final document package and other matters arising (if needed)	JEM
End February	VN to share Vietnamese language version of final VPA document package	VNFOREST
End February	Email exchange of written comments on draft Rules of Procedure (ROP) for JIC	VN & EU
End March	Review of Vietnamese translation of VPA document package (email exchange/VC as needed)	JEM
February-April	VN submission of Agreement to Government for approval for signing	MARD, MoFA, MoJ
February-May	Translation of Agreement and Commission submission to EU Council of Ministers	DG-ENV
June/July	Approval of Agreement for signing by GoV and by EU Council of Ministers	VN & EU

June/July	Multi-Stakeholder Core Group Meeting (in advance of JPC-2)	Multi-Stakeholder Implementation Core Group
June/July	JEM-2 / JPC-2	JEM/JPC
June/July	Signing of Agreement	VN & EU
August-October	VN approval of Agreement for ratification by Government	VN
August-October	European Parliament consent and ratification of Agreement	EU
November	Multi-Stakeholder Core Group Meeting (in advance of JPC-3)	Multi-Stakeholder Implementation Core Group
November	JEM-3 / JPC-3	JEM/JPC
By end 2018	Ratification procedure completed	

2. Roadmap of Actions

Note: The Roadmap is based mainly on Actions identified in the Joint Implementation Framework (JIF).

Strategic Task, Outcome Area and Actions (JIF)		Schedule				Responsibilities	Resource requirements and comments
		Q1	Q2	Q3	Q4		
Strategic Task 1. VPA ratification process							
Outcome 1.2 EU ratification procedure							
C	Inter-service consultations on Agreement and translation					DG-ENV	
D	Submission of Agreement by the Commission					European Commission	
E	Approval of Agreement by EU Council of Ministers					EU	
F	Signing of Agreement by parties					EU and VN	

G	European Parliament consent and ratification of Agreement					EU	
Outcome 1.3 VN ratification procedure							
H	VPA Impact Assessment by MARD						Completed Q4 2017
I	Submission of Agreement by MARD					MARD, MOFA, MOJ	
J	Approval of Agreement for signing by Government					GoV	
F	Signing of Agreement by parties					EU and VN	
K	Approval of Agreement for ratification by Government					Gov, MOFA, MOJ	
Outcome 1.4 Ratification completed and Agreement published							
L	Agreement formally published by VN and EU					EU and VN	
Strategic Task 2. VPA management, monitoring and review mechanisms (JPC/JIC)							
Outcome 2.1 JPC established, supported and fulfilling its functions							
M	Preliminary schedule for JPC meetings in 2018					JPC	2 meetings proposed in Q2 & Q4
P	Rules of Procedure for JIC prepared and agreed					JEM / JPC	For presentation to JPC-2
Strategic Task 3. Development of VNTLAS legal documents, regulations and information management systems							
Outcome 2.1 VNTLAS investment and resource plan prepared							
W	Preparation of VNTLAS investment and resource plan					VNFOREST	
Outcome 2.2 Preparatory work for VNTLAS completed							
X	Forest law violations information management system					VNFOREST, FPD...	On-going support from UN REDD program.
Y	Organisations Classification System (OCS)					VNFOREST, FPD...	Preparatory study supported by UN REDD Program (2016-17). Further inputs to be specified.
Z	Timber supply chain control system and timber product dossier					VNFOREST, FPD...	

AA	Geographic risk categories for timber import controls					VNFOREST, FPD...	Support for preparatory study required.
AB	Species risk categories for timber import controls					VNFOREST, FPD...	Preparatory study supported by UN REDD Program (2016-17). Further inputs to be specified.
AC	Additional documentary evidence for timber import controls					VNFOREST, FPD...	Support for preparatory study required.
AD	Recognition by VNTLAS of voluntary and national certification schemes					VNFOREST, FPD...	Preparatory study supported by GIZ (2016-17). Further inputs to be specified in VNTLAS plan.
AE	FLEGT Licensing procedures					VNFOREST, CITES MA	Support for preparatory work required. Possible study tour to be supported by GIZ Program.
Outcome 2.3 VNTLAS legal documents and guidelines							
AF	Drafting Board(s) for VNTLAS legal documents and regulations established					MARD	Anticipated that by end 2018 the process of drafting legal documents may commence, following GoV approval of Agreement for ratification.
Strategic Task 4. Capacity building plans for verification agencies and private sector (Organisations and Households)							
Outcome 4.1 Information and training needs assessment conducted							
AN	Stakeholder information needs assessment (linked to Strategic Task 6 below)					VNFOREST, Stakeholder Core Group	Action included in proposal being prepared by VNFOREST for FAO FLEGT Program funding. Inputs from communications team of EU FLEGT Facility and GIZ Program.
Strategic Task 5. Monitoring and evaluation mechanisms for VPA implementation							
Outcome 5.3 Provisions for public disclosure of information in place (VPA Annex VIII)							

AX	Stock take of current situation of public disclosure of information conducted					VNFOREST, other relevant government agencies and stakeholders	As above
AY	Action plan for implementation of Annex VIII prepared (covering information to be published by Viet Nam, EU and JIC)						As above
Strategic Task 6. Information and communications strategy and products							
Outcome 6.1 Information about the VPA and VNTLAS is effectively communicated jointly by the parties							
BD	Standard information materials on VPA/VNTLAS published for dissemination by VN and EU					VNFOREST, Stakeholder Core Group, others...	As above
BE	Stakeholder information needs assessment conducted, and information and communications strategy prepared					VNFOREST, Stakeholder Core Group, others...	As above