Laws, Regulations, and Policy Measures Governing Forest Products Trade in Europe - FLEGT

Intl. Workshop on Policies on Trade in Timber and Timber Products, Beijing
Scope

Many laws covering forest products including general taxation, quality of construction products etc.

Presentation will focus on EU laws and policies dealing with the legality of traded timber products

Focus on recent legislative proposal adopted in October 2008
1. EU FLEGT Action Plan

- Communication (policy doc) adopted 2003
- Aim: address illegal logging & related trade.
- Proposes supply and demand-side measures:
  I. Development co-operation
  II. Bilateral FLEGT Voluntary Partnership Agreements
  III. Public procurement policies
  IV. Private sector initiatives
  V. Assessment of further measures
2. FLEGTE VPAs

- **Licensing scheme:** timber from VPA countries exported to the EU is covered by a FLEGTE licence attesting legality.
- **EU FLEGTE Regulation:** allows EU Customs to prevent entry of timber from FLEGTE VPA countries unless accompanied by a FLEGTE license.
- **Strengths:** participatory negotiations, allow country-specific solutions, accompanied by capacity building.
- **Weaknesses:** coverage; risk of circumvention & laundering, timeframe for implementation, product scope.
2. FLEGT VPAs

+ discussions in Liberia, Gabon, Central African Republic, Vietnam
3. New Legislative Proposal

- **European Parliament and Council** requested Commission to consider further measures.

- Several EU **Member States** indicated their intention to put forward national measures in the absence of Community action.

- **NGOs** and some companies have been requesting Community legislative action.
3. New Proposal - Options examined

- **Assessment**: economic, social & environmental impacts.
- **Options considered**:
  - 1: Expanded coverage of the FLEGT VPAs.
  - 2: Strengthening private sector measures.
  - 3: Ban imports of illegal timber.
  - 4A: Prohibit the marketing of illegally harvested timber.
  - 4B: Obligatory legality certification
  - 5: “Due diligence” by operators marketing timber in EU

- **Preferred option**: 5
3. Proposed Regulation

- **Proposal** – likely to be changed by the European Parliament and the EU Member States in the Council of the EU.

- **Objective**: minimise the risk of illegally harvested timber & timber products entering the EU market

- **Obligation**: operators should exercise due diligence through a system of measures & procedures (due diligence system) which will give them sufficient guarantees as regards legality of timber and timber products, whether from EU or imported.
3. Proposed Regulation

- **Product scope**: all timber & timber products - per CN code
  - Timber which has FLEGT license & CITES permit: considered to have been legally harvested.

- **Point of control**: the first placing on the market
  - Importers for imported products
  - Primary producers for domestically produced timber

- **Legality**: defined on the basis of the legislation of the country of harvest
3. Proposed Regulation

- **Implementing measures**: to be laid down in secondary legislation.

- **Advisory group**: to be established by the Commission to facilitate the involvement of interested stakeholders in determining the best ways of implementation.

- **Application**: proposed to become applicable two years after entry into force in order to ensure that the implementing measures are in place.

- **Enforcement**: EU member states responsibility to perform checks on operators and, if need be, to impose penalties.
3. Proposed Regulation

Comments

- Level the playing field & foster a competitive market environment.

- Deter the marketing of illegally harvested timber by requesting operators to ‘know’ their products.

- Allow adequate flexibility to ensure effective implementation.

- Incentivise uptake of FLEGT VPAs.

- EU importers of Chinese timber products likely to request evidence of legality of the timber in timber products
Thank you!

http://ec.europa.eu/environment/forests-illegal_logging.htm