



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. FLEGT VPAs

- Licensing scheme: timber from VPA countries exported to the EU is covered by a FLEGT licence attesting legality.
- EU FLEGT Regulation allows EU Customs to prevent entry of timber from FLEGT VPA countries unless accompanied by a FLEGT 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