



# Implementing the FLEGT Action Plan

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Potomac 24 March 2009



# Overview of this presentation

- The 2003 FLEGT Action Plan
- Voluntary Partnership Agreements
- The proposed Due Diligence Regulation



# EU FLEGT Action Plan

- FLEGT Action Plan adopted in 2003
- Aim: address illegal logging and related trade
- Proposes to combine supply and demand measures:
  - Development cooperation
  - FLEGT voluntary partnership agreements
  - Public procurement policies
  - Private sector initiatives
  - Other legislative measures



## Partnership agreements

Voluntary partnership agreements between the EU and timber-producing countries to:

- Increase trade in guaranteed legal timber between FLEGT countries and the EU
- Set up control and licensing systems to provide a Government-backed guarantee of legality
- Provide financial, technical and institutional support to improve forest governance



## Legality Assurance System

- The underlying legality definition is based on the laws and procedures of the timber producing country;
- Legality assurance system also covers chain of custody, verification, licensing and Independent monitoring procedures

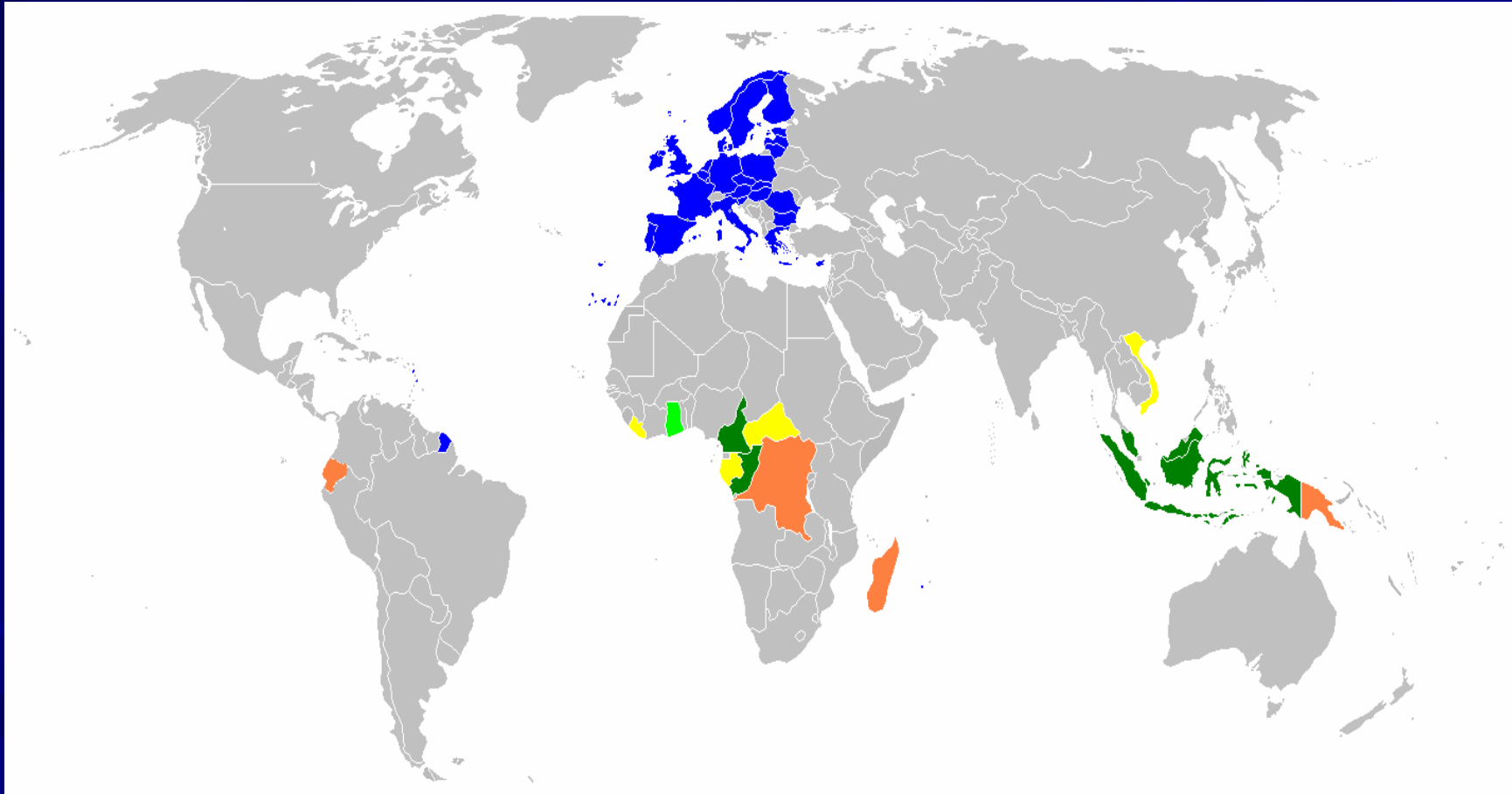


## Defining legality

- **Definition of legality:** Partner countries propose a set of laws which together define 'legality' for the purpose of FLEGT
- **Process:** Definition to be developed through stakeholder consultations
- **Content:** Scope of definition must cover the three pillars of sustainable development



# The state of FLEGT Talks



Information



Pre-negotiation



Negotiation



Implementation



FLEGT licences



## Limitations of FLEGT VPA'S

- VPAs only cover the direct trade with the EU;
- Risks remain with regard to the laundering of illegal timber and the circumvention of FLEGT controls;
- Controls are limited to the timber products covered by the agreement;
- There is no disincentive for illegally harvested timber entering the EU;

More information incl. working documents available on

<http://ec.europa.eu/development/Policies/9Interventionareas/Environment/forest>





## Pressure for additional measures

### Key options considered during policy formulation:

- To prohibit the sale of illegally harvested timber.
  - Obligatory legality certification by traders.
  - “Due diligence” by traders selling timber in EU.
- **Preferred option:** Due diligence for being the most effective while the least cost-intensive



## Basic premises I

- **Objective:** to minimise the risk of illegally harvested timber being sold on the EU market by requiring ‘due diligence’ from ‘operators’.
- **‘Operator’:** any legal or natural person supplying the EU market with timber products
- **‘Due diligence’** a set of procedures aimed at avoiding trading in illegally harvested timber



## Basic premises II

- **Product scope:** all timber and timber products, be it imported or domestically produced
  
- **Point of control:** first placing on the EU market
  - Importers for imported products
  - Primary producers for domestically produced timber
  
- **Legality:** defined on the basis of the legislation of the country of harvest
  - Presumption of legality: FLEGT/CITES timber



## Due diligence system

- **Obligation on operators:** Use a due diligence system which will sufficiently guarantee legality;
- **Elements of the due diligence system:**
  - Product information: description, country of harvest, volume or weight, supplier & legal compliance
  - Risk management: high risk = stricter controls
  - Auditing of the effectiveness of the system
- Operators can either set up their own systems or make use of the system of a monitoring organisation



# Enforcement and Implementation

- EU member states responsible for enforcement and penalty setting.
- Entry into force when adopted by the European Parliament and the Council of EU Ministers.
- Implementation through complementary legislative process to take two years after adoption



## Issues under discussion

Some of the main issues under discussion:

- Is there a need for Lacey style measures against the trade in illegally harvested timber?
- Are the proposed measures proportional to the severity of the problem and can they be met by small timber producers and importers?
- What are the criteria for risk management and the recognition of monitoring organisations?



# Conclusions

## The EU FLEGT Action Plan

- combats illegal logging and related trade by a range of supply and demand-side measures, incentives and disincentives and technical and financial support.
- Supports improved forest governance by furthering broad consultations, increased transparency and independent oversight in the forest sector of partner countries; and
- in doing so contributes to sustainable forest management and sustainable development.



Thank you!

More FLEGT info on:

[http://ec.europa.eu/environment/forests/  
illegal\\_logging.htm](http://ec.europa.eu/environment/forests/illegal_logging.htm)