


PARLIAMENTARY SECRETARIAT FOR AGRICULTURE
FISHERIES AND ANIMAL RIGHTS




National Legislation: Implementing the EUTR

TAIEX/ECRAN WORKSHOP ON FIGHTING ILLEGAL LOGGING AND ASSOCIATED
TRADE (62416)

ZAGREB
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Overview

- Member State obligations
- National legislation
- Offences & Penalties
- Guidance document
- FLEGT Regulation

2

Member State obligations

Article 7	Designate the competent authority
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Article 10	Carry out checks on operators (risk-based) <ul style="list-style-type: none"> • Notice of Remedial Actions • Interim measures
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Article 19	Lay down effective, proportionate and dissuasive penalties
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3

Considerations for drafting national legislation

• Primary or secondary legislation:

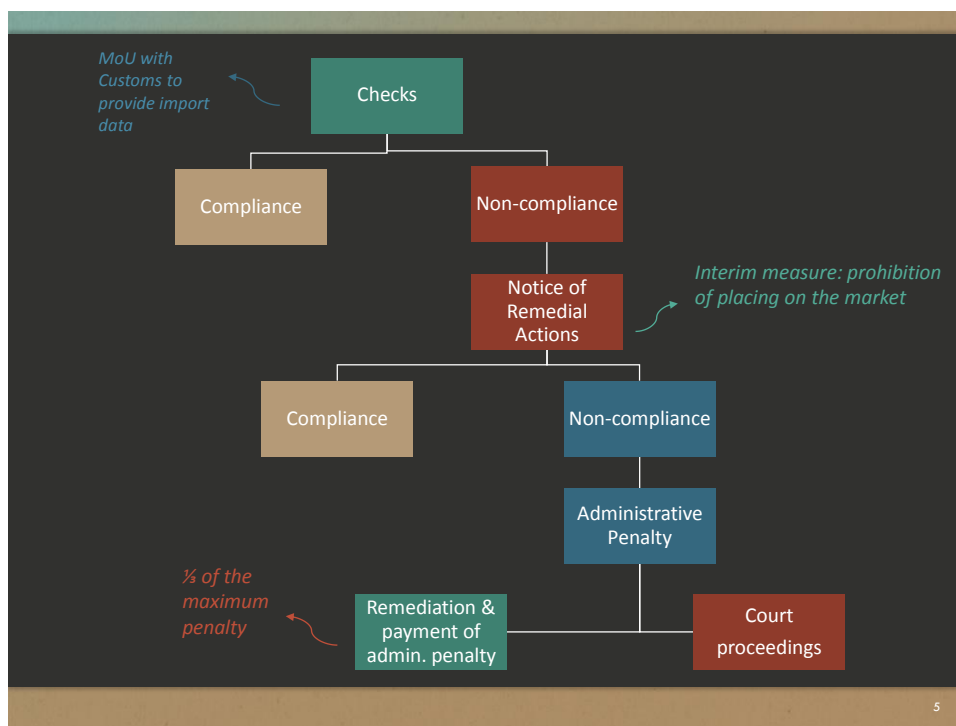
- Domestic timber products
- Imports from third countries

• Power given to officers:

- To enter premises, can specify if –
 - *Place of business*
 - *Dwelling – coherence with national legislation*
 - *Prior notification for an inspection*
- Access / examine / copy documentation
- Take samples & photographs
- May request Police assistance



4



Offences & Penalties

First conviction	▪ Prohibition - Article 4(1)	
	▪ Due diligence system – Article 4(2)(3)	Min: €2,500
	▪ Obstruction of / failure to assist officers	Max: €25,000
	▪ Provide misleading / false information	
	▪ Present altered / forged documents	
	▪ Traceability - Article 5	Min: €1,500
	▪ Record-keeping - Article 5 of Implementing Reg.	Max: €5,000
Second or subsequent convictions		Min: €2,500
		Max: €50,000

Offences & Penalties

Additional measures that may be imposed by the Court:

- Forfeiture of timber products;
- Suspension of license related to trade (> 1 month);
- Additional fine equivalent to estimated economic benefit;
- Imprisonment (30 days > 2 years).

7

Guidance Document

- for operators and competent authorities
- aim: uniform application and enforcement of the EUTR across MS

Development

- in cooperation with MS representatives
- based on arising issues and experience

Clarifications

- definitions: placing on the market; what is negligible risk
- supply chain complexity; documents showing compliance; risk assessment and mitigation

Scenarios

- 'placing on the market' in practice
- examples for composite products

8

FLEGT Regulation

Forest Law Enforcement, Governance and Trade
Licensing Scheme Regulations, 2015

Legal Framework

- Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community.

Annex I: Partner Countries and Licensing Authorities

Annex II: Timber products to which the FLEGT licensing scheme applies irrespective of partner country

Annex III: Timber products to which the FLEGT licensing scheme applies only in relation to specific partner countries

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- Commission Regulation (EC) No 1024/2008 of 17 October 2008 laying down detailed measures for the implementation of the FLEGT Regulation.

Progress in VPAs

Implementing

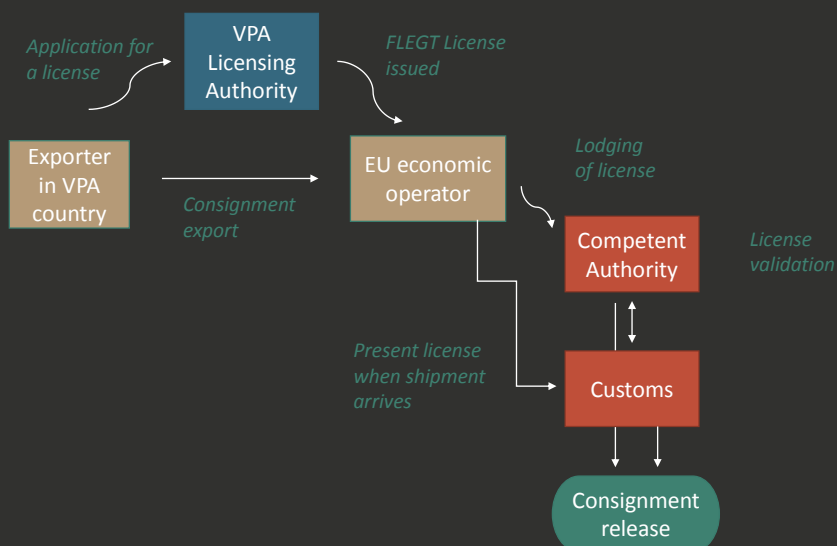
- Indonesia
- Cameroon
- Central African Republic
- Ghana
- Liberia
- Republic of Congo

Negotiating

Côte d'Ivoire
Democratic Republic of Congo
Gabon
Guyana
Hondouras
Laos
Malaysia
Thailand
Vietnam

11

FLEGT Licensing Scheme Process



12

FLEGT Licensing Scheme

- Applies only to imports from partner countries (VPAs)
- Imports of timber products listed in Annexes II & III shall be [prohibited unless covered by a FLEGT license](#).
- Products covered by a CITES permit are exempt.
- License submitted to Competent Authority prior to its expiry.

13

Thank you for your attention

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