

# FLEGT Regulation Online Reporting System 2019

## 2018 annual report of the EU Member States on the implementation of the FLEGT Licencing Scheme.

Article 8 of FLEGT Regulation No 2173/2005 of 20 December 2005 requires Member States to submit an annual report by 30 April covering the previous calendar year.

The information required under Article 8(1) and other essential information on the key obligations of Member States under the FLEGT Regulation, as well as information on practical aspects of the implementation of the FLEGT licensing scheme is necessary for the effective monitoring and assessment of the FLEGT licensing scheme and its future improvement.

Please provide information regarding the implementation of the FLEGT licensing scheme in your Member State for the period January to December 2018. Please note that the questionnaires have been pre-populated by copying Member States annual reports for 2017 - please ensure that you check all the data and update as required.

Tooltips are provided, but please contact Satu.Glaser@unep-wcmc.org and Argyro.Zerva@ec.europa.eu for any questions you may have when filling in this questionnaire.

On the basis of information provided, the Commission will prepare a synthesis report by 30 June 2019 which will then be made available to the public in accordance with Regulation (EC) 1049/2001.

## Reporting Authority

### Reporting Authority

> Agriculture Directorate, Rural Development Department, Ministry for the Environment, Sustainable Development, and Climate Change

### Member State

*Please select only one option*

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- United Kingdom

## Competent Authority

Competent Authority/Authorities (CA) for FLEGT?

> Agriculture Directorate, Rural Development Department, Ministry for the Environment, Sustainable Development, and Climate Change

Is the customs authority the CA, or one of the CAs for FLEGT?

*Please select only one option*

- Customs authority is the CA
- Customs authority is one of the CAs
- Customs authority is not the CA or one of the CAs

Which national legislation designates the CA?

Please also provide a hyperlink to the document (if available) or upload a PDF

> S.L. 549.95 Forest Law Enforcement, Governance and Trade Licensing Scheme Regulations

## Interaction of Competent Authority and customs

Is there an agreement with customs, so that the CA can delegate certain tasks to customs?

*Please select only one option*

- Yes
- No

Please select the option which best describes this arrangement:

- Based on legislation
- Memorandum of Understanding
- Informal arrangement
- Other

>

Please specify the arrangements for the exchange of customs data between the CA(s) and customs. Please select all that apply:

- CA has free access to customs data
- CA must request customs data and does so
- Customs submits customs data to the CA

Please select frequency for CA customs data requests

- Daily
- Weekly
- Monthly
- Twice a year
- Annually
- As needed, in addition to regular requests
- As needed, exclusively
- Other (please specify)

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Please select frequency for customs data submission

- Daily
- Weekly
- Monthly
- Twice a year
- Annually
- Other (please specify)

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Please specify the arrangements for the exchange of other information (other than customs data) between the CA(s) and the customs department. Please select all that apply:

- The CA and customs have access to a shared national electronic system
- The CA informs customs once a FLEGT licence has been validated
- The CA requests customs to verify specific shipments against FLEGT licences
- Customs informs the CA of checks they perform
- Regular meetings between the CA and customs (please specify the frequency)

> Meetings approximately twice a year, whilst regular exchange of emails or phone calls - as required.

- Other

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Does your national legislation specify the actions that customs should take when shipments from countries and of products covered by the FLEGT licensing scheme arrive at the border?

*Please select only one option*

- Yes
- No

Please select all the types of actions pertaining to customs that are specified in your national legislation:

- Customs are required to assist in enforcing the FLEGT Regulation
- Customs are required to check FLEGT shipments in the same way they check other shipments
- Customs are required to suspend release for free circulation of a shipment until the CA has verified the FLEGT licence

- Customs are required to do certain types of checks for FLEGT shipments
- Customs are required to inform the CA of any potential non-compliance identified
- Other

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## FLEGT Licences and shipments

Does the CA use FLEGIT for the processing of FLEGT licences or a national system?

*Please select only one option*

- FLEGIT
- National system

Do both the CA and customs use FLEGIT?

*Please select only one option*

- Only the CA
- Only customs
- CA and customs
- Partly used (please specify)

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How are FLEGT licences submitted in your country (please select all that apply)?

- Paper licences
- Via FLEGIT
- Via national electronic system
- Other

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Have any FLEGT licences or FLEGT licenced shipments been received by your country in 2018?

*Please select only one option*

- Yes
- No

Please provide details of the FLEGT licences received, their status (validated, pending, rejected) and quantities of timber actually imported under the FLEGT licencing scheme in the reporting year, **by using the Excel template provided** here ([http://wcmc.io/FLEGT\\_licence\\_data\\_template](http://wcmc.io/FLEGT_licence_data_template) - select 'download') and upload the completed file below (click on paperclip symbol).

Please note that this information can be **extracted from FLEGIT** as an Excel file, which has the same format as the template provided above. The reporting authority can then **complete and verify the dataset** as required, by editing the generated Excel sheet. Please ensure that customs/import data is provided **in the same row** as the corresponding FLEGT licence data (i.e. do not provide separate documents or Excel sheets). Please ensure that **at least the weight** of the timber/timber products is provided and that the **same unit of measure** is used for both the FLEGT licence and cleared customs data. Further detailed guidance on how to compile and format this data is provided within the Excel template provided above.

- File upload complete

You have attached the following documents to this answer.

[FLEGIT\\_2017\\_licence\\_data\\_report.xlsx](#) - FLEGT Licence data

## Provision for penalties

Are there provisions for administrative fines?

*Please select only one option*

- Yes  
 No

Minimum level of penalty:

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Maximum level of penalty:

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Legal basis

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Comments

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Are there provisions for criminal fines?

*Please select only one option*

- Yes  
 No

Minimum level of penalty

- > EUR 1,500 (first conviction)  
EUR 2,500 (subsequent conviction)

Maximum level of penalty

- > EUR 25,000 (first conviction)  
EUR 50,000 (subsequent conviction)

Legal basis

- > Regulation 8(2), S.L. 549.95 Forest Law Enforcement, Governance and Trade Licensing Scheme Regulations

Comments

> N/A

Are there provisions for imprisonment?

*Please select only one option*

- Yes  
 No

Minimum level of penalty

- > 30 days

Maximum level of penalty

- > 2 years

Legal basis

- > Regulation 8(3)(b), S.L. 549.95 Forest Law Enforcement, Governance and Trade Licensing Scheme Regulations

Comments

> N/A

Are there provisions for suspension of the authority to trade?

*Please select only one option*

- Yes  
 No

Minimum level of penalty

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Maximum level of penalty

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## Legal basis

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## Comments

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Are there provisions for notices of remedial action or warning letters?

*Please select only one option*

- Yes  
 No

Minimum level of penalty

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Maximum level of penalty

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## Legal basis

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## Comments

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Are there provisions for other types of penalties?

*Please select only one option*

- Yes (please specify)

> Regulation 8(3)&(4), In addition to any other penalty the Court may impose:

- a) Forfeiture of the timber products to the Government;  
b) Sentence the offender to imprisonment for a term between 30 days and 2 years;  
c) Pay for the expenses incurred for the storage, removal, transport and disposal of the imported goods and any other expenses incurred in relation to the proceedings against the offender.

- No

Do penalties include seizure or confiscation of timber shipments?

*Please select only one option*

- Yes  
 No

Is disposal of the confiscated timber foreseen in the national legislation?

*Please select only one option*

- Yes  
 No

Which institution is responsible for disposal of confiscated timber?

- Customs  
 CA  
 Court  
 Other

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## Penalties applied

How many FLEGT licences were rejected?

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Has Article 6(1)[1] been applied for any shipments in 2018, i.e. were there any penalties or seizures in 2018?

[1] Article 6.1: If competent authorities establish that the requirement laid down in Article 4(1) is not fulfilled, they shall act in accordance with national legislation in force.

*Please select only one option*

Yes

No

Please provide details of the number of cases and quantities of timber products involved where Article 6(1)3 has been applied in 2017 and where penalties were applied or seizures have taken place. Please use the Excel template provided here ([http://wcmc.io/Penalties\\_applied\\_data\\_template](http://wcmc.io/Penalties_applied_data_template) - select download) and upload the completed file below (click on paperclip symbol).

**GUIDANCE:**

Please **do not** use commas, spaces or full stops as **thousand separators** (e.g. 10000 kg and not 10,000 kg or 10.000 kg); **only use full stops as decimal points** (e.g. 6.3 m<sup>3</sup> and not 6,3 m<sup>3</sup>).

*Please select only one option*

File upload complete

Has Article 6(2)[1] been applied for any shipments in 2018?

[1] Article 6.2: Member States shall notify the Commission of any information suggesting that the provisions of this Regulation are being, or have been, circumvented.

*Please select only one option*

Yes

No

Please specify how the provisions of this Regulation were/are being circumvented and by whom, including whether the cases are still ongoing or closed.

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## Provisions for additional verification of FLEGT licenses and shipments

Does your country carry out additional verification checks on FLEGT **licences**?

*Please select only one option*

- Yes
- No

Which agency carries out these additional FLEGT **licence** verification checks?

- Customs
- CA
- Customs or CA
- Customs and CA
- Other

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What criteria are used to determine whether additional verification of a FLEGT licence is required? Please select all that apply:

- Species
- Operator
- Volume/weight of shipment
- HS codes
- Country of origin
- Mismatch of information on FLEGT licence and other shipment documents
- Other issues with FLEGT licence (please specify)

>

Other

>

Does your country carry out additional verification checks on FLEGT licensed shipments?

*Please select only one option*

- Yes
- No

Which agency carries out these additional shipment verification checks?

- Customs
- CA
- Customs or CA
- Customs and CA
- Other (please specify)

>

What criteria are used to determine whether additional verification of a FLEGT shipment is required? Please select all that apply:

- Species
- Operator
- Volume/weight of shipment
- HS codes
- Country of origin
- Mismatch of information on FLEGT licence and other shipment documents
- Other issues with FLEGT licence (please specify)

>

- Random spot-checks
- Other (please specify)

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How does the CA obtain information to verify that a shipment declared for release for free circulation matches the information provided in the FLEGT licence (e.g. HS codes, volume etc.)? Please select all that apply.

- The CA requests shipment documents directly from customs for every shipment
- Customs checks shipment documentation (where customs is also the CA)
- The CA requests shipment documents from importer for every FLEGT Licence he/she submits

- The CA uses FLEGIT to check customs documents
- The CA can request customs to perform physical checks on the shipment
- Customs informs the CA if there are any mismatches between the FLEGT licence and customs data, on a case-by case basis
- Other (please specify)

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## Verifications of FLEGT licences and shipments carried out

Did you carry out any additional verification checks of FLEGT licences or shipments (including exchange of information with e.g. Indonesia's Licence Information Units (LIU), physical inspections etc.) in the reporting period?

*Please select only one option*

- Yes  
 No

For how many **FLEGT licences** were additional verification checks carried out in the reporting period (e.g. contacting Indonesia's Licence Information Units (LIU) for additional information/clarification/verification)? (Please select how many)

> 80

Are **FLEGT licences** checked against the FLEGT licence information in SILK?

*Please select only one option*

- Yes  
 No  
 Sometimes

Please provide feedback on your communication with the competent authority(ies) in each VPA partner country (e.g. Indonesia's Licence Information Units (LIU))

> In many cases LIUs take a long time to provide a reply. In most cases such communication did not provide any clarification or additional information that CA was not already aware of.

How many **physical inspections** of shipments were carried out in the reporting period? (Please specify how many)

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Where **physical inspection** was performed, how many shipments did not match the details on the FLEGT licence? (Please specify how many)

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## Fees for the processing of the FLEGT licences

Do importers need to pay fees for the processing of the FLEGT licences?

*Please select only one option*

- Yes
- No

What is the fee charged per FLEGT licence?

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Please provide the basis for calculation of the fee per FLEGT licence

- Legal basis for fee
- Based on average staff time spent processing a FLEGT licence
- Other (please specify)

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## Other Implementing measures

Please provide feedback on your collaboration with other CAs and the European Commission.

> CAs discuss different cases at the informal meetings which help to implement national cases better using different approaches. On specific cases the CA also communicates with the EC for clarifications.

Please provide any other information, implementing measures or open issues that you consider that may be of interest to other Member States and/or the Commission.

> The Commission non-paper on dealing with mismatches in FLEGT licences could be regularly updated to address different scenarios being encountered rather than having to wait for a reply from the Indonesian LIU. The CA has encountered cases where the Licence did not provide the net weight and volume, and another where the Licence was issued for an HS Code which does not fall within the scope of the FLEGT Regulation and Indonesia VPA.

Please indicate if there are specific issues that proved, or are proving, difficult when developing and/or applying national legislation to implement the FLEGT Regulation.

> The Indonesian LIU sometimes takes a long time to reply back on queries about FLEGT licences. This results in a delay to release a consignment and a burden on the importer. Additionally the CA often encounters difficulties with imports of handicrafts. LAs in Indonesia need to be informed that FLEGT licensed products have to be separated in the invoice/packing list to facilitate verification of the Licence.

Any other relevant information?

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