EU/Republic of the Congo Voluntary Partnership Agreement: forest law enforcement, governance and trade in timber and derived products to the EU (FLEGT)

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This document sets out the Agreement on forest law enforcement, governance and trade in timber and derived products to the EU (FLEGT) between the EU and Congo.

The main points are as follows:

Objective: the objective is to provide a legal framework aimed at ensuring that all timber and derived products covered by this Agreement that are imported into the Union from Congo have been legally produced and in doing so to promote trade in this timber and these derived products. In addition, the Agreement provides a basis for dialogue and cooperation between the Parties to facilitate and promote the full implementation of the Agreement and enhance forest law enforcement and governance.

Definitions: this clause defines, inter alia, what constitutes legal timber.

FLEGT licensing scheme: a FLEGT licensing scheme is established between the Parties to this Agreement. It establishes a set of procedures and requirements aimed at verifying and attesting, by means of FLEGT licences, that timber and derived products shipped to the Union were legally produced. In accordance with Regulation No 2173/2005, the Union shall only accept such shipments from Congo for import into the Union if they are covered by FLEGT licences. The FLEGT licensing scheme shall apply to the timber and derived products listed in Annex I.

Licensing authority: Congo shall designate the licensing authority and notify contact details of the licensing authority to the Commission. The licensing authority will verify that timber and derived products have been legally produced in accordance with the legislation identified in Annex II. According to the terms set out in Annex III, it will issue FLEGT licences covering shipments of timber and derived products that have been legally produced, acquired or imported in Congo and are for export to the Union and any documentation required for timber and derived products in transit through Congolese territory under the control of the customs authorities of Congo.

The licensing authority shall not issue FLEGT licences for any timber and derived products that are composed of, or include, timber and derived **products imported into Congo from a third country**.

Competent authorities of the Union: the competent authorities shall verify that each shipment is the subject of a valid FLEGT licence prior to releasing that shipment for free circulation in the Union. The release for free circulation of the shipment may be suspended and the shipment detained where there are doubts regarding the validity of the FLEGT licence. The competent authorities shall publish annually a record of FLEGT licences received. There are special provisions for products listed under CITES.

FLEGT licences: these shall be issued by the licensing authority as a means of attesting that timber and derived products have been legally produced. The procedure for issuing FLEGT licences and the technical specifications are set out in Annex V.

Verifying the legality of timber: Congo shall implement a system for verifying that timber and derived products for shipment have been legally produced and that only shipments verified as such are exported to the Union. The verification system should include checks of compliance in order to provide assurance that the timber and derived products destined for export to the Union have been legally produced and that FLEGT licences are not issued in respect of shipments of timber and derived products that have not been legally produced or are of unknown origin. The system shall also include procedures to ensure that timber of illegal or unknown origin does not enter the supply chain. The system for verification that shipments of timber and derived products have been legally produced is set out in Annex III.

Consultation on the validity of licences: if any doubt arises as to the validity of a licence, the competent authority concerned may ask the licensing authority for additional information. If no answer is received from the licensing authority within 21 calendar days, the competent authority shall act in accordance with applicable national legislation and shall not accept the licence.

Date of introduction of the FLEGT licensing scheme: the FLEGT licensing system should be fully operational by mid-2011. It will be evaluated in accordance with the criteria laid down in the agreement before the EU starts to accept FLEGT licences.

The Agreement also contains provisions on the following:

- capacity building measures with particular reference to the General Forest Economy Inspectorate; and civil society;
- social safeguards, with a commitment to better understanding of the livelihoods of potentially affected indigenous and local communities, including those engaged in illegal logging, together with monitoring the impact of this Agreement on those communities, while taking reasonable steps to mitigate any adverse effects;
- market incentives, including the promotion of FLEGT-licensed products within the Union market;
- the establishment of the a Joint Implementation Committee of the Agreement;
- public disclosure of information is one of the key provisions of this Agreement for promoting governance, and information that will be made available to the public is specified in Annex X;
- dispute settlement including mediation and arbitration. The arbitration award shall be binding on the Parties without right of appeal;
- the duration will be for a period of seven years and shall be extended for consecutive periods of five years.