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

2010/0062(NLE) - 28/02/2011 - Final act

PURPOSE: to conclude a Voluntary Partnership Agreement between the EU and Congo on forest law enforcement, governance and trade in timber and derived products to the EU (FLEGT).

NON-LEGISLATIVE ACT: Council Decision 2011/202/EU on the conclusion of a Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT).

BACKGROUND: in May 2003, the European Commission adopted an Action Plan on "Forest Law Enforcement, Governance and Trade (FLEGT) in which it called for measures to address illegal logging through the adoption of voluntary partnership agreements with timber-producing countries. Council conclusions on that Action Plan were adopted in October 2003 and the European Parliament adopted a resolution on the subject on 11 July 2005.

The Action Plan proposes a set of measures that include support for timber-producing countries, multilateral collaboration to tackle trade in illegal timber, support for private sector initiatives and measures to stop investment in activities that encourage illegal logging. The cornerstone of the Action Plan is the **establishment of FLEGT partnerships between the European Union and timber-producing countries** with the aim of stopping illegal logging.

In accordance with Council Decision 2010/615/EU, the Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union was signed on 17 May 2010, subject to its conclusion at a later date. It is now appropriate to conclude the Agreement on behalf of the European Union.

CONTENT: by this Decision, the Voluntary Partnership Agreement between the European Union and the Republic of Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) is hereby approved on behalf of the Union.

In particular, the Agreement **establishes the framework, institutions and systems for the FLEGT licensing scheme**

The main elements of this Agreement are as follows:

Objective: the objective of this Agreement, consistent with the Parties' common commitment to the sustainable management of all types of forest, 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, this Agreement provides a basis for dialogue and cooperation between the Parties to facilitate and promote the full implementation of this Agreement and enhance forest law enforcement and governance

Definitions: for the purposes of this Agreement, the following definitions shall clarified: "Import into the Union"; "Export"; "Timber and derived products"; "FLEGT licence"; "Licensing authority"; "Legally produced timber", etc.

FLEGT licensing scheme: a "Forest Law Enforcement, Governance and Trade licensing scheme" is hereby 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 (EC) 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 of the Agreement.

Other provisions are laid down in the Agreement such as: legality matrices; verifying the legality of timber and the consultation on the validity of licences.

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.

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.

ENTRY INTO FORCE: 28 February 2011.