Basic information

2010/0062(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/Republic of the Congo Voluntary Partnership Agreement: forest law enforcement, governance and trade in timber and derived products to the EU (FLEGT) **Subject** 3.10.11 Forestry policy 6.20.03 Bilateral economic and trade agreements and relations 6.30 Development cooperation **Geographical area** Congo	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
INTA International Trade	JADOT Yannick (Verts/ALE)	14/07/2010
	Shadow rapporteur MARTIN David (S&D)	

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	JOLY Eva (Verts/ALE)	13/07/2010
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	3072	2011-02-28

European Commission

Commission DG	Commissioner
Development	PIEBALGS Andris

Key events

Date	Event	Reference	Summary
30/03/2010	Preparatory document	COM(2010)0118	
18/06/2010	Legislative proposal published	10028/2010	Summary
08/07/2010	Committee referral announced in Parliament		
01/12/2010	Vote in committee		Summary
14/12/2010	Committee report tabled for plenary, 1st reading/single reading	A7-0370/2010	
17/01/2011	Debate in Parliament		
19/01/2011	Decision by Parliament	T7-0010/2011	Summary
19/01/2011	Results of vote in Parliament		
28/02/2011	Act adopted by Council after consultation of Parliament		
28/02/2011	End of procedure in Parliament		
06/04/2011	Final act published in Official Journal		

Technical information

Procedure reference	2010/0062(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 207 Treaty on the Functioning of the European Union TFEU 207-p4
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	INTA/7/03388

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE450.728	11/10/2010	
Committee opinion	DEVE	PE448.881	26/10/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0370/2010	14/12/2010	
Text adopted by Parliament, 1st reading/single reading		T7-0010/2011	19/01/2011	Summary

Council of the EU

Document type	Reference	Date	Summary

Supplementary legislative basic document	07636/2010	11/05/2010	Summary
Legislative proposal	10028/2010	18/06/2010	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2010)0118	30/03/2010	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2011/0202
OJ L 092 06.04.2011, p. 0126 Summary

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.

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) - 18/06/2010 - Legislative proposal

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)

PROPOSED ACT: Council Decision.

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

The Action Plan on Forest Law Enforcement, Governance and Trade (FLEGT 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 also measures to discourage investment in activities that encourage illegal logging. The cornerstone of the Action Plan is the establishment of FLEGT partnerships between the EU and timber-producing countries aimed at stopping illegal logging. In 2005 the Council adopted Regulation (EC) No 2173/2005which establishes a licensing scheme and a mechanism to verify the legality of timber imports into the EU. It was in this context that the voluntary partnership agreement between the European Union and the Republic of Congo on the application on forest law enforcement, governance and trade in timber and derived products is now adopted in the name of the European Union.

IMPACT ASSESSMENT : no impact assessment was undertaken.

LEGAL BASE : the first subparagraph of Article 207(3) and the first subparagraph of Article 207 (4), in conjunction with Article 218(6)(a)(v) and (7) of the Treaty on the Functioning of the EU.

CONTENT: the agreement with the Congo is, after the agreement with Ghana, the second agreement of this kind to be negotiated between a producer country and the Union.

The agreement lays down the framework, the institutions and the FLEGT licensing system.

It sets out:

- the supply chain controls,
- legal compliance framework and
- independent audit requirements of the system.

For further details concerning these various points, please refer to the summary dated 11/05/2010 (detailed description of the structures underpinning the Legality Verification System afforded by a FLEGT license).

Congo has developed its applicable legislation through extensive stakeholder consultations. It includes laws and regulations on the granting of logging rights and the registration of undertakings, forest management, environmental and labour legislation, taxation, social obligations such as involvement of local communities, indigenous people and civil society, other obligations laid down in legislation concerning the transport and marketing of timber, and export requirements.

The agreement goes beyond the limited product coverage proposed in Annex II of Regulation (EC) No 2173/2005 on the FLEGT scheme and covers all exported timber products. Congo is thus committed to establishing a system that will provide assurance to the EU that all forest products from Congo are legally produced and so contribute positively and sustainably to Congo's growth.

The agreement also:

- makes provision for import controls at the EU’s borders as provided for in Regulation (EC) No 2173/2005 on the FLEGT scheme and Regulation (EC) No 1024/2008 laying down detailed measures for its implementation;
- includes a description of Congo's FLEGT licence, which uses the format prescribed in the Implementing Regulation;
- establishes a mechanism for dialogue and cooperation with the EU on the FLEGT scheme, the Joint Agreement Implementation Committee;
- establishes principles of stakeholder participation, social safeguards and transparency, and the monitoring of and reporting on the agreement's implementation;
- sets out a timetable and procedures for its entry into force and the implementation of the licensing scheme: since Congo will upgrade and redesign its regulatory and information management system, introduce more comprehensive supply chain controls, and establish independent verification of legal compliance, it will take two to three years to develop and test the new systems and to build capacity in the government, civil society and the private sector for the envisaged tasks. The FLEGT licensing scheme is expected to be fully operational by mid-2011. The licensing scheme will be assessed against the criteria laid down in the agreement before the EU begins accepting FLEGT licences.

FINANCIAL IMPLICATIONS: none.

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) - 11/05/2010 - Supplementary legislative basic document

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.

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) - 19/01/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution in which its gives its consent to 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).

It should be noted that the Parliament expressed its position on the conclusion of this Agreement in a joint resolution adopted on the same day (see RSP/2010/3015).