

FLEGT Regulation Online Reporting System

2017 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 2017. Tooltips are provided throughout the online questionnaire. Please contact Aly.Pavitt@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 2018 which will then be made available to the public in accordance with Regulation (EC) 1049/2001.

Reporting Authority

Reporting Authority
> Ministry of Agriculture

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

Please note: The answers in this section have been pre-populated, based on Member States' 2017 FLEGT national reports. If any of these answers are no longer valid, please edit them accordingly.

Competent Authority/Authorities (CA) for FLEGT?

> Ministry of Agriculture

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

> Regulation on Ministry of Agriculture

Interaction of Competent Authority and customs

Please note: Some answers in this section have been pre-populated, based on Member States' 2017 FLEGT national reports. If any of these answers are no longer valid, please edit them accordingly.

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)

> Draft agreement

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)

>

Please select frequency for customs data submission

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

> As needed, to check legality and validate the FLEGT licences

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)

>

Other (please specify)

>

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 (please specify)

>

FLEGT Licences and shipments

Does the CA use FLEGIT for the processing of FLEGT licences or a national electronic 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)

>

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

- Paper licences
- Via FLEGIT
- Via national electronic system
- Other electronic system (please specify)

> Custom sends CA scanned copy of FLEGT licence

Have any FLEGT licences or FLEGT licenced shipments been received by your country in 2017?

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 - 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 **as of 19.3.2018**, 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. Further detailed guidance on how to compile and format this data is provided within the Excel template provided above.

- File upload complete

Provision for penalties

Please note: Some answers in this section have been pre-populated, based on Member States' 2017 FLEGT national reports. If any of these answers are no longer valid, please edit them accordingly.

Are there provisions for administrative fines?

Please select only one option

- Yes
 No

Minimum level of penalty:

> Starting from 100 EUR to private person and 700 EUR to legal entity

Maximum level of penalty:

> 700 EUR to private person and 14 000 EUR to legal entity

Legal basis

> Administrative violations code starting from paragraph 201.12 till paragraph 201.25, including penalties for declaration of false type of goods or declaration of goods with incorrect code, provision of incorrect or false information and documents to customs, smuggling etc.

Comments

> The penalties for infringement of FLEGT regulation are not applied yet.

There are both administrative and criminal sanctions foreseen. The general sanctions for smuggling can be applied - there are no specific sanctions for FLEGT.

Are there provisions for criminal fines?

Please select only one option

- Yes
 No

Minimum level of penalty

> Imprisonment to 3 years or forced labour or fine of 100 minimal salaries, with or without confiscation of goods

Maximum level of penalty

> Imprisonment to 15 years with confiscation of goods, with police control to 3 years

Legal basis

> The Criminal law - paragraph 190 about smuggling and paragraph 191 about illegal activities with customs goods

Comments

> The general sanctions for smuggling can be applied - there are no specific sanctions for FLEGT

Are there provisions for imprisonment?

Please select only one option

- Yes
 No

Minimum level of penalty

> Imprisonment to 3 years

Maximum level of penalty

> Imprisonment to 15 years

Legal basis

> The Criminal law - paragraph 190 about smuggling and paragraph 191 about illegal activities with customs goods

Comments

> The general sanctions for smuggling can be applied - there are no specific sanctions for FLEGT.

Are there provisions for suspension of the authority to trade?

Please select only one option

- Yes
 No

Minimum level of penalty

>

Maximum level of penalty

>

Legal basis

>

Comments

>

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

Please select only one option

Yes

No

Minimum level of penalty

>

Maximum level of penalty

>

Legal basis

>

Comments

>

Are there provisions for other types of penalties?

Please select only one option

Yes (please specify)

>

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 (please specify)

> National provisions agency

Provision for penalties

How many FLEGT licences were not approved?

> 0

Has Article 6(1)[1] been applied for any shipments in 2017, i.e. were there any penalties or seizures in 2017?

[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 - 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 m³ and not 6,3 m³).

Please select only one option

File upload complete

Has Article 6(2)[1] been applied for any shipments in 2017?

[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.

>

Provision for penalties

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 (please specify)

> CA check legality of licences in Indonesian Timber legality information system.

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 (please specify)

>

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)

>

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)

>

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?
(Please select how many)

>

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))

>

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

>

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

>

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?

>

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)

>

Other Implementing measures

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

> Customs and CA are working on TRACES training with help of European Commission.

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.

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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.

> On 2017 no FLEGT licence or shipment reached Latvia, it is too early to talk about difficulties.

Any other relevant information?

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