



## **SUMMARY RECORD**

### **FLEGT/EUTR EXPERT GROUP MEETING**

**14 FEBRUARY 2019**

#### **1. Adoption of the agenda and of the minutes of the last meeting**

Agenda point 4a was deleted<sup>1</sup>. With this amendment the agenda was adopted. The minutes of the last meeting were approved.

#### **2. Nature of the meeting**

The meeting was not public. EU Member States (MS) were represented by delegates from the EUTR/FLEGT Competent Authorities (CAs).

#### **3. List of points discussed**

##### **Update on the FLEGT processes**

##### **Update on the VPA with Vietnam (VN)**

With the Joint Expert Meeting and Joint Preparatory Committee meeting to discuss progress being scheduled for the 1<sup>st</sup> week of March, the European Commission (EC) will provide more details on the progress at next EUTR EG meeting. With regard to the ratification process, the next step is getting consent from the European parliament, currently scheduled for the plenary in the 2<sup>nd</sup> week of March. The EC does not expect difficulties in this process. The file then goes to the Council for approval, expected before the summer, thus completing the ratification process on the EU side. The EC recalled that the issue of illegal timber flows from Cambodia (KH) has been prominent during the ratification process, with some claiming that illegal timber from KH ends up in the EU after processing in VN. EC urged CAs to bear this in mind during checks and to immediately inform the EC in case they believe this could be the case.

##### **Update on the VPA with Ghana:**

The joint assessment of the readiness of the system has been launched, and while the aim is a positive conclusion in view of the work undertaken since the shipment testing, the process may still take 12-18 months. Following the successful completion of this exercise, licensing preparations will commence. At the same time, agreement has been reached on the Annex amendments and the EC is currently going through its internal

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<sup>1</sup> To avoid confusion, the remaining sub-points under point 4 maintain their denomination as in the Agenda.

process before submission to the FLEGT/EUTR Committee for its opinion on the official EU position. Such submission is expected at the end of March/beginning of April.

#### Update on the VPA with Guyana:

Following the initialling of the EU-Guyana VPA, the process for the signature and ratification has commenced. However, the upcoming elections on both sides impact on planning and timelines. In the meantime, discussions regarding implementation have begun and the development of the implementation framework is currently the priority.

#### **Update on FLEGT implementation**

##### MS updates on the implementation of the FLEGT Regulation

Some MS provided updates on the implementation of the FLEGT Regulation in their country.

The EC encouraged MS to be sharing the FLEGT guidelines, once finalised by DG TAXUD, to encourage and show the benefits of FLEGT licencing.

##### Update on the publication of the draft FLEGT Annual Synthesis Report 2017

The annual synthesis report was shared in December for a final review by CAs; changes have been incorporated and the draft EC report is almost finalised. Internal procedures are now ongoing before publishing. Both reports should be on the website in about two months.

#### **Information points**

##### Update on support services for implementing the EUTR and FLEGT Regulation

The importance of CA inputs in the bi-monthly briefing notes was highlighted; they have been accessed more than 8000 times in total. The third report of overviews of CA checks has been published; fourth report under way. The trade analysis will focus on new online dashboards. EUTR national reporting template is online now and to be tested by CAs; FLEGT national reporting online template being prepared.

The EC confirmed that the amendments to EUTR and FLEGT reporting had been agreed by the European Parliament, and were expected to be published later this year. As of next year, there will be annual reporting based on the calendar year. This year's reporting on EUTR is still based on March – February but MS will already have the option to report January – December, instead. This will facilitate the transition to the new system.

##### Update on the preparations towards a Communication on Stepping up EU Action on Deforestation and Forest Degradation

The final version is expected later this year. The EUTR and FLEGT are particularly relevant to broader work on other agricultural products that have effects on deforestation, as the EUTR is almost a pioneer experience in this regard. CAs are invited to be actively involved and in contact with other MS colleagues about these issues to share experiences. Supply, demand and international cooperation are expected to be covered, similar to the work under FLEGT Action plan.

## Update on the draft guidance document on Conflict Timber

The EC and a group of MS are continuing to work on the draft, including on addressing comments from MS. The formalisation as a Commission notice will happen when a number of new drafts or updates have been prepared. The guidance documents that are already on the EC's EUTR website can already be used as reference, as they have been accepted by the EUTR EG and thus represent the position of all EU MS.

## **Presentations**

### Open Timber Portal (OTP)

World Resource Institute (WRI) has several programs, including on global forest watch, restoration and forest legality. Different work streams are intended to strengthen capacity of the civil sector, including leverage policy, develop tools to support decision making, technologies for screening supply chain management, some work on CITES and some on the timber portal. The OTP is about transparency, which links to forest legality, a key component of VPAs and the DDS requirement under EUTR. The compliance information in the OTP is from private and third party actors and WRI are in touch with others to ensure there is no duplication with other tools. Companies and independent monitors are invited to upload reports into the OTP, with a breakdown of the key findings. Those who enter data are encouraged to ask a colleague to check the data, then another organisation is asked to check the data. WRI will be hiring quality assurance consultants soon. The key audience includes government agencies in producer countries, timber companies, timber buyers, and enforcement agencies.

## **Update on EUTR implementation**

### Substantiated concerns: Placing timber from high risk countries on the EU market

The position on Ukraine is not yet finalised and EC requested assistance from MS. As for Brazil, the plan is to find proposals and sources that operators and CAs can access publically to come to a negligible risk assessment where this is possible in the present situation. This will however not happen quickly in Ukraine. Some companies have contacted the EC to say that they stopped imports from Ukraine to avoid doing something wrong, but that is not the idea. The risk may not be negligible for certain products/origins/etc. CAs need to ensure an unilateral approach; if anyone is approached bilaterally, this needs to be shared.

### MS updates on other issues related to the implementation of the EUTR

Some MS gave a state-of-play on the performing of checks on operators and traders, and on other developments related to the implementation of the EUTR requirements.

One MS explained that shipments contained in free port areas are difficult to check as the approval from the judiciary authority is required for inspections. Furthermore, the MS referred to judiciary authorities not applying the penalties requested by the CA and that, while the risk of illegality of teak from Myanmar could presently not be mitigated, it was unclear whether operators respected the EG conclusions in this regard..

In view of information on difficulties to check, e.g. shipments in free port areas under the EUTR, as the approval from the judiciary is required for inspections there, the EC underlined that there is an obligation under EUTR for MS to have effective, proportionate and dissuasive sanctions. Those MS where this is not the case need to take

action to make sure that their legislation is effective. The EC pointed out that the EG agreed across all MS that with regards to import of teak from Myanmar, at present, it is not possible for operators to come to a negligible risk assessment due to the specific situation in Myanmar, and that therefore trade in teak from Myanmar cannot continue to flow until the problems in Myanmar are resolved.

***Conclusions/recommendations/opinions: The assessment of the EG regarding Myanmar (see [minutes of 19 June 2018](#)) and Brazil (see [minutes of 7 December 2018](#)) remain valid and should be taken into account, in particular, by operators and CAs when assessing the risk of illegality related to timber imports from these countries.***

#### **A.O.B.**

Following the December EG meeting (AOB), the topic of bark beetle was discussed at the Ministry of Agriculture of the Czech Republic. The outcome of this consultation was that the legislation on forest protection is not considered applicable under the EUTR, because it is not directly related to harvesting. Also phytosanitary measures are not considered a direct obligation of operators, as understood in the EUTR legislation. A full English translation of the statement will be made available.

#### **4. Conclusions/recommendations/opinions**

See individual points

#### **5. Next steps**

See individual points

#### **6. Next meeting**

The next FLEGT/EUTR Expert Group meeting will take place on 30 April 2019, preceded by an Informal EUTR Enforcement Group meeting on 29 April p.m.

#### **7. List of participants**

CODE	ORGANISATION
BE	Federal Public Service Health, Food Chain Safety and Environment
BG	Executive Forest Agency
CZ	Forest Management Institute of Czech Republic
DK	Ministry of Environment and Food
DE	Bundesanstalt für Landwirtschaft und Ernährung (BLE)
EE	Ministry of the Environment of Estonia
IE	Department of Agriculture, Food and the Marine

ES	Departament d'Agricultura, Ramaderia, Pesca i Alimentació
ES	Dirección General de Desarrollo Rural y Política Forestal (MAPA)
FR	ministère de l'agriculture et de l'alimentation
HR	Ministry of Agriculture
IT	ARMA CARABINIERI
IT	Ministero delle politiche agricole alimentari, forestali e del turismo
CY	Ministry of Agriculture, Natural Resources and Environment, Department of Forest
LV	State Forest Service
LT	Customs department
MT	Ministry for the Environment, Sustainable Development and Climate Change
NL	Ministry of Agriculture, nature conservation and food quality
NL	Netherlands food and consumer product safety authority (NVWA)
AT	Federal Forest Office
AT	Federal Ministry for Sustainability and Tourism
PL	Chief Inspectorate of Environmental Protection
PT	Autoridade Tributária e Aduaneira
PT	Instituto da Conservação da Natureza e das Florestas, I.P.
RO	Ministry of Waters and Forests
SI	Ministry of Agriculture, Forestry and Food of the Republic of Slovenia
SK	Ministry of Agriculture and Rural Development of the Slovak Republic
SK	Slovak Forestry and Timber Inspection
FI	Finnish Food Authority
FI	Ministry of Agriculture and Forestry

SE	Swedish Board of Agriculture
SE	Swedish Forest Agency
UK	Office for Product Safety & Standards
NO	Norwegian Environment Agency