



Brussels, 21 March 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF FIGHT AGAINST ILLEGAL LOGGING AND ASSOCIATED TRADE

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement¹ establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').² The United Kingdom will then become a 'third country'.³

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, timber importers to the EU who are acting as operators within the meaning of the Article 2 of Regulation (EU) No 995/2010⁴ are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.⁵

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, the EU rules in the field of timber trade, in particular Regulation (EU) No 995/2010, Council Regulation (EC) No 2173/2005 establishing a Forest Law Enforcement, Governance and Trade (FLEGT) licencing

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

³ A third country is a country not member of the EU.

⁴ Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (OJ L 295, 12.11.2010, p. 23)

⁵ For a movement of goods that has started before and ends on or after the withdrawal date, the EU undertakes to agree solutions with the United Kingdom in the withdrawal agreement on the basis of the EU's position on Customs related matters needed for an orderly withdrawal of the United Kingdom from the Union (https://ec.europa.eu/commission/publications/position-paper-customs-related-matters-needed-orderly-withdrawal-uk-union_en).

scheme⁶ and any related FLEGT Voluntary Partnership Agreements that the EU has concluded with third countries⁷, no longer apply to the United Kingdom. This has in particular the following consequences:⁸

- According to Article 4 of the Regulation (EU) No 995/2010, operators have a due diligence obligation when placing timber or timber products on the market. As of the withdrawal date, this obligation applies to EU-27 operators who import timber and timber products from the United Kingdom – no matter where the timber was initially logged.
- According to Article 8(2)(a) of Regulation (EU) No 995/2010, monitoring organisations have to be established within the Union. As of the withdrawal date, the recognition as monitoring organisations of organisations established in the United Kingdom is no longer valid. They will not be in a position to carry out the tasks set out in Regulation (EU) No 995/2010.
- Council Regulation (EC) No 2173/2005 sets up the FLEGT licencing scheme. It allows for the control of the entry of timber to the EU from countries entering into bilateral FLEGT Voluntary Partnership Agreements (VPA) with the EU. Once agreed, the VPAs include commitments and action from both parties to halt trade in illegal timber, notably with a license scheme at the partner country and the issuance of FLEGT licences that certify the legality of timber exported to the EU. As of the withdrawal date, this scheme, including the FLEGT VPAs no longer applies to the United Kingdom.

The website of the Commission on action against illegal logging (<http://ec.europa.eu/environment/forests/flegt.htm>) provides for general information. These pages will be updated with further information, where necessary.

European Commission
Directorate-General for Environment
Directorate-General for International Cooperation and Development

⁶ Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community (OJ L 347, 30.12.2005, p. 1)

⁷ The EU has so far concluded Voluntary Partnership Agreements with Ghana, Republic of Congo, Cameroon, Indonesia, the Central African Republic and Liberia.

⁸ Regarding notifications of imports, see also the "*Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of import/export licences for certain goods*" (https://ec.europa.eu/info/brexit/brexit-preparedness_en).