

# SUMMARY RECORD

## **Fifth Meeting of the “Multi-Stakeholder Platform on Protecting and Restoring the World’s Forests, including the EUTR/FLEGT” With a focus on the implementation of the EUTR and FLEGT Regulation**

### **WEB Conference**

**24 June 2021**

(Member States’ representatives only)

#### **1. Adoption of the agenda and of the minutes of the 3<sup>rd</sup> EUTR/FLEGT Expert Group/Platform meeting of 24 February 2021**

The agenda was adopted as it stood.

The previous meeting minutes were adopted with minor corrections received from three Member States prior to the meeting.

COM provided an update on the EUTR and FLEGT Regulation Fitness Check (FC) and the Impact Assessment (IA) on additional demand-side measures. The publication of the proposal for adoption of a new legislative instrument will be combined with the publication of the FC and IA Staff Working Documents. Inputs from this Expert Group and the wider Multi-Stakeholder Platform have been highly valuable.

#### **2. FLEGT Regulation implementation**

##### **a. Tour de table on experience with handling of FLEGT licences within the EU**

Member States’ Competent Authorities reported on issues related to FLEGT licences accompanying timber products from Indonesia that occurred since the last meeting and on the way they dealt with these issues.

The Commission clarified that licences issued under the UK FLEGT system cannot be used in the EU.

##### **b. E-licensing**

The pilot phase with Indonesia has been extended until the end of April 2022. This needs to be endorsed at the next Joint Implementation Committee (JIC) meeting. Only about 10% of licences have been claimed via the e-licensing system. Small changes are being implemented to remind operators to use the claiming procedure rather than re-entering licences into the system. It will enable operators to get full access to the contents of the licence from the edit page and should be available by September 2021. Indonesia prefers the licensing system to be fully based on E-licensing.

The Commission asked the Member States to inform their operators and encourage them to

make use of E-licensing and test the system.

c. Confiscated timber and FLEGT licensing

Confiscated timber that has been illegally harvested but then auctioned and put back in the value chain cannot be included in the Timber Legality Assurance System of FLEGT Voluntary Partnership Agreement (VPA) countries and be subject to a valid FLEGT licence.

The Commission explained the follow up that it had given to this matter in ongoing discussions and negotiations with VPA countries, in particular Vietnam, Thailand, Laos, Ghana and Guyana, where the Commission is in the process of solving the matter in accordance with EU legislation.

COM requested Member States to look at their national legislation/administrative systems to clarify whether they are in line with the above.

d. Progress in Ghana and licensing

The Commission provided an update on Ghana. The joint independent review for the readiness of licencing concluded there are some key actions and targets to be completed. This includes the issue on confiscated timber (see above). Ghana confirmed their commitment to resolve all outstanding issues. The Commission intends to move forward with licensing in Ghana and to endorse, at the upcoming JIC meeting, a Joint Action Plan formally excluding confiscated timber from EU export, while the TLAS should exclude it from FLEGT licensing.

There is currently no information on the state of play and timeline for licencing under the UK-Ghana VPA.

Indonesia

Possible changes to the functioning of the SVLK (Indonesia's Timber Legality Assurance System) may affect the EU-Indonesia VPA. The Commission asked Indonesia for further clarification.

Vietnam

The EU will not agree to FLEGT licencing or a joint assessment until the legal framework (i.e. the VNTLAS (Vietnam Timber Legality Assurance System) Decree published in September 2020 and other relevant legislation) is in line with the VPA requirements. Member States were asked for suggestions of high risk species in Vietnam to consider at the September 2021 JIC, recalling that the VPA foresees grouping of high and low risk species, and that for high-risk species the EU wants to go beyond the inclusion of endangered and CITES-listed species.

**3. EUTR and FLEGT reporting for the year 2020**

UNEP-WCMC presented the analysis of Member States' national FLEGT and EUTR reports for the year 2020. The draft Union-wide Overviews and supporting documents have been produced and are being reviewed by Competent Authorities and the Commission in parallel.

Member States were reminded of the obligation to make their FLEGT and EUTR reports publicly available on their national website.

#### **4. EUTR implementation**

##### **a. Tour de table on enforcement/implementation of EUTR within the EU**

Member States reported on amendments to their national EUTR or FLEGT-related legislation or instruments, such as a new register of EUTR operators in Italy. They also reported on an ongoing investigation regarding timber imports from Myanmar, on the Financial Action Task Force ([FATF](#)), a multilateral agreement focusing on money laundering from environmental crime, including illegal logging, and on cases of good cooperation between Competent Authorities and with customs.

##### **b. Update from the Informal Meeting of EUTR Enforcement Authorities**

Discussions in the Informal Meeting included: two cases where timber from Russia was placed on the EU market without due diligence or documents; dubious documents issued by IBAMA in Brazil and the need for proper risk mitigation in this context; wording proposed for the conflict timber guidance document; a large furniture industry with no clearly identified operators; what to do with confiscated goods; sanctions on Myanmar/Peru cases where joint inspections are part of the next steps.

##### **c. Teak import from Myanmar after military coup**

Since 21 June 2021, the EU has imposed [sanctions on trade with MTE](#) (Myanmar Timber Enterprise), therefore sourcing of timber would be in breach of these sanctions. MTE is linked to the military regime and according to national law, timber can only be exported from MTE. Operators would be in breach of Article 6 of the EUTR if sourcing from Myanmar after 21 June.

#### **5. Presentations**

##### **a. Certification project – Final draft**

A contractor presented the main findings of a study, which was commissioned to provide information on certification and verification schemes to operators and Competent Authorities. Five schemes were selected through stakeholder consultation (FSC, PEFC, OLB, ISO standard 38200:2018, SBP) and evaluated systematically using a Scheme Assessment Framework. Outputs consist of a main report and eight annexes. Results of this study will also feed into the EU 'LIFE Legal Wood' project, which aims to improve implementation and enforcement of the EUTR. Cross-cutting issues identified in the study included issues of traceability (most schemes using Chain of Custody models built on mutual trust), mixing of certified and non-certified materials, varying definitions and treatment of reclaimed materials, issues relating to the functioning and governance of certification schemes (particularly where corruption and conflict of interest are an issue), a focus on procedural issues rather than legal performance of operations and issues with transparency and availability of audit and assessment results. The study highlights that whilst certification is an important tool for operators to meet due diligence obligations, risk assessment has to be conducted on certified material.

*[The report has been published in the meantime and is available on the [EUTR webpage](#) on EUROPA.]*

b. Presentation– Satellite use in enforcement

The Czech Competent Authority [presented](#) on the data need and differences in resolution considerations when using remote sensing options, ranging from spaceborne, airborne to ground-based.

c. Presentation– Certified in Russia

EarthSight [presented](#) on their recent investigation in relation to certified timber products from Russia, whereby they used open source information. Like last year's [report](#), this work highlights the illegal use of sanitary logging in Russia and how wood from protected forests is used for furniture which is sold globally. Numerous laws were broken over a number of years. Illegal wood was certified and there was an over-reliance on third party certification, combined with a failure of implementing and enforcing EUTR relating to Russia. EarthSight underlined that official papers from Russia are not sufficient to guarantee legality or negligible risk and urged Competent Authorities and operators to beware of timber laundering via linked firms. Third party certification did not notice the illegalities, even after relevant court rulings. They recommended that the Commission, together with the Member States, develop EUTR guidance on Russia as a matter of urgency.

**6. A.O.B.**

The Commission proposed a combination of in-person and virtual meetings once travel restrictions are lifted: two physical meetings (Spring and Autumn) and the rest online. The same pattern would be applied for the meetings of the Platform with all the members (Member States Competent Authorities and stakeholder organisations) which would be organised back-to-back with the meetings of the Platform with Member States' Competent Authorities only.

Germany informed that funding for the Global Timber Tracking Network (GTTN), which is now under the roof of the ITTO, is running out. It is a good institution for sampling species and identification material and for disseminating knowledge on identification.

## List of participants

EU Member State + EEA/EFTA	Competent Authority
BELGIQUE/BELGIË (Belgium)	FOD VVVL
BELGIQUE/BELGIË (Belgium)	PFS Public Health - Environment
BELGIQUE/BELGIË (Belgium)	SPW (Service Public de Wallonie)
БЪЛГАРИЯ (Bulgaria)	BG Customs
БЪЛГАРИЯ (Bulgaria)	Executive Forest Agency
ČESKO (Czechia)	Forest Management Institute
ČESKO (Czechia)	Ministry of Agriculture
DANMARK (Denmark)	Danish Environmental Protection Agency
DEUTSCHLAND (Germany)	Bundesanstalt für Landwirtschaft und Ernährung
DEUTSCHLAND (Germany)	Federal Ministry of Food and Agriculture
DEUTSCHLAND (Germany)	GIZ on behalf of BMZ
ÉIRE/IRELAND (Ireland)	Department of Agriculture, Food & the Marine
ΕΛΛΑΔΑ (Greece)	Ministry of Environment and Energy /General Directorate for the Forests and the Forest Environment/Department for the Control of the Trade and Transport of Wildlife & CITES Species
ESPAÑA (Spain)	Ministry for the Ecological Transition and the Demographic Challenge
FRANCE (France)	Ministry of Agriculture and Food
HRVATSKA (Croatia)	Ministry of Agriculture
ITALIA (Italy)	Carabinieri CUFA IT Enforcement FLEGT/EUTR

ITALIA (Italy)	Mipaaf DG DIFOR IT CA EUTR/FLEGT
ΚΥΠΡΟΣ (Cyprus)	Department of Forest Cyprus
MAGYARORSZÁG (Hungary)	Government Office of the Capital City Budapest
MAGYARORSZÁG (Hungary)	National Food Chain Safety Office (NÉBIH)
MALTA (Malta)	Ministry for Sustainable Development, the Environment and Climate Change
NEDERLAND (Netherlands)	NVWA (Netherlands Food and Consumer Product Safety Authority)
ÖSTERREICH (Austria)	Federal Forest Office
ÖSTERREICH (Austria)	Federal Ministry of Agriculture, Regions and Tourism
POLSKA (Poland)	Chief Inspectorate of Environmental Protection
POLSKA (Poland)	Ministry of Finance
PORTUGAL (Portugal)	ICNF (Instituto da Conservação da Natureza e das Florestas)
SLOVENIJA (Slovenia)	Ministry of Agriculture, Forestry and Food
SLOVENSKO (Slovakia)	Ministry of Agriculture and Rural Development
SLOVENSKO (Slovakia)	The Slovak Forestry and Timber Inspectorate (Ministry of Agriculture and Rural Development)
SUOMI/FINLAND (Finland)	Finnish Food Authority
SUOMI/FINLAND (Finland)	Ministry of Agriculture and Forestry
SVERIGE (Sweden)	Swedish Forest Agency/Skogsstyrelsen
NOREG/NORGE (Norway)	Norwegian Agriculture Agency
NOREG/NORGE (Norway)	Norwegian Environment Agency