



Council of the
European Union

Brussels, 23 September 2015
(OR. en)

13149/05
DCL 1

AGRI 262
FORETS 27
DEVGEN 185
ENV 456
RELEX 511
JUR 410
UD 121

DECLASSIFICATION

of document: ST 13149/05 RESTREINT UE

dated: 11 October 2005

new status: Public

Subject: Proposal for a Council Regulation concerning the establishment of a FLEGT licensing scheme for imports to the European Community
- Recommendation from the Commission to the Council in order to authorise the Commission to open negotiations for partnership agreements to implement the EU Action Plan for Forest Law Enforcement, governance and Trade (FLEGT)

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



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STATE OF PLAY

from : General Secretariat of the Council

to : COREPER

No. prev. doc. : 12892/05

No. Cion prop. : 13197/04

Subject : - Proposal for a Council Regulation concerning the establishment of a FLEGT licensing scheme for imports to the European Community
- Recommendation from the Commission to the Council in order to authorise the Commission to open negotiations for partnership agreements to implement the EU Action Plan for Forest Law Enforcement, governance and Trade (FLEGT)

At the end of COREPER's discussion on 10 October 2005, the draft Council Regulation annexed to doc. 12935/05 and the draft mandate annexed to doc. 12892/05, were agreed subject to a certain number of changes to be confirmed at the meeting on 14 October 2005. Some reservations were also maintained.

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A. Changes to draft Regulation and draft mandate

1. Circumvention

Most of the delegations appear to favour the compromise wording set out in Annex.

2. Article 5 of the Regulation

- First sentence of Article 5§5 should read: "In case of doubt as to the validity of the licence, the competent authorities may ask the licensing authorities for additional verification...."
- A new paragraph is inserted:

"The Member States may collect fees [and costs] to cover the necessary expenses arising from official acts of the competent authorities made for control purposes under this Article."
- The first sentence of paragraph 6 should read: "Customs authorities may suspend"

3. Article 10 of the Regulation

- In paragraphs 2 and 3 the words "2002 version of Annex I" are replaced by "the current version of Annex I".

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B. Reservations maintained¹

- BE and DK reservation and positive scrutiny reservation of several other delegations on circumvention issue.
- BE reservation on legal base of the Regulation.
- BE reservation and PT positive scrutiny reservation on Article 4§2 (Comitology).
- BE positive scrutiny reservation on Article 4§3 (review clause).
- DE positive scrutiny reservation on new paragraph in Article 5.
- DE and FI scrutiny reservation on Chapter II 1.1 and 2 of the Mandate.
- DK parliamentary scrutiny reservation.

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¹ To be noted that at the request of the DE delegation, the Commission representative undertook to explain at the COREPER meeting on 14 October 2005 how the work of the Joint Implementation Committee would be financed.

Compromise on Circumvention Issue

1. FLEGT- Regulation

- Preamble paragraph 6: "Under the FLEGT licensing scheme, specified timber products exported from a partner country and arriving in the EC at any customs point designated for release for free circulation, must be covered by a FLEGT licence issued by the partner country, stating that the timber *products have been legally produced from domestic timber that was legally harvested or from foreign timber that was legally imported* into a Partner Country in accordance with national laws as laid down in the respective Partnership Agreement. This will be subject to third party monitoring."
- Art. 2 (j): "legally produced timber" means timber products produced *from domestic timber that was legally harvested or foreign timber that was legally imported* into a Partner Country in accordance with those ..."

2. FLEGT - Mandate

- Art. 1.3(j): "legally produced timber" as definition in Art. 2 (j) of the Draft Regulation (see above).
- Art. 2.14: new 5th indent.: "*Compliance with legal requirements for trade and customs procedures*".