



EUROPEAN COMMISSION

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Proposal for a

COUNCIL DECISION

on the signing of a Voluntary Partnership Agreement between the European Union and the Central African Republic on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)

EXPLANATORY MEMORANDUM

The Action Plan on Forest Law Enforcement, Governance and Trade (FLEGT)¹, endorsed by the Council in 2003², proposes a set of measures that include support for timber-producing countries, multilateral collaboration to tackle trade in illegal timber, support for private-sector initiatives and also measures to discourage investment in activities that encourage illegal logging. The cornerstone of the Action Plan is the establishment of FLEGT partnerships between the EU and timber-producing countries aimed at stopping illegal logging. In 2005 the Council adopted Regulation (EC) No 2173/2005³ which establishes a licensing scheme and a mechanism to verify the legality of timber imports into the EU.

In December 2005 the Council authorised the Commission to negotiate partnership agreements with timber-producing countries in order to implement the EU Forest Law Enforcement, Governance and Trade Action Plan, and in particular to encourage trade in verified legal timber imports into the EU from such partner countries⁴. The Agreement with the Central African Republic is the fourth such agreement to be negotiated between a producer country and the EU, following the agreements with Ghana, Congo and Cameroon.

The Commission entered into negotiations with the Central African Republic in October 2009. Negotiations proceeded over 14 months and involved four face-to-face sessions and 18 technical working level meetings. Throughout the negotiations the Commission has been assisted in this task by Member States. The Commission has kept the Council updated on progress with reports to the Working Party on Forests, and to EU Heads of Mission and representatives in the Central African Republic. After each negotiating session, the parties held public meetings to keep stakeholders informed of progress. In addition, the Central African Republic adopted a participatory approach by involving civil society and the private sector in the drafting of the Agreement.

The Agreement addresses all elements of the Council negotiating directives. In particular, the Agreement establishes the framework, institutions and systems of the FLEGT licensing scheme. It sets out the supply chain controls, legal compliance framework and independent audit requirements for the system. These elements are set out in the annexes to the Agreement and provide a detailed description of the structures that will underpin the assurance of legality afforded by the issuing of a FLEGT licence. The Central African Republic has developed its applicable legislation through extensive stakeholder consultations. It includes laws and regulations on the granting of logging rights and the registration of undertakings, forest management, environmental and labour legislation, taxation, social obligations such as involvement of local communities, indigenous people and civil society, other obligations laid down in legislation concerning the transport and marketing of timber, and export requirements.

The Agreement goes beyond the limited product coverage proposed in Annex II to Regulation (EC) No 2173/2005 on the FLEGT scheme: it covers all timber and exported derived products. The Central African Republic is thus committed to establishing a system that will provide assurance to the EU that all timber products from the Central African Republic are

¹ COM(2003) 251.

² OJ C 268, 7.11.2003, p. 1.

³ OJ L 347, 30.12.2005, p. 1.

⁴ Restricted Council document 15102/05.

legally produced and so contribute positively and sustainably to the Central African Republic's growth.

The Agreement makes provision for import controls at the EU's borders as provided for in Regulation (EC) No 2173/2005 on the FLEGT scheme and Regulation (EC) No 1024/2008 laying down detailed measures for its implementation. The Agreement includes a description of the Central African Republic's FLEGT licence, which uses the format prescribed in the above-mentioned Implementing Regulation.

The Agreement establishes a mechanism for dialogue and cooperation with the EU on the FLEGT scheme, by means of the Joint Agreement Implementation Committee. It also establishes principles of stakeholder participation, social safeguards and transparency, and the monitoring of and reporting on the agreement's implementation.

The Agreement sets out a time frame and the procedures for entry into force of the Agreement and for applying the licensing scheme. Since the Central African Republic will upgrade and redesign its regulatory and information management system, introduce more comprehensive supply chain controls and establish independent verification of legal compliance, it will take several years to develop and test the new systems and to build capacity on the part of the government, civil society and the private sector for the tasks envisaged. The FLEGT licensing scheme is expected to be fully operational by 2014. The licensing scheme will be assessed against the criteria laid down in the Agreement before the EU begins accepting FLEGT licences.

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on the signing of a Voluntary Partnership Agreement between the European Union and the Central African Republic on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the European Union,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(3), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In May 2003 the European Commission adopted a Communication to the European Parliament and to the Council entitled ‘Forest Law Enforcement, Governance and Trade (FLEGT): Proposal for an EU Action Plan’⁵ which called for measures to address illegal logging through the development of voluntary partnership agreements with timber-producing countries. Council conclusions on that Action Plan were adopted in October 2003⁶ and Parliament adopted a resolution on the subject on 11 July 2005⁷.
- (2) On 5 December 2005 the Council authorised the Commission to open negotiations on partnership agreements to implement the EU Action Plan for Forest Law Enforcement, Governance and Trade.
- (3) On 20 December 2005 the Council adopted Regulation (EC) No 2173/2005⁸ which established a FLEGT licensing scheme for imports of timber into the Union from countries with which the Union has concluded voluntary partnership agreements.
- (4) The negotiations with the Central African Republic have been concluded, and the Voluntary Partnership Agreement between the European Union and the Central African Republic on forest law enforcement, governance and trade in timber and derived products to the European Union (hereinafter referred to as ‘the Agreement’) was initialled on 21 December 2010.

⁵ COM(2003) 251.

⁶ OJ C 268, 7.11.2003, p. 1.

⁷ OJ C 157E, 6.7.2006, p. 482.

⁸ OJ L 347, 30.12.2005, p. 1.

(5) The Agreement should be signed subject to its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Voluntary Partnership Agreement between the European Union and the Central African Republic on forest law enforcement, governance and trade in timber and derived products to the European Union is hereby authorised on behalf of the Union, subject to the conclusion of the said Agreement⁹.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement on behalf of the Union subject to its conclusion.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, [...]

For the Council
The President
[...]

⁹ The text of the Agreement will be published together with the decision on its conclusion.