

SUMMARY RECORD

19th 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

28 September 2023
(Member States’ representatives only)

1. Adoption of the agenda and of the minutes of the 15th EUTR/FLEGT Expert Group/Multistakeholder Platform meeting of 4 May 2023

The previous meeting minutes and the agenda were adopted, with the addition of agenda item 3.c).

2. Presentation

a. EU timber sanctions on Russian Federation and Belarus: A state of play and opportunities under EUTR (Earthsight)

Earthsight presented their analysis, highlighting three supply chains of concern: EUTR non-compliant wood furniture from Belarus, timber from Central African Republic (CAR) linked to Wagner Group, and laundering of sanctioned plywood timber from Russian Federation. The EU adopted additional [sanctions](#) on persons from Belarus on 03.08.23. EU import volumes of Belarusian furniture declined July 2022 – June 2023 but remain substantial. From CAR, EU imports are increasing yet all are potentially problematic, as Wagner Group was reported to provide security to timber leaving the country. The laundering of sanctioned Russian birch plywood into the EU continues, with Kazakhstan the main laundering route and large increases in EU imports also from Türkiye and China. Some minor processing may be occurring but not enough to confer a new origin. EUTR CAs have an important role in combatting such trade.

COM updated on the ongoing investigation under Implementing Regulation [EU 2023/1649](#) of 21.08.23, based on circumvention of anti-dumping measures imposed on imports of birch plywood entering via Türkiye or Kazakhstan, with Russian origin. Investigation will conclude by end of May 2024. COM invited participants to share any relevant information. CAs were also encouraged to contact Earthsight bilaterally.

For Belarus and the Russian Federation, COM confirmed that no sanctioned timber can enter the EU since 4 June 2022 and 10 July 2022 respectively. Furthermore, the Expert Group [conclusion](#) still stands, that it is impossible for operators sourcing timber from Belarus and the Russian Federation to carry out full risk assessment and to effectively mitigate the non-negligible risk of acquiring illegally harvested timber.

3. Update on EUTR implementation

a. Update from the Informal Meeting (NL)

On 27 September, CAs discussed sanctions and cooperation with customs. In most MS there is good collaboration and data sharing but some find it difficult to instigate criminal cases. It is important to be clear whether an investigation is relating to EUTR compliance or in a sanctions context. Timber sampling was mentioned, noting challenges with confirming some origins. Regarding FLEGT, the Indonesian authorities sometimes issue FLEGT licenses for private persons, although they are not within the scope of FLEGT. Regarding the coup in Gabon, serious concerns have been raised regarding the possibility to undertake due diligence throughout the supply chain. In most cases, CAs have not yet been designated for the EU Deforestation-free Regulation (EUDR), but MS have begun assessing how big their scope of work might be. Regarding Myanmar, a folder made by the Myanmar government details 30 types of document required to show legality all the way back to the forest. MS agreed that the previous Expert Group conclusions on Myanmar still stand.

The floor was opened for discussion.

COM noted that regarding Gabon, concerns were raised as to the possibility to exercise full due diligence for timber and timber products produced in the country, following the coup d'état on 30 August 2023. In particular, it is unclear whether it is currently possible to perform audits and on-the-spot checks in Gabon by EU operators, as an integral part of reaching negligible risk, to prove compliance with EUTR throughout the whole supply chain. It was agreed that the situation will be closely monitored and any new information will be taken into consideration by the Expert Group; the situation will be discussed in forthcoming meetings.

It was confirmed that the EUTR Expert Group [conclusions](#) on Myanmar remained valid, that it is impossible to reach negligible risk in terms of timber and timber products from Myanmar.

b. Tour de table on enforcement/implementation of EUTR within the EU (MS)

UNEP-WCMC presented analyses, based on Eurostat ComExt data, showing imports of sanctioned timber and wood products under EUTR scope into the EU from Myanmar, the Russian Federation, and Belarus. Five EU MS reported continued imports of 'teak products' from Myanmar between February and June 2023. However, imports from Myanmar showed a decrease over the period July 2022 to June 2023. Twenty-six EU MS had continued imports of EUTR-scope products from Russian Federation and Belarus over the period February – June 2023.

COM considered the overall decrease in imports from Myanmar a positive sign resulting from joint efforts by CAs and COM. In some cases further efforts are necessary. MS were encouraged to share court rulings with other CAs.

c. Conclusions of the 4th Meeting of Central European EUTR Enforcement Exchange (AT)

Austria provided an update. Representatives of five MS met 4th time on 5-7 September 2023 and discussed implementation and enforcement of EUTR, EU sanctions, country-specific issues and risks, and preparations for implementation of the EUDR. Cooperation and information sharing between CAs, COM and other relevant national and international authorities was considered crucial for harmonised implementation and enforcement of EUTR and in future of the EUDR. Conclusions included the need for targeted cooperation between MS regarding risk detection and checks on multinational companies, and the need for information on applicable legislation at the national level. The group upheld its prior conclusions that certification schemes could support but not replace operators' due diligence obligations. MS stressed the need for sufficient resources both in MS and COM to facilitate implementation of EUDR.

COM welcomes if CAs establish a small working group to screen applicable legislation in producer countries. Sharing of court decisions among MS was encouraged.

4. Update on FLEGT processes

Regarding the FLEGT VPA with Gabon, COM noted that negotiations were terminated at the request of Gabon in 2021.

a. Ghana (COM, Ghana Forestry Commission)

The Ghana Forestry Commission presented an update on the VPA, noting that they are confident that obstacles to licensing have been cleared and timelines are realistic. The presentation summarised key milestones in the VPA process. The VPA multistakeholder process has resulted in a more inclusive and cohesive approach to policymaking. Routine Timber Legality Audits aid continuous improvement in the regulatory framework, and Ghanaian Legality Assurance System (GhLAS) transparency enables regulators throughout the supply chain to more easily detect non-compliance. The interface between GhLAS and the EU FLEGT portal is complete, and it may be useful for a small working group of CAs to test the features before it goes live. FLEGT licensing is the logical next step in consolidating forest sector gains, which benefit the country and have a direct bearing on sustainability as well as legality.

COM reported that at the recent JMRM, a Joint Action Plan was agreed. On the treatment of confiscated timber, an agreement has been reached and Ghana commits not to export any confiscated timber to the EU. Ghana has also passed a Directive to ensure that confiscated rosewood will be donated rather than sold at auction.

b. Viet Nam (COM)

COM updated on ongoing legislative developments in Viet Nam. The country announced in August 2023 that it would revise Decree 102, which provides for the Timber Legality Assurance System (TLAS). The TLAS is not yet operational and there are currently a limited number of companies implementing due diligence. The Decree is set to be updated later this year. There is continued technical cooperation between COM and Viet Nam to ensure that the revision is complete and closes all inconsistencies. Viet Nam’s Ministry of Agriculture has appointed new staff to work on the VPA, although still awaiting the appointment of the new Joint Implementation Committee (JIC) chair.

5. Update on implementation of the licensing scheme under the FLEGT Regulation

Tour de table on experience with handling of FLEGT licenses within the EU (MS)

COM provided an update and consulted EU MS on the possibility to generalise system’s ‘claim’ feature, which enables operators to directly submit a license digitally for validation. If the feature is generalised, operators would no longer be able to type in details from paper licences, they would instead ‘claim’ digital licenses by inputting the FLEGT license number and verification number. COM recommends generalising this already functional feature because it allows CAs and operators to use the electronic system securely, with lower risk of user error or tampering of paper licences, as digital licenses come directly from Indonesia’s SILK system. It will also remove the need for CAs to check that signatures and stamps correspond between paper and electronic versions. There is no longer a ‘return to operator’ feature, but the operator can instead be requested to send a new version of the digital FLEGT license direct from SILK. MS did not raise any objection on generalising this feature. COM informed that this could be launched in January or February 2024, to allow time for CAs to inform operators of the requirements.

At the JIC meeting in March 2023, it was decided to close the E-licensing “Pilot” with Indonesia – which demonstrated an increasing familiarity of importers with e-licensing – to allow the paper and electronic systems to run in parallel. CAs can use either the full paper workflow or the full electronic workflow, but not a hybrid system.

COM confirmed that Indonesia has sent a revised list of signatures, which will be integrated into the system, and notes that once the digital claim feature is in general use, there will be no need for such signature updates.

COM confirmed that FLEGT licenses should not be issued for personal use. The EU delegation in Jakarta will convey this to Indonesia’s Ministry of Environment and Forestry.

6. Information points

COM delivered an update on the proposal for a new Environmental Crime Directive (ECD). The current ECD, adopted in 2008, has proved limited and insufficiently effective. The new ECD proposal would refine existing offences and include new offences to address developments in environmental law and crime, with key provisions to strengthen the enforcement chain, including specialised training. The proposal also includes provisions on collaboration, data collection and statistics, and coordination of national strategies on combatting environmental crime, as well as new and proportionate offences relating to breaches of Article 3 of the EUDR and to breaches of the EU Wildlife Trade Regulations enforcing CITES. In addition, the roles of civil society and environmental defenders are recognised and supported. Trilogues are ongoing and political agreement may be reached by the end of 2023.

COM has established an [Environmental Compliance and Governance Forum](#), with a [Working Group](#) on sanctioning of environmental offences. Input on best practices and implementation approaches from MS are welcome.

7. A.O.B.

The next 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 is planned on 29 November 2023.

List of participants

EU Member State + EEA/EFTA	Competent Authority (whole meeting)
AT	Federal Ministry of Agriculture, Forestry, Regions and Water Management
AT	Federal Forest Office
BE	Federal Public Service Health, Food Chain Safety and Environment
BE	Policy Department - Chemical Products and Substances
BG	Executive Forest Agency
CY	Ministry of Agriculture, Rural Development and the Environment
CZ	Forest Management Institute (UHUL)
DE	BMEL- Federal Ministry of Food and Agriculture (Bundesanstalt für Landwirtschaft und Ernährung)
DE	BMZ -Federal Ministry for Economic Cooperation and Development
DK	Danish Environmental Protection Agency
EE	Ministry of Climate
EL	Ministry of Environment and Energy
ES	Chemical Products and Substances Policy Department
ES	EUTR CA- Navarra
ES	Ministry for Ecological Transition and Demographic Challenge
FI	Ministry of Agriculture and Forestry
FI	Finnish Food Safety Authority
FR	Ministry Of Agriculture and Food Sovereignty
HU	National Food Chain Safety Office
HU	Government Office of the Capital City Budapest
IE	Department of Agriculture, Food & the Marine
IT	Ministry of Agriculture, Food Sovereignty and Forests- Mipaaf DG DIFOR
IT	Carabinieri CUFA IT Enforcement FLEGT/EUTR
LT	Ministry of Environment

LT	Ministry of Finance
LT	State Consumer Rights Protection Authority
MT	Ministry for Agriculture, Fisheries and Animal Rights
NL	Ministry of Agriculture
NL	Netherlands Food and Consumer Product Safety Authority - NVWA
NO	Norwegian Environment Agency
NO	Norwegian Agriculture Agency
PL	National Revenue Administration
PL	Chief Inspectorate for Environmental Protection
PT	ICNF- (Instituto da Conservação da Natureza e das Florestas), I.P.
PT	Portuguese Customs Administration
SE	Swedish Forest Agency
SI	Ministry of Agriculture, Forestry and Food
SK	The Slovak Forestry and Timber Inspectorate