

FLEGT Regulation Report

Fields marked with * need to be filled in before the form can be submitted to the next level.

Competent Authority

*1 Competent Authority/Authorities (CA) for FLEGT?

Please specify, if different to reporting authority

Federal Public Service (FPS) Health, Food Chain Safety and Environment is the main competent authority. Customs officials are also competent for supervising compliance with the regulation (Art 15ter of Law 21 december 1998).

*2 Is the customs authority the CA, or one of the CAs for FLEGT?

- Customs authority is the CA
 Customs authority is one of the CAs
 Customs authority is not the CA or one of the CAs

*3 Which national legislation designates the CA?

Please also provide a hyperlink to the document (if available) or upload a PDF

Law 21 december 1998 regarding product norms– environmental law
<https://biociden.freshdesk.com/en/support/solutions/articles/6000147970-law-on-product-standardsconsolidated-version->

4 Please upload your file

The maximum file size is 1 MB

Only files of the type pdf are allowed

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/Loi_relative_aux_normes_de_produits_ayant_pour_but_la_promotion_de_modes_de_production.pdf

Interaction of Competent Authority and customs

*5 Is there an agreement with customs, so that the CA can delegate certain tasks to customs?

- Yes
 No

*6 Please select the option which best describes this arrangement:

- Based on legislation

- Memorandum of Understanding
- Informal arrangement
- Other arrangement

*9 Please specify the arrangements for the exchange of customs data between the CA(s) and customs. Please select all that apply:

- CA has free access to customs data
- CA must request customs data and does so
- Customs submits customs data to the CA

*10 Please select frequency for CA customs data requests:

- Daily
- Weekly
- Monthly
- Twice a year
- Annually
- As needed, in addition to regular requests
- As needed, exclusively
- Other (please specify)

*14 Please specify the arrangements for the exchange of other information (other than customs data) between the CA(s) and the customs department. Please select all that apply:

- The CA and customs have access to a shared national electronic system
- The CA informs customs once a FLEGT licence has been validated
- The CA requests customs to verify specific shipments against FLEGT licences
- Customs informs the CA of checks they perform
- Regular meetings between the CA and customs (please specify the frequency)
- Other (please specify)

*15 Please specify the frequency:

Meetings at least once a year and more as needed. Also contacts by phone/e-mail.
In addition to the general contact person for FLEGT, since 2019 a contact person was also appointed at the operational customs services of the port of Antwerp (also for EUTR). This facilitates the organisation of joint risk-based actions.

*16 Please specify other arrangement for the exchange of other information (other than customs data)

Customs informs the CA when irregularities have been detected during a check (no validated FLEGT licence, mismatches between licence and shipment or other shipping documents,...), CA and customs exchange information to resolve the detected problems.

*17 Does your national legislation specify the actions that customs should take when shipments from countries and of products covered by the FLEGT licensing scheme arrive at the border?

- Yes
- No

20 Does your Member State permit the retrospective submissions of customs declarations for FLEGT licenced shipments by selected importers?

- Yes
- No

FLEGT Licences and shipments

*21 Does the CA use FLEGIT for the processing of FLEGT licences or a national electronic system?

- FLEGIT
- National system

*22 Do both the CA and customs use FLEGIT?

'Partly used' could be e.g.: where customs uses FLEGIT and the CA uses a national system, where only some of the customs authorities use FLEGIT, or where only some of the CAs use FLEGIT (where there is more than one CA)

- Only the CA
- Only customs
- CA and customs
- Partly used (please specify)

*24 How are FLEGT licences submitted in your country? Please select all that apply.

- Paper licences
- Via FLEGIT
- Via national electronic system
- Via email
- Other electronic system (please specify)

*26 Have any FLEGT licences or FLEGT-licensed shipments been received by your country in the reporting period?

- Yes
- No

27 Please provide details of the FLEGT licences received, their status (validated, pending, rejected) and quantities of timber actually imported under the FLEGT licensing scheme in the reporting year, by using the Excel template provided below and upload the completed file. Further **detailed guidance on how to compile and format this data is provided within the Excel template provided. Please also refer to the 'Preliminary checks' tab** for some guidance for the verification of your data before uploading the completed file.

Please note that this information can be extracted from FLEGIT as an Excel file, in the same format as the template provided below. The reporting authority can then complete and verify the dataset as required, by editing the generated Excel sheet.

The maximum file size is 1 MB

Only files of the type xls,xlsx are allowed

[a375b945-54bb-45ea-a4a9-2d895b1e2db2/2021_FLEGT_licences_and_actual_imports_data_NEW.xlsx](#)

28 Download template:

[FLEGT licences and actual imports data template v2.xlsx](#)

Provision for penalties

*29 Are there provisions for administrative fines?

- Yes
- No

Provisions for administrative fines

*30 Minimum level of penalty:

640 euro

*31 Maximum level of penalty:

1.600.000 euro

*32 Legal basis

Legal basis: law of 21 december 1998 regarding product norms– environmental law (Art. 18)

33 Comments:

*34 Are there provisions for criminal fines?

- Yes
 No

Provisions for criminal fines

*35 Minimum level of penalty:

1.280 euro

*36 Maximum level of penalty:

32.000.000 euro

*37 Legal basis

Legal basis: law of 21 december 1998 regarding product norms– environmental law (Art. 17).

38 Comments:

*39 Are there provisions for imprisonment?

- Yes
- No

Provisions for imprisonment

*40 Minimum level of penalty:

8 days

*41 Maximum level of penalty:

3 years

*42 Legal basis

Legal basis: law of 21 december 1998 regarding product norms– environmental law (Art. 17).

43 Comments:

*44 Are there provisions for suspension of the authority to trade?

- Yes
- No

Provisions for suspension of the authority to trade

*45 Minimum level of penalty:

not applicable

*46 Maximum level of penalty:

No level defined

*47 Legal basis

Legal basis: law of 21 december 1998 regarding product norms– environmental law. (Art. 16 interim measures and Art. 17§4 criminal penalties)

48 Comments:

*49 Are there provisions for notices of remedial action or warning letters?

- Yes
 No

Provisions for notices of remedial action or warning letters

50 Minimum level of penalty:

If not complied with the warning letter, an official report will be drawn up. This report can result in a court case or an administrative fine (see provisions administrative and criminal penalties).

51 Maximum level of penalty:

If not complied with the warning letter, an official report will be drawn up. This report can result in a court case or an administrative fine (see provisions administrative and criminal penalties).

*52 Legal basis

Legal basis: law of 21 december 1998 regarding product norms– environmental law (Art 17bis).

53 Comments:

*54 Are there provisions for other types of penalties?

- Yes
 No

*55 Please specify provisions for other types of penalties:

Administrative measures (Art. 16) such as temporary confiscation, seizure, returning and destruction of the goods. Besides this, the competent authority can also take all the necessary measures in case of danger for public health and/or the environment.
There are also additional criminal penalties specified in Art. 17§3 and 17§4.

*56 Do penalties include seizure or confiscation of timber shipments?

- Yes
 No

*57 Is disposal of the confiscated timber foreseen in the national legislation?

- Yes
 No

*58 Which institution is responsible for disposal of confiscated timber?

- Customs
 CA
 Court
 Police
 Other

Penalties applied

*60 How many FLEGT licences were rejected?

24

*61 Has Article 6(1)[1] been applied for any shipments in the reporting period, i.e. were there any penalties or seizures in in the reporting period?

[1] Article 6.1: If competent authorities establish that the requirement laid down in Article 4(1) is not fulfilled, they shall act in accordance with national legislation in force.

- Yes
 No

62 Please provide details of the number of cases and quantities of timber products involved where Article 6(1) has been applied in the reporting period and where penalties were applied or seizures have taken place. Please use the Excel template provided below and upload the completed file.

GUIDANCE: Please do not use commas, spaces or full stops as thousand separators (e.g. 10000 kg and not 10,000 kg or 10.000 kg); only use full stops as decimal points (e.g. 6.3 m3 and not 6,3 m3).

The maximum file size is 1 MB

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63 Download template:

[Penalties_applied_template.XLSX](#)

*64 Has Article 6(2)[1] been applied for any shipments in the reporting period?

[1] Article 6.2: Member States shall notify the Commission of any information suggesting that the provisions of this Regulation are being, or have been, circumvented.

- Yes
- No

Provisions for additional verification of FLEGT licences and shipments

*66 Does your country carry out additional verification checks on FLEGT licences?

'Additional' verification of FLEGT licences is understood as the Competent Authority requesting additional information from the licensing authority of the partner country.

- Yes
- No

*67 Which agency carries out these additional FLEGT licence verification checks?

- Customs
- CA
- Customs or CA
- Customs and CA
- Other

*69 What criteria are used to determine whether additional verification of a FLEGT licence is required? Please select all that apply:

- Species
- Operator
- Volume/weight of shipment
- HS codes
- Country of origin
- Mismatch of information on FLEGT licence and other shipment documents
- Mismatch with information in SILK database
- Licence is missing a stamp and/or signature
- Licence is no longer valid
- Other issues with FLEGT licence (please specify)
- Other (please specify)

*72 Does your country carry out additional verification checks on FLEGT-licensed shipments?

- Yes
- No

*73 Which agency carries out these additional shipment verification checks?

- Customs
- CA
- Customs or CA
- Customs and CA
- Other (please specify)

*75 What criteria are used to determine whether additional verification of a FLEGT shipment is required? Please select all that apply:

- Species
- Operator
- Volume/weight of shipment
- HS codes
- Country of origin
- Mismatch of information on FLEGT licence and other shipment documents
- Other issues with FLEGT licence (please specify)

- Random spot-checks
- Other (please specify)

*77 Please specify other criteria:

Customs carries out checks based on their own general risk-based system (FLEGT is included). CA can ask additional verification in case of a suspicious shipment (e.g. suspicious mismatches) or may ask customs to perform additional checks based on proposed criteria.

*78 How does the CA obtain information to verify that a shipment declared for release for free circulation matches the information provided in the FLEGT licence (e.g. HS codes, volume etc.)? Please select all that apply.

- Customs checks shipment documentation (where customs is also the CA)
- The CA requests shipment documents directly from customs for every shipment
- The CA requests shipment documents from importer for every FLEGT licence he/she submits
- The CA uses FLEGIT to check customs documents
- The CA can request customs to perform physical checks on the shipment
- Customs informs the CA if there are any mismatches between the FLEGT licence and customs data, on a case-by case basis
- Other (please specify)

*79 Please specify other:

In case of mismatches of information between the Flegt licence and other shipment documents, the importers have to follow the procedure for mismatches. This implies that importers have to ask for a new, corrected FLEGT licence in ID, or if that's not possible, they must declare the irregularities to the CA for verification and have to provide shipment documents (invoice, packing list, bill of lading,...) and other proof (eg. description of the goods) to justify the mismatches. If necessary the CA will contact LIU for additional verification and/or ask to issue a corrected FLEGT Licence. When the licence is approved, the CA adds a message for customs that the goods can be released for free circulation in accordance with the information in FLEGIT. If an importer doesn't declare the mismatches and customs discovers them, customs will stop the goods and contact the CA for its approval.

Verifications of FLEGT licences and shipments carried out

*80 Did you carry out any additional verification checks of FLEGT licences or shipments (including exchange of information with e.g. Indonesia's Licence Information Units (LIU), physical inspections etc.) in the reporting period?

- Yes
- No

*81 For how many FLEGT licences were additional verification checks carried out in the reporting period?

7

*82 Are FLEGT licences checked against the FLEGT licence information in SILK?

- Yes
- No
- Sometimes

83 Please provide feedback on your communication with the competent authority(ies) in each VPA partner county (e.g. Indonesia's Licence Information Units (LIU))

The communication with LIU is still difficult and the answers often take a (too) long time. This has consequences for imports, which are sometimes unnecessarily delayed. Moreover, this can generate extra costs for the importers. In most cases, the responses of the authorities in Indonesia do not help to justify the discrepancies and are refused by customs.

- *84 How many physical inspections of shipments were carried out in the reporting period? Please specify how many.

233

- *85 Where physical inspection was performed, how many shipments did not match the details on the FLEGT licence? Please specify how many.

23

86 Please provide details of the additional verification checks of FLEGT licences or/and shipments. Please use the Excel template provided below and upload the completed file.

The maximum file size is 1 MB

Only files of the type xls,xlsx are allowed

87 Download template:

[FLEGT additional verification checks.xlsx](#)

Fees for the processing of the FLEGT licences

- *88 Do importers need to pay fees for the processing of the FLEGT licences?

Yes

No

- *89 What is the fee charged per FLEGT licence?

50 euros per valid Flegt license (not applicable for imports of less than 500 kg).

- *90 Please provide the basis for calculation of the fee per FLEGT licence

Legal basis for fee

Based on average staff time spent processing a FLEGT licence

Other (please specify)

Other Implementing measures

92 Please provide feedback on your collaboration with other CAs and the European Commission.

The FLEGT/EUTR expert group meetings are very useful for the collaboration with other CAs and the Commission regarding FLEGT implementation issues. The CA has regular contacts with the CAs of neighboring countries (and sometimes also the Commission) and they proceed as it should be.

93 Please provide any other information, implementing measures or open issues that you consider that may be of interest to other Member States and/or the Commission.

Users can attach files and URLs to this question.

The difference in interpretation / use of the nomenclature between Indonesia and the EU for certain commodity codes remains a relevant issue.

As a result, some FLEGT licences do not have to be registered in the EU (the HS codes used in the EU do not require a FLEGT licence) or sometimes there is no FLEGT licence for goods that do need one. In addition, some of the concerned HS codes have a risk of fraud (avoiding import and/or export taxes or export ban), which is difficult to control with the existing uncertainty.

This year we started to use the e-licensing procedure. This procedure allows the automatic filling of FLEGT licenses on TRACES. It's faster and easier to use. However, it does not allow the information submitted by the importer to be changed. For cases where there is a difference between the European and Asian nomenclature, this poses a problem.

In terms of penalties, the Belgian product norms law is not specifically adapted to dealing with timber. It is not a dangerous product and seizing or reselling timber is a better solution than destroying it. Legislative modifications in this respect are being prepared.

94 Please upload your file related to the previous question, if applicable.

The maximum file size is 1 MB

95 Please indicate if there are specific issues that proved, or are proving, difficult when developing and/or applying national legislation to implement the FLEGT Regulation.

Users can attach files and URLs to this question.

No specific issues to report.

96 Please upload your file related to the previous question, if applicable.

The maximum file size is 1 MB

97 Any other relevant information?

Users can attach files and URLs to this question.

No other relevant information to report.

98 Please upload your file related to the previous question, if applicable.

The maximum file size is 1 MB

Contact

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