

## AIDE MEMOIRE

### THIRD GUYANA - EUROPEAN UNION NEGOTIATION SESSION ON A FOREST, LAW ENFORCEMENT, GOVERNANCE AND TRADE [FLEGT], VOLUNTARY PARTNERSHIP AGREEMENT [VPA]

16 April, 2015, Georgetown, Guyana

#### Introduction

1. The third Guyana - European Union negotiation session on the FLEGT VPA was held on 16 April 2015 in Georgetown, Guyana.
2. The session was chaired by Dr. Cristiana Pasca-Palmer, Head of Unit (Climate change, Environment, Natural Resources), Directorate General Development and Cooperation - EuropeAid, European Commission (EC), on behalf of the European Union and by Mr James Singh, Commissioner from the Guyana Forestry Commission, on behalf of the Government of Guyana. A list of the participants is presented in Annex 1.
3. The parties committed to making public the presentations made at the technical sessions, the aide memoire which includes the revised Joint Roadmap, and a press release following the conclusion of this third negotiation session.
4. In order to facilitate the work of the negotiation teams, the parties agreed that future work on all texts and annexes should be done in track change for ease of reference.

#### Opening Statements

##### *Opening statement by the European Commission:*

5. Dr. Cristiana Pasca-Palmer, on behalf of the European Union, welcomed the renewed energy in the VPA process. She welcomed the focus on stakeholder participation and encouraged Guyana to sustain the momentum. She emphasised the need to continue the work with communities and reaching out to other constituencies.
6. She encouraged Guyana to continue drawing on international best practice. She emphasised the need to address not only the export market but to also address the challenges of the domestic market and the needs of small and medium enterprises. She expressed appreciation that Guyana is promoting synergies between FLEGT and REDD+ in the development of the VPA.

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### **Opening Statement by Guyana**

7. Mr. James Singh expressed similar sentiments and pointed out that Guyana has continued its efforts in advancing the VPA process. Mr. Singh acknowledged and expressed appreciation for the work of the NTWG. He was confident that the technical sessions would demonstrate the activities that have been undertaken by Guyana during the period since the last negotiation and is looking forward to an agreed revised joint roadmap.
8. Mr. Singh also noted that in the revised Joint Roadmap, Guyana would propose a new and ambitious timeframe to conclude negotiations in 2016. However, he assured the EU that this narrow timeframe would not compromise stakeholders engagement and addressing their valid concerns throughout the process.

### **Agenda Item 1: Update on the VPA Process by Guyana**

9. Guyana presented an update on its VPA development since the last negotiation session. The presentation highlighted extensive stakeholders engagement by the NTWG which included Amerindian communities, civil society, private sector amongst others. These engagements were conducted countrywide targeting 269 stakeholder groups inclusive of 123 Amerindian communities/villages with a total of 790 persons attending these meetings. A cluster based approach was used which allowed for extensive coverage of the country. The NTWG has created a feedback channel so that all comments received are documented and analysed and used to revise the relevant documents.
10. Guyana indicated that the cluster based approach will be expanded and continue to be used for future consultations. The EU and Guyana agreed on the continuation of this engagement with stakeholders to ensure that the momentum is maintained during and after negotiations.
11. In addition, Guyana provided an update on several other areas: the National Wood Tracking System; the finalization of Codes of Practices (COP) for timber harvesting operations on State Forest Authorizations (SFAs); Timber Sales Agreement (TSA)/Wood Cutting Leases (WCL); State Forest Exploratory Permit (SFEP); State Forest Permission (SFP); harvesting of timber from Agriculture Lease (AL)/Mining Lease (ML) and Wood Processing operations; Amerindian Land Titling under the Amerindian Act with support from the LCDS aimed at community titling and extensions; development of a Code of Practice for commercial harvesting of forest produce on titled Amerindian Lands; and the implementation of the new Forest Act 2009.

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12. Guyana acknowledged the support of EU FAO FLEGT and the EU FLEGT Facility in support of the Communication and Consultation Strategy. Recognizing that the VPA requires extensive consultations, the strategy will provide a framework for engaging stakeholders and being a living document, it will provide guidance to the communication needs at the various stages of the VPA process. This document is expected to be finalized in April, 2015.

#### **Agenda Item 2: Synergies between FLEGT, REDD+ and LCDS; Guyana's Experience.**

13. Guyana briefly presented the context in which the Low Carbon Development Strategy (LCDS) and the Memorandum of Understanding (MoU) with Norway is being implemented and how these initiatives closely relate to the development of the VPA process. In particular, Guyana further indicated the preference to integrate the work of the existing Independent Forest Monitoring (IFM) under the MoU with Norway into the Independent Audit (IA) of the VPA. Guyana stressed that FLEGT remains a permanent pillar of its development strategy given its relationship to enablers of REDD+ under the LCDS/MoU with Norway.
14. The EU was encouraged by the identification of synergies between the FLEGT and REDD+ process and suggested that both parties continue to examine the framework under which these initiatives can be further integrated and mutually supportive.

#### **Agenda Item 3: Update on the EUTR and other EU Measures**

15. The EU made a brief presentation on the status and advances of the FLEGT Action Plan, in particular public procurement policies in Europe as well as the implementation of the EU Timber Regulation and its relationship to other similar legal global initiatives (Lacey Act etc.).
16. Guyana encouraged the EU to continue bilateral discussions with other consumer markets as well as EU Member States public procurement policies for the broader acceptance of the FLEGT licence.

#### **Agenda Item 4: Structure and Methodology for Consultation and Engagement on VPA Annexes.**

17. Guyana expressed its intention to complete further consultations over the next few months to prepare and table comments on all remaining annexes of the VPA for the next negotiation session. Guyana presented a tool for capturing stakeholder feedback and the justifications given with respect to including/excluding stakeholder comments in the revision of annexes. Guyana also committed to making this document public. Guyana will also use the opportunities provided by other projects, such as the REDD+ process for consultations on the various annexes and highlight the synergies which exist between the processes. Guyana expressed its commitment to making draft annexes public and disseminating these annexes through the FLEGT Webpage of

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the GFC's website (<http://forestry.gov.gy/services.html>) and other tools including those provided through the Communication and Consultation Strategy.

## **Agenda Item 5: Discussions on Selected Annexes**

### *Product Scope*

18. The parties discussed the draft product scope (VPA Annex 1) as presented by Guyana. This draft product scope (Product Codes: 4403; 4406; 4407; 4408; 4409; 4412) was developed through national stakeholder consultation, reflects the current position and covers all product types currently exported to the EU. Guyana emphasized its national system of control and verification will cover timber both on the domestic and export markets. The EU explained that products not covered by the VPA will require additional due diligence to comply with the EUTR. The EU cautioned that maintaining two systems would potentially complicate and delay import procedures.

### *Legality definition and compliance framework*

19. With respect to discussions on VPA market scope, Guyana proposed that all products exported to the EU will be covered by the FLEGT licencing system and existing GFC export documentation. Exports to other markets will be covered by GFC documents that confirm verification of legal compliance. However, if the EU FLEGT licences will be accepted by non-EU countries now or in future, the FLEGT licence will also be used. The EU explained its engagement in bilateral discussions with other consumer countries to increase awareness on FLEGT and the EUTR. Both parties acknowledged the need to promote synergies between private certification schemes and FLEGT process.
20. It was suggested that a strategic reflection should take place on targeting the monitoring of compliance with safety regulations to address specific challenges faced by different types of operators. Additionally, it was recognized there is a need to develop a phased approach to capacity building.
21. Both parties discussed the inclusion of transit and imported timber into the VPA. In the coming months Guyana and the EU will engage at the technical level to advance the development of the TLAS with regards to transit and imported timber in Guyana.
22. During the ongoing consultation process on the Legality Definition some stakeholders have highlighted concerns over land issues. The two parties agreed that the VPA process is framed by the existing legislation governing forest use. However, both parties cautioned that addressing land title issues is a longer-term process. As the Legality Definition is framed around existing forest related legislation, Guyana suggested that the VPA process should remain focused on the forest-

based concerns while indicating that the broader land issues are better addressed through other appropriate forum. Nonetheless the NTWG will consolidate and communicate the broader concerns raised throughout the VPA consultation process to the appropriate government actors.

23. The EU shared experiences with Guyana on how confiscated timber is integrated into other VPAs. Guyana agreed to address confiscated timber in the VPA.
24. Guyana has agreed to consider revising the current version of the legality definition to include the allocation process for the issuing of State Forest Authorizations (SFAs).

#### *FLEGT Licensing Procedures*

25. Guyana has started reflecting on its procedures for FLEGT licensing. The EU clarified that the license format agreed by EU Competent Authorities is uniform to all VPA countries but the procedures for license issuance is entirely in the domain of the Guyanese authorities. The EU has suggested that consultations be arranged between EU Member States customs authorities and DG TAXUD and Guyana during the next negotiation session in Brussels.

#### *Timber Legality Assurance System (TLAS) and Independent Audit (IA)*

26. Guyana is currently drafting the TLAS and Independent Audit annexes. Guyana has requested support from the EU FLEGT Facility to assist in advancing the TLAS, the IA and its integration with Independent Forest Monitoring (IFM) under the LCDS.

#### *Information disclosure and reporting*

27. Guyana indicated that over the next quarter they will be developing the VPA Annex X – Information Disclosure and Reporting - in consultation with stakeholders and will identify specific information needs from the different groups. In the framework of these discussions Guyana explained the procedures for information disclosure and reporting under the Freedom of Information Act. Both parties recognized the importance of transparency for the accountability of the forest sector in the context of the EU Timber Regulation (EUTR).

#### **Agenda Item 6: Update on FLEGT projects in Guyana by EU**

28. Both parties agreed that any future projects undertaken on FLEGT in Guyana must be aligned to the priorities of the Joint Roadmap.
29. The EU provided an update on the FLEGT projects being implemented in Guyana by and through:
  - Amerindian People Association (APA)

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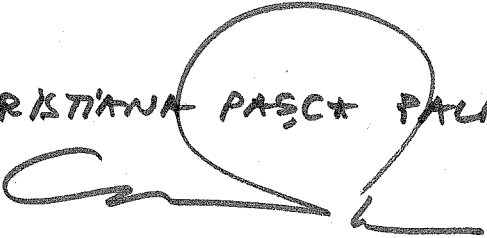
- Tropenbos International
- EU FAO FLEGT
- EU FLEGT Facility
- FLEGT Facilitation Support Office (UK/Norway)

### Agenda Item 7: VPA Roadmap

30. Both parties agreed to an updated VPA roadmap which can be found in Annex 2 of this document.

### Agenda Item 8: Any Other Business

31. Both parties recognized the valuable inputs of EU FLEGT Facility and agreed that the provision of additional support in the development of the Annexes of the VPA. Such support will include drawing from the experience of other VPA countries, supporting the design of the different VPA Annexes and, along with the facilitator, supporting the consultation and engagement process.

CRISTIANA PASCA PALMER  
  
20-04-2015

James Singh  
16-4-2015

## ANNEX 1:

### LIST OF PARTICIPANTS

#### A) Guyana team

1. James Singh – Commissioner of Forests, Guyana Forestry Commission
2. Tasreef Khan – Deputy Commissioner, Guyana Forestry Commission
3. Kenny David – Guyana Forestry Commission
4. Gavin Agard – Ministry of Natural Resources and Environment
5. Adrian Smith – Ministry of Legal Affairs
6. Esther Sam – Ministry of Legal Affairs
7. Khalawan – Forest Products Association
8. Laura Singh – Forest Products Development and Marketing Council Inc.
9. Mohindra Chand – Guyana Manufacturers and Services Association
10. Robert Perry- representative of an exporter to the EU
11. Neil Bacchus- representative IPC
12. Rodney Davis- Representative CFA

#### B) European Union team

1. Cristiana Pasca-Palmer, European Commission (Brussels)
2. Robert Kopecky, European Union Delegation (Head of Delegation, Guyana)
3. Christopher Price, European Commission (Brussels)
4. Bernard Crabbé, European Commission (Brussels)
5. Michela Tagliaferri, European Commission (Brussels)
6. Benedikt Madl, European Union Delegation (Guyana)
7. Albert Losseau, European Delegation (Guyana)
8. Julia Falconer , UK Department for International Development (DFID)
9. Rosanne Kadir, DFID (Guyana)

#### C) Support team

- 1) Didier Devers, European Forest Institute (EFI)
- 2) Thomas Pichet, European Forest Institute (EFI)
- 3) Alhassan Attah, FLEGT Facilitation Support Office

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ANNEX 2:

Updated Joint Roadmap for Guyana – EU FLEGT VPA Negotiations

Activities	Tentative Sub Activities	Tentative Completion Date	Tentative Key Milestones (KM)	Status/Comment
First draft of key Annexes developed.	Development of Annexes are as follows;	April – November 2015		
	<ul style="list-style-type: none"> <li>Annex I Product Coverage this includes six minimum (mandatory) categories and those identified by the partner country.</li> </ul>			Continue discussions on draft Annex.
	<ul style="list-style-type: none"> <li>Annex II Legality Definition ( A subset of the country's law agreed upon)</li> </ul>			Continue discussions on draft Annex
	<ul style="list-style-type: none"> <li>Annex III Conditions governing the release for free circulation in the Union of timber products exported from Guyana and covered by a FLEGT Licence</li> </ul>			1. May 2015 - Presentation to stakeholders EU to propose the draft text for discussion at the Fourth Negotiation scheduled for November, 2015
	<ul style="list-style-type: none"> <li>Annex IV Requirements and Technical Specifications for FLEGT Licences</li> </ul>			1. June 2015 - EFI Technical Mission to support the development of draft in preparation for initial stakeholder discussions scheduled to Commence in June 2. September 2015 - first review of draft by stakeholders.
	<ul style="list-style-type: none"> <li>Annex V Description of the Legality Assurance System (LAS)</li> </ul>			3. June 2015 - EFI Technical Mission to support the development of in preparation for initial stakeholder discussions scheduled to Commence in June



					<p>4. <b>September 2015</b> - first review of draft by stakeholders.</p> <p>1. <b>May 4, 2015</b> - Technical Video Conference to prepare for initial stakeholder discussions</p> <p>2. <b>June 2015</b> - first draft reviewed by stakeholders</p>
					<p>1. November, 2015 - Discussed during Fourth Negotiation, scheduled for November, 2015</p>
					<p>1. <b>June 9-11, 2015</b> - EFI Technical Mission to support the development of Annex in preparation for initial stakeholder discussions scheduled to Commence in June</p> <p>2. <b>September 2015</b> - first review of draft by stakeholders.</p>
					<p>1. <b>May 4, 2015</b>- Technical Video Conference to prepare for initial stakeholder discussions</p> <p>2. <b>June 2015</b> - first draft reviewed by stakeholders</p>
					<p>1. <b>September, 2015</b> - EU to propose the draft text for discussion at the Fourth Negotiation scheduled for November, 2015</p>
					<p><b>September 2015</b> - EU to propose draft legal text for</p>
	<ul style="list-style-type: none"> <li>• <b>Annex VI</b> Terms of Reference for the Independent Audit (IA).</li> </ul>				
	<ul style="list-style-type: none"> <li>• <b>Annex VII</b> VPA implementation Schedule (Dates for initialling, ratification, co-signing, entry into force, setup of JIC, development, issuance for first FLEGT Licence)</li> </ul>				
	<ul style="list-style-type: none"> <li>• <b>Annex VIII</b> VPA Supporting Measures</li> </ul>				
	<ul style="list-style-type: none"> <li>• <b>Annex IX</b> Criteria for assessing the LAS ( A third party will check if the system is operational)</li> </ul>				
	<ul style="list-style-type: none"> <li>• <b>Annex X</b> Transparency and Communication: Elements that should be public</li> </ul>				
	<ul style="list-style-type: none"> <li>• <b>Annex XI</b> Joint Implementation Committee (JIC) and activities</li> </ul>				
	<ul style="list-style-type: none"> <li>• <b>Video Conference (May 4, 2015)</b></li> <li>• <b>Technical Mission (June 9-11, 2015)</b></li> <li>• <b>Agreement on the Communication and Consultation Strategy (May)</b></li> </ul>				

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	Consultations on-going. (June) Comments – discussion on VPA Legal Text			discussion at the Fourth Negotiation in November, 2015
Video conference		July 6, 2015		
Video conference		August 3, 2015		
Video conference		September 14, 2015		
EFI Technical Mission		October 20-22, 2015		
4 <sup>th</sup> Negotiation Session		November 23-27, 2015		Port Visit
	Further discussions on developed annexes and consultations. Joint Technical Meeting	December 2015 – February 2016		
	EFI Technical Mission Consultations are on-going	December – February 2016		
	Consultations are on-going Field testing of the Legality Definition and Legality verification by Independent Party	February – March 2016		
5 <sup>th</sup> Negotiation Session		March 2016		Subject to assessment of progress during Fourth Negotiation Session
6 <sup>th</sup> Negotiation Session				Subject to assessment of progress during Fifth Negotiation Session.
Completion of VPA process and preparation for Initialling		April – November 2016		
Discussions for the implementation of the VPA and	National Roll out of LAS	January 2017	All timber firms operation under a national LAS	

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the Next Steps Prior to Issuance of First FLEGT Licence									
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**KM: Key Milestone**

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