

ANNEX III –CONDITIONS GOVERNING THE
RELEASE FOR FREE CIRCULATION IN THE
UNION OF TIMBER PRODUCTS EXPORTED
FROM GUYANA AND COVERED BY A FLEGT
LICENCE

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ANNEX III

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Article 1

Lodging of the licence

1. The licence shall be lodged with the competent authorities of the Union Member State in which the shipment covered by that licence is declared for release for free circulation¹. This may be done electronically or by other expeditious means.
2. The competent authorities referred to in paragraph 1 shall, in accordance with the applicable national procedures, inform the customs authorities as soon as a licence has been accepted.

Article 2

Checks on validity of license documentation

1. Paper licences shall conform to the model described in Annex IV. Any licence that does not meet the requirements and specifications set out in Annex IV shall be invalid.
2. A licence shall be considered void if it is lodged on a date later than the expiry date indicated in the licence.
3. Any erasures from or alterations to a licence shall not be accepted unless such erasures or alterations have been validated by the Licensing Authority.
4. The extension of the validity of a licence shall not be accepted unless that extension has been validated by the Licensing Authority.

¹ Release for free circulation is an EU customs procedure. Under Article 129(2) and (3) of Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code), release for free circulation entails: (a) the collection of any import duties due; (b) the collection, as appropriate, of other charges, as provided for under relevant provisions in force relating to the collection of those charges; (c) the application of commercial policy measures and prohibitions and restrictions insofar as they have not been applied at an earlier stage (in this case, it is among these measures that the existence of a FLEGT licence will be verified); (d) completion of the other formalities laid down in respect of the importation of the goods. Release for free circulation confers on non-Community goods the customs status of Community goods.

5. A duplicate or replacement licence shall not be accepted unless it has been issued and validated by the Licensing Authority.

Article 3

Requests for additional information

1. In case of doubt concerning the validity or authenticity of a licence, a duplicate or a replacement licence, the competent authority in the Union may request additional information from the Licensing Authority.
2. A copy of the licence, the duplicate or the replacement licence in question may be forwarded together with the request.
3. If necessary, the Licensing Authority shall withdraw the licence and issue a corrected copy, which shall be authenticated by the stamped endorsement 'Duplicate' and forwarded to the competent authority.

Article 4

Verification of the conformity of the licence with the shipment

1. If further verification of the shipment is considered necessary before the competent authority can decide whether a licence can be accepted, checks may be carried out to establish whether the shipment in question conforms to the information provided in the licence and to the records relating to the relevant licence that are held by the Licensing Authority.
2. Where the volume or weight of the timber products contained in the shipment presented for release for free circulation does not deviate by more than ten percent from the volume or weight indicated in the corresponding licence, the shipment shall be considered to conform to the information provided in the licence as far as volume or weight is concerned.
3. In case of doubt about whether the shipment conforms with the FLEGT licence, the competent authority concerned may seek further clarification from the Licensing Authority.
4. The Licensing Authority may request the competent authority to send a copy of the licence or the replacement in question.
5. If necessary, the Licensing Authority shall withdraw the licence and issue a corrected copy, which shall be authenticated by the stamped endorsement 'Duplicate' and forwarded to the competent authority.
6. If the competent authority receives no answer within twenty one calendar days of the request for further clarification the competent authority shall not accept the licence and shall act in accordance with the applicable legislation and procedures.
7. A licence shall not be accepted if it has been established, where necessary after provision of additional information in accordance with Article 3 of this Annex or a further investigation in accordance with Article 4 of this Annex, that the licence does not conform to the shipment.

Article 5

Verification prior to the arrival of the shipment

1. A licence may be lodged before the arrival of the shipment it covers.
2. A licence shall be accepted if it meets all the requirements set out in Annex IV, and no further verification in accordance with Articles 3 and 4 of this Annex is deemed necessary.

Article 6

Other matters

1. Costs incurred while the verification is being completed shall be at the expense of the importer, except where the applicable legislation and procedures of the Member State of the Union concerned determine otherwise.
2. Where persistent disagreements or difficulties arise from the verification of FLEGT licences, the matter may be referred to the JMRC.

Article 7

Release for free circulation

1. In box 44 of the Single Administrative Document on which the customs declaration for release for free circulation is made, reference shall be made to the number of the licence that covers the timber products subject to the declaration.
2. Where the customs declaration is made by computerised means, the reference shall be provided in the appropriate box.
3. Timber products shall be released for free circulation only after completion of the procedures described in this Annex.