

ANNEX 4 -REQUIREMENTS AND TECHNICAL SPECIFICATIONS FOR FLEGT LICENCES



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REQUIREMENTS AND TECHNICAL SPECIFICATIONS FOR FLEGT LICENCES

Article 1

General requirements relating to FLEGT licences

1. Any shipment of timber products listed in Annex I to this Agreement which is exported from Guyana to the Union is required to have a FLEGT licence. In accordance with Regulation (EC) No 2173/2005 and this Agreement, the Union shall accept such shipments from Guyana for import into the Union only if they are covered by FLEGT licences.
2. In accordance with point (j) of Article 2 of this Agreement, a FLEGT licence is a document issued by the Licensing Authority which confirms that a shipment of timber products intended for export to the Union has been legally produced and verified in accordance with the criteria laid down in this Agreement.
3. FLEGT licences may be issued in paper or electronic form.
4. A FLEGT licence shall be issued for a single shipment of a single licensee and to a first point of entry into the Union. One single FLEGT licence should not be declared to more than one customs office in the Union.
5. Either paper or electronic licences shall provide the information specified in Appendix 1, in accordance with the notes for guidance set out in Appendix 2.
6. The applicant submits the FLEGT licence and Export Certificate for export to the Union, or only the Export Certificate for export to other destinations, attaching the other required documents, to the Customs Excise and Trade Operations (CETO). The procedures for the issuance of the FLEGT licence and the Export Certificate, and their respective articulation with the Customs documents, will be finalised during the implementation phase of the GTLAS.
7. For complex shipments, including different types of timber products, for which it may not be possible to include all required information referred to in Template 1 in the Appendix 1, an authorised attachment (additional goods description attached to the FLEGT licence) shall be added to the licence. The authorised attachment shall include qualitative and quantitative information related to the description of the shipment as specified in Template 2 in Appendix 1. In that case, the corresponding boxes (boxes number 9 to 16) in the licence shall not include information on the shipment but reference the authorised attachment.
8. The detailed requirements and procedures to extend the validity, and define the cancelation and the management of FLEGT licences will be finalised during the implementation phase of the GTLAS. The procedures to apply for and issue FLEGT licences will be made public.
9. Guyana will provide the Union with an authenticated copy of the FLEGT licence, specimens examples of the stamps of the Licensing Authority, and specimen signatures of authorised personnel.
10. For all approved FLEGT licences, the original and its copies will be issued to the licensee according to the dispositions listed in the Agreement.

11. Timber products protected under the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) are subject to the legality verification under the GTLAS and shall be also covered by a FLEGT licence.

Before export, the CITES Management Authority of Guyana shall ensure that timber subject to the provision of CITES or products containing such timber meet all GTLAS requirements. The CITES Management Authority of Guyana shall issue CITES permits for shipments into the Union containing only timber that is subject to the provisions of CITES or products containing such timber product.

Article 2

Responsibility of the FLEGT Licensing Authority

1. The Licensing Authority in Guyana shall be the Timber Legality and Trade Unit (TLTU) of the Guyana Forestry Commission.
2. Competence requirements for the personnel, management structures and internal controls of the Licensing Authority will be defined and established before the FLEGT licensing regime is operational.
3. The FLEGT Licensing Authority will inform the Management Information System Unit (MISU) of the Export Request Forms received and rejected, and the FLEGT licences issued.
4. The Licensing Authority shall develop a numbering system for FLEGT licences that enables differentiation between FLEGT licences destined to the European Union market and all other export documents required by statute.
5. The FLEGT Licensing Authority will only issue a single extension which will be for a period not exceeding three (3) months, at the request of the licensee. The Licensing Authority will introduce and validate the new expiration date.
6. In any case, when extending the validity, withdrawal or replacement of the FLEGT licence, the Licensing Authority shall inform the competent authority of the relevant Union Member State.
7. The FLEGT Licensing Authority shall endeavour to guarantee the authenticity of FLEGT licences and to prevent erasures or alterations.
8. The FLEGT licensing system will be progressively linked to the proposed Guyana Single Window System for export from Guyana, when conditions allow.
9. The FLEGT Licensing Authority is responsible for the required exchange of information between Guyana and the FLEGT competent authorities of the Member States of the Union, as well as other competent authorities of Guyana on issues related to FLEGT licences.

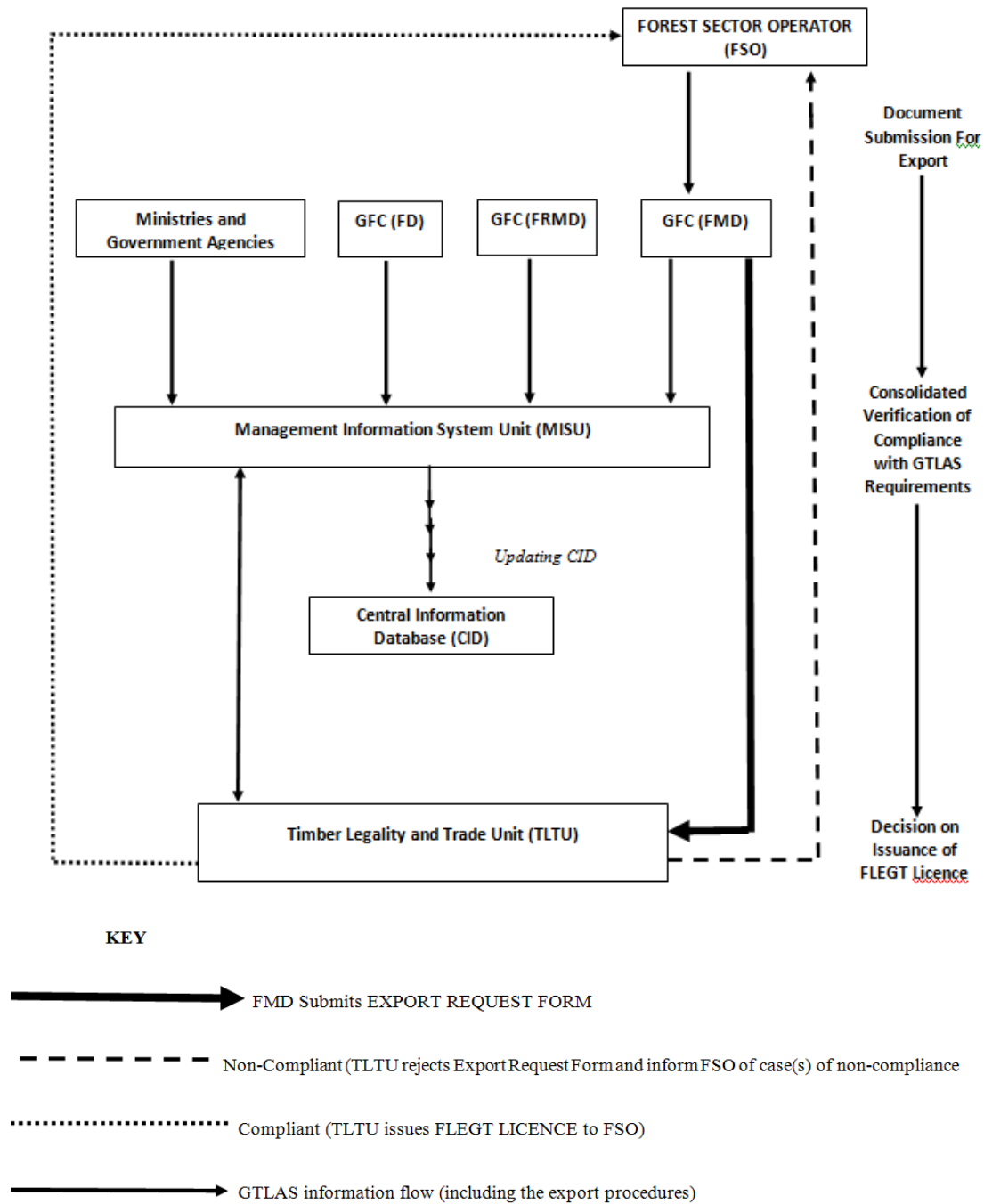
Article 3

Procedure for issuing FLEGT licences.

The following steps are considered for the management of FLEGT licences.

1. For each shipment, the FMD submits an Export Request Form to the FLEGT Licensing Authority, notifying the Licensing Authority that the FSO has made a request for export of timber product and has met the FMD Export Requirements.
2. Upon receiving the Export Request Form, the FLEGT Licensing Authority shall check the Central Information Database (CID) to ensure the FSO's compliance in relation to the timber to be exported.
3. After reviewing the Export Request Form and checking the CID, and it is confirmed that the FSO is compliant with the Guyana Timber Legality Assurance System (GTLAS) requirements, the FLEGT Licensing Authority shall issue the FLEGT licence for the corresponding shipment.
4. If the FSO is non-compliant with the GTLAS, the FLEGT Licensing Authority shall inform the FSO of the cases of non-compliance identified and the FSO shall be given an opportunity to address them. If the FSO is unable to address these cases of non-compliance, the Licensing Authority shall then reject the Export request for the corresponding shipment.
5. A FLEGT licence shall be issued before customs clearance of the shipment by the Customs Excise and Trade Operations (CETO).
6. Any timber listed in Annex I for samples and demonstration purposes are also subject to the FLEGT licensing scheme when exported into the European Union market.
7. For all approved FLEGT licences, the FLEGT Licensing Authority will provide electronic copies to the relevant Union customs authority and competent authority.
8. All records relating to the issuance of FLEGT licences shall be kept in the CID, including those that were rejected.
9. Relevant forms and procedures for applying for a FLEGT licence will be developed and made public before the FLEGT licensing scheme is operational.

Diagram of information flow



Article 4

Technical specifications with regard to paper FLEGT licences

1. Paper licences shall conform to the format set out in Appendix 1.
2. The paper size shall be standard A4. The paper shall have watermarks showing the GFC's logo and seal.
3. The licences shall be completed using a typewriter or computer, or by hand, if necessary.

4. The Licensing Authority will use a metal stamp, preferably made of steel.
5. The Licensing Authority shall use a tamper-proof method to record the quantity allocated in such a way as to make it impossible to insert figures or references.
6. The form shall contain no erasures or alterations, unless those erasures or alterations have been authenticated by the stamp and signature of the Licensing Authority.
7. The licences shall be printed and completed in English.

Article 5

Technical specifications with regard to electronic FLEGT licences

1. FLEGT licences may be issued and processed using electronic systems developed in the context of the GTLAS.
2. In Member States of the Union that are not linked to an electronic system, a paper-based licence shall be made available.

Article 6

Copies of FLEGT licences

1. A FLEGT licence shall be drawn up in one original licence and four copies, as follows:
 - i. "Original for Competent Authority"
 - ii. a "Copy for Customs at destination";
 - ii. a "Copy for Importer"
 - iii. a "Copy for the Licensing Authority";
 - iv. a "Copy for the Licensee";
2. The FLEGT licences marked "Original for Competent Authority", "Copy for the Importer" and "Copy for Customs at destination" shall be given to the licensee, who shall send them to the importer.
3. The importer shall lodge the original with the competent authority and the relevant copy with the customs authority of the Member State of the Union in which the shipment covered by that licence is declared for release for free circulation. The copy marked "Copy for the Importer" shall be retained by the importer for the importer's records.
4. The copy marked "Copy for the Licensing Authority" shall be retained by the Licensing Authority for its records and for possible future verification of licences issued.
5. The copy marked "Copy for Licensee" shall be given to the licensee for the licensee's records.

6. Electronic copies of the FLEGT licence will also be provided to the relevant Union customs authority and the competent authority.
7. The Licensing Authority will archive a copy of the FLEGT licence and an electronic copy will be stored by the Management Information System Unit in the CID.

Article 7

Validity, withdrawal and replacement of FLEGT licences

1. Validity and loss of the validity of FLEGT licences
 - 1.1. FLEGT licences will be valid from the day of their issuance, and will have a validity of six (6) months from the date of issue. The expiration date will be indicated on the FLEGT licences.
 - 1.2. FLEGT licences shall cease to be valid and shall be returned to the Licensing Authority if the timber products covered by the licence are lost or destroyed during shipment prior to arrival in the European Union.
 - 1.3. When the export has not been carried out and the licensee has not requested an extension.
2. Withdrawal of the FLEGT licence

The FLEGT licence will be withdrawn in the following situations:

 - 2.1. For any infraction committed by the licensee related to the shipment that is identified after the issuance of the FLEGT licence.
 - 2.2. The licensee may also return it voluntarily if the licensee decides not to use it.
3. Replacement of the FLEGT licence
 - 3.1. In the event of loss, theft or destruction of the FLEGT licence, the licensee or an authorised representative may apply to the Licensing Authority for a replacement, providing justification of the loss, theft or destruction of the original and/or copy.
 - 3.2. Once the Licensing Authority is satisfied of the justification for replacing the licence, it shall issue a replacement following receipt of the request from the licensee.
 - 3.3. Replacement FLEGT licences shall include the information and particulars contained in the original FLEGT licence, including the FLEGT licence number. The replacement FLEGT licence shall bear the words 'Replacement licence'.
 - 3.4. In the event that the lost or stolen licence is retrieved, it shall not be re-used and must be returned to the Licensing Authority.
4. FLEGT Licence re-application

A new FLEGT licence shall be requested by the exporter whenever there is a change in the timber product, HS code, species, or number of units, as well as any deviation in the weight and/or volume of the shipment by more than 10% in comparison with the FLEGT licence.

Article 8

Management of non-compliance related to FLEGT licences

In the event of any infringement or fraudulent information relating to timber products, or forgery, alteration or modification of information on the FLEGT licence or infringement of the FLEGT license regulations, the Licensing Authority shall apply penalties as prescribed by the laws of Guyana.

Article 9

Treatment of doubts regarding the validity of a licence

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. If considered necessary, the Licensing Authority may ask the competent authority to send a copy of the licence or the replacement in question.
3. If the Licensing Authority considers it necessary, it shall withdraw the licence and issue a corrected original, which shall be authenticated by the stamped endorsement 'Duplicate' and forwarded to the competent authority.
4. If the validity of the licence is confirmed, the Licensing Authority shall notify the competent authority forthwith, preferably by electronic means. Any copies returned by the competent authority shall be authenticated by the stamped endorsement 'Validated on'.
5. In the event that the licence in question is not valid, the Licensing Authority shall notify the competent authority forthwith, preferably by electronic means and both Authorities shall take appropriate action.

APPENDICES

1. Licence form (template 1 and template 2).
2. Notes for guidance

Appendix 1

Template 1: Format of the FLEGT licence

ORIGINAL	1	1 Issuing Authority		2 Importer		
	Name	Name		Name		
	Address	Address		Address		
	3 FLEGT Licence number			4 Date of expiry		
	5 Country of export			7 Means of transport		
	6 ISO code					
8 FLEGT Licensee (name and address)						
9 Commercial description of timber products				10 HS headings		
1						
11. Common and scientific names		12 Countries of harvest		13 ISO codes		
14 Volume (m³)		15 Net weight (kg)		16 Number of units		
17 Distinguishing marks						
18 Signature and stamp of issuing authority						
Name						
Place and date						

Template 2: additional information for complex shipment

THE FOLLOWING INFORMATION IS RELATED TO THE FLEGT

Licence #

Date of expiry:.....

Name of licensee:.....

Name of importer:.....

Item #	Commercial description of timber products	HS Heading	Common and Scientific names	Country of harvest	ISO Code of Country of harvest	Volume (m ³)*	Net weight (kg)*	Number of Units
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

*Either volume or weight is required

Place of issue	Date (DD/MM/YYYY):	Signature and stamp of issuing authority			
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Appendix 2

Notes for Guidance

General:

- Complete in capital letters.
- ISO codes refer to the international standard two-letter country code.

Box 1	Licensing Authority	Indicate the name and address of the Licensing Authority.
Box 2	Importer	Name and address
Box 3	FLEGT licence number	Indicate the licence number.
Box 4	Issuance and Expiry date	Dates of issue and expiration of the licence.
Box 5	Country of export	This means the partner country (Guyana) from where the timber products were exported to the Union.
Box 6	ISO code	Indicate the two-letter code for Guyana.
Box 7	Means of transport	Indicate the means of transport at the port of export.
Box 8	Licensee	Indicate the name and address of the licensee.
Box 9	Commercial description	Indicate the commercial description of the timber product(s).
Box 10	HS heading	The four- or six digit commodity code established pursuant to the Harmonised Commodity Description and Coding System and described in Annex I of this Agreement.
Box 11	Common and scientific name	Indicate the common and scientific name of the species of timber used in the product. Where more than one species is included in a composite product, use separate lines. May be omitted for a composite product or component that contains multiple species whose identity has been lost (e.g. particle board).
Box 12	Countries of harvest	Indicate the countries where the timber referred to in box 10 was harvested. The source of all species utilised in the case of composite products, must be identified unless it contains multiple species which are no longer identifiable.
Box 13	ISO codes	Indicate the ISO code of the countries referred to in box 12. May be omitted for a composite product or component that contains multiple species whose identity has been lost.

Box 14	Volume (m3)	Give the overall volume in m ³ May be omitted unless the information referred to in box 15 has been omitted.
Box 15	Net weight (kg)	Give the weight in kg. This is defined as the net mass of the timber products without immediate containers or any packaging, other than bearers, spacers, stickers, etc. May be omitted unless the information referred to in box 14 has been omitted.
Box 16	Number of units	Indicate the number of units, if this is the best way to quantify a manufactured product. May be omitted.
Box 17	Distinguishing marks	Indicate any distinguishing marks where appropriate, e.g. lot number or bill of lading number. May be omitted.
Box 18	Signature and stamp of issuing authority	This box must be signed by the authorised official and stamped with the official stamp of the Licensing Authority. The signatory's name and the place and date must also be indicated.