

# ANNEX IX-PUBLIC ACCESS TO INFORMATION ON THE FLEGT LICENSING SCHEME



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# **PUBLIC ACCESS TO INFORMATION ON THE FLEGT LICENSING SCHEME**

## **1. INTRODUCTION**

In line with the policies of Guyana and the Union to manage natural resources in a transparent and accountable way, the Parties agree that the availability of information is essential for the successful implementation of the Voluntary Partnership Agreement (Agreement). The Parties therefore commit to ensuring that there is continuing access to information to facilitate the implementation and monitoring of the Agreement. The Parties also undertake to ensure that the information acquired under the Guyana Timber Legality Assurance System (GTLAS) established under the Agreement is made available to the public.

## **2. INFORMATION TO BE PUBLISHED BY THE JOINT MONITORING AND REVIEW COMMITTEE**

2.1 Structure and procedures guiding the functioning of the Joint Monitoring and Review Committee (JMRC)

2.2 Minutes of the meetings of the JMRC and summaries of decisions

2.3 Information on Independent Audit

- a) Terms of Reference of the Independent Auditor
- b) Independent Audit manual of procedures
- c) Selection criteria of the Independent Auditor
- d) Summary reports from the Independent Auditor

2.4 Annual Reports produced by the JMRC, in particular, information relating to:

- a) progress made by Guyana in the implementation of each of the elements of the GTLAS and all other matters relating to implementation of the Agreement;
- b) progress made in achieving the Agreement's objectives, as well as actions to be taken within a deadline specified in the Agreement and the corresponding complementary measures before the FLEGT licensing scheme is operational;
- c) the number of FLEGT licences issued by Guyana;
- d) Action, if any, to prevent the export of timber products of illegal origin to non-Union markets or their placing on the national market;

- e) quantities of timber products imported into Guyana or having transited and transshipped through Guyana;
- f) the measures, if any, taken to prevent the import of timber products of illegal origin in order to maintain the integrity of the FLEGT licensing scheme;
- g) cases of non-compliance with the GTLAS in Guyana and action taken in such cases;
- h) quantities of timber products imported into the Union under the FLEGT Licensing Scheme, according to the relevant HS code headings and according to the Member State of the Union into which import took place (to be provided by the Union);
- i) quantities of timber products exported to the Union under the FLEGT Licensing Scheme according to the relevant HS code headings and according to the Union Member State of destination (to be provided by Guyana);
- j) Information on cases and quantities of timber products about which clarifications were needed between the Guyana Licensing Authority and the competent authorities from the Union.

### **3. INFORMATION TO BE PUBLISHED BY GUYANA**

Relevant information and reports will be regularly published and/or made available by the GFC through different channels. The information will include the following elements:

#### **3.1. Legal information:**

- a) Text of the Agreement with its Annexes, and its subsequent amendments;
- b) Existing laws and their accompanying regulations referred to in Annex II;
- c) Ratified international conventions and treaties;
- d) GFC Code of Practice, WTS Guidelines and Guidelines for large and small concessions;
- e) Relevant sections of Manuals of Procedures linked to the verification procedures described in Annex V;
- f) Any legal or regulatory text linked to Annexes II or V adopted during the implementation phase of the GTLAS.

#### **3.2. Production information:**

- a) Total annual timber production by type of product;
- b) Annual volumes processed, by type of product;

- c) Annual volumes of logs exported (total and to the European Union);
- d) Annual volumes of timber exported by type of product (total and to the European Union);
- e) Annual volumes of timber traded by type of product on the domestic market;
- f) Annual volumes of confiscated timber.

### 3.3. Allocation information:

- a) List of the names of the FSOs that have been allocated Forest Concession Agreements, Agriculture Leases, Mining Permits or Licences and titles of Forest Concession Agreements;
- b) Additional information on the individual status of large and small concessions: contact details, description of the concession area (map), legal status of concession, duration;
- c) GFC allocation procedures for forest concessions;
- d) Allocation guidelines for permits/leases/licences/titles by other agencies when granted on State Forest Land;
- e) Criteria for allocation of forest concessions;
- f) Location map of forest concessions with allocated areas identified;
- g) Location map for areas available for logging and deadlines for applications;
- h) Where applicable, information on beneficial owners or on persons having effective control of the holder of the concession;
- i) List of FSOs holding authorisation for commercialising conversion or salvaged timber;
- j) Annual volumes of conversion or salvaged timber harvested.

### 3.4. Management information:

- a) Mandate, roles and responsibilities of the agencies responsible for management and control of the concessions;
- b) Area of certified forestry concessions;
- c) Environmental Social Impact Assessments where applicable;
- d) List of Ministries and Government Agencies with verifying responsibilities under Annex II;

- e) List of Large concessions with approved management plans;
- f) List of Amerindian Villages and Private forested areas;
- g) Memorandum of Understanding (MoU) outlining the roles and responsibilities of GTLAS verification Ministries and Government Agencies under the Agreement.

3.5. Processing information:

- a) List of approved processing FSOs with contact information;
- b) Annual volume of logs processed by species and type of product

3.6. Export information:

- a) Data on timber products imported into Guyana;
- b) Data on exports to the Union, by species, country and volume by FSO;
- c) Data on Export Certificates applied for, issued and rejected

3.7. Information on GTLAS and monitoring:

- a) Description of the GTLAS including also regulations guiding the implementation of the GTLAS, and other relevant methodologies.
  - b) Procedures for granting export certificates and FLEGT licences;
- a) List of FLEGT licences issued;
  - b) List of rejected applications for FLEGT licences
  - c) Verification reports will be available upon request

3.8. Information on the issuing authorities and their specific responsibilities in disclosing documents of any other Ministry and Government Agency.

**4. INFORMATION TO BE PUBLISHED BY THE UNION:.**

- a) The text of this agreement, its Annexes and any amendments;
- b) The number of FLEGT licences from Guyana that are received by the Competent Authorities in Union Member States.
- c) Annual quantities and values of timber and timber products imported into the Union from Guyana.

- d) Total quantities and value of timber and derived products by country imported into the Union with and without FLEGT licences;
- e) All available reports from the Independent Market Monitoring (IMM).
- f) Updated information on Union regulations related to timber trade, and financial and technical support related to VPA implementation in Guyana.
- g) List and contact details of the Competent Authorities in Union Member States responsible for the FLEGT and EU Timber Regulation.

## **5. INFORMATION ON FINANCIAL TRANSACTIONS**

The GFC will make available financial information on the forest sector through annual reports that will include forestry revenue on annual payments, such as forestry fees, acreage fees, a listing of disputes, settlements and payment/non-payment of penalties.

## **6. OTHER INFORMATION TO BE MADE PUBLIC**

Beyond the list provided above, any relevant information including reports related to Guyana's forestry sector especially in terms of governance and legal compliance shall be updated regularly by the GFC and made publically available.

The JMRC can also recommend additional information to be made public upon the proposal of one of the Parties.

## **7. METHODS FOR IMPLEMENTATION**

This Annex complies with current legislation of Guyana namely the Access to Information Act and the Forests Act 2009.

The information listed in this Annex will be made available:

- a) Through official reports,
- b) on websites of the GFC and the Forest Products Development and Marketing Council Inc., as well as the websites of the Ministry of Natural Resources, of the Government Information Agency and other Government Agencies),
- c) on multi-stakeholder implementation platform,
- d) at public meetings,

- e) at press conferences,
- f) in films,
- g) on radio and television.

7.3 Procedures will also be developed for the future management and update of information listed in this Annex.

## 8. COMMUNICATION STRATEGY

A communication strategy developed in consultation with relevant stakeholders will be implemented and guided by the following principles:

- a) Information will be accessible at no-cost or at a reasonable cost;
- b) A list of public and accessible documents will be made available;
- c) Information will be accurate and up-to-date;
- d) Information will be made available in a timely fashion;
- e) Information will be provided in the appropriate format for publication;
- f) Methods of communication will be listed;
- g) The GTLAS will be one of the main sources of information.