

Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community

CHAPTER II

FLEGT LICENSING SCHEME

Article 3

- 1 The FLEGT licensing scheme shall apply only to imports from partner countries.
- 2 Each Partnership Agreement shall specify an agreed schedule for implementing the commitments entered into by that Agreement.

Article 4

- 1 Imports into the Community of timber products exported from partner countries shall be prohibited unless the shipment is covered by a FLEGT licence.

[^{F12} In order to provide the necessary assurance as to the legality of the timber products concerned, the Commission shall assess existing schemes that guarantee the legality and reliable tracking of timber products exported from partner countries, and adopt implementing acts to approve them. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(3).

The schemes approved by the Commission may form the basis of a FLEGT licence.

- 3 Timber products of species listed in Annexes A, B and C to Council Regulation (EC) No 338/97⁽¹⁾ shall be exempt from the requirement laid down in paragraph 1 of this Article.

The Commission shall review that exemption, taking into account market developments and the experience gained in the implementation of this Regulation, shall report on its findings to the European Parliament and to the Council and, if necessary, shall come forward with appropriate legislative proposals.]

Textual Amendments

- F1** Substituted by [Regulation \(EU\) No 657/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation \(EC\) No 2173/2005 as regards the delegated and implementing powers to be conferred on the Commission.](#)

Article 5

- 1 A FLEGT licence covering each shipment shall be available to the competent authority at the same time as the customs declaration for that shipment is presented for release for free circulation in the Community. The competent authorities shall keep a record — in electronic or paper format — of the original FLEGT licence together with the corresponding customs declaration.

Import of timber products under a FLEGT licence issued to a market participant shall be accepted as long as the market participant's licence remains valid.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 2173/2005. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

2 The competent authorities shall provide the Commission, or persons or bodies designated by the Commission, with access to the relevant documents and data, should problems arise which impair the effective operation of the FLEGT licensing scheme.

3 The competent authorities shall grant to the persons or bodies designated by partner countries as being responsible for the third party monitoring of the FLEGT licensing scheme access to the relevant documents and data, but the competent authorities shall not be required to provide any information which they are not permitted to communicate pursuant to their national law.

4 The competent authorities shall decide on the need for further verification of shipments using a risk-based approach.

5 In case of doubt as to the validity of the licence, the competent authorities may ask the licensing authorities for additional verification and seek further clarification, as set out in the Partnership Agreement with the exporting partner country.

6 Member States may collect fees to cover the necessary expenses arising from official acts by competent authorities required for control purposes under this Article.

7 Customs authorities may suspend the release of or detain timber products where they have reason to believe that the licence may not be valid. Costs incurred while the verification is completed shall be at the expense of the importer, except where the Member State concerned determines otherwise.

8 Each Member State shall determine the penalties to be imposed where the provisions of this Regulation are infringed. Such penalties shall be effective, proportionate and dissuasive.

[^{F19} In order to ensure uniform conditions for the implementation of this Article, the Commission shall, by means of implementing acts, adopt the procedural modalities and the documents of a standard format, including their possible means. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(3).]

Textual Amendments

- F1** Substituted by [Regulation \(EU\) No 657/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation \(EC\) No 2173/2005 as regards the delegated and implementing powers to be conferred on the Commission.](#)

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.

2 Member States shall notify the Commission of any information suggesting that the provisions of this Regulation are being, or have been, circumvented.

Article 7

1 Member States shall designate the competent authorities responsible for implementing this Regulation and for communicating with the Commission.

2 The Commission shall provide all competent authorities of the Member States with the names and other relevant details of the licensing authorities designated by partner countries, authenticated specimens of stamps and signatures attesting that a licence has been legally issued, and any other relevant information received in respect of licences.

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F² Article 8

1 Member States shall make available to the public and to the Commission, at the latest by 30 April of each year, information on the application of this Regulation during the previous calendar year.

2 The Commission shall establish, by means of implementing acts, the format and the procedure for Member States to make available the information referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(3).

3 Based on the information referred to in paragraph 1, the Commission services shall make publicly available, on an annual basis, a Union-wide overview on the basis of the data submitted by Member States.]

Textual Amendments

- F2** Substituted by [Regulation \(EU\) 2019/1010 of the European Parliament and of the Council of 5 June 2019 on the alignment of reporting obligations in the field of legislation related to the environment, and amending Regulations \(EC\) No 166/2006 and \(EU\) No 995/2010 of the European Parliament and of the Council, Directives 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU of the European Parliament and of the Council, Council Regulations \(EC\) No 338/97 and \(EC\) No 2173/2005, and Council Directive 86/278/EEC \(Text with EEA relevance\).](#)

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 2173/2005. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (1) [^{F1}Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade (OJ L 61, 3.3.1997, p. 1).]

Textual Amendments

- F1** Substituted by [Regulation \(EU\) No 657/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation \(EC\) No 2173/2005 as regards the delegated and implementing powers to be conferred on the Commission.](#)

Changes to legislation:

There are outstanding changes not yet made to Council Regulation (EC) No 2173/2005. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2018/1025 reg. 4\(9\)](#)
- Art. 2(1) word omitted by [S.I. 2018/1025 reg. 4\(3\)\(a\)\(ii\)](#)
- Art. 2(1) word substituted by [S.I. 2018/1025 reg. 4\(3\)\(a\)\(iii\)](#)
- Art. 2(1) words substituted by [S.I. 2018/1025 reg. 4\(3\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(3)(a)(ii) substituted immediately before IP completion day by [S.I. 2020/1315, regs. 1\(2\), 2\(3\)\(b\)\(i\)](#))
- Art. 2(1) words substituted by [S.I. 2018/1025, reg. 4\(2\)\(a\)\(ii\)](#) (as substituted) by [S.I. 2020/1315 reg. 2\(3\)\(b\)\(i\)](#)
- Art. 2(2) words inserted by [S.I. 2021/2 reg. 3\(3\)\(a\)](#)
- Art. 2(2) words omitted by [S.I. 2018/1025 reg. 4\(3\)\(b\)](#)
- Art. 2(3) words omitted by [S.I. 2018/1025 reg. 4\(3\)\(c\)\(ii\)](#)
- Art. 2(3) words substituted by [S.I. 2018/1025 reg. 4\(3\)\(c\)\(i\)](#)
- Art. 2(4) words inserted by [S.I. 2021/2 reg. 3\(3\)\(b\)](#)
- Art. 2(4) words omitted by [S.I. 2018/1025 reg. 4\(3\)\(d\)](#)
- Art. 2(8) substituted by [S.I. 2018/1025 reg. 4\(3\)\(e\)](#)
- Art. 2(9) words omitted by [S.I. 2018/1025 reg. 4\(3\)\(f\)\(ii\)](#)
- Art. 2(9) words substituted by [S.I. 2018/1025 reg. 4\(3\)\(f\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(3)(f)(i) substituted immediately before IP completion day by [S.I. 2020/1315, regs. 1\(2\), 2\(3\)\(b\)\(ii\)](#))
- Art. 2(9) words substituted by [S.I. 2018/1025, reg. 4\(2\)\(a\)\(ii\)](#) (as substituted) by [S.I. 2020/1315 reg. 2\(3\)\(b\)\(ii\)](#)
- Art. 2(11) words substituted by [S.I. 2018/1025 reg. 4\(3\)\(g\)](#)
- Art. 2(11) words substituted in earlier amending provision [S.I. 2018/1025, reg. 4\(3\)\(g\)](#) by [S.I. 2020/1315 reg. 2\(3\)\(b\)\(iii\)](#)
- Art. 2(13) words substituted by [S.I. 2018/1025 reg. 4\(3\)\(h\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(3)(h) substituted immediately before IP completion day by [S.I. 2020/1315, regs. 1\(2\), 2\(3\)\(b\)\(iv\)](#))
- Art. 2(13) words substituted by [S.I. 2018/1025, reg. 4\(3\)\(h\)](#) (as substituted) by [S.I. 2020/1315 reg. 2\(3\)\(b\)\(iv\)](#)
- Art. 2(15)(16) inserted by [S.I. 2018/1025 reg. 4\(3\)\(i\)](#)
- Art. 2(15) words substituted in earlier amending provision [S.I. 2018/1025, reg. 4\(3\)\(i\)](#) by [S.I. 2020/1315 reg. 2\(3\)\(b\)\(v\)](#)
- Art. 8(1)(a) words substituted by [S.I. 2018/1025 reg. 4\(7\)\(a\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(7)(a) substituted immediately before IP completion day by [S.I. 2020/1315, regs. 1\(2\), 2\(3\)\(e\)\(i\)](#))
- Art. 8(1)(c) words substituted by [S.I. 2018/1025 reg. 4\(7\)\(a\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(7)(a) substituted immediately before IP completion day by [S.I. 2020/1315, regs. 1\(2\), 2\(3\)\(e\)\(i\)](#))