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Committee on International Trade

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COMPROMISE AND CONSOLIDATED AMENDMENTS 1 - 26

Draft report
Caroline Lucas
(PE418.093v01-00)

The obligations of operators who place timber and timber products on the market

Proposal for a regulation
(COM(2008)0644 – C6-0373/2008 – 2008/0198(COD))

BLOC 1 (Principles, aims and subject matters)

- replacing Amendments 2, 57, 10, 92, 93, 94, 95

Amendment 1

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 2, 57, 92, 93, 94, 95

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The aim of this Regulation is to halt the trade in illegally harvested timber and products made from such timber in the EU and to contribute to stopping deforestation and forest degradation and related carbon emissions and biodiversity loss globally while promoting sustainable economic growth, sustainable human development and respect for indigenous and local peoples. This Regulation should contribute to the fulfilment of obligations and commitments contained in, inter alia:

(a) the Convention on Biological Diversity of 1992 (CBD);

(b) the Convention on International Trade in Endangered Species of Wild Fauna and Flora of 1973 (CITES);

(c) the International Tropical Timber Agreements (ITTA) of 1983, 1994 and 2006;

(d) the United Nations Framework Convention on Climate Change of 2002 (UNFCCC);

(e) the United Nations Convention to Combat Desertification of 1994;

(f) the Rio Declaration on Environment and Development of 1992;

(g) the Johannesburg Declaration and Plan of Implementation as adopted by the World Summit on Sustainable Development on 4 September 2002;

- (h) the proposals for action of the Intergovernmental Panel on Forests/International Forum on Forests;*
- (i) the UNCED non-legally binding authoritative statement of principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests of 1992;*
- (j) Agenda 21 as adopted by the United Nations Conference on Environment and Development in June 1992;*
- (k) the United Nations General Assembly Special Session (Ungass) resolution 'Programme for the further implementation of Agenda 21' of 1997;*
- (l) the Millennium Declaration of 2000;*
- (m) the World Charter for Nature of 1982;*
- (n) the Declaration of the United Nations Conference on the Human Environment of 1972;*
- (o) the 1972 Action Plan for Human Environment, the proposals of the Intergovernmental Panel on Forests endorsed by the United Nations General Assembly in its 1997 Special Session;*
- (p) the United Nations Forum on Forests, Resolution 4/2;*
- (r) the Convention on European Wildlife and Habitats of 1979;*
- (s) the UN Convention against Corruption (UNCAC), ratified by the EC in 2005 and a majority of EU Member States.*

Or. en

Amendment 2

Caroline Lucas, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland
Consolidated amendment replacing Amendments 93, 94, 95

Proposal for a regulation
Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) Based on the principle of preventive action, all supply chain actors should share responsibility for eliminating the risk that illegally harvested timber and timber products are made available on the market;

Or. en

Amendment 3

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 9, 91, 92

Proposal for a regulation

Article 1 – title

Text proposed by the Commission

Amendment

Subject matter

Subject matter ***and objective***

Or. en

Justification

Amendments 9, 91, 92 (other parts of Amendments 91 and 92 covered by Compromise Amendments 1, 2 and Rapporteur Amendment 16)

Amendment 4

Caroline Lucas, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Consolidated amendment replacing Amendments 10, 92, 93, 94, 95

Proposal for a regulation

Article 1

Text proposed by the Commission

Amendment

This Regulation lays down the obligations of operators who place timber and timber products on the market.

This Regulation lays down the obligations of operators who place *or make available* timber and timber products on the market.

Operators shall ensure that only legally harvested timber and timber products are made available on the market.

Operators who place timber and timber products on the market shall use a due diligence system.

Or. en

BLOC 2 (DEFINITIONS)

- replacing Amendments 11, 97-100, 16, 110, 18, 112, 113, 114, 115

Amendment 5

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 11, 97-100

Proposal for a regulation

Article 2 – point a

Text proposed by the Commission

Amendment

a) ‘timber and timber products’ means the timber and timber products set out in the Annex *with the exception of timber and timber products which are subject to mandatory sustainability criteria established by Directive (EC) No XX/XX;*

a) ‘timber and timber products’ means the timber and timber products set out in the Annex *without exception;*

Or. en

Amendment 6

Caroline Lucas, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Consolidated amendment replacing Amendments 16, 110, and part of 132

Proposal for a regulation

Article 2 – point f

Text proposed by the Commission

Amendment

(f) 'applicable legislation' means *the legislation of the country of harvest regulating forest conservation and management and the harvesting of timber as well as legislation on trade in timber or timber products related to forest conservation and management and to the harvesting of timber;*

(f) 'applicable legislation' means legislation *whether national, regional or international, in particular that concerning the conservation of biological diversity, forest management, resources use rights and the minimisation of adverse environmental impacts; it should also take into account property tenure, rights of indigenous people, labour and community welfare legislation, taxes, import and export duties, royalties or fees related to harvesting, transportation and marketing;*

Or. en

Amendment 7

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 18, 112, 113, 114, 115

Proposal for a regulation

Article 2 – point h

Text proposed by the Commission

(h) 'monitoring organisation' means a legal entity or a membership-based association *or a federation* that has the legal capacity to monitor and ensure the application of due diligence systems by the operators certified as making use of such systems.

Amendment

(h) 'monitoring organisation' means a legal entity or a membership-based association that has the legal capacity *and appropriate expertise* to monitor and ensure the application of due diligence systems by the operators certified as making use of such systems, *and which is legally independent from the operators it certifies.*

Or. en

BLOC 3 (OBLIGATIONS OF OPERATIONS)

- replacing Amendments 118, 119, 121, 122, 123, 124, 125, 22, 23, 126, 143

Amendment 8

Caroline Lucas, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Consolidated amendment replacing Amendments 118, 119, 121, 122, 123, 124, 125

Proposal for a regulation

Article 3

Text proposed by the Commission

1. Operators shall *exercise due diligence to minimise the risk of placing illegally harvested timber and timber products on the market. To that effect, they shall use a framework of procedures and measures, hereinafter referred to as a 'due diligence system'*.

2. Operators shall establish a due diligence system containing the elements referred to in Article 4(1) or make use of a due diligence system of a recognised monitoring organisation referred to in Article 5(1).

Amendment

1. Operators shall *ensure that they place or make available on the market only legally harvested timber and timber products.*

2. Operators *who place timber and timber products on the market* shall establish a due diligence system containing the elements referred to in Article 4 or make use of a due diligence system of a recognised monitoring organisation referred to in Article 5(1).

Existing national legislative supervision and any voluntary chain of custody mechanism which fulfil the requirements under this Regulation may be used as a basis for the due diligence system.

2a (new). Operators who make timber and timber products available on the market shall, throughout the supply chain, be able to:

- (i) identify the operator who has supplied the timber and timber products, and the operator to whom the timber and timber products have been supplied;*
- (ii) provide upon request information on the name of the species, the country/countries of harvest and where feasible the concession of origin;*

(iii) check, where necessary, that the operator who has placed the timber and timber products on the market has fulfilled the obligations of this Regulation.

Or. en

Amendment 9

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 23, 126

Proposal for a regulation

Article 4 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) ensure that only legally harvested timber and timber products are placed on the market employing a traceability system and third party verification by the monitoring organisation;

Or. en

Amendment 10

Caroline Lucas, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Consolidated amendment replacing Amendments 22, 143

Proposal for a regulation

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Labelling

Member States shall ensure that within two years of the entry into force of this Regulation all timber and timber products placed and made available on the market are labelled, as appropriate, with the information requirements specified in Art 3 paragraph 2a.

BLOC 4 (RISKS)

- replacing Amendments 15, 105, 107, 108, 26, 27, 131, 133-135, 137, 138, 205, 206

Amendment 11

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 15, 105

Proposal for a regulation

Article 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) 'risk' means a function of the probability of timber or timber products from an illegal source being imported into, exported from or traded in the territory of the Community and the severity of that event;

Or. en

Amendment 12

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 107, 108

Proposal for a regulation

Article 2 – point e

Text proposed by the Commission

Amendment

(e) 'risk management' means a set of measures and procedures *carried out by operators* in order to minimise the risk of placing illegally harvested timber and timber products on the market;

(e) 'risk management' means *the systematic identification of risks and the implementation of* a set of measures and procedures in order to minimise the risk of placing illegally harvested timber and timber products on the market;

Or. en

Amendment 13

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 26, 130, 170

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) include a risk management procedure
and

Amendment

(b) include a risk management procedure
which shall consist of the following:

(i) systematic identification of risks, inter alia through collecting data and information and making use of international, Community or national sources;

(ii) implementation of all measures necessary for limiting exposure to risks;

(iii) establishing procedures which shall be carried out regularly to verify that the measures set out in points (i) and (ii) are working effectively and to review them where necessary;

(iv) establishing records to demonstrate the effective application of the measures set out in points (i) to (iii).

Or. en

Amendment 14

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 27, 131, 133-135, 137, 138, 170, 205, 206

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall adopt measures for the implementation of this Article. The Commission shall, in particular, establish criteria for assessing whether there is a risk of illegally harvested timber and timber products being placed on the market.

Based on factors related to the product type, source or complexity of the supply chain, certain categories of timber and timber products or suppliers shall be considered 'high risk' requiring extra due diligence obligations from the operators.

Extra due diligence obligations may, inter alia, include:

- requiring additional documents, data or information;*
- requiring third party audits.*

Timber and timber products from

- conflict areas, or countries / regions covered by a UN Security Council ban on timber exports,*
- countries where there is consistent and reliable information regarding significant failures of forest governance, low level of forest law enforcement or high level of corruption,*
- countries where official FAO statistics show a decrease in forest area,*
- supplies where information on potential irregularities supported by reliable evidence, that has not been disproved by investigation, has been made available from customers or external parties,*

shall be considered as 'high risk' by operators under this Regulation.

The Commission shall make available a register of high risk sources of timber and timber products or suppliers.

Or. en

BLOC 5 (RECOGNITION OF MONITORING ORGANISATIONS)

- replacing Amendments 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 159, 160, 161, 162, 163, 31, 164, 165, 166, 32, 167, 33, 168, 169, 45

Amendment 15

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 159

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. ***Competent authorities shall recognise monitoring organisations which apply for such recognition, if the monitoring organisation complies with the following requirements:***

(a) it has legal personality;

(b) it has established a due diligence system which contains the elements set out in Article 4(1):

(c) it obliges operators it certifies to use its due diligence systems;

(d) it has in place a monitoring mechanism to ensure the use of the due diligence systems by the operators which it has certified as making use of its due diligence system;

1. ***The Commission shall, in accordance with the regulatory procedure referred to in Article 11(2a), recognise as a monitoring organisation a private or public entity which has established a due diligence system which contains the elements set out in Article 4(1).***

1a. A public entity applying for the recognition provided for in paragraph 1 shall comply with the following requirements:

(a) it has legal personality;

(aa) is governed by public law;

(b) it has been established to carry out particular functions regarding the forest sector;

(ba) it is financed, for the most part, by the State, regional or local authorities, or other bodies governed by public law;

(c) it obliges operators it certifies to use its due diligence systems;

(d) it has in place a monitoring mechanism to ensure the use of the due diligence systems by the operators which it has certified as making use of its due diligence system;

(e) it takes appropriate disciplinary measures against any certified operator who fails to comply with *the* due diligence system *of the monitoring organisation*

(e) it takes appropriate disciplinary measures against any certified operator who fails to comply with *its* due diligence system; *disciplinary measures shall include reporting the matter to the relevant national competent authority.*

(ea) it has no conflict of interest with the competent authorities.

Or. en

Amendment 16

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 159

Proposal for a regulation

Article 5 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. A private entity applying for the recognition provided for in paragraph (1) shall comply with the following requirements:

(a) it is governed by private law;

(b) it has legal personality;

(c) it has appropriate expertise;

(d) it is legally independent from the operators it certifies;

(e) the operators it certifies are bound by the entity's articles of association to use its due diligence systems;

(f) it has in place a monitoring mechanism to ensure the use of the due diligence systems by the operators which it has certified as making use of its due diligence system;

(g) it takes appropriate disciplinary measures against any certified operator who fails to comply with its due diligence system; disciplinary measures shall include reporting the matter to the relevant national competent authority.

Amendment 17

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 29, 160, 161, 162, 163

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. The monitoring organisation shall submit to **a competent authority** the following information together with its application for recognition:

- (a) its statute;
- (b) the names of persons authorised to act on its behalf;

(c) a detailed description of its due diligence system.

Amendment

2. The monitoring organisation shall submit to **the Commission** the following information together with its application for recognition:

- (a) its statute;
- (b) the names of persons authorised to act on its behalf;

(ba) documentation to demonstrate its appropriate expertise;

(c) a detailed description of its due diligence system.

Amendment 18

Caroline Lucas, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Consolidated amendment replacing Amendments 31, 164, 165, 166

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. **Competent authorities** shall decide whether to grant recognition to a monitoring organisation within three months of the submission of an application by the monitoring organisation.

They shall carry out checks at regular intervals to ascertain that monitoring organisations comply with the requirements laid down in paragraph 1.

3. **In accordance with the procedure laid down in Article 11(2a), the Commission** shall decide whether to grant recognition to a monitoring organisation within three months of the submission of an application by the monitoring organisation **or a recommendation from the competent authority of a member state that it is recommending the organisation for recognition.**

The decision to grant recognition to a monitoring organisation shall be communicated by the Commission to the competent authority of the Member State with jurisdiction over that organisation, together with a copy of the application, within 15 days of the date of the decision.

Member State competent authorities shall carry out checks, **including field-based audits**, at regular intervals, **or on the basis of substantiated concerns from third parties**, to ascertain that monitoring organisations comply with the requirements laid down in paragraph 1. **The check reports shall be made available to the public.**

If, following those checks, competent authorities ascertain that monitoring organisations do not comply with the requirements laid down in paragraph 1, they shall forthwith inform the Commission and communicate to it any relevant evidence in that regard.

Or. en

Amendment 19

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 32, 167

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. A **competent authority** shall withdraw the recognition of a monitoring organisation if it has been established that the requirements set out in paragraph 1 are no longer fulfilled.

4. **In accordance with the regulatory procedure referred to in Article 11(2a), the Commission** shall withdraw the recognition of a monitoring organisation if it has been established that the requirements set out in paragraph 1 are no longer fulfilled.

Or. en

Amendment 20

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 33, 168, 169

Proposal for a regulation

Article 5 – paragraph 5

Text proposed by the Commission

Amendment

5. Competent authorities shall notify the Commission within two months of any decision to **grant, refuse or withdraw recognition to a monitoring organisation.**

5. Competent authorities shall notify the Commission within two months of any decision to **recommend the granting, refusal or withdrawal of recognition of any monitoring organisation.**

Or. en

Amendment 21

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendment 45

Proposal for a regulation

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Justification

Amendment 45 (to be consistent with Commission approving monitoring organisations)

BLOC 6 (MONITORING AND CONTROLS MEASURES)

- replacing Amendments 35, 36, 171, 172, 173, 174, 175, 176, 177, 178, 180, 181, 182, 183, 184, 185, 186

Amendment 22

Caroline Lucas, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Consolidated amendment replacing Amendments 35, 36, 171, 172, 173, 174, 175, 176, 177, 178, 180, 181, 182, 183, 184, 185, 186

Proposal for a regulation

Article 7

Text proposed by the Commission

Amendment

Monitoring measures

Monitoring *and control* measures

1. Competent authorities shall carry out **checks** to verify if operators comply with the requirements set out in Article 3(1) **and** (2) and Article 4(1).

1. Competent authorities shall carry out **controls** to verify if operators comply with the requirements set out in Article 3(1), (2) **and (2a)** and Article 4(1).

1a. Controls shall be conducted according to a yearly plan and/or on the basis of substantiated concerns provided by third parties; or in any case where the competent authority of the Member State is in possession of information that questions compliance by the operator with the requirements for due diligence systems set out in this Regulation.:

1b. Controls may include, inter alia:

(a) examination of the technical and managerial systems and procedures of due diligence and risk assessment that the operators use.

(b) examination of documentation and records that demonstrate the proper functioning of the systems and procedures.

(c) spot checks, including field audits.

2. Operators shall offer all assistance necessary to facilitate the performance of the *checks* referred to in paragraph 1.

3. Following the *checks* referred to in paragraph 1 the competent authorities may *request the operator to take corrective measures*.

2. Operators shall offer all assistance necessary to facilitate the performance of the *controls* referred to in paragraph 1, *notably as regards access to premises and the presentation of documentation or records*.

3. *If, following the controls referred to in paragraph 1, the operator is presumed to have infringed the requirements set out in Article 3, the competent authorities may in accordance with their national legislation start a full investigation of the infringement and, in conformity with the national law and depending on the gravity of the infringement, take immediate measures which may inter alia include:*

a) the immediate cessation of commercial activities and

b) the seizure of timber and timber products.

3a. Any immediate measures taken by the competent authorities shall be of such nature as to prevent the continuation of the infringement concerned and to allow the competent authorities to complete their investigation.

3b. Where the competent authorities find that the technical and managerial systems and procedures of due diligence and risk assessment are not sufficient, they shall require the operator to take corrective measures.

Or. en

BLOC 7 (DEVELOPMENT OF SUSTAINABILITY REQUIREMENTS)
- replacing Amendments 117, 144

Amendment 23

Caroline Lucas, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland
Consolidated amendment replacing Amendments 117, 144

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a (new)

Development of sustainability requirements

Within one year after the entry into force of this Regulation, the Commission shall present a legislative proposal to the European Parliament and the Council on a Community standard for all timber and timber products sourced from natural forests aimed at achieving the highest sustainability requirements.

Or. en

BLOC 8 (AMENDMENTS TO THE LIST OF TIMBER AND TIMBER PRODUCTS)
- replacing Amendment 191

Amendment 24

Caroline Lucas, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Consolidated amendment replacing Amendment 191

Proposal for a regulation

Article 12

Text proposed by the Commission

Amendment

The Commission may ***amend*** the list of timber and timber products set out in the Annex taking into account technical characteristics, end-uses and production processes.

Those measures designed to amend non-essential elements of this Regulation by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(2).

The Commission may ***add to*** the list of timber and timber products set out in the Annex taking into account technical characteristics, end-uses and production processes.

Those measures designed to amend non-essential elements of this Regulation by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(2).

Or. en

BLOC 9 (PENALTIES)

- replacing Amendments 46, 132, 193-197, 200

Amendment 25

Caroline Lucas, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Consolidated amendment replacing Amendments 46, 132, 193-197

Proposal for a regulation

Article 13

Text proposed by the Commission

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Amendment

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for ***may be criminal or administrative***, must be effective, proportionate and dissuasive, ***and shall include, where appropriate, inter alia:***

(i) financial penalties reflecting

- ***the degree of environmental damage;***
- ***the value of the timber products;***
- ***the tax losses and economic damage occasioned by the infringement;***

(ii) seizure of timber and timber products;

(iii) temporary prohibition from marketing timber and timber products. Where legal proceedings are pending, operators shall suspend sourcing timber and timber products from those areas

Financial penalties shall represent at least five times the value of the timber products obtained by committing a serious infringement. In case of a repeated serious infringement within a five year period, the financial penalties shall gradually increase up to at least eight times the value of the timber products obtained by committing a serious infringement.

Without prejudice to other provisions laid down in Community law, pertaining to public funds, Member States shall not grant any public aid under national aid regimes or under Community funds to operators convicted of a serious infringement of this Regulation, until corrective measures have been taken and effective, proportionate and dissuasive penalties have been applied.

The Member States shall notify those provisions to the Commission by 31 December 20XX and shall notify it without delay of any subsequent amendment affecting them.

The Member States shall notify those provisions to the Commission by 31 December 20XX and shall notify it without delay of any subsequent amendment affecting them.

Or. en

Justification

Amendments 46, 193-197, 132 (apart from the part of Amendment 132 that is already covered by the definition of applicable legislation in amendment 16 by the Rapporteur)

Amendment 26

Caroline Lucas, Eija-Riitta Korhola, Riitta Myller, Magor Imre Csibi, Jens Holm, Johannes Blokland

Compromise amendment replacing Amendments 200

Proposal for a regulation

Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Amendment to Directive 2008/99/EC

1. The following point shall be added to Article 3 of Directive 2008/99/EC with effect from the date of application of this Regulation:

'(ia) the making available on the market of illegally harvested timber or timber products.'

2. The following indent shall be added to Annex A of Directive 2008/99/EC with effect from the date of application of this Regulation:

- 'Regulation of the European Parliament and of the Council of [...] laying down the obligations of operators who place timber and timber products on the market'.

Or. en