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*Committee on Development*

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**2013/0010(COD)**

5.11.2013

## **OPINION**

of the Committee on Development

for the Committee on International Trade

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community (COM(2013)0015 – C7-0021/2013 – 2013/0010(COD))

Rapporteur: Michèle Striffler

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## SHORT JUSTIFICATION

The Commission proposal COM(2013)15 aims to align the comitology provisions in the Council Regulation (EC) No 2173/2005 to the new rules on delegated and implementing acts, which are stipulated by the Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU).

Council Regulation (EC) No 2173/2005 establishes a licensing scheme FLEGT (Forest Law Enforcement, Governance and Trade) in order to tackle illegal logging and associated trade. Under FLEGT the partner countries take the obligation to ensure through checks and controls that the timber products have been produced from domestic timber that was legally harvested or from timber that was legally imported into partner country. The European Union Timber Regulation (EU) No 995/2010 (EUTR) came into effect on 3 March 2013, making it an offence to place illegally sourced timber on the EU market. If effectively implemented, the EUTR will be an incentive for countries to negotiate Voluntary Partnership Agreements (VPA) with EU. If ineffective, interests in VPA may well diminish. There is a great concern that VPA implementation in many countries is effectively stopped. The EU needs to take new developments such as growing demand for highly profitable commodities into account and ensure that VPA remains an effective tool to promote forest governance.

So far six VPAs have been finalised (Cameroon, Central African Republic, Ghana, Indonesia, Liberia and the Republic of Congo); four of them have been ratified (CAR, Cameroon, Ghana and the Republic of Congo). Official negotiations are ongoing with Democratic Republic of Congo, Gabon, Honduras, Ivory Coast, Malaysia, Vietnam and Guyana and are expected to start soon in Laos. Other countries expressing an interest include Bolivia, Burma, Cambodia, Colombia, Ecuador, Guatemala, Madagascar, Paraguay, Sierra Leone and Thailand.

The Commission proposal does not intend to modify the substance of the FLEGT scheme, but to align the comitology provisions with TFEU. It confers on the Commission the power to adopt both implementing and delegated acts.

According to the proposal the Commission can adopt implementing acts in accordance to examination procedure to assess the existing schemes that guarantee the legality and reliable tracking of timber products exported from partner countries. Currently, these schemes are assessed and approved by a comitology committee under regulatory procedure.

According to the proposal the Commission can adopt delegated acts to amend the list of partner countries and their designated licensing authorities as set out in Annex I and the lists of timber products as set out in Annex II and in Annex III.

The new article 11a proposed by the Commission on the exercise of delegation necessitates two amendments.

The first amendment aims at ensuring that the duration of the delegation of powers to the Commission is not indeterminate, but is limited to the period of five years, tacitly extendable by a period of identical duration.

The second amendment aims at extending the period available to the European Parliament to

object to a draft delegated act by two months, so that the time allowed for European Parliament's scrutiny would be six months (2+4) instead of four months (2+2). This is justified by the fact that the three fields in which the delegation would be conferred entail elements of political discretion.

## AMENDMENTS

The Committee on Development calls on the Committee on International Trade, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a regulation

#### Article 1 – point 5

Regulation (EC) No 2173/2005

Article 11a – paragraph 2

#### *Text proposed by the Commission*

2. The delegation of powers referred to in Articles 4(3) and 5(9) and in paragraphs 1, 2 and 3 of Article 10 shall be conferred for *an indeterminate* period of *time* from *the date of the entry into force of this Regulation*.

#### *Amendment*

2. The delegation of powers referred to in Articles 4(3) and 5(9) and in paragraphs 1, 2 and 3 of Article 10 shall be conferred for *a period of five years* from ...+ . *The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

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+ *O.J.: Please insert the date of entry into force of this Regulation.*

## Amendment 2

### Proposal for a regulation

#### Article 1 – point 5

Regulation (EC) No 2173/2005

Article 11a – paragraph 5

#### *Text proposed by the Commission*

5. A delegated act adopted pursuant to Articles 4(3) and 5(9) and paragraphs 1, 2 and 3 of Article 10 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.

#### *Amendment*

5. A delegated act adopted pursuant to Articles 4(3) and 5(9) and paragraphs 1, 2 and 3 of Article 10 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **four** months at the initiative of the European Parliament or of the Council.

## PROCEDURE

<b>Title</b>	Amendment of Council Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community
<b>References</b>	COM(2013)0015 – C7-0021/2013 – 2013/0010(COD)
<b>Committee responsible</b> Date announced in plenary	INTA 5.2.2013
<b>Opinion by</b> Date announced in plenary	DEVE 5.2.2013
<b>Rapporteur</b> Date appointed	Michèle Striffler 14.3.2013
<b>Discussed in committee</b>	14.10.2013
<b>Date adopted</b>	5.11.2013
<b>Result of final vote</b>	+: 24 –: 1 0: 0
<b>Members present for the final vote</b>	Thijs Berman, Corina Crețu, Véronique De Keyser, Nirj Deva, Leonidas Donskis, Charles Goerens, Mikael Gustafsson, Eva Joly, Miguel Angel Martínez Martínez, Gay Mitchell, Bill Newton Dunn, Andreas Pitsillides, Jean Roatta, Birgit Schnieber-Jastram, Alf Svensson, Ivo Vajgl, Daniël van der Stoep, Anna Záborská, Iva Zanicchi
<b>Substitute(s) present for the final vote</b>	Eduard Kukan, Isabella Lövin, Cristian Dan Preda, Judith Sargentini
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	María Muñoz De Urquiza, Bogusław Sonik