Commission Delegated Regulation (EU) 2016/1387 of 9 June 2016 amending Annexes I and III to Council Regulation (EC) No 2173/2005 following a Voluntary Partnership Agreement with Indonesia for a FLEGT licensing scheme for imports of timber into the European Union

COMMISSION DELEGATED REGULATION (EU) 2016/1387

of 9 June 2016

amending Annexes I and III to Council Regulation (EC) No 2173/2005 following a Voluntary Partnership Agreement with Indonesia for a FLEGT licensing scheme for imports of timber into the European Union

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Article 10(1) and (3) thereof,

Whereas:

(1) A Voluntary Partnership Agreement (VPA) between the Union and the Republic of Indonesia (hereinafter referred to as the 'Agreement') was ratified by the Parties and entered into force on 1 May 2014.

(2) Article 14(5)(e) of the Agreement provides that the Joint Implementation Committee (JIC) set up by that Agreement is to agree on the date from which the FLEGT licensing scheme will start operating after an evaluation of the functioning of the Indonesian Timber Legality Assurance System (TLAS) on the basis of the criteria set out in Annex VIII to that Agreement.

(3) A joint independent assessment of the Indonesian TLAS has concluded that the Indonesian TLAS is a robust system and that the system meets the criteria to assess its operationality established in Annex VIII to the Agreement.

(4) The two Parties are now in a position to make a decision on the start date of the FLEGT licensing scheme for Indonesia.

(5) With a view to start the FLEGT licensing scheme for Indonesia, Annexes I and III to Regulation (EC) No 2173/2005 need first to be amended so as to include the Republic of Indonesia and its Licensing Information Unit under the list of 'Partner countries and their designated licensing authorities' contained in Annex I, and the list of products covered by the FLEGT licensing scheme in Annex III 'Timber products to which the FLEGT licensing scheme applies only in relation to the corresponding partner countries'.

(6) Regulation (EC) No 2173/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2016/1387. (See end of Document for details)*

Article 1

Annex I to Regulation (EC) No 2173/2005 is amended as set out in the Annex to this Regulation.

Article 2

Annex III to Regulation (EC) No 2173/2005 is amended as set out in the Annex to this Regulation.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 15 November 2016.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 June 2016.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2016/1387. (See end of Document for details)*

ANNEX

Annex I and Annex III to Regulation (EC) No 2173/2005 are amended as follows:

(1) in Annex I, the following table is inserted:

‘Partner country	**Designated licensing authorities**
THE REPUBLIC OF INDONESIA	Licence Information Unit (LIU)[a] Ministry of Environment and Forestry Gedung Manggala Wanabakti Blok I Lantai 2 Jln. Gatot Subroto — Senayan Jakarta — Pusat — Indonesia — 10270 Phone: +62 21 5730268/269 Fax +62 21 5737093 Email: subditivlk@gmail.com; marianalubis1962@gmail.com

a According to Article 4(4) of the VPA, a Licence Information Unit (LIU) has been established by Indonesia to serve as a contact point for communications between EU Member States competent authorities and the Indonesian Licensing Authorities. The LIU is an information management unit which validates information concerning V-Legal Document/FLEGT licence issuance. The LIU is also responsible for general information exchange on the TLAS, and receives and stores relevant data and information on the issuance of certificates of legality and FLEGT licences. It also responds to queries from competent authorities of trading partners and stakeholders. Some of the verification bodies, which are conformity assessment bodies accredited by the Indonesian National Accreditation Body (KAN), are authorized and overseen by the Indonesian Ministry of Forestry and Environment to act as licensing authorities. An updated list of authorized licensing authorities is available through the LIU and also at the link: http://silk.dephut.go.id/index.php/info/lvlk.’;

(2) in Annex III, the following table is inserted:

‘Partner country	**HS heading**	**Description**
THE REPUBLIC OF INDONESIA	CHAPTER 44	
		Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms.
	4401 21	– Wood in chips or particles – – coniferous
	ex 4401 22	– Wood in chips or particles – – non coniferous (not from bamboo nor rattan)

a OJ L 150, 20.5.2014, p. 252.

b Paper products originating from non-wooden or recycled material are accompanied by a formal letter from the Indonesian Ministry of Industry validating the use of non-wooden or recycled materials. Such products will not be FLEGT licensed.’

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2016/1387. (See end of Document for details)*

4403	Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared. (Prohibited from export under the Indonesian law. In line with Article 3(3) of the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia on forest law enforcement, governance and trade in timber products into the European Union (hereinafter referred to as the 'EU-Indonesia VPA')[a], products under this HS code may not be FLEGT licensed and therefore may not be imported into the Union).
ex 4404 10	Chipwood and the like – coniferous
ex 4404 20	Chipwood and the like – non coniferous – – Chipwood
ex 4404	Hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed, but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like. (Prohibited from export under the Indonesian law. In line with Article 3(3) of the EU-Indonesia VPA, products under this HS code may not be FLEGT licensed and therefore may not be imported into the Union).

a OJ L 150, 20.5.2014, p. 252.

b Paper products originating from non-wooden or recycled material are accompanied by a formal letter from the Indonesian Ministry of Industry validating the use of non-wooden or recycled materials. Such products will not be FLEGT licensed.'

4406	Railway or tramway sleepers (cross ties) of wood. (Prohibited from export under Indonesian law. In line with Article 3(3) of the EU-Indonesia VPA, products under this HS code may not be FLEGT licensed and therefore may not be imported into the Union).
ex 4407	Wood sawn or chipped lengthwise, sliced or peeled, planed, sanded or end jointed, of a thickness exceeding 6 mm.
ex 4407	Wood sawn or chipped lengthwise, sliced or peeled, **not** planed, **not** sanded or **not** end jointed, of a thickness exceeding 6 mm. (prohibited from export under Indonesian law. In line with Article 3(3) of the EU-Indonesia VPA, products under this HS code may not be FLEGT licensed and therefore may not be imported into the Union).
	Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end jointed, of a thickness not exceeding 6 mm
4408 10	– Coniferous
4408 31	Dark Red Meranti, Light Red Meranti, and Meranti Bakau

a OJ L 150, 20.5.2014, p. 252.

b Paper products originating from non-wooden or recycled material are accompanied by a formal letter from the Indonesian Ministry of Industry validating the use of non-wooden or recycled materials. Such products will not be FLEGT licensed.'