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FLEGT Regulation Report

Fields marked with * need to be filled in before the form can be submitted to the next level.

Competent Authority

* 1 Competent Authority/Authorities (CA) for FLEGT?

Please specify, if different to reporting authority

National Customs Agency

* 2 Is the customs authority the CA, or one of the CAs for FLEGT?

- (●) Customs authority is the CA
- ( ) Customs authority is one of the CAs
- ( ) Customs authority is not the CA or one of the CAs

* 3 Which national legislation designates the CA?

Please also provide a hyperlink to the document (if available) or upload a PDF

Forestry Act, Art. 127, paragraph 1

4 Please upload your file

The maximum file size is 1 MB
Only files of the type pdf are allowed

Interaction of Competent Authority and customs

* 17 Does your national legislation specify the actions that customs should take when shipments from countries and of products covered by the FLEGT licensing scheme arrive at the border?

- (●) Yes

- [ ] No

* 18 Please select all the types of actions pertaining to customs that are specified in your national legislation:

Select the types of actions that customs is responsible for, as defined in your legislation

- [ ] Customs are required to assist in enforcing the FLEGT Regulation
- [x] Customs are required to check FLEGT shipments in the same way they check other shipments
- [x] Customs are required to suspend release for free circulation of a shipment until the CA has verified the FLEGT licence
- [ ] Customs are required to do certain types of checks for FLEGT shipments
- [ ] Customs are required to inform the CA of any potential non-compliance identified
- [x] Other (please specify)

* 19 Please specify other:

In accordance with Art. 276 of Forestry Act, Infringements shall be established by customs authorities.

20 Does your Member State permit the retrospective submissions of customs declarations for FLEGT licenced shipments by selected importers?

- [ ] Yes
- [ ] No

FLEGT Licences and shipments

* 21 Does the CA use FLEGIT for the processing of FLEGT licences or a national electronic system?

- [ ] FLEGIT
- [x] National system

* 24 How are FLEGT licences submitted in your country? Please select all that apply.

- [x] Paper licences
- [ ] Via FLEGIT
- [ ] Via national electronic system
- [ ] Via email
- [ ] Other electronic system (please specify)

* 26 Have any FLEGT licences or FLEGT-licensed shipments been received by your country in the reporting period?

- [x] Yes
- [ ] No

27 Please provide details of the FLEGT licences received, their status (validated, pending, rejected) and quantities of timber actually imported under the FLEGT licensing scheme in the reporting year, by using the

Excel template provided below and upload the completed file. Further **detailed guidance on how to compile and format this data is provided within the Excel template provided**. **Please also refer to the 'Preliminary checks' tab** for some guidance for the verification of your data before uploading the completed file.

Please note that this information can be extracted from FLEGIT as an Excel file, in the same format as the template provided below. The reporting authority can then complete and verify the dataset as required, by editing the generated Excel sheet.

The maximum file size is 1 MB
Only files of the type xls,xlsx are allowed

d22b8a8d-af84-45f2-a2d3-8878e579e2c2/FLEGT_licences_and_actual_import_data_2019.xls

28 Download template:

FLEGT_licences_and_actual_imports_data_template.xlsx

Provision for penalties

* 29 Are there provisions for administrative fines?

- (●) Yes
- ( ) No

Provisions for administrative fines

* 30 Minimum level of penalty:

BGN 500

* 31 Maximum level of penalty:

BGN 10000

* 32 Legal basis

Art. 271 of Forestry Act provides for infringements of Regulation (EC) No. 2173/2005

33 Comments:

No

* 34 Are there provisions for criminal fines?

- ( ) Yes
- (•) No

* 39 Are there provisions for imprisonment?

- ( ) Yes
- (•) No

* 44 Are there provisions for suspension of the authority to trade?

- ( ) Yes
- (•) No

* 49 Are there provisions for notices of remedial action or warning letters?

- ( ) Yes
- (•) No

* 54 Are there provisions for other types of penalties?

- ( ) Yes
- (•) No

* 56 Do penalties include seizure or confiscation of timber shipments?

- (•) Yes
- ( ) No

* 57 Is disposal of the confiscated timber foreseen in the national legislation?

- (•) Yes
- ( ) No

* 58 Which institution is responsible for disposal of confiscated timber?

- [ ] Customs
- [ ] CA
- [ ] Court
- [ ] Police
- [x] Other

* 59 Please specify other:

Executive Forestry Agency

Penalties applied

* 60 How many FLEGT licences were rejected?

2

* 61 Has Article 6(1)[1] been applied for any shipments in the reporting period, i.e. were there any penalties or seizures in in the reporting period?

[1] 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.

- ○ Yes
- ◉ No

63 Download template:

Penalties_applied_template.XLSX

* 64 Has Article 6(2)[1] been applied for any shipments in the reporting period?

[1] Article 6.2: Member States shall notify the Commission of any information suggesting that the provisions of this Regulation are being, or have been, circumvented.

- ◉ Yes
- ○ No

* 65 Please specify how the provisions of this Regulation were/are being circumvented and by whom, including whether the cases are still ongoing or closed.

The two cases are interconnected and are related to one shipment.
Initially CA found mismatch between the bill of lading and FLEGT licence 19.01336-00076.017-ID-BG from 14.05.2019. Additional information has been requested from Indonesian authorities. Later the same bill of lading with new date has been sent. The FLEGT Licence has been rejected.
Later a corrected version of another FLEGT licence has been presented to CA. Licencing authority made corrections of the licence although LIU has informed us earlier that certificate of activity of PT.MANDIRI MUTU SERTIFIKASI is suspended and a punishment letter is sent by LIU. Additionally, we found that the corrections are made after the goods have left Indonesia and second the form shall not contain any erasures or alterations, unless those erasures or alterations have been authenticated by the stamp and signature of the Licensing Authority. As you can see the corrections are authenticated only by a stamp but not signature. According to VPA, FLEGT license shall not contain any erasures or alterations, unless those erasures or alterations have been authenticated by the stamp and signature of the Licensing Authority. In FLEGT licence 19.00627-00076.017-ID-BG from 27.03.2019 corrections are authenticated only by a stamp but not signature. Therefore we rejected FLEGT 19.00627-00076.017-ID-BG from 27.03.2019.
Later we received another enquiry to accept FLEGT licence 19.00627-00076.017-ID-BG from 27.03.2019. The importer presented a letter from 30.08.2019, bearing no reference number, claiming that it is sent by licensing authority - PT.MANDIRI MUTU SERTIFIKASI. The letter was in contradiction with the previous letter № 056.6/MMS.SP/VI/2019 from 15.06.2019 sent by the same licensing authority. Precisely, in the new letter it is pointed out that "the certificate is not null, has an active status and is valid 4 months after date of issuance". At that time, 4 months have already passed. In the letter from 15.06.2019 it was clearly stated that FLEGT licence 19.00627-00076.017-ID-BG from 27.03.2019 has status "Canceled". Another communication happened with LIU on the matter. We searched for confirmation that the attached letter from licensing authority from 30.08.2019 if it is truly issued by PT.MANDIRI MUTU SERTIFIKASI. From the reply received by LIU, it was stated that the letter have been falsified. And the corrections in FLEGT licence 19.00627-00076.017-ID-BG from 27.03.2019 were also falsified.
We have been informed by LIU that PT. Mandiri Mutu Certification has revoked the timber legality certificate of PT. K-you. The reason is falsification of many documents (Bill of lading, delivery orders, statement letter from licensing authority, FLEGT licenses).

Provisions for additional verification of FLEGT licences and shipments

* 66 Does your country carry out additional verification checks on FLEGT licences?

'Additional' verification of FLEGT licences is understood as the Competent Authority requesting additional information from the licensing authority of the partner country.

- (●) Yes
- ( ) No

* 67 Which agency carries out these additional FLEGT licence verification checks?

- [ ] Customs
- [x] CA
- [ ] Customs or CA
- [ ] Customs and CA
- [ ] Other

* 69 What criteria are used to determine whether additional verification of a FLEGT licence is required? Please select all that apply:

- [ ] Species
- [x] Operator
- [x] Volume/weight of shipment
- [x] HS codes
- [ ] Country of origin
- [x] Mismatch of information on FLEGT licence and other shipment documents
- [ ] Mismatch with information in SILK database
- [x] Licence is missing a stamp and/or signature
- [x] Licence is no longer valid
- [ ] Other issues with FLEGT licence (please specify)
- [ ] Other (please specify)

* 72 Does your country carry out additional verification checks on FLEGT-licensed shipments?

- (●) Yes
- ( ) No

* 73 Which agency carries out these additional shipment verification checks?

- [x] Customs
- [ ] CA
- [ ] Customs or CA
- [ ] Customs and CA
- [x] Other (please specify)

* 74 Other (please specify):

Executive Forestry Agency, if necessary

* 75 What criteria are used to determine whether additional verification of a FLEGT shipment is required? Please select all that apply:

- [ ] Species
- [ ] Operator
- [x] Volume/weight of shipment
- [x] HS codes
- [ ] Country of origin
- [x] Mismatch of information on FLEGT licence and other shipment documents
- [ ] Other issues with FLEGT licence (please specify)
- [x] Random spot-checks
- [ ] Other (please specify)

* 78 How does the CA obtain information to verify that a shipment declared for release for free circulation matches the information provided in the FLEGT licence (e.g. HS codes, volume etc.)? Please select all that apply.

- [x] Customs checks shipment documentation (where customs is also the CA)
- [ ] The CA requests shipment documents directly from customs for every shipment
- [x] The CA requests shipment documents from importer for every FLEGT licence he/she submits
- [ ] The CA uses FLEGIT to check customs documents
- [ ] The CA can request customs to perform physical checks on the shipment
- [x] Customs informs the CA if there are any mismatches between the FLEGT licence and customs data, on a case-by case basis
- [ ] Other (please specify)

Verifications of FLEGT licences and shipments carried out

* 80 Did you carry out any additional verification checks of FLEGT licences or shipments (including exchange of information with e.g. Indonesia's Licence Information Units (LIU), physical inspections etc.) in the reporting period?

- (•) Yes
- ( ) No

* 81 For how many FLEGT licences were additional verification checks carried out in the reporting period?

6

* 82 Are FLEGT licences checked against the FLEGT licence information in SILK?

- (•) Yes

- ○ No
- ○ Sometimes

83 Please provide feedback on your communication with the competent authority(ies) in each VPA partner county (e.g. Indonesia's Licence Information Units (LIU)

Certain delays with the answers occur sometimes, including lack of clear and accurate answer on the cases.

* 84 How many physical inspections of shipments were carried out in the reporting period? Please specify how many.

1

* 85 Where physical inspection was performed, how many shipments did not match the details on the FLEGT licence? Please specify how many.

0

86 Please provide details of the additional verification checks of FLEGT licences or/and shipments. Please use the Excel template provided below and upload the completed file.

The maximum file size is 1 MB
Only files of the type xls,xlsx are allowed

c82b9fb9-6c1f-43d4-8947-7020493bade4/FLEGT_additional_verification_checks_2019.xlsx

87 Download template:

FLEGT_additional_verification_checks.xlsx

Fees for the processing of the FLEGT licences

* 88 Do importers need to pay fees for the processing of the FLEGT licences?

- ○ Yes
- ◉ No

Other Implementing measures

92 Please provide feedback on your collaboration with other CAs and the European Commission.

93 Please provide any other information, implementing measures or open issues that you consider that may be of interest to other Member States and/or the Commission.

Users can attach files and URLs to this question.

We would like to use the opportunity to suggest if further amendments of VPA with Indonesia or the applicable EU FLEGT legislation take place the following:

- Validity of the FLEGT licences is a way too short bearing in mind that it covers not perishable goods but goods that are relatively durable while transported and stored
- the possibility of splitting the shipments. We think that the possibility of splitting the shipments have certain benefits for EU importers. It could serve better the logistic chains.

Last but not least we would like to ask the following:

If a FLEGT licence is accepted by the CA but the importer, by some reason, decides to put the goods in a customs warehouse and later release them for free circulation.

In this case, is he obliged to declare the goods for release for free circulation during the 4th month validity of the FLEGT licence or it is considered that if once the licence has been accepted by the CA while it is was valid, it could be used for the release for free circulation even after the expiration of validity in box 4 of the FLEGT licence.

94 Please upload your file related to the previous question, if applicable.

The maximum file size is 1 MB

95 Please indicate if there are specific issues that proved, or are proving, difficult when developing and/or applying national legislation to implement the FLEGT Regulation.

Users can attach files and URLs to this question.

96 Please upload your file related to the previous question, if applicable.

The maximum file size is 1 MB

97 Any other relevant information?

Users can attach files and URLs to this question.

98 Please upload your file related to the previous question, if applicable.

The maximum file size is 1 MB

Submission info

99 Reporting period:

2019

100 Country:

○ Austria	○ Estonia	○ Italy	○ Portugal
○ Belgium	○ Finland	○ Latvia	○ Romania
◉ Bulgaria	○ France	○ Lithuania	○ Slovak Republic
○ Croatia	○ Germany	○ Luxembourg	○ Slovenia
○ Cyprus	○ Greece	○ Malta	○ Spain
○ Czechia	○ Hungary	○ Netherlands	○ Sweden
○ Denmark	○ Ireland	○ Poland	○ United Kingdom

101 Location:

Bulgaria

102 Organisation name:

National Customs Agency

103 Submission ID:

33901

104 Reference number:

105 Submission status:

SUBMITTED_TO_EC

Contact

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