



GREENPEACE



TO: President Romano Prodi

CC: President Designate José Manuel Barroso
All Commissioners
President of the European Parliament
Presidents of the European Parliamentary
Environment, Development and External
Trade Committees
Ambassadors of the EU Member States

28th July 2004

Subject: European Commission Measures to Combat Illegal Timber Trade

Dear President Prodi,

On 20 July 2004 the European Commission announced a package of FLEGT (Forest Law Enforcement, Governance and Trade) measures to help address the \$15 billion annual global trade in illegal timber.

In his speech announcing the initiative, Commissioner Poul Nielson noted that the EU currently provides a market and profit incentive for the illicit and destructive harvesting of timber across the globe. As one of the world's largest importers of timber and wood products the EU has a major responsibility for bringing illegal logging to an end.

Although we welcome both the proposed Regulation for a voluntary licensing scheme and the bilateral agreements with wood-producing countries, as well as all additional action that could help to combat illegal logging in a judicious manner, we would like to express our disappointment in view of the absence of a proposal for legislation prohibiting the import and sale of illegally sourced timber and wood products, regardless of the country of origin.

Environmental NGOs have repeatedly said that such legislation is perhaps the most significant step that the EU can take in support of producer-country initiatives.

By making illegal logging and illegal timber trade a crime under EU law, the EU would finally give legal means to the relevant European authorities to launch investigations and prosecute those individuals, companies and networks of organised crime that are caught trying to import, process or sell illegally sourced timber, and this, irrespective of the country of origin.

Environmental NGOs have never considered this legislation as a substitute to the voluntary licensing scheme and the voluntary partnership agreements. On the contrary, it is an essential instrument to underpin these voluntary measures.

Without a general prohibition underpinning the FLEGT licensing scheme, it is acknowledged that huge volumes of illegally sourced timber will continue to enter the EU market from producer countries without agreement or from third countries where illegal timber could be laundered and re-exported to Europe as processed products. The European authorities will still be powerless to stop the illegal trade and this in turn will undermine many elements of the EU's development objectives.

This approach is not only supported by NGOs throughout Europe, but also by the European Parliamentary Committee on Industry, External Trade, Research and Energy (ITRE), whose deputies requested the European Commission, in an opinion letter adopted in January 2004 : *"to draft legislation to prohibit the import and marketing of all illegally sourced timber and forest products and report back to both the Council and the European Parliament by June 2004"*.

Similarly, the Council of the European Union had invited the European Commission, as early as October 2003 : *"to review options for, and the feasibility of, further legislation to control imports of illegally harvested timber and conflict timber, [...] and present its findings to the Council by mid-2004"*.

After more than a year of expectation, we are thus disappointed to see that neither a legislative study nor a legislative proposal were presented in due time and that, in its new FLEGT Communication, the European Commission contents itself with proposing *" a scoping exercise assessing additional legislative options "*.

In consequence, we urge the European Commission :

- to meet without delay the demand of the Council and the European Parliament, and to present, as soon as possible, a legislative proposal.

In addition to that, and as requested by the European Parliament and a large number of EU member states, we also ask the European Commission :

- to use article 175 (Environment) of the EC Treaty as legal basis for the Community action relating to the FLEGT action plan. Since this demand is not met in the proposals of the new FLEGT Communication, we urge the European Commission to change the legal basis accordingly.

As the European Court of Justice has repeatedly stated, the choice of the legal basis must reflect the aims of the Community action, which, in this case, are : to preserve and protect the quality of the environment and promote a prudent and rational utilisation of natural resources.

Yours sincerely,

Faith Doherty / EIA

Jon Buckrell / Global Witness

Saskia Ozinga / FERN

Clairie Papazoglou / Birdlife International

Beatrix Richards / WWF

Jorgo Riss / Greenpeace

Martin Rocholl / Friends of the Earth Europe