P. v. Gardingen/FRP

Briefing Note Number

03

FLEGT Briefing Notes

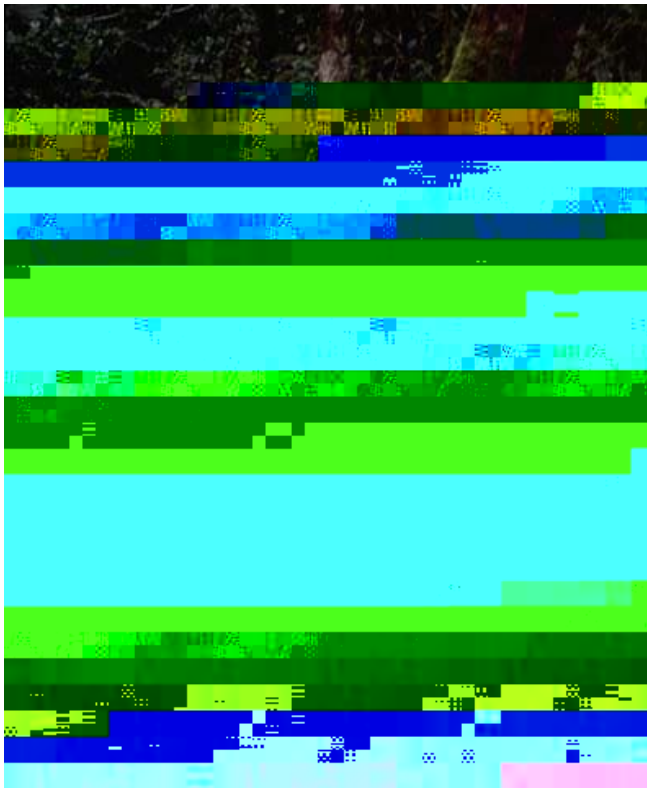
FOREST LAW ENFORCEMENT, GOVERNANCE AND TRADE

What is legal timber?

1. Why do we need a definition?

The FLEGT Action Plan aims to combat illegal logging, exclude illegal timber from the EU market and promote the use of legal timber. These objectives depend on a clear definition of legal timber, against which compliance can be checked.

Agreeing an adequate definition of legality means deciding which aspects of national legislation will apply when checking for compliance. While it is clear that harvesting timber in violation of national laws is illegal, there is a range of other illegal practices associated with logging and the timber trade. This suggests that the definition of legality needs to encompass more than just illegal harvesting.



Ian Dawson/ICRAF

The titles of the eight briefing notes in this series are:

1. What is FLEGT?
2. What does FLEGT mean for Member States?
3. **What is legal timber?**
4. Why the focus on legality, not sustainability?
5. Bilateral, regional and multilateral approaches
6. Verification of legality
7. Voluntary Partnership Agreements
8. What are the WTO implications?

Defining legality is important for two major aspects of the Action Plan:

- Under the Voluntary Partnership Agreements proposed between the EU and timber-producing countries and regions (**see Briefing note 7**), a licensing scheme would be used to identify legally produced timber. Each consignment of legal timber destined for EU markets would be accompanied by an export licence. Identifying these timber consignments as legal requires a clear definition of legality.
- The Action Plan encourages Member States' governments to implement public procurement policies and support the private sector in adopting policies that exclude illegal timber from their supply chains (**see Briefing note 2**). Implementation of these policies would be facilitated by a clear definition of legal timber.

Both the definition of legality and the means to verify it (**see Briefing note 6**) should be appropriate to local circumstances and should be negotiated between each Partner Country and the EU.