

How many Annexes are contained in Guyana's VPA?



Guyana's VPA to date comprises of 11 annexes which are:-

- 1) Annex I – Product Scope
- 2) Annex II – Guyana Legality Definition
- 3) Annex III – Conditions Governing the Release for Free Circulation in the Union of Timber Products Exported from Guyana and Covered by a FLEGT Licence
- 4) Annex IV – Requirements and Technical Specifications for FLEGT Licences
- 5) Annex V – Description of the Guyana Timber Legality Assurance System (GTLAS)
- 6) Annex VI – Terms of Reference for the Independent Audit of the GTLAS
- 7) Annex VII – Implementation Schedule
- 8) Annex VIII – Supporting Measures for Implementation
- 9) Annex IX – Criteria for assessing the operationality of GTLAS
- 10) Annex X – Public Access to Information
- 11) Annex XI – Joint Monitoring and Review Committee (JMRC)

For Detailed Information of each annex please Visit:-
www.forestry.gov.gy

CONTENTS

- | | |
|-------|--|
| 2 | Guyana's Achievements on EU FLEGT-VPA |
| 3-5 | Introduction to European Union and FLEGT |
| 6 | What benefits would Guyana derive from this initiative? |
| 7 | How is the NTWG and the FLEGT Secretariat moving the process forward? |
| 8 | What are some of the technical areas that might arise and must be addressed? |
| 9 | How will these technical areas be addressed? |
| 10 | What is the definition Legally Produced Timber |
| 11 | How do we go about developing a legality definition? |
| 12-13 | What has to be done before a License is issued? |
| 14 | Is the Legality definition final? |
| 15 | What is a Shipment-based license? |
| 16 | What evidence do exporters have to produce to indicate that the product has been legally produced? |
| 17 | How does an exporter demonstrate such controls? |
| 18 | Does Guyana have a Legality Assurance System? |
| 19 | What will happen in the event of reported breaches or failures detected in the GTLAS? |
| 20 | How many Annexes are contained in Guyana's VPA? |



Guyana's Achievements on EU FLEGT-VPA

- Formally commenced negotiation on the EU FLEGT-VPA on the 3rd March, 2012
- Establish a National Technical Working Group and a FLEGT Secretariat
- Communication and Consultation Strategy and Scoping of Impacts of the VPA on various stakeholders groups were also developed
- Completed four Negotiation Sessions (December 2012, July 2013, April 2015 and March 2016)
- Fifth draft of the Legality Definition and 10 of 11 Annexes available
- Second version of Guyana Timber Legality Assurance System (GTLAS) completed
- Two rounds of national consultations have been completed with all relevant stakeholders groups including members of Civil Society, Government, Private and Public Sector. Consultations are ongoing

Before EU FLEGT: Legality Assurance System (LAS) (2007) e.g. Log Tracking System and updated legislation to promote legality monitoring.

Guyana-Norway MOU 2009: stipulated that the GOG engage in formal dialogue with the EU FLEGT Volunteer Partnership Agreement (VPA) with the EU Commission.

VPA OBJECTIVE: "To provide a forest legality framework which supports forest management and trade, whilst improving Guyana's access to international forest products markets. The framework will aim to maintain and enhance the partnership between all relevant parties in line with National priorities."



What will happen in the event of reported breaches or failures detected in the GTLAS?

The Joint Implementation Committee is responsible for recommending steps to address any breaches or failures detected.

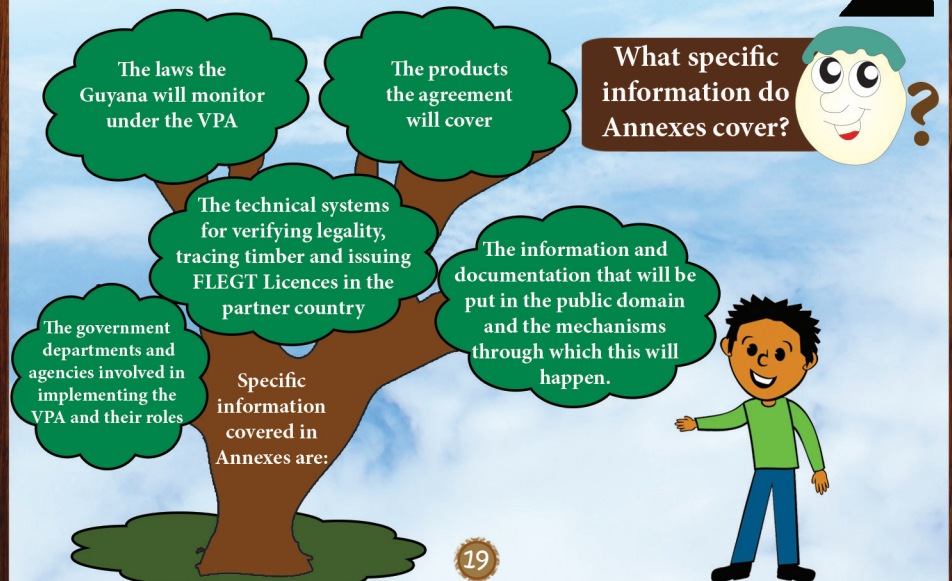


A Voluntary Partnership Agreement (VPA) sets out the commitments of the EU and the VPA partner country (Guyana). Each VPA has two parts – the main text and the annexes. The VPA negotiation process determines what information appears in each part.



Could you explain what is an annex?

An annex describes the practical steps for implementing the core commitments in the VPA in detail. Annexes are country-specific.





? Does Guyana have a Legality Assurance System?

In Guyana elements of a legality assurance system already exist. However there will have to be modifications made to improve the existing system so that it becomes compliant with acceptable international systems which provide reliable tracking of timber products as required by the EU.



Who is responsible for monitoring the LAS?



Joint Monitoring and Review Committee (JMRC) the overall operation of Guyana's legality assurance system will be a key responsibility of a Joint Implementation Committee (JIC) comprising representatives of the Guyanese Government and the EU.



Who has the authority to issue a FLEGT license?



FLEGT licenses must be issued in the name of the entity in the exporting country that has been authorized to issue such license. This is applicable to all timber shipments prior to their export to the EU.



Introduction to EU FLEGT - VPA

In response to the international issue of illegal logging the European Union (EU) created the Forest Law Enforcement, Governance and Trade (FLEGT) initiative. This initiative is supported by an Action Plan which sets out a range of actions to tackle problems of forest governance and law enforcement in the sector.

The centrepiece of the Action Plan is the formation of voluntary Bilateral Agreements between the EU and timber-producing countries. These Voluntary Partnership Agreements (VPAs) aim to support governance reform and strengthen enforcement activities in the timber-producing countries (Partner Countries) to ensure that legally-produced timber products are exported to the EU. FLEGT licenses, covering all exports of timber products listed in a VPA, will be issued by the Partner ►

These stakeholder consultations comprised of representatives from every administrative region of Guyana, targeting concessionaires, saw millers, civil society, Community Forestry Organizations, International NGOs and more importantly; Amerindian Communities and Villages.



Country's authorities under national FLEGT Licensing Schemes on the basis of a Legality Assurance System (LAS).

In 2012, a policy decision was taken by the Government of the Cooperative Republic of Guyana (Guyana) to enter into formal negotiations with the EU on a FLEGT VPA. As a result, the National Technical Working Group (NTWG), a steering group comprising of various stakeholders, was formed to steer Guyana's efforts.

These efforts include the hosting of stakeholder consultations and the development of documents pursuant

of the Roadmap for Guyana's EU FLEGT VPA process. These stakeholder consultations comprised of representatives from every administrative region of Guyana, targeting concessionaires, saw millers, civil society, Community Forestry Organizations, International NGOs and more importantly; Amerindian Communities and Villages.

They utilized a "cluster" based approach; where different stakeholder groups were invited at a central location to participate in the discussions concerning Guyana's vision of a VPA and its various implications for them as stakeholders."

How does an exporter demonstrate such controls?

1. Having its internal control system certified under a recognized scheme that had been approved by the Licensing Authority.
2. By having its internal control system assessed and approved directly by the Licensing Authority, or another body operating on its behalf.

What are different elements of a legality assurance system?

The Legality assurance system

- **A definition of legally-produced timber:** A standard that sets out clearly which laws of Guyana must be met and provides criteria and indicators with which to test compliance with these laws
- **Control of the supply chain (WTS) :** Requirements for systems to trace wood products through the production chain from harvesting to the point of export
- **Verification:** Requirements for verification of both compliance with the legality definition and control of the supply chain
- **Issuance of licenses:** Details of who will issue licenses and how it will be done independent monitoring of the systems by a third party: A way to provide credibility by ensuring that all requirements of the LAS are being implemented as prescribed.
- **Independent Audits:** To provide credibility to the system by ensuring that all requirements of the LAS are being implemented as prescribed.



What evidence do exporters have to produce to indicate that the product has been legally produced?

The applicant must present:

- Verified information obtained from the establishment's internal control system or from that of other participants in the supply chain. (e.g an export license)
- Information generated by a verification system operated by a government agency or an approved private sector body, operating on the government's behalf.



What is a market participant license?

A market participant license is one issued by the Licensing Authority which permits issuance of FLEGT licences covering all of the exporter's shipments without checks on individual shipments, so long as the exporter, and suppliers, maintain approved legality assurance controls.



Introduction to European Union FLEGT

What is EU FLEGT VPA??



EU FLEGT is the European Union Forest Law Enforcement, Governance and Trade initiative. It is an action plan which sets out a range of actions to tackle problems of forest governance and law enforcement. It addresses illegal logging in a number of timber-producing countries and the associated trade in illegally-logged timber products. The centrepiece of the Action Plan is the formation of voluntary Bilateral Agreements between the European and a timber-producing country (Guyana) known as Voluntary Partnership Agreements (VPA).



When was Guyana introduced to the EU FLEGT VPA initiative?

Guyana made a policy decision in 2012 to enter into formal negotiations with the EU on a FLEGT VPA.

How did Guyana arrive at this policy decision?

This decision was arrived at after a series of country wide with stakeholder groups in the timber industry.



What benefits would Guyana derive from this initiative?

The Benefits of establishing a VPA in Guyana are:

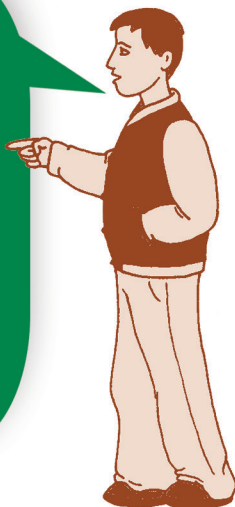


- ✓ Improved forest Governance.
- ✓ Improved access to markets within the EU.
- ✓ Increased revenues collected by the government of Guyana.
- ✓ Increased access to support and development for the Government of Guyana.
- ✓ Implementation of more effective enforcement tools.
- ✓ Improved foundations for sustainable forest management.

What measures were put in place to facilitate Guyana's participation in the VPA process?



Guyana established a National Technical Working Group (NTWG) which is comprised of representatives from various stakeholder groups. A FLEGT Secretariat, within the Guyana Forestry Commission (GFC), was also established to co-ordinate and support the VPA process.



What is a Shipment-based license?



Shipment-based license refers to the Timber products that will be exported to the EU and which are individually licensed by the Licensing Authority of the exporting country (Guyana). In this approach, the Licensing Authority checks for evidence of the legal origin of each shipment.



But wait, how do stakeholders obtain a shipment based license??



To obtain a shipment-based licence, an exporter would need to present evidence to the relevant authority that the products being shipped have been produced in accordance with all elements of the country's LAS.





Is the Legality Definition final?

It is anticipated that, over time, experience with implementing the Legality Definition will indicate ways in which it can be improved. Additionally laws are also likely to be amended over time. Since the VPA is a legal document it can be amended to reflect any changes made to our legislation.



What is a Guyana Timber Legality Assurance System?



A Guyana Timber Legality Assurance System (GTLAS) is a verification system used as a reliable means to distinguish between legal and illegally produced forest products.



Why is a Legality System so important?



Issuance of licenses by Guyana requires a system in accordance with the national legislation to ensure that only legally-produced timber is licensed for export to the EU. This must include checks of forest operations and also control of the supply chain from harvesting to export. Under the licensing scheme, import into the EU of timber exported from Guyana will be prohibited unless the timber is covered by a valid license.



The Three Phases of FLEGT How is the NTWG and the FLEGT Secretariat moving the process forward?

After the commencement of formal negotiations with the EU, Guyana embarked on several activities, pursuant to the Roadmap which was established to guide the process forward.

Some of the activities undertaken by the NTWG and the Secretariat to implement the road map include, development of annexes and the exchange of experiences during stakeholder consultations which were undertaken nationwide.



Pre negotiation:- In this phase, a timber-exporting country, in consultation with national stakeholders, considers whether to pursue a VPA. National stakeholders may begin to organize and inform themselves in preparation for negotiations.

Negotiation:- Negotiations within and among stakeholder groups in the timber-exporting country, and between the national government and the EU, define the content of a VPA and embed it in a legally binding agreement. The ratification process formalizes a VPA and follows the normal process in the EU and partner countries for international treaties. The process to ratify a VPA begins when the parties mark the end of negotiations by initialling the VPA. A country must ensure that all aspects of the timber legality assurance system agreed in the VPA are functioning.



Implementation:- The implementation phase of a VPA process does not formally begin until both parties have ratified the agreement. In reality, however, implementation activities often begin before the ratification process is complete. In this phase, the parties to a VPA develop and implement what they have agreed, including governance reforms and a Timber Legality Assurance System. FLEGT licensing can only begin after the parties have jointly evaluated the VPA and are confident that the system functions as described. After FLEGT licensing has begun, legal and governance reforms may continue. The parties monitor the economic, social and environmental impacts of the VPA and review reports from an independent auditor.

What are some of the technical areas that might arise and must be addressed?



fore a License is issued?



What has to be done be



In order to issue a license, the Licensing Authority will need to have evidence to confirm that the timber was legally produced and that it can be traced through the supply chain back to its legal origin.



Is timber exported to other countries affected by this VPA?

Trade with other countries will be unaffected initially. However, as buyers increasingly adopt policies favouring procurement of verified legal timber those countries which choose not to enter into the VPA may find their market share in the EU reduced.



How will these technical areas be addressed?



What is the FLEGT action plan?

The EU FLEGT Action Plan

The Action Plan sets out a range of measures that aim to combat the problem of illegal logging. These focus on seven broad areas, each of which is listed below:-

1. Supporting timber producing countries
2. Promoting trade in legal timber
3. Promoting environmentally and socially beneficial public procurement policies
4. Supporting private sector initiatives
5. Financing an investment safeguard
6. Using existing or new legislation
7. Address the problem of conflict timber



What is the definition of Legally Produced Timber

What is legal timber?

A definition of legality is an important component of the Legality Assurance Systems that form part of the Voluntary Partnership Agreements (VPAs) to be negotiated between the EU and Guyana.



What should be included in a Legality Definition?

The definition of legally produced timber consists of legislation that addresses the three pillars of sustainability – i.e., those aimed at economic, environmental and social objectives.

A practical definition of legally-produced timber requires more than listing only laws applicable to Guyana's Forest Sector

N:B include other laws associated. Such as National Insurance Scheme (NIS) among others.

Who decides which laws are used in the Legality Definition?

Deciding which laws should comprise a legality definition is Guyana's right. However it is necessary to take into consideration the practicality of assessments and implementation, the impact on achieving the definition's goals, and equity in relation to all forest stakeholders' rights.

How do we go about developing a Legality Definition?

The Legality Definition is determined by the Laws of Guyana. In order to ensure the practicality and an easy implementation period input from stakeholders is invaluable. This is done through stakeholder engagement with the sector.

In instances where the consultation process identifies laws which do not support sustainable forest management, or where an important right is not protected by existing law, the drafting and finalizing of a Legality definition creates the opportunity for review and reform of legislation in relation to the forest sector.

What are the necessary characteristics of a Legality Definition for it to be implemented?

- It must be written in simple language.
- It must be clear which laws and regulations are included in the definition.
- There must be clear tests of evidence (i.e. criteria and indicators) to determine compliance with each law or regulation.
- There should be practical ways to carry out such tests in the field. To apply a definition in practice may require significant training of operational and enforcement staff in the forest sector.