

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2013/0010(COD) Procedure completed
FLEGT licensing scheme for imports of timber into the EU: aligning the Regulation with the TFEU (Commission delegated and implementing powers)	
Subject 3.10.11 Forestry policy 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity 6.20.02 Export/import control, trade defence, trade barriers 6.30 Development cooperation	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	INTA International Trade		20/02/2013
		PPE WINKLER Iuliu	
		Shadow rapporteur	
		S&D LANGE Bernd	
		ALDE BEARDER Catherine	
		Verts/ALE JADOT Yannick	
		ECR ZAHRADIL Jan	
	Committee for opinion	Rapporteur for opinion	Appointed
	DEVE Development		14/03/2013
		PPE STRIFFLER Michèle	
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
	AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Foreign Affairs	3311	08/05/2014
European Commission	Commission DG	Commissioner	
	Environment	POTOČNIK Janez	

Key events			
24/01/2013	Legislative proposal published	COM(2013)0015	Summary
05/02/2013	Committee referral announced in Parliament, 1st reading		

28/11/2013	Vote in committee, 1st reading		
03/12/2013	Committee report tabled for plenary, 1st reading	A7-0429/2013	Summary
02/04/2014	Results of vote in Parliament		
02/04/2014	Decision by Parliament, 1st reading	T7-0272/2014	Summary
08/05/2014	Act adopted by Council after Parliament's 1st reading		
15/05/2014	Final act signed		
15/05/2014	End of procedure in Parliament		
27/06/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/0010(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 207-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	INTA/7/11726

Documentation gateway

Legislative proposal		COM(2013)0015	24/01/2013	EC	Summary
Committee draft report		PE516.710	09/08/2013	EP	
Committee opinion	DEVE	PE519.500	05/11/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0429/2013	03/12/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0272/2014	02/04/2014	EP	Summary
Draft final act		00039/2014/LEX	15/05/2014	CSL	
Commission response to text adopted in plenary		SP(2014)471	09/07/2014	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2014/657](#)
[OJ L 189 27.06.2014, p. 0108](#) Summary

Final legislative act with provisions for delegated acts

FLEGT licensing scheme for imports of timber into the EU: aligning the Regulation with the TFEU (Commission delegated and implementing powers)

PURPOSE: the alignment of Council Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community to the new rules of the Treaty on the Functioning of the European Union (Commission delegated and implementing powers).

PROPOSED ACT: Regulation of the European Parliament and of the Council (amending Council Regulation (EC) No 2173/2005).

PARLIAMENTS ROLE: Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Treaty on the Functioning of the European Union (TFEU) makes a distinction between:

- the powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act as laid down in Article 290(1) of the TFEU (delegated acts), on the one hand,
- and the powers conferred upon the Commission to adopt uniform conditions for implementing legally binding Union acts as laid down in Article 291(2) of the TFEU (implementing acts), on the other.

In the context of the alignment of Regulation (EC) No 2173/2005 to the new rules of the TFEU, powers currently conferred to the Commission by that Regulation have been reclassified into measures of delegated nature and measures of implementing nature.

IMPACT ASSESSMENT: there was no need for an impact assessment.

LEGAL BASIS: Article 207(2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposed Regulation seeks to identify the delegated powers of the Commission in Council Regulation (EC) No 2173/2005 and to establish the corresponding procedure for adoption of these acts.

BUDGETARY IMPACT: this measure does not involve any additional Union expenditure.

FLEGT licensing scheme for imports of timber into the EU: aligning the Regulation with the TFEU (Commission delegated and implementing powers)

The Committee on International Trade adopted the report by Iuliu WINKLER (EPP, RO) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community.

The committee recommended that the European Parliaments position adopted at first reading, following the ordinary legislative procedure should amend the Commission proposal as follows:

Two amendments were made to a new Article proposed by the Commission on the exercise of the delegation to reflect the outcome of the trilogue negotiations on the [Omnibus I](#) and [II](#) files, which aim at aligning a large volume of legislation in the field of the Common Commercial Policy to Articles 290 and 291 TFEU.

- The first amendment aims at ensuring that the duration of the delegation of powers to the Commission is not indeterminate, but is limited to a period of five years, tacitly extendable by a period of identical duration.
- The second amendment aims at setting the period available to the Parliament to object to a draft delegated act to two months, but with a possibility of a further extension of four rather than two months. In other words, it aims at extending the period of scrutiny by the European Parliament from four months (2+2) to six months (2+4).

FLEGT licensing scheme for imports of timber into the EU: aligning the Regulation with the TFEU (Commission delegated and implementing powers)

The European Parliament adopted by 604 votes to 7, with 12 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community.

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement reached between the European Parliament and the Council. They amended the proposal as follows:

Review of the exemption: timber products of species listed in Annexes A, B and C to Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade should be exempt from the requirement laid down in this amending Regulation. It is provided that the Commission should review that exemption, taking into account market developments and the experience gained in the implementation of this Regulation, should report on its findings to the European Parliament and to the Council and, if necessary, should come forward with appropriate legislative proposals.

Implementing acts: in order to ensure uniform conditions for the implementation of Council Regulation (EC) No 2173/2005, the Commission should, by means of implementing acts, adopt the procedural modalities and the documents of a standard format, including their possible means (electronic or paper format) in relation to the FLEGT licensing scheme.

Delegated acts: the duration of the delegation of power conferred on the Commission should be limited to five years, this period could be

tacitly extended for an identical period.

A delegated act should enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months. That period should be extended by four months at the initiative of the European Parliament or of the Council. The reporting period by the European Parliament should be six months (two plus four).

FLEGT licensing scheme for imports of timber into the EU: aligning the Regulation with the TFEU (Commission delegated and implementing powers)

PURPOSE: the alignment of Council Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community to the new rules of the Treaty on the Functioning of the European Union (Commission delegated and implementing powers).

LEGISLATIVE ACT: Regulation (EU) No 657/2014 of the European Parliament and of the Council amending Council Regulation (EC) No 2173/2005 as regards the delegated and implementing powers to be conferred on the Commission.

CONTENT: this Regulations amends Regulation 2173/2005 on the establishment of a FLEGT (forest law enforcement, governance and trade in timber products) licensing scheme for imports of timber into the EU. It aligns Regulation 2173/2005 on articles 290 and 291 of the Treaty on the Functioning of the European Union as regards the implementing and delegated powers conferred upon the Commission.

Delegated powers: the Commission shall be empowered to adopt delegated acts to amend: (i) the list of partner countries and their designated licensing authorities as set out in Annex I; (ii) the list of timber products as set out in Annex II to which the FLEGT licensing scheme applies.

The power to adopt delegated acts shall be conferred on the Commission for a period of five years from 30 June 2014 which may be tacitly extended for periods of an identical duration. The European Parliament or the Council may raise objections to a delegated act within a period of two months from the date of notification (this may be extended by four months). If the European Parliament or Council express objections, the delegated act will not enter into force.

Implementing powers: in order to ensure uniform conditions for the implementation of Regulation (EC) No 2173/2005, implementing powers should be conferred on the Commission to: (i) assess and approve existing schemes that guarantee the legality and reliable tracking of timber products exported from partner countries with a view to becoming the basis of a Forest Law Enforcement, Governance and Trade (FLEGT) licence, and (ii) adopt modalities of a practical nature and documents of a standard format, including their possible means (electronic or paper format) in relation to the FLEGT licensing scheme.

Review of an exemption: timber products of species listed in Annexes A, B and C to Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade shall be exempt from the requirement laid down in this amended Regulation. The Commission shall review that exemption, taking into account market developments and the experience gained in the implementation of this Regulation, shall report on its findings to the European Parliament and to the Council and, if necessary, shall come forward with appropriate legislative proposals.

ENTRY INTO FORCE: 30.06.2014.