

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

Bundesamt für Wald (Federal Forest Office)

*** 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

Bundesgesetz über die Überwachung des Handels mit Holz (Holzhandelsüberwachungsgesetz – HolzHÜG)
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20008546>

4 Please upload your file

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Interaction of Competent Authority and customs

*** 5** Is there an agreement with customs, so that the CA can delegate certain tasks to customs?

- Yes
- No

*** 6** Please select the option which best describes this arrangement:

- Based on legislation
- Memorandum of Understanding
- Informal arrangement

Other arrangement

*9 Please specify the arrangements for the exchange of customs data between the CA(s) and customs. Please select all that apply:

- CA has free access to customs data
- CA must request customs data and does so
- Customs submits customs data to the CA

*12 Please select frequency for customs data submission:

- Daily
- Weekly
- Monthly
- Twice a year
- Annually
- As needed, in addition to regular submission
- As needed, exclusively
- Other (please specify)

*14 Please specify the arrangements for the exchange of other information (other than customs data) between the CA(s) and the customs department. Please select all that apply:

- The CA and customs have access to a shared national electronic system
- The CA informs customs once a FLEGT licence has been validated
- The CA requests customs to verify specific shipments against FLEGT licences
- Customs informs the CA of checks they perform
- Regular meetings between the CA and customs (please specify the frequency)
- Other (please specify)

*15 Please specify the frequency:

At least once per year

*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
- Customs are required to check FLEGT shipments in the same way they check other shipments
- 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
- Other (please specify)

*19 Please specify other:

Customs authorities are required to take measures according to Art. 5(7) of the FLEGT Regulation. They also have to submit relevant information for the implementation of the FLEGT Regulation to the CA.

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
 National system

*22 Do both the CA and customs use FLEGIT?

'Partly used' could be e.g.: where customs uses FLEGIT and the CA uses a national system, where only some of the customs authorities use FLEGIT, or where only some of the CAs use FLEGIT (where there is more than one CA)

- Only the CA
 Only customs
 CA and customs
 Partly used (please specify)

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

- 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?

- 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

[206bf5f6-e389-46d3-91ff-926cf0f7b2ca/FLEGT_licences_and_actual_imports_data_AT_2021_final.xlsx](#)

28 Download template:

[FLEGT licences and actual imports data template v2.xlsx](#)

Provision for penalties

*29 Are there provisions for administrative fines?

- Yes
 No

Provisions for administrative fines

*30 Minimum level of penalty:

No minimum level defined, except for intent/repeated infringement (EUR 2 000)

*31 Maximum level of penalty:

EUR 45 000 (EUR 100 000 for intent/repeated infringement)

*32 Legal basis

Bundesgesetz über die Überwachung des Handels mit Holz (Holzhandelsüberwachungsgesetz – HolzHÜG)
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20008546>
§ 14 Abs. 1 bis 3

33 Comments:

*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

Provisions for notices of remedial action or warning letters

50 Minimum level of penalty:

No minimum level defined

51 Maximum level of penalty:

No maximum level defined

*52 Legal basis

Bundesgesetz über die Überwachung des Handels mit Holz (Holzhandelsüberwachungsgesetz – HolzHÜG)
§§ 5, 7, 8; § 45 Abs. 1 last sentence Verwaltungsstrafgesetz (VStG)

53 Comments:

*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
 Other

*59 Please specify other:

Bezirksverwaltungsbehörden (District Administration Authorities)

Penalties applied

*60 How many FLEGT licences were rejected?

0

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

62 Please provide details of the number of cases and quantities of timber products involved where Article 6(1) has been applied in the reporting period and where penalties were applied or seizures have taken place. Please use the Excel template provided below and upload the completed file.

GUIDANCE: Please do not use commas, spaces or full stops as thousand separators (e.g. 10000 kg and not 10,000 kg or 10.000 kg); only use full stops as decimal points (e.g. 6.3 m3 and not 6,3 m3).

The maximum file size is 1 MB

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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.

We have informed the Commission on FLEGT licences issued for small quantities/low values in the SILK database which were never presented to our authority. It turned out that these shipments were transported by courier/express services that somehow "overlooked" the obligation to present a FLEGT licence before customs clearance (according to DG TAXUD no customs declaration is needed for "low value" shipments < € 22). We have informed the concerned courier/express services on their and their customers obligations arising from the FLEGT regulation and that there is no exception of presenting a FLEGT licence before customs clearance with regard to value or weight. Some of the proceedings have been closed due to minor nature of the offence. We still have to carefully monitor if the courier/express services follow the legally prescribed procedure.

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

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

*70 Please specify other issues with FLEGT licence:

E.g. when Licensing Authority is not listed as active, if FLEGT licence format does not fulfil the requirements laid down in the VPA (wrong paper, missing watermark, etc.) or when FLEGT licence is issued after products have already left Indonesia

*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?

- Customs
- CA
- Customs or CA
- Customs and CA
- Other (please specify)

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

- Species
- Operator
- Volume/weight of shipment
- HS codes
- Country of origin
- Mismatch of information on FLEGT licence and other shipment documents
- Other issues with FLEGT licence (please specify)
- 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.

- Customs checks shipment documentation (where customs is also the CA)
- The CA requests shipment documents directly from customs for every shipment
- 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
- 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?

3

*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))

Communication with the LIU has improved over the last years.

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

0

*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

f513a670-c31f-443d-93ad-656843ac7ef1/FLEGT_additional_verification_checks_AT_2021_final.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

*89 What is the fee charged per FLEGT licence?

EUR 105.90

*90 Please provide the basis for calculation of the fee per FLEGT licence

- Legal basis for fee
 Based on average staff time spent processing a FLEGT licence
 Other (please specify)

*91 Please specify other:

Including physical inspections

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.

CA's should have access to all licences in the SILK database, irrespective of the country of destination within the EU.

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

Contact

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