

国际木材合法性进程及 中欧森林执法与施政双边协调机制

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International Timber Legality Requirements and EU-China Bilateral Coordination Mechanism

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内容

Contents

1. 中欧森林执法与施政双边协调机制
EU-China Bilateral Coordination Mechanism on Forest
Law Enforcement and Governance
2. 欧洲森林研究所欧盟森林执法、施政与贸易基金
EU FLEGT Facility and European Forest Institute
3. 国际需求方现行法规 Demand Side Legislation
4. 欧盟木材条例 EU Timber Regulation (EUTR)
5. 自愿伙伴关系协议 Voluntary Partnership Agreement
6. 2019年工作计划 Work plan for 2019

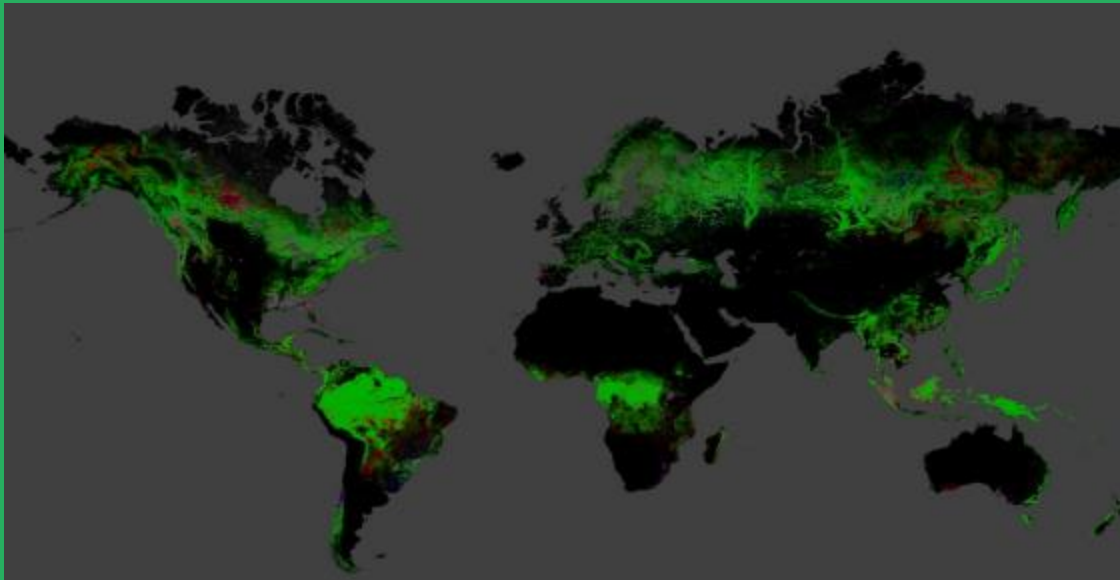


非法采伐及相关贸易的成因与影响

Causes & Impacts of Illegal Logging & Associated Trade

全球经济治理滞后、不合理的国际经济秩序、企业利益驱动、木材生产国林业社区的贫困以及政府执法和管理执行力等

直接导致毁林、生物多样性锐减，削弱林业执法与森林管理，导致不公平贸易竞争，扰乱了正常的国际林产品贸易秩序，损害了国际林产品贸易制度安排。



- Economic
- Social
- Environmental

中欧森林执法与施政双边协调机制

EU-China Bilateral Coordination Mechanism on Forest Law Enforcement and Governance

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- 2009年成立 Established in 2009
- 2019年第10次会议于布鲁塞尔举行
10th meeting in Brussels in 2019
- 2020年将举行第11次会议
11th meeting in Beijing in 2020

- 政策对话平台
a forum for policy dialogue
- 用于 a mechanism for
 - 信息分享 sharing information
 - 倡议协调 coordinating initiatives

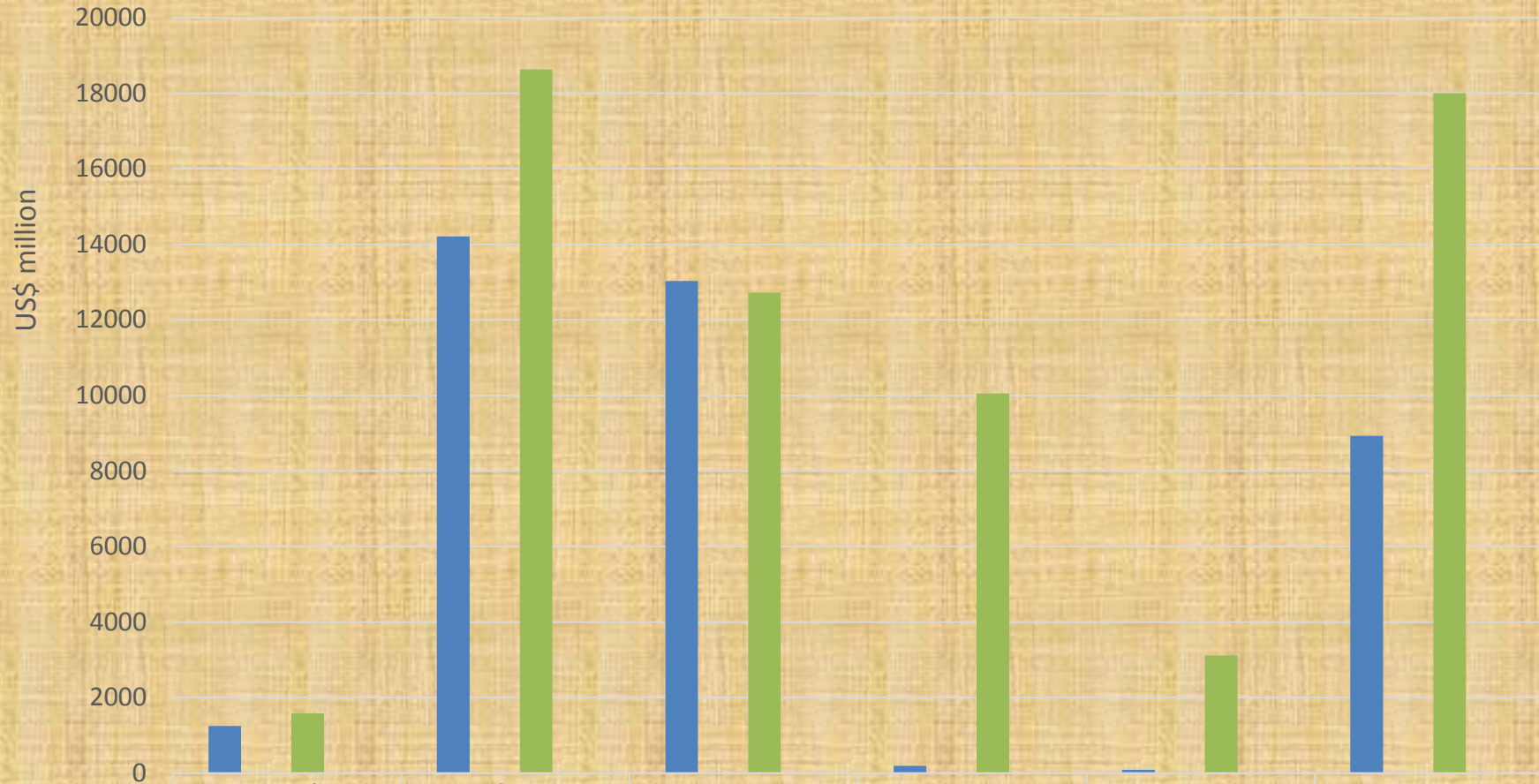


打击非法采伐和贸易
stop illegal logging and the
associated trade



2015年木材和木制品贸易(HS44)

Trade of Wood and Articles of Wood (HS44), 2015

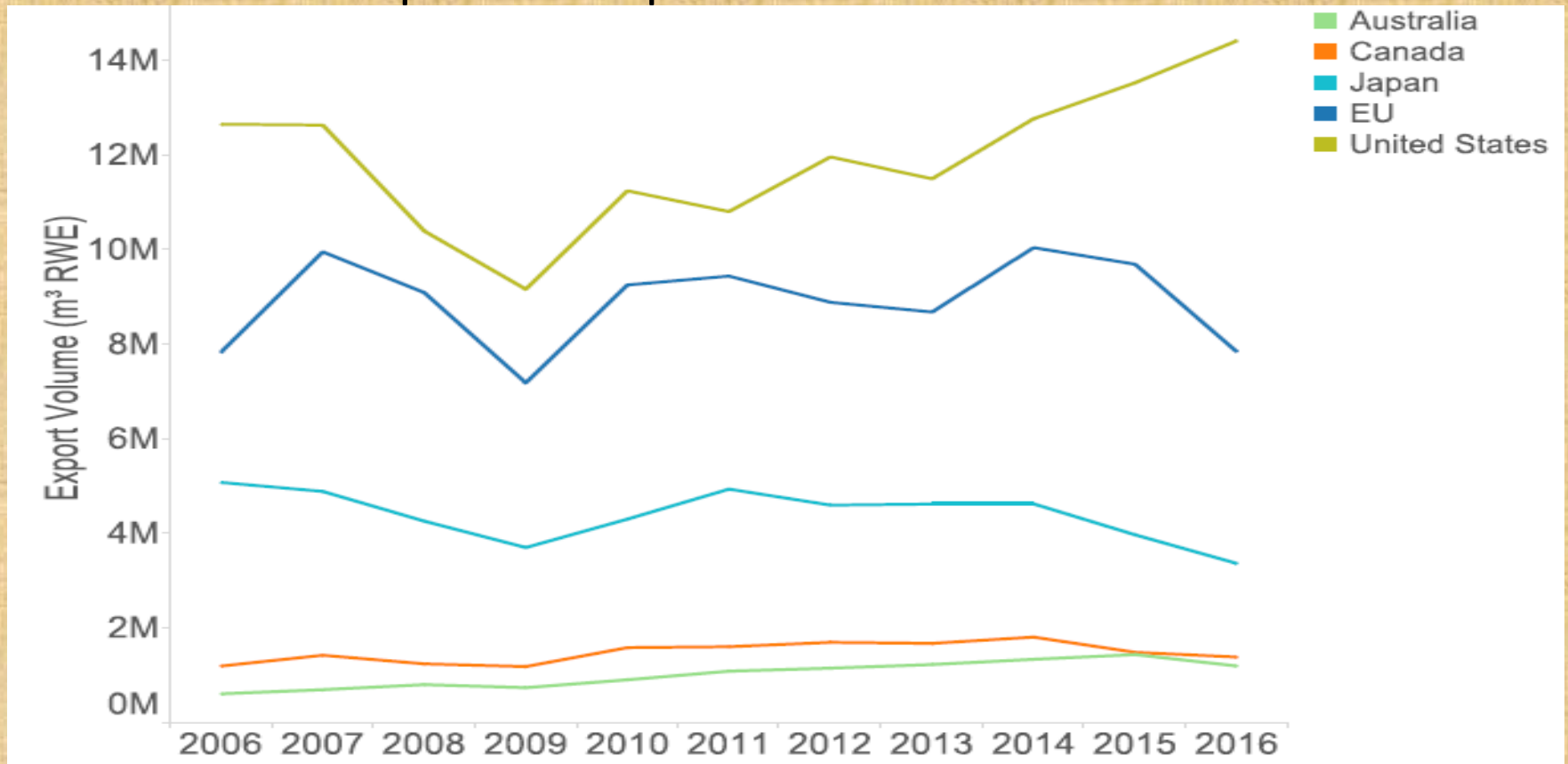


	Australia	China	EU-28	Japan	Rep. Korea	USA
■ Export	1246	14211	13029	189	90	8928
■ % of global exports	1	11	10	0	0	7
■ Import	1580	18627	12719	10051	3113	18000
■ % of global imports	1	15	10	8	2	14

■ Export ■ % of global exports ■ Import ■ % of global imports

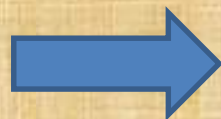
中国木制品主要出口市场 2006-2016

China's timber product exports to sensitive markets 2006-2016



2016年中国木制品出口形势 2016 China's timber product exports:

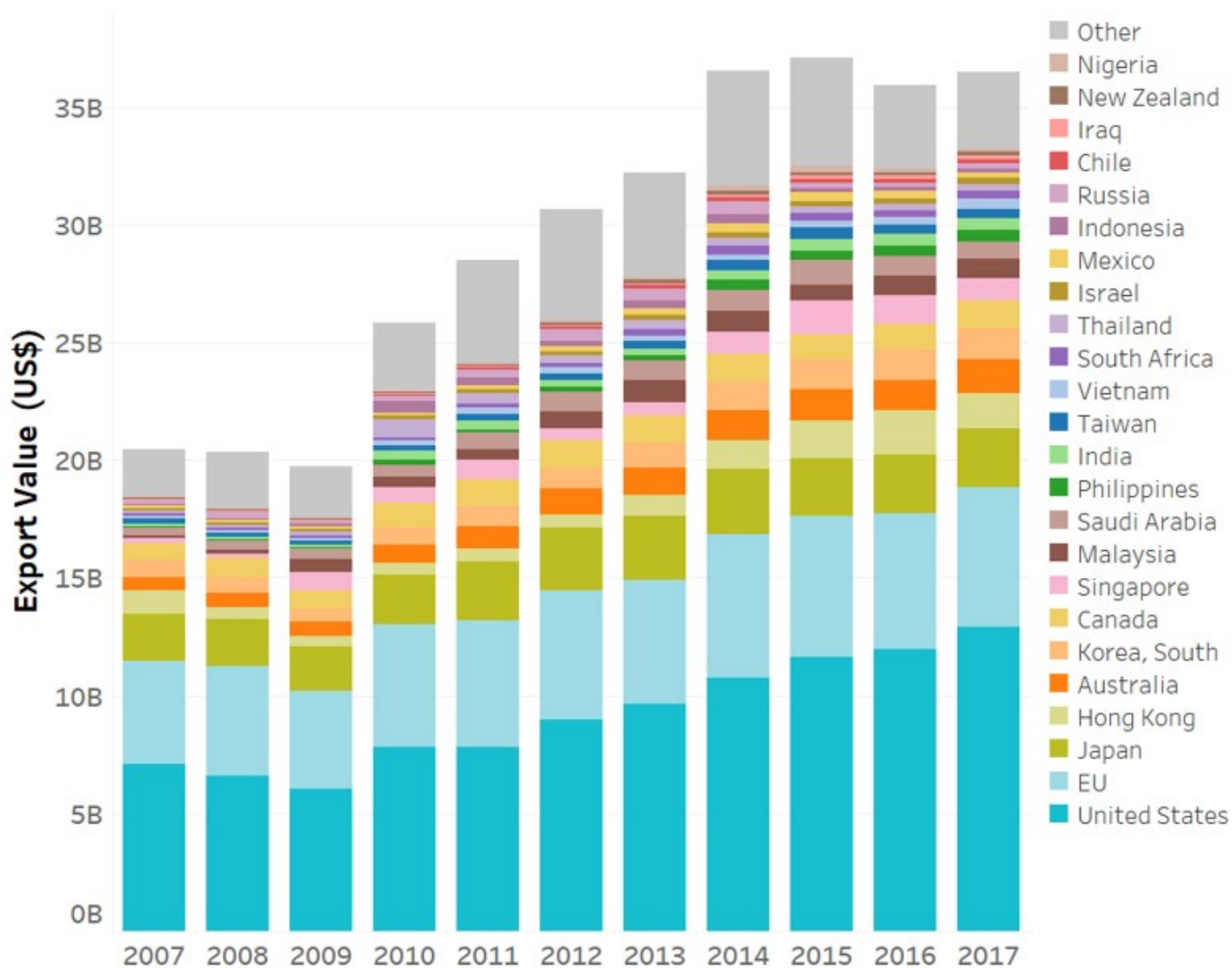
- 51%的出口量
51 percent by volume
- 63%的价值
63 percent by value



敏感市场!
SENSITIVE MARKETS!

2007-2017年中国木制品出口国家（前25位）

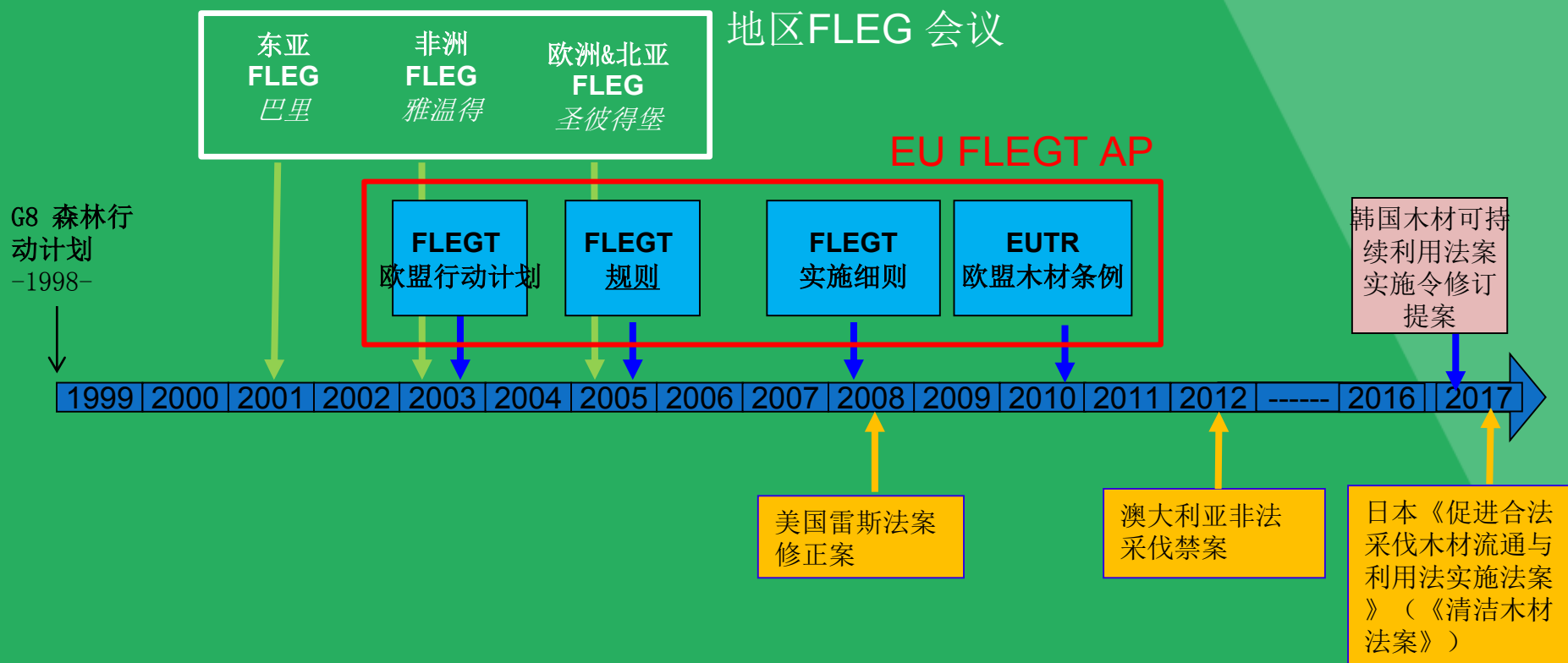
Figure 23. China's timber product exports by country (top 25), 2007-2017, by value



应对木材非法采伐及相关贸易

Global Progress

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需求方现行法规概要

Demand Side Legislation – State of Play

欧盟 EU	<p>欧盟木材条例对将木材投放到欧盟市场的运营商提出了强制性要求。 Regulation (EU) No 995/2010 lays down the obligations of operators who place timber and timber products on the market.</p> <p>欧盟木材条例于2013年3月实施。指导性文件于2016年2月发布。 The EUTR entered into force in March 2013. Guidance document published in February 2016.</p> <p>主要规定：运营商履行尽职调查。非法木材贸易将被处罚金。 Key obligation: due diligence by operators. Fines for illegal timber trade.</p>
美国 USA	<p>1900年通过的雷斯法案最初是针对野生动物贩运。2008年修订后的法案将适用对象延伸至植物及其制成品。 The Lacey Act was originally passed in 1900 against wildlife trafficking. In 2008 it was amended to include a broader range of plant products.</p> <p>主要规定：进口商履行应尽行为。非法木材贸易将被处罚金。 Key obligation: due care by operators. Fines for illegal timber trade.</p>
澳大利 亚 Australia	<p>2012年出台非法木材采伐禁止法案。2013年进行了修订。2014年11月30日生效。 Illegal Logging Prohibition Act 2012. Illegal Logging Prohibition Amendment Regulation 2013. Regulation entered into force 30 November 2014.</p> <p>主要规定：进口商和加工商履行尽职调查。非法木材贸易将被处罚金。联合相关贸易伙伴国政府制定国别指南，为进口商开展尽职调查提供帮助。 Key obligation: due diligence by operators. Fines for illegal timber trade. County Specific Guidelines support DDS of importers.</p>

需求方现行法规概要

Demand Side Legislation – State of Play

日本 Japan	<p>2016年通过清洁木材法案。2017年5月通过部级条例实施。 Clean Wood Act adopted in May 2016. Implementation through Ministerial Ordinances in May 2017. 运营商自愿注册。Voluntary registration of responsible operators. 主要规定: 运营商履行尽职调查。处罚: 撤销注册资质, 但不处罚金。 Key obligation: due diligence by operators. Penalties: revocation of registration. No fines for illegal logging.</p>
韩国 South Korea	<p>2012年在森林法中加入了针对非法木材的对应措施。2017年通过修订后的法案。 2012 Forest Legislation includes an article on countermeasures against illegal timber. Revised Act passed in March 2017. 指导建议/政策仍然在完善中。预计2018年3月22日实施。 Guidance / policies still under development. Implementation announced for 22 March 2018. 主要规定: 进口报关需提供合法性证明文件。报关之前要先通过调查机构的检测。不合规操作被处罚金。 Key obligation: import declaration that documents the legality of imports. Verified by the inspection agency before customs clearance. Fines for non-compliance.</p>
印尼和越南 Indonesia and Vietnam	<p>通过自愿伙伴关系协议 (VPA) 对进口采取强制性管理措施。 Compulsory import control measures through the VPA. 印尼: 进口之前完成尽职调查。运营商需要获得贸易部签发的进口批准。 IDN: Due diligence prior to import. Operator must obtain import approval by MoT. 越南: 进口之前完成尽职调查(自行申报并提供尽职调查文件)。进口时需同时提供尽职调查文件和报关文件。 VN: Due diligence documented through a self-declaration prior to import. The declaration accompanies customs documentation.</p>

欧盟木材条例 EU Timber Regulation

自愿/强制性 Voluntary/compulsory	强制执行。 Compulsory.
处罚 Penalties	对违反欧盟木材条例的行为，欧盟成员国将实施处罚。此条例的实施由欧盟成员国指定的主管当局来实施。Yes. EU Member States lay down the penalties applicable to infringements of the EUTR and enforce the EUTR through their designated Competent Authorities.
条例实施对象 Regulated party	条例实施对象为那些首次将木制品投放于欧盟市场的运营商。Operators who place timber and timber products on the EU market for the first time.
主要规定 Obligations	运营商需要履行尽职调查。运营商需要持续的开展尽职调查，同时对尽职调查开展评估，或通过第三方监督机构来开展和评估尽职调查。 Exercise due diligence when placing timber or timber products on the market. Maintain and regularly evaluate the DDS unless the DDS of a monitoring organisation is used.
针对运营商的检查 Checks on operators	主管当局会对运营商是否很好的遵守了条例展开检查，并且记录检查次数。主管当局也会对第三方监督机构的工作进行检查。Competent Authorities carry out checks on operators to verify compliance with the EUTR and keep records of checks. Competent Authorities also carry out checks on monitoring organisations to verify that they continue to fulfil their functions.
适用产品范围 Products covered	几乎所有的木制品被涵盖在内: 实木产品、木地板、胶合板、纸浆和纸张。不包括的产品: 回收产品、印刷品，例如书籍、杂志和报纸。 Almost all timber products covered, including solid wood products, flooring, plywood, pulp and paper. Not included: recycled products, printed papers such as books, magazines and newspapers.

欧盟木材条例 - 合法是指什么？

EU Timber Regulation - What is legal...?

基于采伐国适用法规，合法性的定义包括：

Legality is defined on the basis of the applicable legislation of the country of harvest, covering:

- 采伐权 **Rights to harvest** within legally gazetted boundaries;
- 为采伐权和木材付费 **Payments for harvest rights and timber**, incl. duties related to timber harvesting;
- 木材采伐 **Timber harvesting**, incl. environmental and forest legislation;
- 第三方对林木、林地的法定所有权和使用权 **Third parties' legal rights concerning use and tenure** affected by timber harvesting;
- 相关贸易和海关法规 **Forest sector-related trade and customs legislation.**

欧盟木材条例 – 尽职调查

EU Timber Regulation - What is "Due Diligence" ...?

1. 信息收集 Information gathering

欧盟运营商必须能够获取以下信息：

Operator must have access to information describing:

- 木材和木材产品 the timber and timber products
- 采伐国 country of harvest
- 树种 species
- 数量 quantity
- 供应商的情况 details of the supplier
- 对采伐国法规要求的合规情况 information on compliance with national legislation

欧盟木材条例 – 尽职调查

EU Timber Regulation - What is "Due Diligence" ...?

2. 风险评估 Risk Assessment

基于上述信息和条例要求，
欧盟运营商必须评估其供应链中的非法木材风险

Operator must assess the risk of illegal timber in his supply chain, based on the information in 1. and taking into account criteria set out in the regulation.

3. 降低风险 Risk Mitigation

如果在供应链中存在非法木材风险，欧盟运营商必须要求供应商提供额外信息和验证材料，以降低风险

When there is a risk of illegal timber in the supply chain, the operator must mitigate that risk by requiring additional information and verification from the supplier.



欧盟木材条例的实施

EUTR Implementation and Enforcement

- 罚款 Possible financial penalties: €30 - €24 million
- 监禁 Possible imprisonment sentences: 8 days - 4 years
- 主管部门对供应商的检查 Number of checks on operators by Competent Authorities: from 1 to >1000

对进口木材的执法措施 Enforcement measures for imported timber		
	尽职调查体系 DDS	进口禁令 Prohibition
采取补救措施的通知 Notice of remedial action	500?	20
罚款 Penalties	100?	30
诉讼 Court cases	6	

- 2017年10月，由于推行EUTR不力，欧委会对比利时提起了法律诉讼
EC launches legal action against Belgium in October 2017



自愿伙伴关系协议 (VPA)

Voluntary Partnership Agreement

- 双边贸易协定
- 协商
- 木材出口国（欧盟之外的）
- 自愿性质
- 双方批准后具有法律约束力
- Bilateral trade agreement
- Negotiated between the EU and
- a timber-exporting country outside the EU
- Voluntary
- Legally binding upon ratification

VPA 国家及潜在国家

VPA countries and potential countries

8 个国家正在与欧盟进行磋商 8 countries in negotiation – Côte d'Ivoire, the Democratic Republic of the Congo, Gabon, Guyana, Honduras, Laos, Malaysia, and Thailand

7 个国家已与欧盟签署 VPA 协议 7 VPA implementing countries:

喀麦隆	Cameroon
中非共和国	The Central African Republic
加纳	Ghana
印度尼西亚	Indonesia (licensing)
利比里亚	Liberia
刚果共和国	The Republic of the Congo
越南	Vietnam

FLEGT证书

FLEGT Licenses



- 2016年11月15日起FLEGT 证书正式面世。V-Legal文件自2016年1月1日起强制提交 Start of FLEGT licensing was 15 November 2016. V-Legal Docs are mandatory since 1 January 2016.
- VPA 协议下涵盖的木材和木材产品种类繁多，包括了海关编码为HS44的产品、纸浆、纸张及家具 VPA product scope is broad and includes HS 44, pulp and paper and furniture.
- 所有VPA协议覆盖的木材和木材产品从印尼出口时都必须具备V-Legal文件！ All shipments from Indonesia under the VPA scope must have a V-Legal Document!
- 印尼共签发了出口至中国的V-Legal文件Indonesia issued V-Legal documents for shipments to China

2017年： 19,680份 (总价值28亿美元) 19,680 (USD 2.8 billion) in 2017

2018年： 18,867份 (总价值30亿美元) 18,867 (USD 3 billion) in 2018

Indonesian LEGAL Wood	
1 Issuing authority	2 Invoice
3 Date	4 Invoice No.
5 Address	6 Country of destination: ISO Code
7 Invoice's performance	8 Port of loading
9 V-Legal license number	10 Mode of loading
11 Country of origin	12 Name of the port
13 ISO Code	



对木材行业进出口企业的建议

Recommendations to Chinese operators

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- ✓ 了解国际市场要求 Become familiar with international market requirements
- ✓ 履行尽职调查、确保只有合法木材进入供应链
Exercise due diligence to be sure that only legal timber enters your supply chain
- ✓ 支持木材合法性倡议和中国加强进口管理的举措
Engage in timber legality initiatives and support the development of import control measures in China



2018年工作进展

Progress made in 2018

To support setting up new policy and/or regulation in China through facilitating policy dialogues and information exchange between China, the EU and VPA countries

- 中国与印尼木材合法性证书互认的前期研究 Conducted a study on possible linkages between FLEGT licensing and CTLVS
- 更新中国与欧盟、中国与VPA国家木材贸易流年度报告 Annual report on China's timber trade flow with EU and VPA countries
- Conduct a study to explore how China can learn from EU experience to provide more incentives to private sector
- 欧盟市场木材合法性要求信息窗网站建设 Common Information Window



2019年工作计划（草稿）

Tentative work plan in 2019

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- 中国-刚果布政府层面技术性对话 China-Republic of Congo technical roundtable in December
- 支持中国与印尼木材合法性证书互认的研究与试点 Analyse selected supply chains between Indonesia and China, and pilot the recognition of Indonesian FLEGT licensed timber at company-level
- 更新中国与欧盟、中国与VPA国家木材贸易流年度报告 Annual report on China's timber trade flow with EU and VPA countries
- 信息窗网站维护与更新 Common Information Window



更多信息

For more information

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欧盟森林执法、施政与贸易基金

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www.woodlegality.cn

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谢谢! *Thank you!*

