

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

Subdirección General de Política Forestal y Lucha contra la Desertificación. Ministerio para la Transición Ecológica y el Reto Demográfico.

* 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

Real Decreto 1088/2015, de 4 de diciembre, para asegurar la legalidad de la comercialización de madera y productos de la madera. Artículo 3.1.

4 Please upload your file

The maximum file size is 1 MB

Only files of the type pdf are allowed

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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

* 8 Please specify other arrangement:

Convenio de colaboración

* 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

* 10 Please select frequency for CA customs data requests:

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

* 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:

A demanda

*16 Please specify other arrangement for the exchange of other information (other than customs data)

La Autoridad competente envía de forma automática la validación de la licencia a Aduanas. Y Aduanas informa a la Autoridad Competente automáticamente del despacho de la mercancía asociada a dicha licencia.

La Autoridad Competente informa a Aduanas de envíos en los que podría haber irregularidades.

*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)

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

*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

[346edde2-1c47-4dee-a8fd-b08ef74ce660/FLEGT_licences_and_actual_imports_data_ES_2024.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:

500 €

*31 Maximum level of penalty:

350% del valor de la mercancía

*32 Legal basis

Ley Orgánica 12/1995, de 12 de diciembre, y Ley Orgánica 6/2011, de 30 de junio, por la que se modifica la Ley Orgánica 12/1995, de 12 de diciembre, de represión del contrabando. Real Decreto 1649/1998, de 24 de julio, por el que se desarrolla el título II de la Ley Orgánica 12/1995, de 12 de diciembre, de represión del contrabando, relativo a las infracciones administrativas de contrabando.

33 Comments:

Penas consideradas si se establece que han cometido infracción administrativa de contrabando acorde con la Ley Orgánica de represión del contrabando

*34 Are there provisions for criminal fines?

Yes

No

Provisions for criminal fines

*35 Minimum level of penalty:

el valor de los bienes, mercancías, géneros o efectos

*36 Maximum level of penalty:

séxtuplo del valor de los bienes, mercancías, géneros o efectos

*37 Legal basis

Ley Orgánica 12/1995, de 12 de diciembre, y Ley Orgánica 6/2011, de 30 de junio, por la que se modifica la Ley Orgánica 12/1995, de 12 de diciembre, de represión del contrabando.

38 Comments:

Penas consideradas si se establece que han cometido delito de contrabando acorde con la Ley Orgánica de represión del contrabando

*39 Are there provisions for imprisonment?

Yes

No

Provisions for imprisonment

*40 Minimum level of penalty:

Un año

*41 Maximum level of penalty:

Cinco años

*42 Legal basis

Ley Orgánica 12/1995, de 12 de diciembre, y Ley Orgánica 6/2011, de 30 de junio, por la que se modifica la Ley Orgánica 12/1995, de 12 de diciembre, de represión del contrabando.

43 Comments:

Penas consideradas si se establece que han cometido delito de contrabando acorde con la Ley Orgánica de represión del contrabando

*44 Are there provisions for suspension of the authority to trade?

- Yes
 No

Provisions for suspension of the authority to trade

*45 Minimum level of penalty:

6 meses

*46 Maximum level of penalty:

2 años

*47 Legal basis

Ley Orgánica 12/1995, de 12 de diciembre, y Ley Orgánica 6/2011, de 30 de junio, por la que se modifica la Ley Orgánica 12/1995, de 12 de diciembre, de represión del contrabando.

48 Comments:

Penas consideradas si se establece que han cometido delito de contrabando acorde con la Ley Orgánica de represión del contrabando

*49 Are there provisions for notices of remedial action or warning letters?

- Yes
 No

*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

Penalties applied

*60 How many FLEGT licences were rejected?

*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).

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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

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:

Se tienen también en cuenta las unidades del cargamento y cualquier otra incongruencia que se identifique.

*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)

*76 Please specify other issues with FLEGT licence:

Incongruencia con otro tipo de documentación presentada

*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)

*79 Please specify other:

Comunicación directa con los operadores
Comunicación con Indonesia (LIU)

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?

5

*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))

La comunicación con LIU ha sido siempre cordial pero no del todo fluida.

*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

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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

Other Implementing measures

92 Please provide feedback on your collaboration with other CAs and the European Commission.

En todos los correos enviados desde España a la LIU se ha puesto en copia a la Comisión para mantenerla informada. En las reuniones de expertos FLEGT/EUTR se ha compartido con la Comisión y los estados miembros información sobre incidencias ocurridas durante la tramitación de las licencias

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.

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.

Existen algunas indefiniciones en la implementación de la norma a escala europea que dificultan la adecuada recogida de información y el reflejo coherente de esa norma a escala nacional:

- Parece necesario trabajar y mejorar en la identificación inequívoca de los productos FLEGT a nivel aduanero y en el análisis del uso de los certificados aduaneros relacionados con productos FLEGT.
- Los criterios comunes que comparten los países respecto a cómo tratar la información de las licencias cuando es necesario una respuesta aclaratoria desde Indonesia a veces ralentizan demasiado la resolución del trámite de validación.
- La existencia de más de un certificado para declarar la mercancía FLEGT (principalmente C631 e Y057) dificulta la identificación de la mercancía FLEGT en la aduana
- La recomendación de impedir los despachos parciales dificulta la operativa de los operadores en la aduana
- Aún sería necesario mejorar la claridad en algunas de las preguntas del cuestionario FLEGT para poder recoger la información adecuada al cuestionario. En concreto, se destacan aquellas que tratan sobre las verificaciones adicionales, sobre las que se podría trabajar para mejorar los criterios comunes que comparten los países.
- En cuanto a la solicitud de datos en el cuestionario FLEGT sobre la relación directa de datos de la licencia con los datos de los despachos aduaneros, se indica que establecer esta relación de datos conlleva un proceso costoso y largo. Esto es debido a que la gestión aduanera en frontera es un trabajo muy complejo, que requiere agilidad en los trámites para que no haya retrasos en las importaciones ni costes añadidos, y que permite una serie de fórmulas diferentes a la hora del despacho. Esto influye en los despachos de mercancía amparada por licencias FLEGT (no en el contraste de la validez de la licencia), lo que implica que no siempre se tiene una coincidencia exacta entre los datos de licencias y de importaciones. La recogida de información extremadamente detallada en este sistema podría conllevar una pérdida de eficiencia en la gestión aduanera, contraviniendo el Reglamento FLEGT 1024/2008 que indica que los procedimientos de despacho a libre práctica de los productos FLEGT no deben llevar a retrasos indebidos en la importación

96 Please upload your file related to the previous question, if applicable.

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97 Any other relevant information?

Users can attach files and URLs to this question.

En la tabla de datos sobre las “Verificaciones llevadas a cabo sobre licencias FLEGT y cargamentos”, hay que destacar que:

- Se han indicado:

- a) Los elementos verificados de forma común a todas y cada una de las licencias,
- b) Las verificaciones puntuales que han necesitado contraste con el solicitante/importador,
- c) Las verificaciones puntuales que han consistido en consultas a la LIU.

- La información sobre las verificaciones realizadas está referida a las licencias tramitadas en el año 2024 aunque no necesariamente despachadas, por lo que no coinciden con el número de licencias despachadas.

- Para rellenar la columna F de la tabla, se ha entendido que existía 'Mismatch' cuando ha habido cambios en códigos HS, en especies y/o en cantidades de productos (pesos, volúmenes, unidades), y cuando la respuesta de Indonesia confirmaba una discordancia entre la licencia y el envío.

-En la pregunta 81, donde se pide el número de licencias sometidas a verificaciones adicionales, se ha indicado exclusivamente el número de licencias sobre las que se ha consultado a la LIU (5 licencias), bien durante la tramitación de la licencia o a modo informativo sobre cambios de código detectados, aunque se han realizado más tipos de verificaciones adicionales sobre más licencias, como ya se ha indicado

98 Please upload your file related to the previous question, if applicable.

The maximum file size is 1 MB

Contact

ENV-DECLARE@ec.europa.eu