CONSIDERING the importance attached by the Parties to development objectives agreed at international level and to the Millennium Development Goals of the United Nations;

CONSIDERING the importance attached by the Parties to the principles and rules which govern the multilateral trading systems, in particular the rights and obligations in GATT 1994 and in other multilateral agreements establishing the World Trade Organisation (WTO) and to the need to apply them in a transparent and non-discriminatory manner;

HAVING REGARD to Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community [1];

RECOGNISING that Ghana's legality assurance system is designed to ensure the legality of all timber exports;

HEREBY AGREE AS FOLLOWS:

Article 1

Objective

The objective of this Agreement, consistent with the Parties' common commitment to the sustainable management of all types of forest, is to provide a legal framework aimed at ensuring that all imports into the Community from Ghana of timber products covered by this Agreement have been legally produced and in doing so to promote trade in timber products. In addition, this Agreement provides a basis for dialogue and cooperation between the Parties to facilitate and promote the full implementation of this Agreement and enhance forest law enforcement and governance.

Article 2

Definitions

For the purposes of this Agreement, the following definitions shall apply:

(a) 'import into the Community' means the release for free circulation of timber products into the Community within the meaning of Article 79 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [2] and which cannot be qualified as 'goods of a non-commercial nature' as defined in point 6 of Article 1 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code [3];

(b) 'export' means the physical leaving or taking out of timber products from any part of the geographical territory of Ghana;

(c) 'timber products' means the products listed in Annex I;

(d) 'HS Code' means a six digit code as set out in the Harmonised Commodity Description and Coding System established by the International Convention on the Harmonised Commodity Description and Coding System of the World Customs Organisation;

(e) 'FLEGT licence' means a licence which refers to a shipment as being legally produced. A FLEGT licence may be paper-based or based on electronic means;

(f) 'licensing authority' means the authority designated by Ghana to issue and validate FLEGT licences;

(g) 'competent authorities' means the authorities designated by the EU Member States to receive, accept and verify FLEGT licences;

(h) 'shipment' means a quantity of timber products covered by a FLEGT licence that is sent by a consignor or a shipper from Ghana and is presented for release for free circulation at a customs office in the Community;

(i) 'legally-produced timber' means timber products harvested or imported and produced in accordance with the legislation as set out in Annex II.

FLEGT LICENSING SCHEME

Article 3

FLEGT Licensing Scheme

1. A 'Forest Law Enforcement, Governance and Trade licensing scheme' (hereinafter FLEGT licensing scheme) is hereby established between the Parties to this Agreement. It establishes a set of procedures and requirements aiming at verifying and attesting, by means of FLEGT licences, that timber products shipped to the Community were legally produced. In accordance with Council Regulation (EC) No 2173/2005, the Community shall only accept such shipments from Ghana for import into the Community if they are covered by FLEGT licences.

[1] OJ L 347, 30.12.2005, p. 1.
[2] OJ L 302, 19.10.1992, p. 1.
[3] OJ L 253, 11.10.1993, p. 1.