

2. The FLEGT licensing scheme shall apply to the timber products listed in Annex IA. The timber products in Annex IB may not be exported from Ghana.

3. The Parties agree to take all measures necessary to implement the FLEGT licensing scheme and in accordance with Article 12.

Article 4

Licensing Authority

1. Ghana shall designate its licensing authority. Ghana shall notify the contact details of its licensing authority to the European Commission. Both Parties shall make this information available to the public.

2. The licensing authority shall verify that timber products have been legally produced in accordance with the legislation identified in Annex II. The licensing authority will issue FLEGT licences covering shipments of legally-produced timber products for export to the Community.

3. The licensing authority shall not issue FLEGT licences for any timber products that are composed of, or include, timber products imported into Ghana from a third country in a form in which the laws of that third country forbid export, or for which there is evidence that those timber products were produced in contravention of the laws of the country where the trees were harvested.

4. The licensing authority will maintain and make publicly available its procedures for issuing FLEGT Licences. The licensing authority will also maintain records of all shipments covered by FLEGT Licences and, consistent with national legislation concerning data protection, will make these records available for the purposes of independent monitoring, while respecting the confidentiality of exporters' proprietary information.

Article 5

EU Competent Authorities

1. The European Commission shall inform Ghana of the contact details of the competent authorities of the EU Member States.

2. The competent authorities shall verify that each shipment is covered by a valid FLEGT licence prior to releasing that shipment for free circulation in the Community. The release of the shipment may be suspended and the shipment detained where there are doubts regarding the validity of the FLEGT licence. The procedures governing release for free circu-

lation in the Community for shipments covered by a FLEGT licence are described in Annex III.

3. The competent authorities shall not permit any timber product listed in Annex IB to be released for free circulation.

4. The competent authorities shall maintain and publish annually a record of FLEGT licences received.

5. According to national legislation on data protection, the competent authorities shall grant persons or bodies designated by Ghana as independent monitors, access to the relevant documents and data.

6. The Community competent authorities will not perform the action described in paragraph 2 for shipments of timber products derived from species listed in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as these are covered by the provisions for verification set out in Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein ⁽¹⁾. The FLEGT licence system will none the less provide assurance of legal harvest of these products.

Article 6

FLEGT Licences

1. FLEGT licences shall be issued by the licensing authority as a means of attesting that timber products have been legally produced.

2. The FLEGT licence shall be laid out and completed in English.

3. The Parties may, by agreement, establish electronic systems for the issue, transmission and receipt of FLEGT licences.

4. The procedure for issuing FLEGT licences and the technical specifications are set out in Annex IV.

Article 7

Definition of Legally Produced Timber

For the purposes of this Agreement, a definition of 'legally produced timber' is set out in Annex II. The definition sets out Ghana's national and sub-national legislation that must be complied with in order for timber products to be covered by FLEGT licences. It also sets out the documentation including criteria and indicators that shall serve as proof of compliance with such legislation.

⁽¹⁾ OJ L 61, 3.3.1997, p. 1.