

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

Government Office of Capital City Budapest, Department of Trade, Defence Industry, Export Control and Precious Metal Assay

* 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

Government Decree 365/2016 (29. Nov. 2016) URL: <https://net.jogtar.hu/jogszabaly?docid=A1600365.KOR>

4 Please upload your file

The maximum file size is 1 MB

Only files of the type pdf are allowed

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

* 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:

Once or twice a 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)

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)

*23 Partly used (please specify):

4GOCCB verifies (approves/refuses/ignores etc. data content of all submitted FLEGT licences in FLEGIT System at the time of approval/refusal. Nevertheless, currently Customs module is not yet used generally in FLEGIT, but some customs offices use FLEGIT at clearance. We are planning to extend the use of the FLEGIT

*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

8aef8ba3-e85e-4b7a-822f-a2f2ffa80d28/FLEGT_licences_and_actual_imports_data_2021.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

*34 Are there provisions for criminal fines?

- ☒ Yes
☐ No

Provisions for criminal fines

*35 Minimum level of penalty:

nil

*36 Maximum level of penalty:

Confiscation of goods.

*37 Legal basis

Hungarian Criminal Code (Act C of 2012), URL: https://www.njt.hu/translated/doc/J2012T0100P_20200101_FIN.PDF
Hungarian Customs Code (Act CLII. of 2017), URL: https://www.njt.hu/translated/doc/J2017T0152P_20180825_FIN.pdf

38 Comments:

§ 406 of Hungarian Criminal Code talks about international trading activities without licences. § 84-92 of Hungarian Customs Code talks about penalties, sanctions and confiscations in case of infringements of Customs procedures.

*39 Are there provisions for imprisonment?

- ☒ Yes
☐ No

Provisions for imprisonment

*40 Minimum level of penalty:

nil

*41 Maximum level of penalty:

3 years

*42 Legal basis

Hungarian Criminal Code (Act C of 2012),

43 Comments:

§ 406 of Hungarian Criminal Code talks about international trading activities without licences.

*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:

51 Maximum level of penalty:

*52 Legal basis

Act CXXV of 2017 on transitional rules on sanctions for administrative infringements and amending certain acts and repealing certain acts in the context of the reform of the law of administrative procedure
URL: <https://njt.hu/jogszabaly/2017-125-00-00>

53 Comments:

According to point (a) in § 2 and § 6 of Act CXXV of 2017 if the authority determines, at the conclusion of the official inspection, that the client has violated the requirements of the law or the official decision and it can be remediated by termination of the unlawful conduct or restoration of legal status, then the authority draws the client's attention to it in a warning decision

*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?

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

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)

*72 Does your country carry out additional verification checks on FLEGT-licensed shipments?

- ☐ Yes
☒ No

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

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.

It sometimes occurs that although the importer and the release for free circulation are located in Hungary, the relevant FLEGT licence indicates Slovenia, Croatia or Germany as Country of destination presumably because the receiving seaport is in Slovenia, Croatia or Germany. In this case, we contact with Member States CA to ask them to help in licence verification in the SILK system. If we have any questions regarding the FLEGT implementations (e.g. HS codes, exceptions, use of FLEGT, etc.), we contact the EC experts. We follow the EC publications, notifications, correspondence on FLEGT / VPA. Once or twice a year we attend the EUTR/FLEGT Expert Group Meeting.

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.

Access to licences in the SILK system should not be restricted to designated CAs only. It would be useful to hold a FLEGT enforcement informal meeting at least once a year, similar to the EUTR informal meetings.

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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