

Làm tại Brúc-xen, ngày 19 tháng 10 năm 2018.

Съставено в Брюксел на деветнадесети октомври две хиляди и осемнадесета година.

Hecho en Bruselas, el diecinueve de octubre de dos mil dieciocho.

V Bruselu dne devatenáctého října dva tisíce osmnáct.

Udfærdiget i Bruxelles den nittende oktober to tusind og atten.

Geschehen zu Brüssel am neunzehnten Oktober zweitausendachtzehn.

Kahe tuhande kaheksateistkümnenda aasta oktoobrikuu üheksateistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα εννέα Οκτωβρίου δύο χιλιάδες δεκαοκτώ.

Done at Brussels on the nineteenth day of October in the year two thousand and eighteen.

Fait à Bruxelles, le dix neuf octobre deux mille dix-huit.

Sastavljeno u Bruxellesu devetnaestog listopada godine dvije tisuće osamnaeste.

Fatto a Bruxelles, addì diciannove ottobre duemiladiciotto.

Briselē, divi tūkstoši astoņpadsmitā gada deviņpadsmitajā oktobrī.

Priimta du tūkstančiai aštuonioliktų metų spalio devynioliktą dieną Briuselyje.

Kelt Brüsszelben, a kétezertizenhatszadik év október havának tizenkilencedik napján.

Magħmul fi Brussell, fid-dsatax-il jum ta' Ottubru fis-sena elfejn u tmintax.

Gedaan te Brussel, negentien oktober tweeduizend achtien.

Sporządzono w Brukseli dnia dziesiętnastego października roku dwa tysiące osiemnastego.

Feito em Bruxelas, em dezanove de outubro de dois mil e dezoito.

Întocmit la Bruxelles la nouăsprezece octombrie două mii optsprezece.

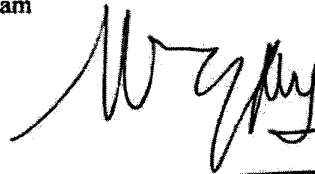
V Bruseli devātnāsteho oktobra dvetisicosemnāst'.

V Bruslju, dne devetnajstega oktobra leta dva tisoč osemnajst.

Tehty Brysselissä yhdeksäntenätoista päivänä lokakuuta vuonna kaksituhattakahdeksantoista.

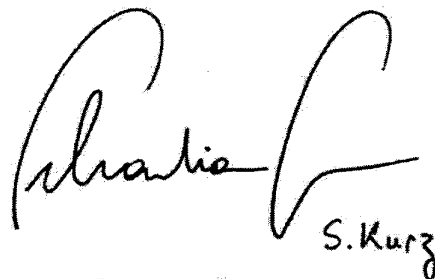
Som skedde i Bryssel den nittonde oktober år tjugohundraarton.

Thay mặt Chính phủ nước Cộng hòa Xã hội Chủ nghĩa Việt Nam
 За правителството на Социалистическа република Виетнам
 Por el Gobierno de la República Socialista de Vietnam
 Za vládu Vietnamské Socialistické Republiky
 For Den Socialistiske Republik Vietnams regering
 Für die Regierung der Sozialistischen Republik Vietnam
 Vietnami Sotsialistliku Vabariigi valitsuse nimel
 Για την Κυβέρνηση της Σοσιαλιστικής Δημοκρατίας του Βιετνάμ
 For the Government of the Socialist Republic of Viet Nam
 Pour le Gouvernement de la République socialiste du Viêt Nam
 Za Vladu Socijalističke Republike Vijetnama
 Per il governo della Repubblica socialista del Vietnam
 Vjetnamas Sociālistiskās Republikas valdības vārdā –
 Vietnamo Socialistinės Respublikos Vyriausybės vardu
 A Vietnami Szocialista Köztársaság kormányának részéről
 Ghall-Gvern tar-Repubblika Soċjalista tal-Vjetnam
 Voor de Regering van de Socialistische Republiek Vietnam
 W imieniu Rządu Socjalistycznej Republiki Wietnamu
 Pelo Governo da República Socialista do Vietnam
 Pentru Guvernul Republicii Socialiste Vietnam
 Za vládu Vietnamskej socialistickej republiky
 Za vladu Socialistične republike Vietnam
 Vietnamin sosialistisen tasavallan hallituksen puolesta
 För Socialistiska republiken Vietnams regering

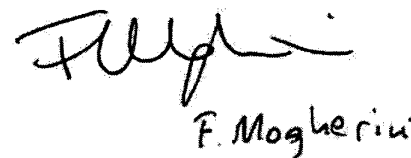


Nguyen Xuan Cuong

Thay mặt Liên minh châu Âu
 За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Za Europsku uniju
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen



S. Kurz



F. Mogherini

HIỆP ĐỊNH ĐỐI TÁC TỰ NGUYỄN
GIỮA CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
VÀ LIÊN MINH CHÂU ÂU VỀ THỰC THI LUẬT LÂM NGHIỆP,
QUẢN TRỊ RỪNG VÀ THƯƠNG MẠI LÂM SẢN

СПОРАЗУМЕНИЕ ЗА ДОБРОВОЛНО ПАРТНЬОРСТВО
МЕЖДУ ЕВРОПЕЙСКИЯ СЪЮЗ
И СОЦИАЛИСТИЧЕСКА РЕПУБЛИКА ВЬЕТНАМ
ЗА ПРИЛАГАНЕ НА ЗАКОНОДАТЕЛСТВОТО
В ОБЛАСТТА НА ГОРИТЕ, УПРАВЛЕНИЕ И ТЪРГОВИЯ

ACUERDO DE ASOCIACIÓN VOLUNTARIA
ENTRE LA UNIÓN EUROPEA
Y LA REPÚBLICA SOCIALISTA DE VIETNAM
SOBRE LA APLICACIÓN DE LAS LEYES,
LA GOBERNANZA Y EL COMERCIO FORESTALES

DOBROVOLNÁ DOHODA O PARTNERSTVÍ
MEZI EVROPSKOU UNIÍ
A VIETNAMSKOU SOCIALISTICKOU REPUBLIKOU
O PROSAZOVÁNÍ PRÁVA,
SPRÁVĚ A OBCHODU V OBLASTI LESNICTVÍ

FRIVILLIG PARTNERSKABSÅFSALE
MELLEM DEN EUROPÆISKE UNION
OG DEN SOCIALISTISKE REPUBLIK VIETNAM
OM RETSHÅNDHÆVELSE, GOD FORVALTNINGSPRAKSIS
OG HANDEL PÅ SKOVBRUGSOMRÅDET

FREIWILLIGES PARTNERSCHAFTSABKOMMEN
ZWISCHEN DER EUROPÄISCHEN UNION
UND DER SOZIALISTISCHEN REPUBLIK VIETNAM
ÜBER RECHTSDURCHSETZUNG,
POLITIKGESTALTUNG UND HANDEL IM FORSTSEKTOR

EUROOPA LIIDU JA VIETNAMI SOTSIALISTLIKU VABARIIGI
VAHELINE VABATAHTLIKU PARTNERLUSE LEPING,
MIS KÄSITLEB
METSÄÕIGUSNORMIDE TÄITMISE JÄRELEVALVET,
METSÄHALDUST JA PUIDUKAUBANDUST

ΣΥΜΦΩΝΙΑ
ΕΘΕΛΟΝΤΙΚΗΣ ΕΤΑΙΡΙΚΗΣ ΣΧΕΣΗΣ ΜΕΤΑΞΥ
ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ ΕΝΩΣΗΣ
ΚΑΙ ΤΗΣ ΣΟΣΙΑΛΙΣΤΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΤΟΥ ΒΙΕΤΝΑΜ
ΣΧΕΤΙΚΑ ΜΕ ΤΗΝ ΕΠΙΒΟΛΗ ΤΗΣ ΔΑΣΙΚΗΣ ΝΟΜΟΘΕΣΙΑΣ,
ΤΗ ΔΙΑΚΥΒΕΡΝΗΣΗ ΚΑΙ ΤΟ ΕΜΠΟΡΙΟ

VOLUNTARY PARTNERSHIP AGREEMENT
BETWEEN THE EUROPEAN UNION
AND THE SOCIALIST REPUBLIC OF VIET NAM
ON FOREST LAW ENFORCEMENT,
GOVERNANCE AND TRADE

ACCORD DE PARTENARIAT VOLONTAIRE
ENTRE L'UNION EUROPÉENNE
ET LA RÉPUBLIQUE SOCIALISTE DU VIÊT NAM
SUR L'APPLICATION DES RÉGLEMENTATIONS FORESTIÈRES,
LA GOUVERNANCE ET LES ÉCHANGES COMMERCIAUX

SPORAZUM
O DOBROVOLJNOM PARTNERSTVU IZMEĐU EUROPSKE UNIJE
I SOCIJALISTIČKE REPUBLIKE VIJETNAMA
O IZVRŠAVANJU ZAKONODAVSTVA,
UPRAVLJANJU I TRGOVINI U PODRUČJU ŠUMA

ACCORDO
DI PARTENARIATO VOLONTARIO TRA L'UNIONE EUROPEA
E LA REPUBBLICA SOCIALISTA DEL VIETNAM
SULL'APPLICAZIONE DELLE NORMATIVE,
SULLA GOVERNANCE E SUL COMMERCIO
NEL SETTORE FORESTALE

BRĪVPRĀTĪGU PARTNERATTIECĪBU NOLĪGUMS
STARP EIROPAS SAVIENĪBU
UN VIETNAMAS SOCIĀLISTISKO REPUBLIKU
PAR MEŽA TIESĪBU AKTU IEVIEŠANU,
PĀRVALDĪBU UN TIRDZNIECĪBU

EUROPOS SĄJUNGOS
IR VIETNAME SOCIALISTINĖS RESPUBLIKOS
SAVANORIŠKOS PARTNERYSTĖS SUSITARIMAS
DĖL MIŠKŲ TEISĖS AKTŲ VYKDYMO UŽTIKRINIMO,
MIŠKŲ VALDYMO IR PREKYBOS MEDIENA

ÖNKÉNTES PARTNERSÉGI MEGÁLLAPODÁS
AZ EURÓPAI UNIÓ
ÉS A VIETNAMEI SZOCIALISTA KÖZTÁRSASÁG KÖZÖTT
AZ ERDÉSZETI JOGSZABÁLYOK VÉGREHAJTÁSÁRÓL,
AZ ERDÉSZETI IRÁNYÍTÁSRÓL ÉS A FATERMÉKEK
KERESKEDELMÉRŐL

FTEHIM TA' SHUBIJA VOLONTARJA
BEJN L-UNJONI EWROPEA
U R-REPUBBLIKA SOĊJALISTA TAL-VJETNAM
DWAR L-INFURZAR TAL-LIĠI,
IL-GOVERNANZA U L-KUMMERĊ FIS-SETTUR FORESTALI

VRJWILLIGPARTNERSCHAPSOVEREENKOMST
TUSSEN DE EUROPESE UNIE
EN DE SOCIALISTISCHE REPUBLIEK VIETNAM
INZAKE WETSHANDHAVING, GOVERNANCE
EN HANDEL IN DE BOSBOUW

UMOWA O DOBROWOLNYM PARTNERSTWIE
DOTYCZĄCA EGZEKOWANIA PRAWA,
ZARZĄDZANIA I HANDLU W DZIEDZINIE LEŚNICTWA
MIĘDZY UNIĄ EUROPEJSKĄ
A SOCJALISTYCZNĄ REPUBLIKĄ WIETNAMU

ACORDO DE PARCERIA VOLUNTÁRIA
ENTRE A UNIÃO EUROPEIA
E A REPÚBLICA SOCIALISTA DO VIETNAME
RELATIVO À APLICAÇÃO DA LEGISLAÇÃO,
À GOVERNAÇÃO E AO COMÉRCIO NO SETOR FLORESTAL

ACORD
DE PARTENERIAT VOLUNTAR
ÎNTE UNIUNEA EUROPEANĂ
ȘI REPUBLICA SOCIALISTĂ VIETNAM
PRIVIND ASIGURAREA RESPECTĂRII LEGISLAȚIEI,
GUVERNANȚA ȘI SCHIMBURILE COMERCIALE
ÎN SECTORUL FORESTIER

DOBROVOLNÁ DOHODA O PARTNERSTVE
MEDZI EURÓPSKOU ÚNIOU
A VIETNAMSKOU SOCIALISTICKOU REPUBLIKOU
O VYNÚTITELNOSTI PRÁVA, SPRÁVE A OBCHODE
V LESNOM HOSPODÁRSTVE

SPORAZUM
O PROSTOVOLJNEM PARTNERSTVU MED EVROPSKO UNIJO
IN SOCIALISTIČNO REPUBLIKO VIETNAM
O IZVRŠEVANJU ZAKONODAJE, UPRAVLJANJU
IN TRGOVANJU NA PODROČJU GOZDOV

METSÄLAINSÄÄDÄNNÖN SOVELTAMISEN VALVONTAA,
METSÄHALLINTOA JA PUUKAUPPAA
KOSKEVA EUROOPAN UNIONIN
JA VIETNAMIN SOSIALISTISEN TASAVALLAN
VAPAAEHTOINEN KUMPPANUUSSOPIMUS

FRIVILLIGT PARTNERSKAPSAVTAL
MELLAN EUROPEISKA UNIONEN
OCH SOCIALISTISKA REPUBLIKEN VIETNAM
OM SKOGLAGSTIFTNINGENS EFTERLEVNAD OCH
FÖRVALTNING AV OCH HANDEL MED SKOG

VN/EU/X 1c

**VOLUNTARY PARTNERSHIP AGREEMENT
BETWEEN THE SOCIALIST REPUBLIC OF VIET NAM
AND THE EUROPEAN UNION
ON FOREST LAW ENFORCEMENT,
GOVERNANCE AND TRADE**

VN/EU/en 1

THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM, hereinafter referred to as “Viet Nam”,

and

THE EUROPEAN UNION, hereinafter referred to as “the Union”,

hereinafter jointly referred to as “the Parties”.

CONSIDERING the Communication from the European Commission to the Council of the European Union and to the European Parliament on an EU Action Plan for Forest Law Enforcement, Governance and Trade (FLEGT) as a first step towards tackling the urgent issue of illegal logging and associated trade;

REAFFIRMING the importance of the principles and commitments set out in the Declaration on the United Nations 2030 Agenda for Sustainable Development of 2015, in particular the commitment to achieve sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner;

RECALLING in this respect the Sustainable Development Goals and targets, in particular the target (15.2) to promote, by 2020, the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally;

AWARE of the importance of the principles set out in the 1992 Rio Declaration on Environment and Development in the context of securing sustainable forest management and, in particular, of Principle 10 concerning the importance of public awareness and participation in environmental issues and of Principle 22 concerning the vital role of indigenous people and other local communities in environmental management and development;

REAFFIRMING the importance attached by the Parties to the principles and rules which govern the multilateral trading systems, in particular the rights and obligations laid down in the General Agreement on Tariffs and Trade (GATT) 1994 and in other multilateral agreements listed in Annex IA to the Marrakesh Agreement of 15 April 1994 establishing the World Trade Organization (WTO), and the need to apply them in a transparent and non-discriminatory manner;

HAVING REGARD to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and, in particular, the requirement that CITES export permits issued by the Parties to CITES for specimens of species listed in Appendix I, II or III to CITES be granted only under certain conditions, including that such specimens were not obtained in breach of the relevant laws for the protection of fauna and flora;

RECALLING the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part, signed in Brussels on 27 June 2012;

RECALLING the recent conclusion of negotiations for a Free Trade Agreement between the Union and the Socialist Republic of Viet Nam, and in particular the commitments therein related to sustainable forest management and trade in forest products;

RECOGNISING efforts by the Government of Viet Nam to promote good forestry governance, law enforcement and the trade in legal timber, including through the Viet Nam Timber Legality Assurance System ("VNTLAS"), which will be developed through a multi-stakeholder process in accordance with the principles of good governance, credibility and representativeness;

RECOGNISING that the implementation of this Agreement will reinforce sustainable forest management and contribute to combating climate change through reduced emissions from deforestation and forest degradation and the role of conservation, sustainable management of forest and enhancement of forest carbon stocks (REDD+);

RECOGNISING that stakeholders have a crucial role to play in the implementation of this Agreement and that it is therefore essential that effective mechanisms for their contribution to the enforcement of the VNTLAS are in place;

RECOGNISING that the publication of information is essential to improve governance and that the provision of information to stakeholders should therefore be central to this Agreement in order to facilitate the implementation and monitoring of systems, increase transparency, and thus improve stakeholder and consumer confidence, as well as to ensure accountability of the Parties;

RESOLVED that the Parties shall seek to minimise any adverse impacts on local communities and poor people which may arise as a direct consequence of implementing this Agreement;

REAFFIRMING the principles of mutual respect, sovereignty, equality and non-discrimination and recognising the benefits to the Parties arising from this Agreement;

AFFIRMING that, in accordance with the Law on Treaties No. 108/2016/QH13 dated 9 April 2016 of Viet Nam, this Agreement shall be approved by the Government of the Socialist Republic of Viet Nam, thereby expressing the consent of the Socialist Republic of Viet Nam to be bound by this Agreement;

PURSUANT to the respective laws and regulations of the Parties,

HEREBY AGREE AS FOLLOWS:

ARTICLE 1**Objective**

1. 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 Union from Viet Nam of timber and timber products covered by this Agreement have been legally produced and, in doing so, to promote trade in timber products that are from sustainably managed forests and harvested in accordance with the domestic legislation in the country of harvest.
2. This Agreement also 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 apply:

- (a) “import into the Union” means the release for free circulation into the Union, within the meaning of Article 201 of Regulation (EU) No 952/2013 of the European Parliament and of the Council¹, of timber products which cannot be classified as “goods of a non-commercial nature” as defined in point 21 of Article 1 of Commission Delegated Regulation (EU) 2015/2446²;
- (b) “export” means the physical leaving or taking out of timber products from any part of the geographical territory of Viet Nam, except for timber products in transit through Viet Nam;

¹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ EU L 269, 10.10.2013, p. 1).

² Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ EU L 343, 29.12.2015, p.1).

- (c) “timber products in transit” means any timber products originating from a third country which enter the territory of Viet Nam under customs control and leave it in the same form whilst retaining their country of origin;
- (d) “timber products” means the products listed in Annex I;
- (e) “HS code” means a four- or six-digit code as set out in the nomenclature of the Harmonized Commodity Description and Coding System established by the International Convention on the Harmonized Commodity Description and Coding System of the World Customs Organization;
- (f) “FLEGT licence” means a Vietnamese legal document which confirms that a shipment of timber products intended for export to the Union has been legally produced and verified in accordance with the criteria laid down in this Agreement. A FLEGT licence may be in paper or electronic form;
- (g) “Licensing Authority” means the authority designated by Viet Nam to issue and validate FLEGT licences;

- (h) “competent authorities” means the authorities designated by the Member States of the Union to receive, accept and verify FLEGT licences;
- (i) “shipment” means a quantity of timber products covered by a FLEGT licence that is sent by a consignor or a shipper from Viet Nam and is presented for release for free circulation at a customs office in the Union;
- (j) “legally produced timber” (hereinafter also referred to as “legal timber”) means timber products harvested or imported and produced in accordance with the legislation of Viet Nam set out in Annex II and other relevant provisions of this Agreement; and, in the case of imported timber, it means timber products harvested, produced and exported in accordance with the relevant legislation of the country of harvest and the procedures described in Annex V;

- (k) “release for free circulation” means a Union customs procedure which confers the customs status of Union goods on goods which are not from the Union (in accordance with Regulation (EU) No 952/2013), entailing the collection of any import duties due; the collection, as appropriate, of other charges; the application of commercial policy measures and prohibitions and restrictions; and the completion of other formalities laid down in respect of the importation of goods;
- (l) “verification of verifiers” means the process of checking the legality, validity and conformity of verifiers on the basis of documentary and/or physical checks by the verification entities in accordance with the regulations set out in the Legality Definition in Annex II.

ARTICLE 3

FLEGT licensing scheme

1. A forest law enforcement, governance and trade (FLEGT) licensing scheme is hereby established between the Parties. It establishes a set of procedures and requirements aimed at verifying and attesting, by means of FLEGT licences, that timber products shipped to the Union were legally produced. In accordance with Council Regulation (EC) No 2173/2005¹ and this Agreement, the Union shall accept such shipments from Viet Nam for import into the Union only if they are covered by FLEGT licences.
2. The FLEGT licensing scheme shall apply to the timber products listed in Annex I.
3. The Parties agree to take all measures necessary to implement the FLEGT licensing scheme.

¹ 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 (OJ EU L 347, 30.12.2005, p. 1).

ARTICLE 4**Licensing Authority**

1. Viet Nam shall designate the Licensing Authority and notify its contact details to the European Commission. Both Parties shall make that 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 shall issue FLEGT licences covering shipments of timber products that are legally produced in Viet Nam for export to the Union.
3. The Licensing Authority shall not issue FLEGT licences for any shipment of timber products that has not been legally produced in accordance with the Vietnamese legislation specified in Annex II or, in the case of imported timber, timber products that have not been harvested, produced or exported in accordance with the legislation of the country of harvest and of the country of production.

4. The Licensing Authority shall maintain and make publicly available its procedures for issuing FLEGT licences. It shall also maintain records of all shipments covered by FLEGT licences, consistent with national legislation concerning data protection, and shall provide such records for the purposes of the independent evaluation referred to in Article 10, while respecting the confidentiality of exporters' proprietary information.

ARTICLE 5

Competent authorities

1. The European Commission shall inform Viet Nam of the contact details of the competent authorities designated by the Member States of the Union. Both Parties shall make that information available to the public.
2. The competent authorities shall verify that each shipment is covered by a valid FLEGT licence before releasing that shipment for free circulation in the Union. The release of the shipment may be suspended and the shipment may be held if there are doubts regarding the validity of the FLEGT licence.

3. The competent authorities shall maintain and publish annually a record of FLEGT licences received.
4. The competent authorities shall grant persons or bodies designated by Viet Nam as Independent Evaluator in accordance with Article 10 access to the relevant documents and data, in accordance with their national legislation on data protection.
5. The competent authorities shall not perform the action described in paragraph 2 in the case of a shipment of timber products derived from species listed in the Appendices to CITES, as these are covered by the provisions for verification set out in Council Regulation (EC) No 338/97¹.

¹ Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ EC L 61, 3.3.1997, p. 1).

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. FLEGT licences shall be provided on a form written in English and Vietnamese. The form shall be completed in English.
3. The Parties may, by agreement, establish electronic systems for issuing, sending and receiving FLEGT licences.
4. The technical specifications and the procedure for issuing FLEGT licences 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 given in point (j) of Article 2 and specified in Annex II. That Annex describes Vietnamese legislation that must be complied with in order for timber products to be covered by a FLEGT licence. That Annex also includes documentation containing the principles, criteria, indicators and verifiers serving to prove compliance with such legislation.

ARTICLE 8**Verification of legally produced timber**

1. Viet Nam shall establish and implement a Viet Nam Timber Legality Assurance System (“VNTLAS”) to verify that timber and timber products have been legally produced and to ensure that only shipments verified as such are exported to the Union. The VNTLAS shall include compliance checks and procedures to ensure that timber of illegal or unknown origin does not enter the supply chain.
2. The system for verifying that shipments of timber products have been legally produced is set out in Annex V.

ARTICLE 9

Release of shipments covered by a FLEGT licence

1. The procedures governing the release for free circulation in the Union of shipments covered by a FLEGT licence are described in Annex III.
2. Where the competent authorities have reasonable grounds to suspect that a licence is not valid or authentic or does not conform to the shipment it purports to cover, the competent authority concerned may apply the procedures described in Annex III.
3. Where persistent disagreements or difficulties arise in consultations concerning FLEGT licences, the matter may be referred to the Joint Implementation Committee established pursuant to Article 18.

ARTICLE 10**Independent evaluation**

1. The purpose of the independent evaluation is to assess the implementation, effectiveness and credibility of the VNTLAS and the FLEGT licensing scheme, as set out in Annex VI.
2. Viet Nam, in consultation with the Union, shall engage the services of the Independent Evaluator to implement the tasks set out in Annex VI.
3. The Independent Evaluator shall be a body with no conflict of interest resulting from an organisational or commercial relationship with:
 - (a) the Union or with the Vietnamese forestry sector regulatory authorities;
 - (b) the Licensing Authority, or anybody given the responsibility of verifying the legality of timber production; or
 - (c) any operator exercising a commercial activity in its forestry sector.

4. The Independent Evaluator shall operate in accordance with a documented management structure, and with published policies, methods and procedures that correspond to internationally accepted best practices.
5. The Independent Evaluator shall refer complaints arising from its work to the Joint Implementation Committee established pursuant to Article 18.
6. The Independent Evaluator shall submit its observations to the Parties in reports in accordance with the procedure described in Annex VI. Reports by the Independent Evaluator shall be published in accordance with the procedure set out in Annex VIII.
7. The Parties shall facilitate the work of the Independent Evaluator, ensuring in particular that it has access to the territory of each Party and to the information necessary for the performance of its functions. In accordance with their respective national legislation on data protection, the Parties may nonetheless refuse to disclose information that they are not permitted to communicate.

ARTICLE 11

Irregularities

The Parties shall inform each other in accordance with Article 20 if they suspect or have found evidence of any circumvention or irregularity in the FLEGT licensing scheme, including in relation to the following:

- (a) circumvention of trade, including by redirection of trade from Viet Nam to the Union via a third country, where there is reason to believe that this is done with the intention of avoiding licensing;
- (b) FLEGT licences covering timber products which contain timber from third countries that is suspected of being illegally produced; or
- (c) fraud in obtaining or using FLEGT licences.