



# EU “Timber” Regulation *(Regulation (EU) No 995/2010)*

Regional Workshop on  
Capacity Building Needs to Support FLEGT in Asia  
16 October 2013

# FLEGT Action Plan

```
graph TD; A[FLEGT Action Plan] --> B[FLEGT Regulation]; A --> C[EU "Timber Regulation"]; A --> D[Public procurement policies]; A --> E[Private sector actions]; B --> F[VPAs];
```

The diagram illustrates the components of the FLEGT Action Plan. At the top is a large box labeled 'FLEGT Action Plan'. A horizontal line below it branches into four boxes: 'FLEGT Regulation', 'EU "Timber Regulation"', 'Public procurement policies', and 'Private sector actions'. A vertical line from 'FLEGT Regulation' leads to a box labeled 'VPAs'.

FLEGT  
Regulation

EU "Timber  
Regulation"

Public  
procurement  
policies

Private  
sector  
actions

VPAs

# EU Timber Regulation

- Bilateral VPAs good, but demands for overarching legislation to prevent the EU serving as a market for illegally harvested timber
- 2008 US Lacey Act amended to prohibit the sale of illegally harvested timber
- EU legislative proposal put forward in 2008
- Regulation (EU) 995/2010 adopted and entered into force in 2010, secondary legislation adopted in 2012.
- EU TR applicable since **3 March 2013**

# OBLIGATIONS

## Due diligence

Operators shall exercise due diligence when placing timber or timber products on the market. To that end, they shall use a framework of procedures and measures, hereinafter referred to as a 'due diligence system', as set out in Article 6 of the EUTR

## Prohibition

The placing on the market of illegally harvested timber or timber products derived from such timber shall be prohibited

## Traceability

Traders shall be able to identify from who they bought the timber products and where applicable to who they have supplied the timber products

# WHO IS LIABLE?

- “Operators” = any natural or legal person who places timber or timber products on the EU market. Liable for:
  - ✓ Exercising of due diligence
  - ✓ Prohibition
- “Traders” = any natural or legal person who trades on the internal market timber or timber products already placed on the market. Liable for the “traceability”

# Key components of a DDS

- 1) **Access to information:** *species, origin, quantities, traders and compliance with legal requirements of harvest country*
- 2) **Risk assessment:** *certification; prevalence of illegal harvesting; sanctions; complex supply chains, etc.*
- 3) **Risk mitigation:** *Ex: additional information or documentation; certification, etc.*

**Negligible risk** - where following full risk assessment no cause for concern can be discerned

- Products covered by **FLEGT** or **CITES** licenses are considered to have been legally harvested for the purposes of the EU Timber Regulation
- This means by importing **FLEGT** or **CITES** licensed timber, due diligence is exercised.

# Monitoring organisations (MO)

- Legally established within the EU and recognised by the Commission
- Maintain and evaluate a due diligence system and grant operators the right to use it
- Ensure that operators correctly apply the due diligence system
- Subject to checks by competent authorities
- 2 MO recognised; others in the pipeline
- MO assist operators and is an option for operators

# PRODUCT SCOPE

- Listed in Annex using EU Customs codes
- Covers a wide range of timber products
- Does not cover:
  - Waste and recycled products
  - Packaging material to support or carry another product
  - Certain bamboo and rattan products
  - Other products not listed in Annex (toys; musical instruments)
- May be amended to include other products (Chapter 49)





# EUTR Implementation and Enforcement: the EU Member States

- Competent authorities (CA) = national government bodies responsible for the application and enforcement:

- Check operators
- Check MOs
- Reports, etc.

- A list of EU MS` CA can be found here:

[http://ec.europa.eu/environment/forests/timber\\_regulation.htm](http://ec.europa.eu/environment/forests/timber_regulation.htm)

- Penalties: effective, proportionate and dissuasive penalties

# EUTR Implementation and Enforcement: state of play

- Penalties: broad range based on different criteria
- Checks on operators: risk based; first checks on operators carried out
- Checks on MO: risk based
- Infringement cases
- Reports – March/December 2015

# Frequently Asked Questions

- Under the EUTR no Customs checks or new Customs declarations. Checks will be made at premises of the operator first placing products on the EU market
- EU operators will not normally need information specific to each shipment of timber products but on a supply of the same products
- Third party verified systems eg FSC, PEFC, SVLK can be used as part of due diligence systems but not automatically = legality

# Thank you!

Websites:

[http://ec.europa.eu/environment/forests/timber\\_regulation.htm](http://ec.europa.eu/environment/forests/timber_regulation.htm)

<http://ec.europa.eu/environment/eutr2013/>

