

ILLEGAL LOGGING and EU Timber Regulation (EUTR)



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Definition of illegal logging

Timber harvested, transported, processed and/or traded in contravention of the **national laws** of the country of harvest and certain international treaties such as the Convention on International Trade in Endangered Species (CITES).



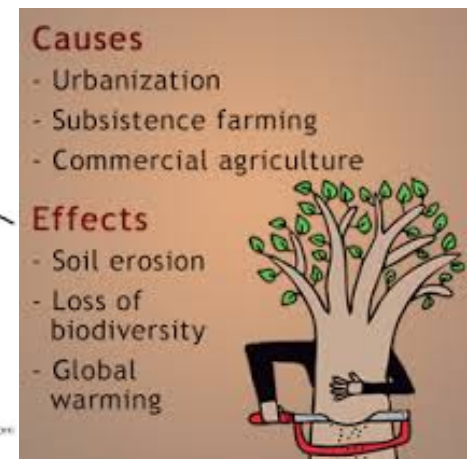
Illegal logging may take place in a variety of ways

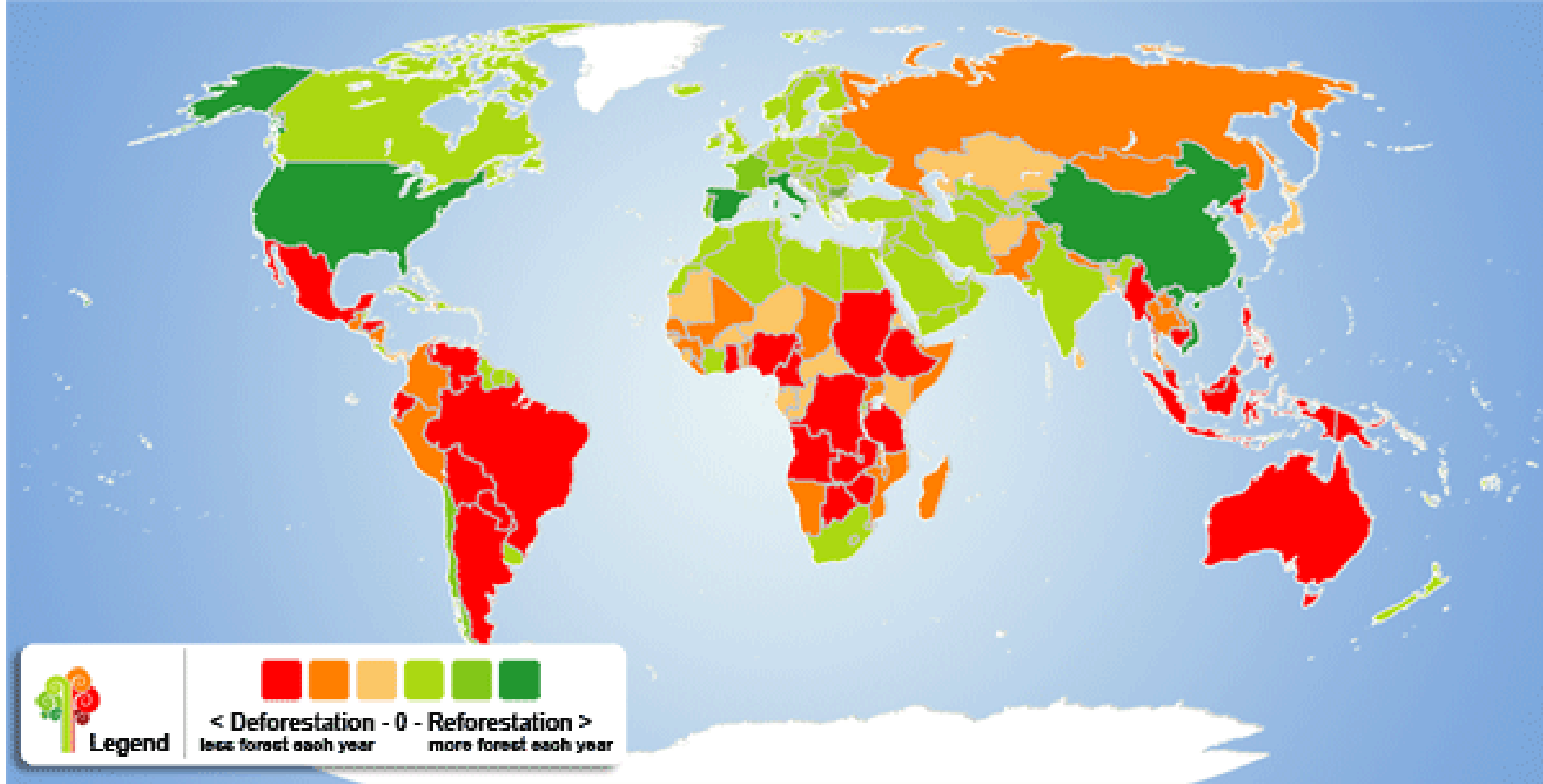
- Extracting timber products without permission, including from reserves and protected areas
- Gaining access to forests through corrupt dealings
- Harvesting protected species
- Harvesting more than the legally agreed limit



Consequences of illegal logging

- **Environmental implications:** loss of biodiversity, deforestation and forest degradation, desertification, climate change
- **Economic and social consequences:** revenue loss for the government, corruption, undermining rule of law and good governance, contributing to organized crimes, weakening the fabric of society
- **Cross-border impacts:** tensions, hindering regional sustainable development





96 % losts of forests is situated in tropical zone

Globally, many rainforest species are increasingly threatened due to deforestation, and even though they cover only about 7 % of the Earth's land surface, they provide a habitat for approximately 50 % of all the known species on Earth

International response



The World Bank:

FLEG - Forest Law Enforcement and Governance

- 2001 First FLEG Conference for East Asia
- 2002 Forest Strategy: Commitment to take action to curb illegal logging and other forest crimes
- Regional ministerial FLEG initiatives:
 1. 2001- East Asia and the Pacific
 2. 2003 - Africa
 3. 2005 - Europe and North Asia.
 4. Latin America and the Caribbean: activities for a potential FLEG initiative are under way

PROFOR – The Programme on Forests

- technical assistance to improve the monitoring of forest activities and helping create consensus and political will around priority reforms.

European response

The EU Action Plan for Forest Law Enforcement, Governance and Trade (FLEGT)

Measures:

- Support to timber-producing countries
- Activities to promote trade in legal timber (VPA)
- Promoting public procurement policies
- Support for private sector initiatives
- Safeguards for financing and investment
- Use of existing legislative instruments or adoption of new legislation to support the plan
- Addressing the problem of conflict timber

EU FLEGT Action Plan since 2003

- ◉ Voluntary scheme to ensure that only legally harvested timber is imported into the EU
- ◉ **EU Regulation No. 2173/2005** - Voluntary Partnership Agreement (**VPA**) with developing countries (Ghana, Cameroon, Republic of Congo...)
- ◉ **EU Regulation No. 995/2010** laying down the obligations of operators who place timber and timber products on the market (**TIMBER REGULATION - EUTR**)

EUTR is based on Due Diligence System



Art. 4.1 - The placing on the market of illegally harvested timber or timber products derived from such timber shall be prohibited.
(timber products listed in annex)

Relationship between parties involved within EUTR

Commission

- specifies the elements of the due diligence system for Art. 6
- recognizes monitoring organization
- publishes list of recognized monitoring organizations and list of authorities
- informs MS on the decision of competent authorities

Competent authority

- ensures compliance control and enforcement

Operator

Own due diligence system

Commission

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- recognizes monitoring organization
- publishes list of recognized monitoring organizations and list of authorities
- informs MS on the decision of competent authorities

Competent authority

- ensures compliance control and enforcement

Monitoring organization

- establishes due diligence system
- verifies the proper use
- takes appropriate measures

Operator

Due diligence system

EUTR - applicable legislation



Art. 2.h) Applicable legislation means the legislation in force in the country of harvest covering the following matters:

- rights to harvest timber within legally gazetted boundaries,
- payments for harvest rights and timber including duties related to timber harvesting,
- timber harvesting, including environmental and forest legislation including forest management and biodiversity conservation, where directly related to timber harvesting,
- third parties' legal rights concerning use and tenure that are affected by timber harvesting, and
- trade and customs, in so far as the forest sector is concerned

EUTR - traceability of timber products

Art. 5 – Obligation of traceability



- Traders shall be able to identify:
 - (a) the operators or the traders who have supplied the timber and timber products;*
 - (b) where applicable, the traders to whom they have supplied timber and timber products.*
- Traders shall keep the information referred to in the first paragraph for **at least five years** and shall provide that information to competent authorities if they so request.

EUTR - checks



Art. 10 – Checks on operators

- **Authorities** shall carry out checks to verify if operators comply with TR requirements
- Periodically reviewed plan following a risk- based approach
- Checks may include
 - Examination of due diligence system
 - Examination of documentation and records that demonstrate the proper functioning of the due diligence system and procedures
 - Spot checks, including field audits

EUTR - shortcomings



Where shortcomings have been detected, the competent **authorities may issue a notice of remedial actions to be taken by the operator**. Additionally, depending on the nature of the shortcomings detected, Member States may take immediate interim measures, including inter alia:

- a) seizure of timber and timber products;**
- b) prohibition of marketing of timber and timber products.**

Questions for clarification

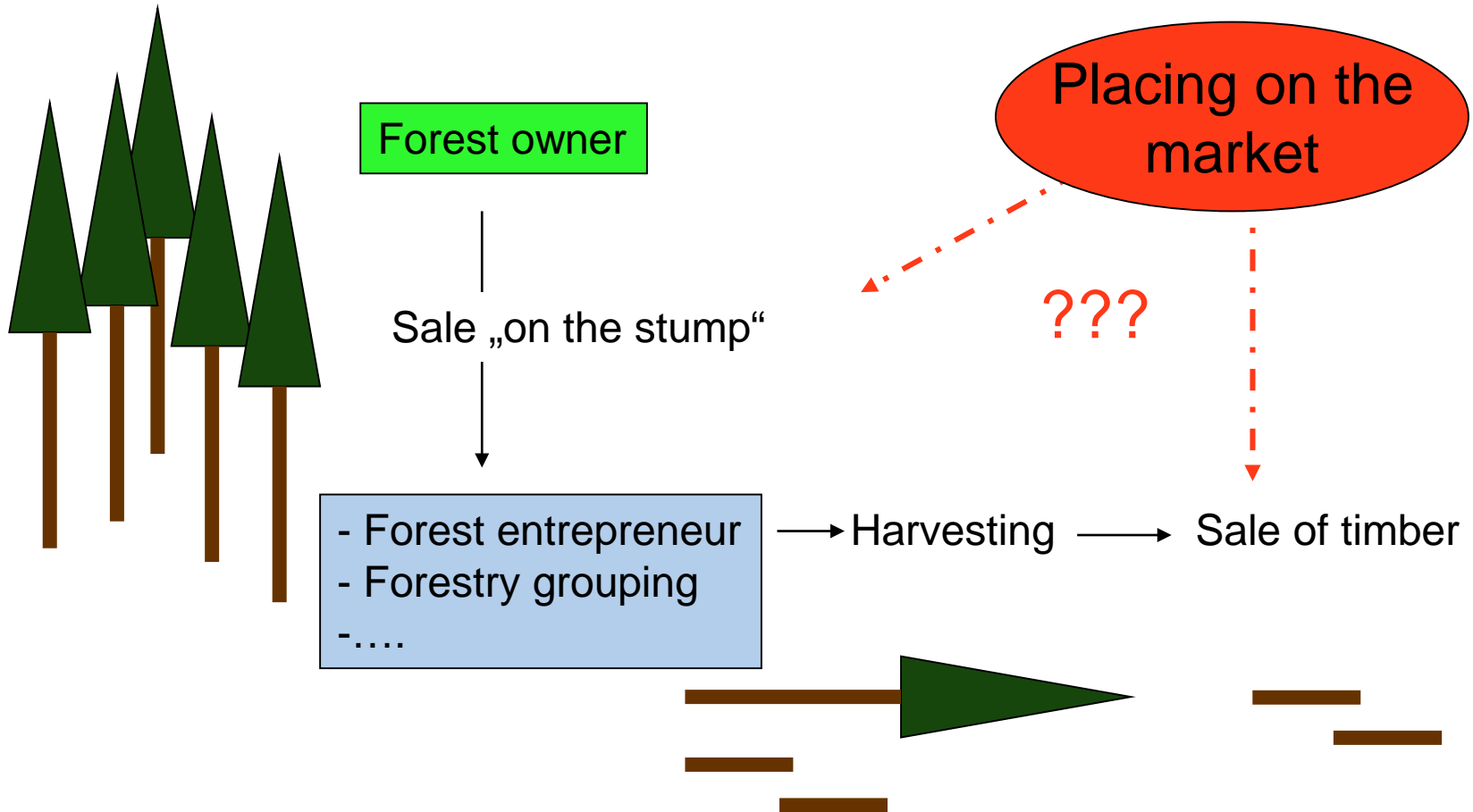
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Discussion within the FLEGT Committee
and Forest Standing Committee

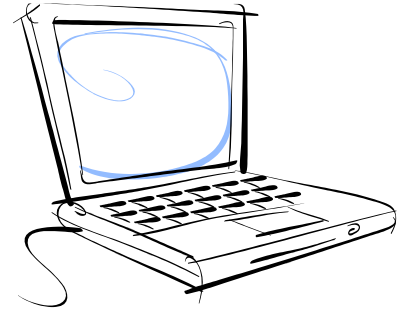
„Placing on the market for the first time“

- ☐ Where exactly is the point of entry into market?
- ☐ Who has to exercise due diligence?

Selling timber „on the stump“



Information sources



European Commission - EUTR

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

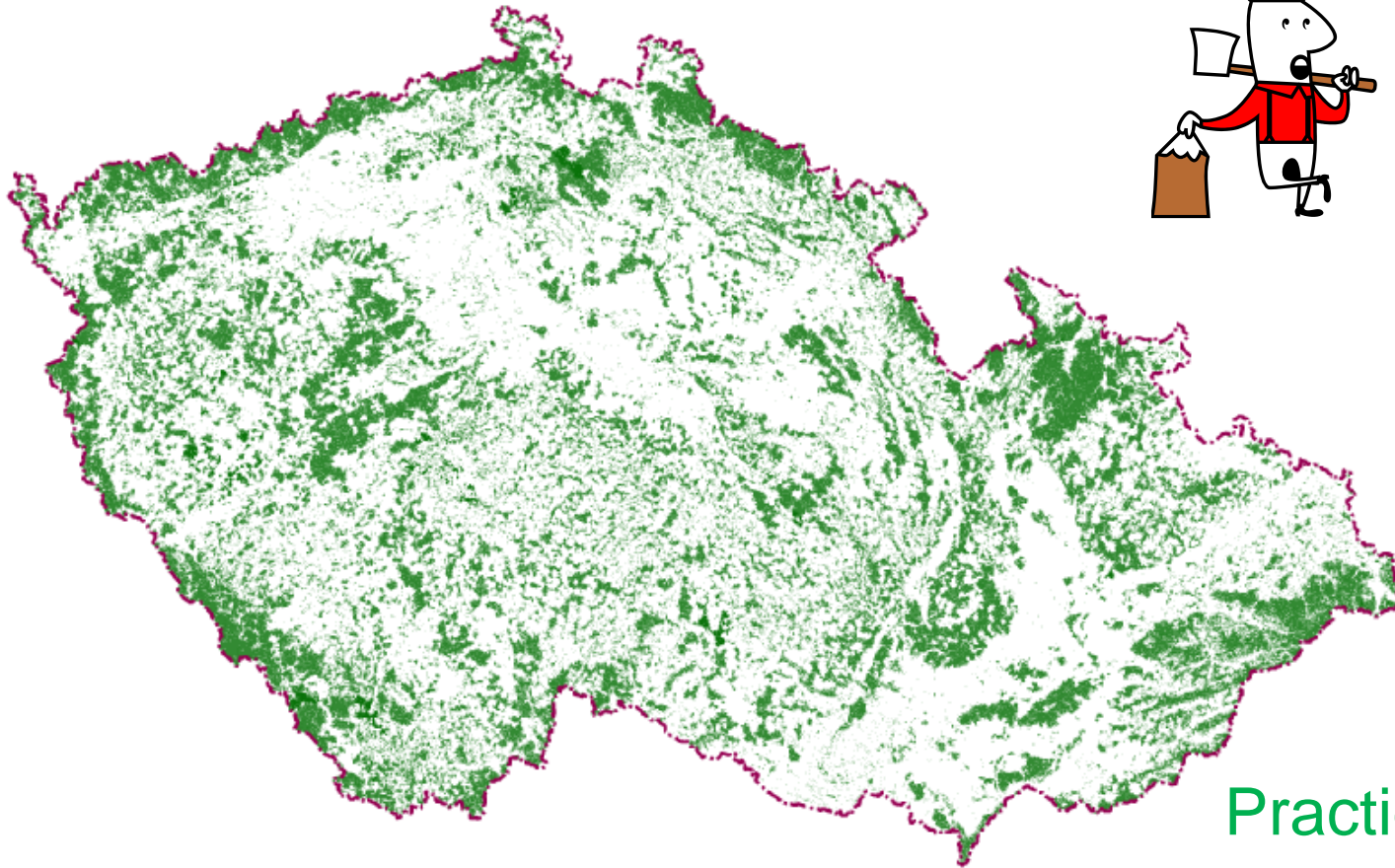
Chatham House – ILLEGAL LOGGING

<http://www.illegal-logging.info/>

WWF – ILLEGAL LOGGING

http://wwf.panda.org/about_our_earth/about_forests/deforestation/forest_illegal_logging/

Forestry and illegal logging in the Czech Republic



Practical examples
in following presentation