
Environment and Climate Regional Accession Network (ECRAN)

**Workshop Report on
Fighting Illegal logging
and associated trade:**
Cooperation between the
EU and EU Candidate
Countries and Potential
Candidates on
Implementation of the EU
Timber Regulation

02-03 June 2016, Zagreb

ENVIRONMENTAL AND CLIMA REGIONAL NETWORK FOR ACCESSION - ECRAN

WORKSHOP REPORT

Activity No 2.7

**FIGHTING ILLEGAL LOGGING AND ASSOCIATED TRADE:
COOPERATION BETWEEN THE EU AND WU CANDIDATE COUNTRIES AND POTENTIAL CANDIDATES
ON IMPLEMENTATION OF THE EU TIMBER REGULATION**

02-03 June 2016, Zagreb, Croatia



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LIST OF ABBREVIATIONS	
BIH	Bosnia and Herzegovina
CA	Competent Authority
CFS	State Forestry Police Force in Italy
CITES	Convention on International Trade in Endangered Species
CN	Combined Nomenclature Code
DDS	Due Diligence System
EC	European Commission
EFA	Executive Forestry Agency in Bulgaria
EU	European Union
EUTR	European Union Timber Regulation
FLEGT	Forest Law Enforcement, Governance and Trade
FMI	Forest Management Institute in Czech Republic
FSC	Forest Stewardship Council in Austria
LF	Law on Forests
MAEP	Ministry of Agriculture and Environmental Protection
MAFRD	Ministry of Agriculture, Forestry and Rural Development in Kosovo*
MIPAAF	Ministry of Agricultural, Food and Forestry Policies in Italy
MS	Member State
NGO	Non-governmental Organisation
RDF	Regional Directorates of Forestry in Bulgaria
SFM	Sustainable Forest Management
WBR	Western Balkan Region



I. Background/Rationale

The Western Balkan Region (WBR) has a total area of approximately 264 500km² comprising EU candidate countries Albania, the Former Yugoslav republic of Macedonia, Montenegro and Serbia and potential candidates Bosnia and Herzegovina, and Kosovo^{1*}. Forest cover in these regions varies from 34% in Serbia to 54% in Montenegro, which is above the EU average. Regarding forest ownership and management, the majority of forests of the WB region are owned by the State, with a smaller portion being held by private owners.

Turkey (total area: 783,562 km²) is an important trade partner in timber and timber based products for a number of EU Member States. Forest cover in Turkey is 28%.

Sustainable forest management (SFM) has been incorporated in the forest laws of these countries. The EU and in particular its environmental policy has influenced these countries through the definition of SFM and the principles of forest governance in the forest sector.

Nevertheless, illegal logging represents a persistent problem, threatening forest ecosystems and biodiversity, fostering corruption, decreasing state revenues, and depressing legally-harvested timber prices. There is no common definition of "what is illegal logging", but it is described in different forms and to varying extents in forest laws. However, the existing legislative framework is not sufficient for legal enforcement.

The WB countries and Turkey have indicated their wish to join the EU. Gaining entrance to the EU is conditional and depends upon developing country specific strategies to meet EU requirements as well as regional cooperation. During this process, they must harmonise their laws with the EU legislation and its international principles. Thus, the process of accession is a demanding one implying changes in the environmental legislation and governance of each country. In this context the EU Timber Regulation (EUTR) is part of the body of Community law and regulations that need to be incorporated in order to fulfil EU-adherence requirements. EUTR offers many opportunities to the candidate and potential candidates in their fight against illegal logging and their pursuit of good governance. The incorporation and implementation of EUTR can additionally have positive impacts on the timber industries and timber markets both in the candidate and potential candidates and the EU.

¹ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence



II. Objectives of the training

General objectives

Fostering cooperation and information exchange and ensuring transparency and legitimacy in the process of preparation to incorporate and implement EUTR in the candidate and potential candidates

Specific objectives

- Inform, raise awareness and explain the different contents of EUTR to relevant stakeholders and actors in the candidate and potential candidates;
- Address the challenges and opportunities that the regulation represents for each target country, taking into account specific environmental, societal and economical aspects;
- Share and learn from the EUTR implementation experiences in EU countries;
- Address the current state of illegal logging in the candidate and potential candidates and establish the relevance of the EUTR to each case;
- Build closer relations between the EUTR competent authorities in the EU Member States and authorities in candidate and potential candidates;
- Prepare authorities in candidate and potential candidates for possible participation in official meeting at the EU level.

Results/outputs

The following results were expected from the regional exercise:

- Enhanced capacities to better implement EU Timber Regulation;
- Enhanced cooperation between EUTR competent authorities of EU Member States and those in EU enlargement countries.



III. EU policy and legislation covered by the training

Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market

Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market – also known as the (Illegal) Timber Regulation counters the trade in illegally harvested timber and timber products through three key obligations:

1. It prohibits the placing on the EU market for the first time of illegally harvested timber and products derived from such timber;
2. It requires EU traders who place timber products on the EU market for the first time to exercise 'due diligence';
3. Keep records of their suppliers and customers.

Once on the market, the timber and timber products may be sold on and/or transformed before they reach the final consumer. To facilitate the traceability of timber products economic operators in this part of the supply chain (referred to as traders in the regulation) have an obligation to Keep records of their suppliers and customers.

The Regulation will compel operators to undertake risk management exercises so as to minimise the risk of placing illegally harvested timber, or timber products containing illegally harvested timber, on the EU market. Taken together, these risk management exercises will constitute the operators system of “Due Diligence”.

Regulation is also called The European Union Timber Regulation (EUTR). The EUTR covers a range of timber products such as solid wood products, flooring, plywood, pulp and paper that are listed the EUTR’s Annex.[4] The EUTR does not cover recycled products, as well as printed papers such as books, magazines and newspapers.

The EUTR requires all EU member states to implement the Regulation by designating a ‘competent authority’ responsible for its application (Article 7), lay down “effective, proportionate and dissuasive” penalties applicable to infringements of the EUTR and take all measures necessary to guarantee that penalties are enforced (Article 19).



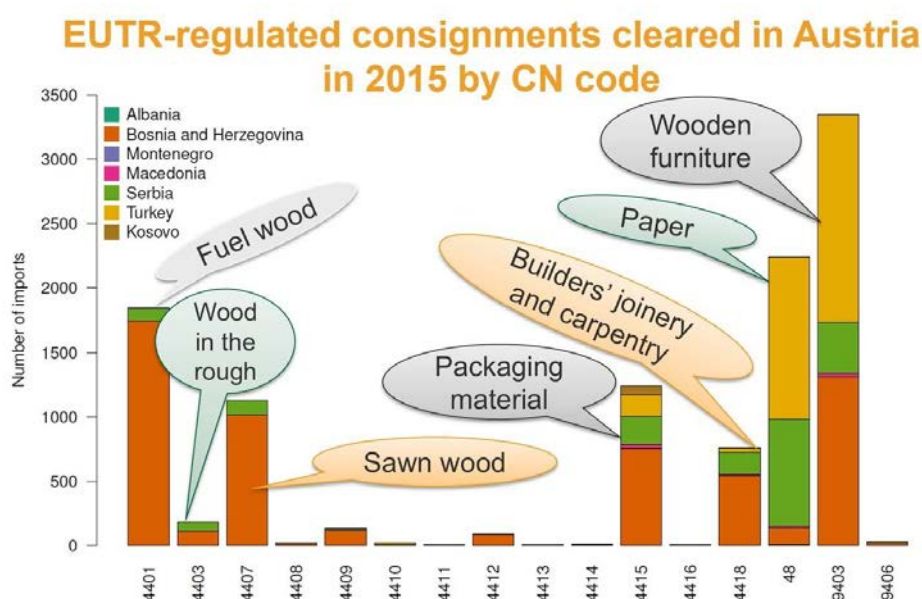
IV. Highlights from the training workshop

The meeting was opened by Mr. by Ivica Francetic, Assistant Minister for Forestry, Hunting and Wood Industry of Republic of Croatia, Mr. Bojan Grlas from European Commission DG Environment, and Mr. Mihail Dimovski, ECRAN Team Leader.

Presentations on EUTR implementation in Austria – Mr. Hannes Krehan

Mr. Krehan presented experiences with checks of importers of regulated wood products from candidate countries and potential candidates. Information available for Austrian competent authority (CA) regarding the customs declaration of EUTR regulated goods include information such as country of origin, country of dispatch and country of destination, description of goods, invoice and custom value, etc.

Two greatest exporters of wood to Austria are Bosnia and Herzegovina (BIH) and Turkey. More than 90% of fuel wood and sawn wood import in Austria comes from BIH. Wooden furniture is mostly imported from BIH and Turkey, but also from Serbia, which also has great part in the export of paper to Austria.



In the process of import, there are in total three risk factors, each containing three risk levels:

1. Type of products, derived from the combined nomenclature code (CN) in the custom data:
 - a. non to partially processed products (rough or sawn wood, fuel wood) -risk level 1;
 - b. semi-finished products (fibre board, OSB, paper, pulp) - risk level 2;
 - c. fully-finished products (furniture, prefabricated buildings) – risk level 3;
2. Country of harvest:
 - a. 70-100 points - risk level 1
 - b. 40-69 points - risk level 2
 - c. 0-39 points - risk level 3
3. Three species:
 - a. Coniferous timber - risk level 1
 - b. Deciduous timber - risk level 2



c. Tropical timber - risk level 3

Due Diligence System (DDS) relevant documents depends of the country of origin. Waybills are available from BIH and Montenegro, but not from Serbia, while Management Plan is available from Serbia, and Contract about the use of timber from Montenegro, with regards to these three countries. Additional documents provided by operator include Forest Stewardship Council (FSC) certificate, self-declaration of supplies, packing list, on voice of logs, etc. For example, BIH have FSC certificate for four types of products, as declared in the CN code:

- 4401 – pellets made from wood residual;
- 4407 – sawn wood;
- 4409 – shaped wood for furniture industry;
- 4413 – boards for furniture industry.

However, there have been problematic cases as well during the import of timber. Cases as such usually include lack of information about the origin of wood and wood species, or wood cut in private gardens. Also, cases from uncertified companies have been reported. Thus, the Austrian CA is working very closely with the customs and all parties included in order to prevent illegal import of wood products not only from the Western Balkans and Turkey, but worldwide.

Implementation and Enforcement of EUTR in Croatia – Mr. Domagoj Pleše

Republic of Croatia has taken over its obligations for the implementation from the date of accession to EU, 1 July 2013. However, law on application of the EUTR Ordinance entered into force on 19 April 2013, couple of months prior to accession. Competent authorities in Croatia for implementation of the regulation is Ministry of Agriculture and customs, and they are also responsible for penalty clauses. The national institutional framework, which is not prescribed by the EU legislation, has been defined by the ministerial decision, which identifies the Ministry of Agriculture, Directorate for Forestry, Hunting and Wood Industry as the only institution responsible for carrying out checks of operators, traders and monitoring organizations. Ministry of finance is also included in the process by providing data for checks.

The biggest Croatian Operator placing wood on internal market is Hrvatske šume d.o.o. Annual increment in Croatia amounts to 10,5 million m³, whereof 8 million m³ stems from the forests managed by Hrvatske šume and 2,1 million m³ from the privately owned forests. Almost 47% of land in Croatia is covered in forests, out of which 75% are state owned and managed by Hrvatske šume. However, in the period of July 2013 and January 2016, timber and timber products imported in Croatia amounted to almost 326 million euros. Main import countries are Serbia and BIH, with total combined of 76.6% of import. Import from other countries include Turkey and Former Yugoslav Republic of Macedonia, while minor imports were registered from Albania, Kosovo* and Montenegro.

Regarding the operators in Croatia, it has been registered that there was a lack of awareness among operators. In total 42 conducted checks have been performed, and only 11 of has fully operational DDS system. In case of not existing DDS, operator is given corrective measures and probationary period of 3 months for putting it in place. 15 out of 22 operators with no DDS in place, after expiry of



the probationary period were complied with the EUTR regulation. In case of non-compliance after probationary period, a fine in range of 650 - 20.000 € shall be imposed.

In general, there is lack of awareness of the EUTR regulation, especially in the exporting countries, which can cause additional problems to the competent authorities. Croatia is planning to pass amendments to the law on application of EUTR Ordinance by the end of 2016, and also introduce e-checks, which could help competent authorities to reduce and make work much easier.

Guidelines for setting up a due diligence for small operators – Mr. Jan Doubal

In Czech Republic, checks on operators started in 2013. Competent authorities for implementation of EUTR regulation are Ministry of Agriculture, Forest Management Institute, Regional Authorities and Customs office. In 2015, over 100 domestic check were performed. Almost 70% of checks were performed for Ukrainian exporters, than exporters from Russian Federation and China.

ECRAN beneficiary countries that export timber in Czech Republic are predominantly BiH, Serbia, Turkey and Former Yugoslav Republic of Macedonia. Usually products that are imported are sawn timber, furniture, pallets and particle boards. In accordance with the EUTR, certificates are key part of DDS. Mr. Doubal showed a few examples of certification with Serbian and Bosnian experience.

There are 2.7 million of hectares of forests in Czech Republic. According to the information from 2014, almost 60% of the forests are state owned, while others owners include communal and municipal forests, forests owned by individuals and legal persons. At the time, there were more than 280,000 forests identified. Operator should be aware of the most common sources of illegality under the Act on Forests (Forest Act):

- planned main felling in forests under 80 years of age;
- felling beyond the scope of the approved plan;
- deliberately exceed approved decadal volume of felling;
- area of clear felling must not exceed one hectare;
- unauthorised felling in an amount exceeding 3 m³ per hectare (forest owners under 50 Ha);

while under the Act of Nature protection, cutting outside of the forest without proper announcement to the authorities or without permission is not allowed.

Guidelines for implementation of EUTR were made by the Forest Management Institute (FMI) right after national legislation came into force in 2013. However, these guidelines are not legally binding, meaning that operators can choose whether to use them or not. Guidelines are not advertised, but they are publically available, and they are subject to constant change due to new experiences. Operators are often misusing guidelines with DDS, however, just a template to help small companies with redundant administrative burden.

Guideline is a document of around nine pages, assisting the operator with:

- Understanding the main terms and definitions
- Getting to know the basic legislation and the applicable legislation
- Fulfilling the requirements of the regulation on due diligence



- Organizing the processes by the operator to comply with the EUTR (risk assessment and mitigation mostly)

In Czech Republic, there are three templates of guidelines, depending on the type of operator;

- Forest owners up to 50 hectares of forest (personal ownership);
- Forest owners over 50 hectares (obliged to have Forest management plan (supervised by government forest administration);
- Forest owners with also non-forest production (municipalities mostly).

Entire guidelines structure was described and shown to the participants, starting with legislation, terms, and definition, obligations of the operator, gathering information, risk assessment and risk mitigation.

Mr. Doubal emphasized the importance of distinguishing the difference between domestic operator and importer, and availability of the sources of illegality in the domestic forestry sector. Moreover, DDS is a tool of minimising the risk of illegality, which is as important as addressing domestic illegality issues and information sharing.

Enforcement, challenges, examples of good practice on EUTR implementation in Slovenia – Mr. Robert Rezonja

On the basis of the amended Forest Act, the competent authorities for implementation of EUTR in Slovenia are the Ministry responsible for forestry, Forestry inspection, and customs administration. On the basis of risk assessment, customs administration has performed 12 checks in 2014, and 14 checks in 2015. The Annual programme for checks is made on the basis of data of the Customs Information System.

An example was given of timber trade between Slovenia and several ECRAN beneficiary countries. One of the examined companies in Slovenia imported timber from BIH. During the first visit of the Customs Administration the company displayed only statement of compliance with EUTR. On the basis of the EUTR, a company must have in place the “due diligence system”, with all tree pillars:

1. Access to the information;
2. Risk assessment procedure;
3. Risk mitigation procedure.

Slovenian company had no knowledge of the relevant legislation in BIH. Some documents were scanned and barely readable, while some were not related to the shipment. Also, custom authorities had no knowledge of relevant legislations in different parts of BIH. In that manner, Slovenian competent authority requested for assistance BIH authority and with their help, they successfully completed check of the Slovenian company.

Second example was a timber trade between Slovenia and Montenegro. Two visits of customs administrations were paid to the company, and the company provided necessary documents. However, due to the lack of several documents, Slovenian CA asked for assistance Montenegrin authority, and with their help they managed to successfully complete check of the Slovenian company. Representatives of the Slovenian company even visited Montenegrin company and collected



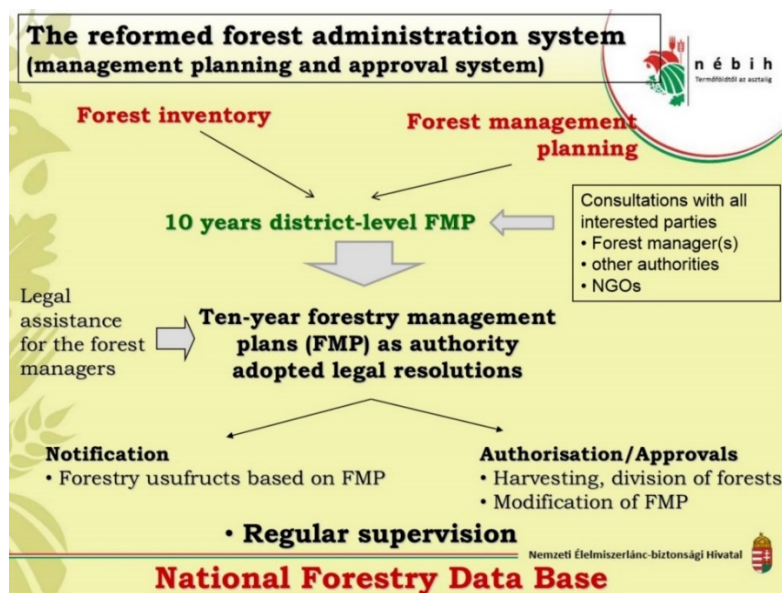
necessary documentation. Similar example was given with Slovenian – Serbian timber trade, where some suspects were given that the timber originated from the national park. With the Serbian assistance, the check of Slovenian company was completed, and all necessary documentation for due diligence were collected.

As a conclusion, Mr. Rezonja emphasized the importance of strengthening cooperation between EU and companies from non-EU taking into account EUTR, moreover, strengthening cooperation between the CAs and customs in the field of forestry and other relevant sectors. Adequate training assistance is also necessary, especially for the beneficiaries coming from non-EU. Slovenia conducted many of those projects, some of which include TAIXEY project on Study visit on requirements of the EUTR, and Study visit on the adoption of the EUTR for beneficiaries of Serbia and Montenegro, respectively.

EUTR Enforcement in Hungary: Monitoring Organisation – Mr. Péter Békési

In Hungary, 20.8% of land is covered with forests, which is around 2 million hectares. Hungary's annual forestry increment is around 13.1 square kilometres. Around 55% of the forests are state owned, around 1.2% are community forests, while all the rest are privately owned, with approximately 360,000 owners.

Forest Administration system have been reformed, where forest inventory and forest management planning were "combined" into ten-year district level Forest Management Plans (FMP), as it was described on the picture below.



Before EUTR came into force, a strict legal background, authorisation and controlling system was already in practice regarding Hungarian Forest management. Thus, it was not difficult to perform minor modifications in the legislation for EUTR compliance. One of the most important things to have been done was to recognize the trading behaviours and opinions of the most possible EUTR operators and traders. Thus, the Forestry Directorate made questionnaires for three different groups, for private forest owners, for forestry companies on publicly owned forests, and for operators in wood industry. In total 245 answers were received, most of them which agreed that firewood is the most risky

product, and that there is a high risk of illegal trading. Also, as many answers showed, many times there was a difference between declared and completed felling volumes.

Even though Hungary produces around 6,400,000 net m3 of timber products, it also has a need to import. In order to analyse EUTR product chain, it was necessary to examine the actual related sectors, meaning the national economic achievement and connections in internal and external trade. At the moment, a wood industry sector strategy is being drafted and it also has a role to highlight the importance of legal wood and the main role of EUTR.

Regarding National legislation, in 2015 a regulation was passed on defining the fines for breaching EUTR regulation. Also, in April 2016, a Ministerial decree was adopted on rules of notification, registration and control of the wood supply chain supervision. Major regulatory fields include:

1. Obligation of operator's notice;
2. EUTR information system;
3. Control of wood chain supply;
4. Registry of primary wood product transportation – delivery notice.

EUTR information system presents registry of the participants of the market chain of wood products, and it includes technical identification number of forestry manager code, identification data, and economic activity per station affecting the EUTR product list. The information system also includes methodology of selection for checks, and data from collaborative national authorities, such as customs and police, but also from other EU Member States.

In a case of voluntarily law-abiding behaviour, the goal is to make as many DDS as possible with the cooperation of the authority and the operator. On the other hand, in case of minor deficiencies, sanctions are being used based on the principle of gradualness. In the case of Hungary, authority focuses its attention to import from Russia and Ukraine, since import from these countries is significant. Types of control in these cases can be done in three ways:

- By planning (planned and unplanned checks);
- By place (DDS control, field visits, roadside checks and mystery shopping);
- By character (by operator or trader or monitoring organisation).

There is also a list of monitoring organisations, each with specific fields of functioning. Some organisations function in only one of several EU MS, while some are recognized in all EU MS. Monitoring Organisations usually come from United Kingdom, Germany, France and Italy.

EUTR in Bulgaria – Mr. Petko Iliev

Competent authority for EUTR in Bulgaria is Ministry of Agriculture and Food and the Executive Forest Agency. The country also has 16 regional Directorates of Forestry that are also part of the EUTR implementation. Annual timber harvest in Bulgaria is around 6-7 million m3 per year. National legislation regarding timber regulation came into force in 2011, when the control and the economic functions in the forestry sector were separated. Executive Forest Agency and six State Forest Companies were established. EUTR was enforced in March 2013 and the first Biannual Report was finalised in 2015.



There are three types of operators in Bulgaria:

- Type A - companies/persons who have bought standing timber in Bulgaria;
- Type B - companies/persons, owners of forests or forests under their management, selling wood in Bulgaria for the first time;
- Type C - importers of wood and wood products listed in the Annex to the Regulation.

In 2014 and 2015, a total of 538 checks were conducted by 16 Regional Directorates of Forestry, both for operators and traders, out of which 425 were done in 2014, and 113 in 2015. Executive Forestry Agency (EFA) together with Regional Directorates of Forestry (RDF) have been performing joint checks, especially of large retail chains in Bulgaria. In March 2016, checks were carried out on Praktiker, Metro and BauHaus. The main objective of the checks is inspection of implementation of EUTR regulation, while secondary objective was to increase the capacity of EFA and RDF experts who will carry out future checks.

In September 2014, information of felling became publically available. The year after, the Parliament imposed a ban on exports of raw timber, aiming to initiate legislative changes to improve the control of logging. From 2015 even 24/7 line was opened for all the signals related do forests. Since January 2016, all timber warehouses must be equipped with surveillance and all trucks transporting timber must be equipped with GPS.

Mr. Iliev also proposed action necessary to prevent illegal lodging, to improve inspection and control, and implementation of EUTR in general:

- Increase the number of inspections on imported products;
- Improve reports from RDF;
- Raise awareness among the operators;
- Increase the capacity of experts;
- Provide additional information proving the origin of products.

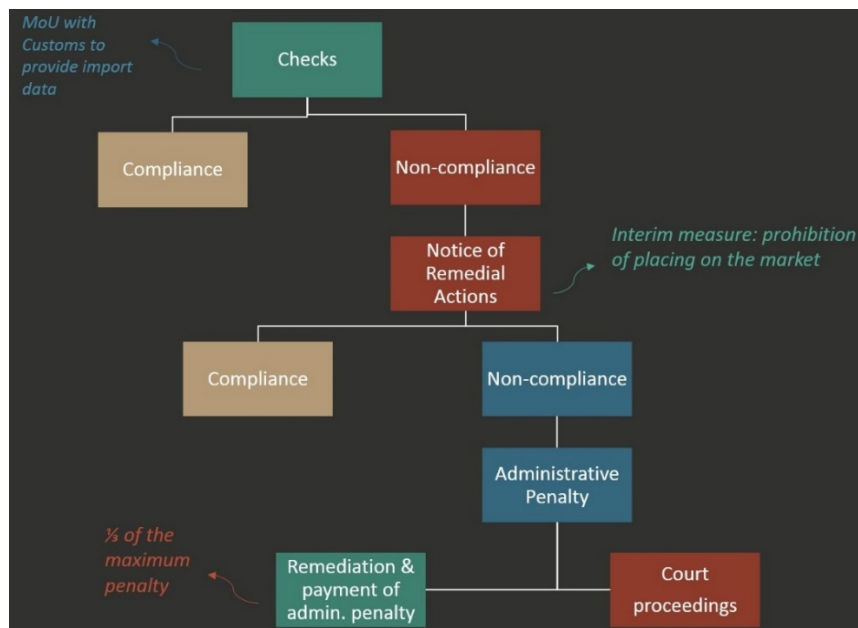
Implementing the EUTR – Mr. Marcelle Agius

According to the EUTR Regulation, Member States are obligatory to designate the competent authority (according to Article 7), carry out checks on operators (Article 10), and lay down effective, proportionate and dissuasive penalties (Article 19). In order to draft national legislations, states have to take into consideration the following issues:

- Whether the legislation is to be primary or secondary;
- Amount of legislative power given to the officers.

An entire process of checks that can be finalised with either compliance or with remediation and court proceedings was explained as on the following picture.

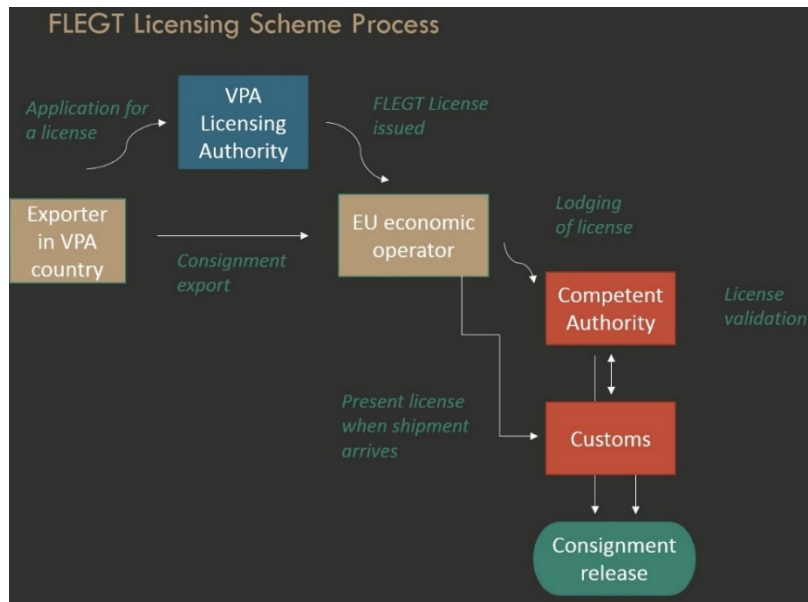




Penalties for the first conviction can go from 1,500 EUR for frauds regarding traceability, to 25,000 EUR for obstruction or failure of officers' assistance. For the second convictions penalties can go even up to 50,000 EUR. As for the measures that may be imposed by the court, they can include:

- Forfeiture of timber products;
- Suspension of license related to trade (more than 1 month);
- Additional fine equivalent to estimated economic benefit;
- Imprisonment (from 30 days to 2 years).

Mr. Agius paid attention to Forest Law Enforcement, Governance and Trade Licensing Scheme (FLEGT) Regulations as well, that is a 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. Additional Regulation No 1024/2008 of 17 October 2008 is laying down detailed measures for the implementation of the FLEGT Regulation. FLEGT aims to reduce illegal logging by strengthening sustainable and legal forest management, improving governance and promoting trade in legally produced timber. FLEGT licensing scheme was explained as on the picture below.



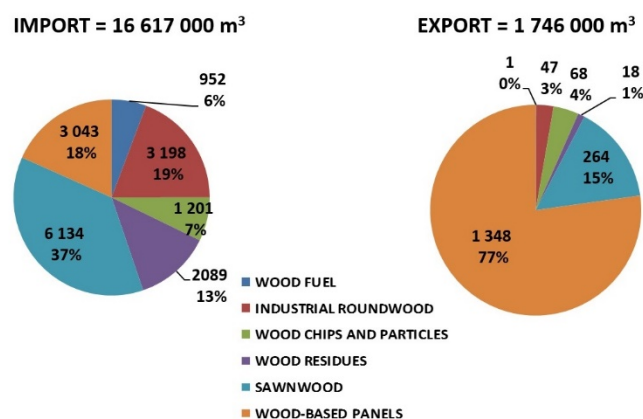
This licencing scheme applies only to imports from partner countries, and that is Voluntary Partnership Agreements (VPAs). VPAs are a central element of the EU's strategy in the fight against illegal logging. A VPA is a bilateral trade agreement between the EU and a timber-exporting country outside the EU, and are usually countries from Africa, Asia and Central America. Imports of timber products listed in Annexes II & III shall be prohibited unless covered by a FLEGT license, with the exemption of products with CITES permit.

Contract to illegal timber production and trade in Italy – Mr. Angelo Mariano

Total forest area in Italy is 30% of the country area, which is 9,149,000 hectares, while total forest resources area covers 10,916,000 hectares. Official statistics reports production of six million cubic meters of wood in 2014. On the other hand, imports of wood products excel 10 billion EUR, out of which 75% is import of primary products, and only 27% of secondary products.

The greatest part of Italy's import of wood products is sawn wood, while the country's greatest export are wood-based panels, 77%.

INTERNATIONAL TRADE OF WOOD PRODUCTS



Regarding international trade of pulp and paper, total value of import is lower than total value of export, having final revenue of around 3.5 billion EUR per year. With an average turnover of more than 30 billion euro per year, the timber/furniture sector is the second Italian manufacturing industry.

According to the statistics from 2015, Italian import of timber products from ECRAN beneficiary countries cannot be negligible. Only in 2015, Italy imported 462,963 tons of timber from Bosnia and Herzegovina, worth more than 88 million EUR. Other exporting countries include Serbia, and Albania, with more than 70,000 tons imported, Montenegro and Turkey with 40,000-50,000 tons, and Former Yugoslav Republic of Macedonia with less than 3,000 tons.

Competent Authority (CA) for implementation of EUTR in Italy is The Ministry of Agricultural, Food and Forestry Policies (MIPAAF), working closely with the Ministry of Environment, Ministry of Foreign Affairs, Ministry of Justice, Customs Agency and Trade Associations. The law for the implementation of the EUTR and FLEGT (D.lvo178/2014) in Italy stipulates that the Customs Agency provides the CA with the complete data sets concerning timber product import data. About 50.000 custom clearance records per year, corresponding to 20.000 EUTR operators. On this basis the CA conducts its own risk assessment and extracts the sample of operators to be checked by Corpo Forestale dello Stato (CFS). CFS is a police force specialised in the repression of environmental crimes - mainly occurring in rural areas -, in forest fire fighting, in food controls and civil protection activities. CFS co-operates with the Ministry of Agriculture and Forest policies (CA) and is in charge of the EUTR and FLEGT enforcement in Italy. It also has an exclusive mandate for the inspections of the EUTR Operators. In total 36,401 checks were performed in 2015, out of which 23 persons are arrested and 445 charged. However, illegal logging and illicit forest operations detected in the country are decreasing over the years.

Number of checks	Administrative sanctions	Notified amount (€)	Arrested persons	Charged persons
36 401	4 300	2 511 680	23	445

There is a strict legal system regarding offences with timber trade. For an operator that places illegally harvested timber on EU market, penalties can go up to 50,000 EUR with the imprisonment up to one year. An operator that fails to apply due diligence system or fails to maintain it, maximum penalty is even 1,000,000 EUR. Anyone who imports timber or timber products from a “partner country” (that enters into a partnership agreement – VPA) without a FLEGT license is considered making an offense.

EU Timber Regulation, Review, Implementation and Enforcement – Mr. Bojan Grlas

As mentioned previously several, times, there are three key obligations of EUTR, on they are due diligence, prohibition and traceability. Member States (MS) have a responsibility to designate CA, to define penalties and to perform checks on operators. European Commission promotes and monitors the harmonised and effective application by the Member States.

The Commission released a report on the effectiveness of the EU Timber Regulation during its first two years of implementation, on the basis of:



- Member States' reports;
- Inputs received through the public consultation;
- Direct contacts with a broad range of stakeholders, including private sector and civil society.

It has been widely recognised that the Regulation adds significant value to the international efforts to halt deforestation and forest degradation, conserve biodiversity and address climate change. However, further efforts are needed from Member States and the private sector to achieve its effective and efficient application. The European Commission (EC) has the obligation to continue to promote and monitor the uniform and effective application of EUTR by the MS. The regulation has also set an example for other countries apart from EU to expand their national legislation with similar legislative acts, and that includes countries such as Australia, Switzerland, Japan and South Korea.

Anyhow EC is putting a lot of effort to support Member States in the implementation through a number of measures, including:

- Communication platform;
- Developing guidance;
- Promoting cooperation with third countries;
- Encouraging sharing of experience and best practice between Member States.

But also, EC is working on rising awareness in EU candidate countries and potential candidates and helping them to introduce the legislation in their national law.

In July 2014, 18 MS were complied with the formal EUTR requirements, and since June 2015, there are only 4 MS countries where still some additional measures are yet to be implemented. It must be mentioned that the works of civil society and local and international NGOs has proved to be extremely valuable in identifying and tracing illegal timber, especially in gathering evidence.

Compliance with EUTR from operator point of view – Mr. Želimir Ivelić

Mr. Ivelić is a representative of Hilding Anders (HA), an international company that produces and sells beds and mattresses. Also Conforama, a part of Europe's second largest home furnishings retail chain with over 200 stores in France, Spain, Switzerland, Portugal, Luxembourg, Italy and Croatia. The producer of goods is required to know the traceability of wood origin from the suppliers, such as country of origin, species, volume and weight.

EUTR stipulates that operators who place timber or timber products on the internal market for the first time must exercise due diligence through a system comprising three elements inherent to risk management. Actions that HA takes regarding wood suppliers include:

- Discussion with wood suppliers of their way of handling due diligence;
- Internal discussion in HA of due diligence;
- Allocating biggest threats.

In addition. Mr. Ivelić presented EUTR statements from several suppliers from China and Bosnia and Herzegovina, with the attachments of FSC certificates.



EUTR enforcement procedures in Sweden – Ms. Belinda Christensen

EUTR applies in all EU MS since March 2013, while the Swedish law came into force on 1 August 2014. Responsible authority for implementing the EUTR in Sweden is the Swedish Forest Agency. There are different risk criteria for importing operators and buyers of domestic timber. Risk criteria for importing timber products with minimum 900,000 EUR is much higher than importing timber products from countries with CPI below 50.

Ms. Christensen explained all steps of EUTR control procedure in Sweden, starting from contacting the company, to examining samples, as shown on the following picture.

EUTR control procedure



The largest wood products imports to Sweden are from China, 37%, and those are usually product such as furniture, paper and carpentry. Second largest import is from Russia, 20%, and usually importing unprocessed timber and fuelwood. In 2015, 117 different samples were checked, from 19 countries, and 54 checks were performed for examples from China.

After inspecting taken samples, communication report summary is made and sent to the operator for comments and additional documents if necessary. Afterwards, if the report is not approved, request for additional action is made. If, for the third time the report is not approval, inspectors can either again request additional action, or conduct injunction with fine. If there is a breaking in prohibition in EUTR, prosecutor is notified and additional fines or prison of maximum six months can be verdict.

Between August 2014 and December 2015, total of 65 inspections were conducted, out of which 31 injunctions (11 linked to penalties) and there are 16 ongoing cases. It has been foreseen to have 40 inspections in total in 2016.

Regarding the domestic market in Sweden, inspections are not that strict. There are some control procedures for importers and operators. However, Fellingings must be reported to the Swedish Forest Agency six weeks in advance. In 2016, four companies were selected for inspection among companies which were notified to a prosecutor during 2015. There is an online system eAvverka through which company's felling notifications are done. It is checked whether the company have a system that warn about missing felling notifications or if six weeks has not passed between notification and actual felling.

By April 2016, approximately 80 notifications have been sent to prosecutors for breaching the EUTR. The following offences are punishable according to the Swedish law:

- Felling timber without permission in subalpine and broadleaved forests;
- Felling without having notified felling;
- Felling before the six weeks of notice have passed;



- Felling in protected areas;
- Felling in violation of permit conditions;

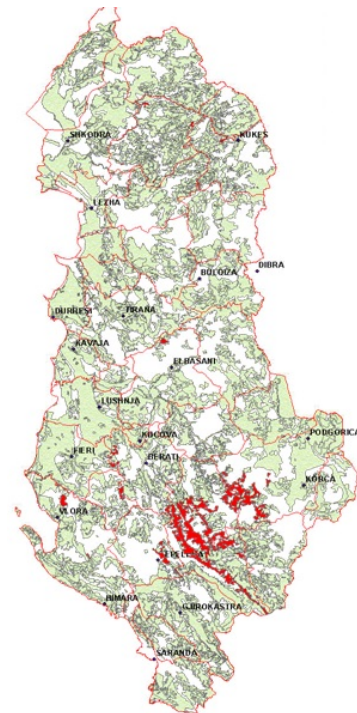
Overview of EUTR in Albania – Mr. Ylli Hoxha

More than 1 million hectares of Albanian territory is covered with forests, which is roughly 36%, and even 98% of the forests are state owned. Since 2015, the forest sector in Albania has been experiencing a deep reform. The law “on the Moratorium on the Forest in the Republic of Albania” was adopted in February 2016, and a month later, a law enforcement in the field of environment and inspection was adopted by the Council of Ministers.

As Mr. Hoxha explained, EUTR is partly transposed in the national legislation. However, it will be fully transposed with the new law on Forest Administration. On the other hand, Ministry of Environment plays a key role as a policy-making authority on forest fund, and will provide technical and legal assistance for an indefinite time. Enforcement capacities in Albania for forest protection includes the Inspectorate of Forest Police and local government structures after the administrative territorial reform.

From September 2015 to March 2016 the Inspectorate Structures of Forest Police have taken the following measures:

- Performed 1,512 inspections in total;
- Set ten fines for law violation worth almost 1,5 million EUR, out of which 4 cases are investigated by prosecutors;
- 206 causes recorded for administrative offenses worth almost 40 million EUR;
- 5 fines set for the violation of the law on Moratorium on the Forest in the Republic of Albania;
- 1,016 m3 of illegally cut wood material was seized.



In March 2016, Green Guard Task Force was formed for emergency protective measures, for prevention, reduction and remedy from any damage of public and private forests. The force is headed by the Deputy Minister of Environment and includes Deputy Minister of Defense, Deputy Minister of Internal Affairs, and Deputy Minister of Finance and the Prefects of 12 districts. The operational structure of the Task Force consists of representatives from the State Police structures, Military Police or other structures of the Armed Forces, the State Inspectorate of Environment and Forestry, investigation tax structures and anti-smuggling.

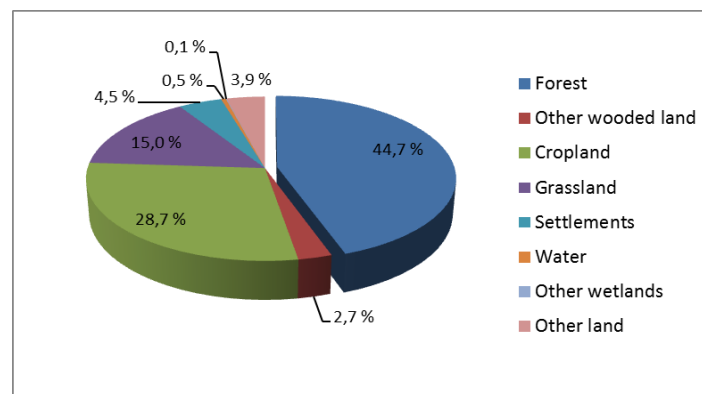
Even as a small country, Albania imports and exports timber goods. It exports mainly to Greece and Italy. Due to negative balance in the domestic market, the export of firewood is prohibited since 2014. Although it is considered a drastic measure, the moratorium on forests was the only opportunity to improve the current state of forests.

Overview of EUTR in Kosovo* - Mr. Ibrahim Muja

In Kosovo, Ministry in charge of timber issues is Ministry of Agriculture, Forestry and Rural Development (MAFRD), and it is their responsibility to create policies and implement laws for the sustainable management of forestry sector. Within MAFRD, there are other institutions in charge for EUTR implementation: Forestry Department, Kosovo* Forest Agency with six regional offices, and municipalities.

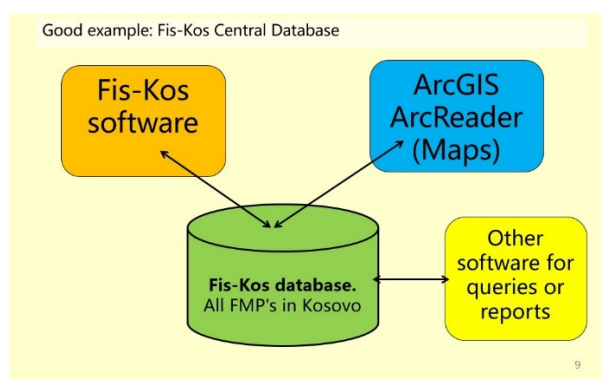
On the other hand, Ministry of Environment and Spatial Planning (MESP) has a responsibility to draft and monitor the implementation of legislation, policies and programs identifying and reducing environmental pollution, to coordinate activities, set norms, and manage use and development of infrastructure with regards to the environmental pollution.

In Kosovo*, forest cover 45% of territory, 29% is covered with agriculture lands and 15% in grassland, as shown on the following graph



Since almost half of the territory is covered with forests, annual harvesting is close to 1.6 million m³, out of which approximately 90% is not according to regulations.

Kosovo* has developed Forest Information System Fis-Kos, where all forest data are located in one database. The system can make analyses for public forest, create special reports and aggregate data in specific areas. Currently however, Kosovo* does not export timber in the region, in EU nor in China. Fis-Kos is one good example of policies and initiatives conducted against illegal logging.



Although there have been many developments, there are still many shortcomings in the existing legislative and policy framework, mainly related to capacity building, lack of professional staff and educational trainings. Also, harvesting technologies are out of date, and better cooperation and links between the public and private forests sectors should be established.

According to MAFRD together with MESP, several possible suggestions were determined:

- Organisation of proper pre-university vocational education in forestry;



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- Development of a sustainable training system on forestry activities;
- Creation of opportunities for running or attending higher-level forestry education;
- Promotion of inter-sectoral mobilization to raise awareness of the importance of forests;
- Accessing the needs for scientific research establishments.

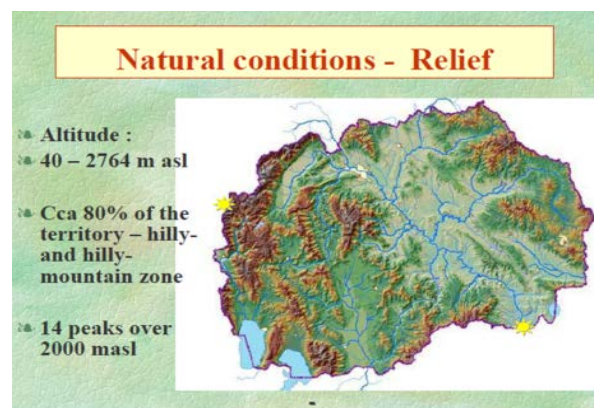
Overview of EUTR implementation in Former Yugoslav Republic of Macedonia – Mr. Mihail Dimovski

Unfortunately, representatives of Former Yugoslav Republic of Macedonia were not able to attend the workshop, but the situation in the country was presented by **Mr. Mihail Dimovski**.

40% of FYR of Macedonia's territory is covered in forests, which is 947,653 hectares, while 51% is covered with agricultural land. 90% of the forests are state owned while 10% are privately owned. Broadleaved forests take part with 777,075 hectares, conifer forest with 113,718 hectares, and only 56,860 are mixed forests. Only 17,613 hectares are protective forests.

Basic regulation in the country are law on forests and law on forests and hunting inspection. The Law of Forests regulates:

- Planning, forest economy, forest management;
- Preservation of forests as a natural treasure, achieving generally useful functions of forests;
- Financing and other important issues to forests and forest land on the principle of biological, economic, social and environmental acceptability.



The National forest policy in FYR of Macedonia is realized through Strategy for Sustainable Development of Forestry and General plan for forest management in Macedonia. Supervision of the implementation of the Law on Forests is performed by The State Inspectorate for Forestry and Hunting through state forestry inspectors, while supervision and control of the supply and sale of wood and other forest products is performed by the State Market Inspectorate.

Competent authority for implementation of the EU Timber Regulation is Ministry of Agriculture, Forestry and Water Management by the Department of Forestry and Hunting. Department of Forestry and Hunting is responsible for:

- Implementation of the Regulation;
- Monitoring and inspection;
- Enforcement and Reporting.

Law on Forests (LF) prescribes strict rules and procedures that should be implemented on managing all forests, no matter property and purpose (designation). In state owned forests (89% of forest and forest land) logging is done according to Forest Management Plans, and in privately owned forests (11% of forest and forest land) according to certain rules prescribed into LF and secondary legislation, checked and approved by SFHI. Once legally logged/harvested, timber and timber assortments/products are delivered to final consumer accompanied with a Deliverance Certificate issued by the Operator or Trader.



The import of firewood from neighbouring countries is approximately 50,000 m³ per year, while exports of unprocessed wood is insignificant. Total quantity of fuel wood which is legally offered on the market is mainly originated from state own forests, with a quantity of about 600 000 m³. However, one third of the fuel wood is supplied illegally. In 2013, the sales of firewood went very low, so in 2014 the drastic legislative changes were made. For example, offenders were imposed with prison sentences, forest guard service was reintroduced, warehouse rigorous conditions were introduced, etc.

Only in 2015, the police filed 2,161 charges and confiscated almost 3,000 m³ of fuelwood. Additional equipment as trucks, chainsaws and tractors were seized as well. The result of the introduction of new measures were directly felt in the supply and demand of firewood. The average selling price in 2015 of the technical wood is 54.7 EUR/ m³, and firewood 38.5 EUR/ m³, while in private warehouses price of firewood has reached as much as 65 € / m³.

Overview of EUTR implementation in Republic of Serbia – Mr. Dusan Jovic In Serbia, forests are spread on the area of 2,252,400 hectares, which is 29.1% of the country's territory. 53% are publically owned forests, while 47% are in private property. According to the statistics from 2014, total wood removals amounted to 2,679,000 m³, out of which 1,155,000 m³ was technical wood, and the remaining was fuelwood.

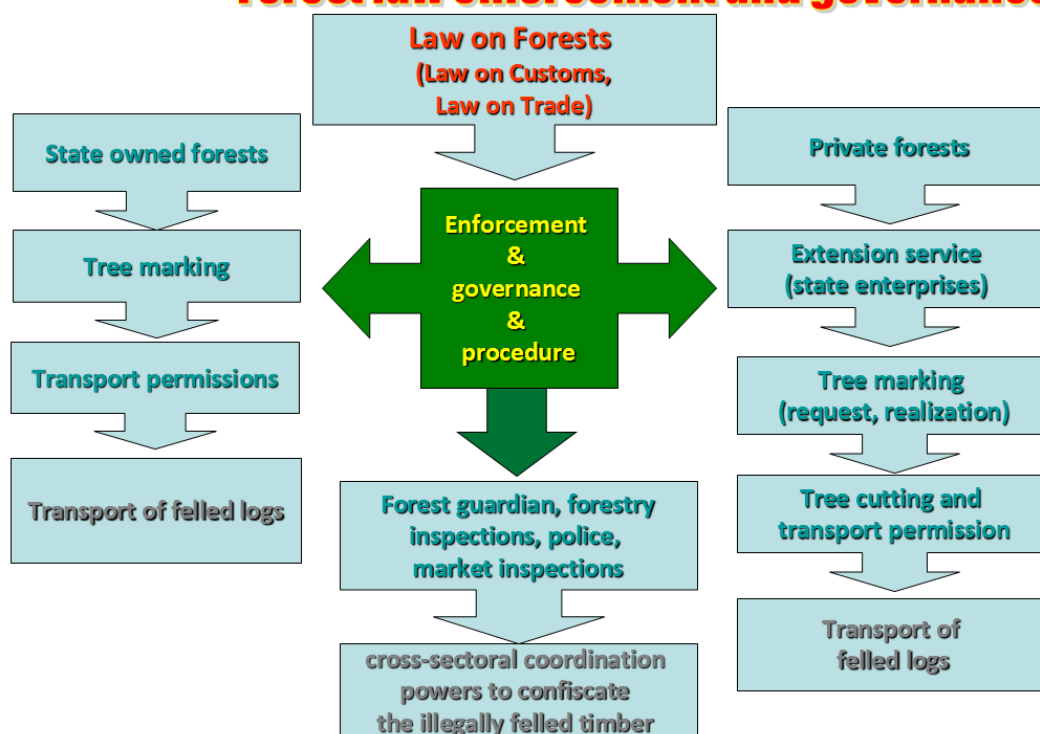
Total export of wood products in 2014 was 386,000 m³ and 89 tons of wood pellets, amounting to 134 million USD. On the other hand, import was much higher, 640,000 m³ and 3 tons of wood pellet, amounting to 181 million USD. Serbia export its wood derivatives mostly to Italy, BIH, Egypt, China, Greece, UAE and Montenegro, while it imports from Austria, Germany, BIH, Montenegro, Romania, Slovakia and Russia.

Competent Authority for timber products is Directorate of Forests and Inspection that acts as a connection line among various stakeholders (private forest owners, customs, Ministries, police, civil society, wood industries, etc.).

Management of Forests is done through line of responsible institutions, on top with Directorate of Forests under the Ministry of Agriculture and Environmental Protection (MAEP). Other responsible include two Public Enterprises for Forest Management, 21 Forest Estates, and 88 Forest Administration Units. Mr Jovic briefly explained forest law enforcement and governance as on the scheme below.



Forest law enforcement and governance



There are in total 29 forestry and hunting inspectors. In 2015 recorded data was as follows:

- 9,751 inspectors control (336 controls/inspector);
- 1,459 claims for starting of court procedure submitted (50 claims/inspector);
- 1,153 claims for violations (40 claims/inspector);
- 20 claims for economic offense (0.7 claims/inspector);
- 113 claims for crime cases (3.9 claims/inspector).

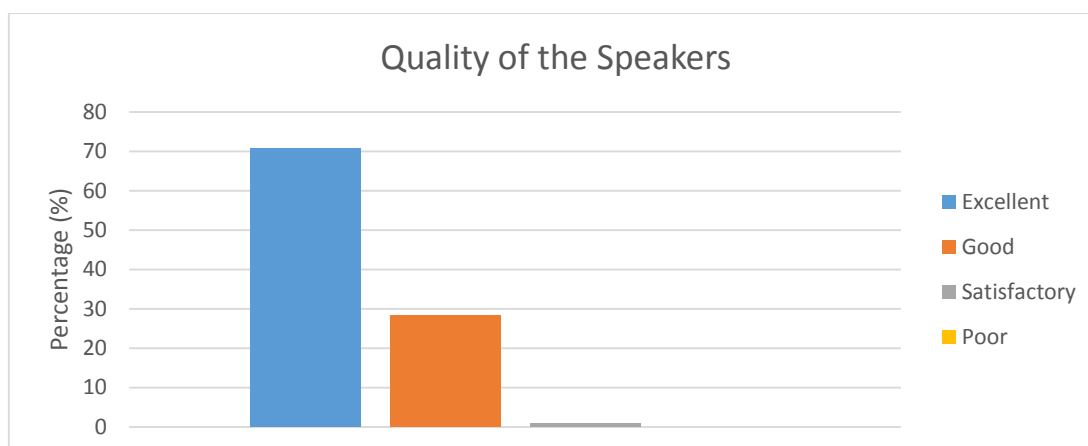
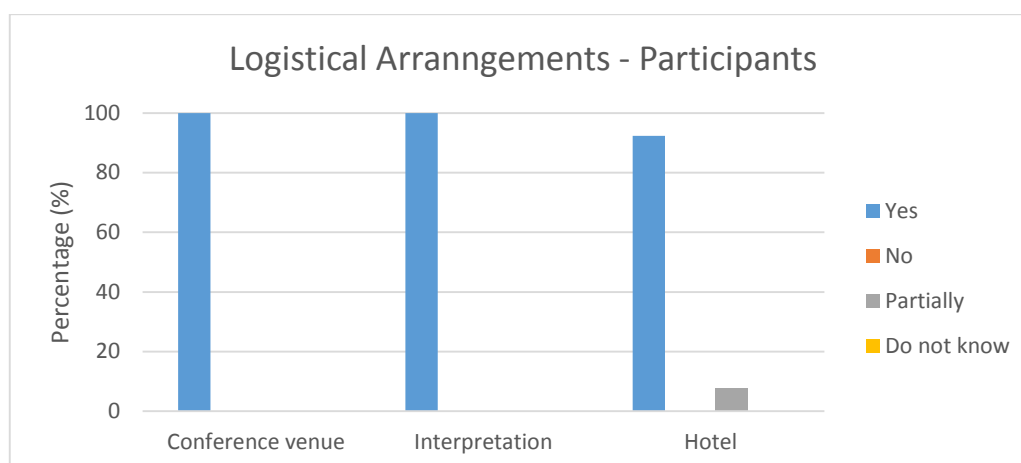
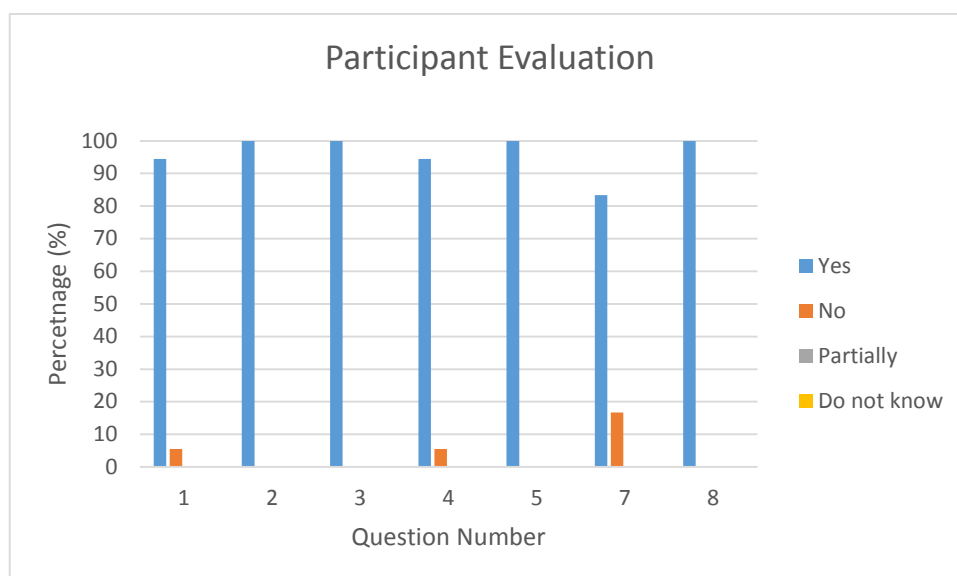
EUTR issues are still in initial phase in the country due to slow improving enforcement. Also, governance democratisation is currently on stand-by.

V. Evaluation

Workshop – Participants' Evaluation

Question	N°. Responses	Yes	No	Partially	Do not know	
1. Was the workshop carried out according to the agenda	13	13 (100)%	0 (0)%	0 (0)%	N/A	
2. Was the programme well structured?	13	13 (100)%	0 (0)%	0 (0)%	N/A	
3. Were the key issues related to the topics addressed?	13	11 (84)%	0 (0)%	2 (15)%	N/A	
4. Did the workshop enable you to improve your knowledge?	13	11 (84)%	0 (0)%	2 (15)%	N/A	
5. Was enough time allowed for questions and discussions?	13	13 (100)%	0 (0)%	1 (7)%	N/A	
6.How do you assess the quality of the speakers?						
	Speaker/Expert	N°. Responses	Excellent	Good	Satisfactory	Poor
	10	127	90(70)%	36 (28)%	1 (0)%	0 (0)%
Question	N°. Responses	Yes	No	Partially	Do not know	
7. Do you expect any follow-up based on the results of the workshop (new legislation, new administrative approach, etc.)?	13	12 (92)%	1 (7)%	N/A	N/A	
8. Do you think that further TAIEX assistance is needed (workshop, expert mission, study visit, assessment mission) on the topic of this workshop?	10	10 (100)%	0 (0)%	N/A	N/A	
9.Were you satisfied with the logistical arrangements, if applicable?						
	Conference venue	13	13 (100)%	0 (0)%	0 (0)%	0 (0)%
	Interpretation	13	13 (100)%	0 (0)%	0 (0)%	0 (0)%
	Hotel	13	12 (92)%	0 (0)%	1 (7)%	0 (0)%
Comments:						
<ul style="list-style-type: none">• Workshop probably have to be extended three days, because that should be whipped with 8 hours of sitting;• Thank Taiex at all well organized and conducted. These workshops are the right place where you can exchange specific information and are important for individual countries which are in the process of joining the EU or the candidate;• The workshop is dealing with trade in timber, but as it is non-harmonized area in EU, it will be useful to obtain also experts for trade policy or custom procedure for the purpose of harmonizing exporting and importing documents accompanying timber as well as procedures. So far it is up to the competent authorities in every country, there is no unique form, content, licence validity document or procedure, there is no information of recognition of various different export licenses from third co;• No comment.						

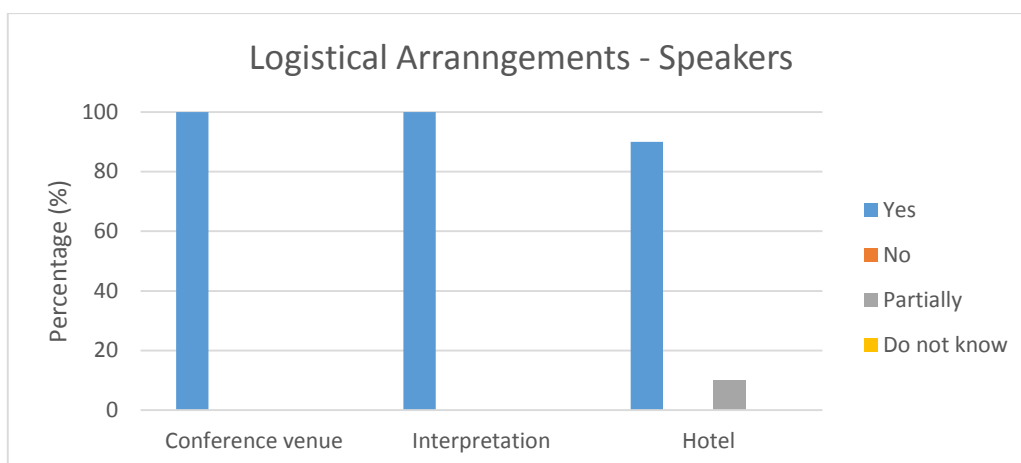
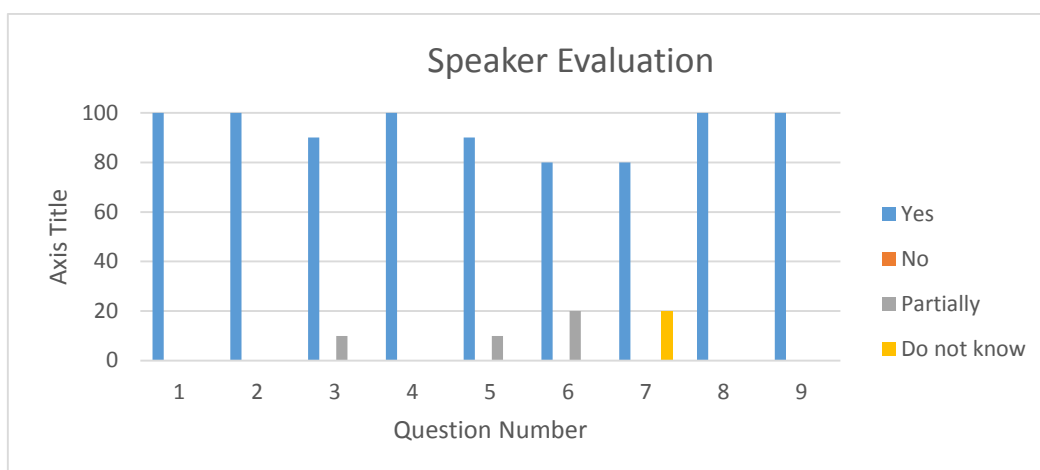




Workshop – Speakers' Evaluation

Question	N°. Responses	Yes	No	Partially	Do not know
1. Did you receive all the information necessary for the preparation of your contribution?	10	10 (100)%	0 (0)%	0 (0)%	N/A
2. Has the overall aim of the workshop been achieved?	10	10 (100)%	0 (0)%	0 (0)%	N/A
3. Was the agenda well structured?	10	9 (90)%	0 (0)%	1 (10)%	N/A
4. Were the participants present throughout the scheduled workshop?	10	10 (100)%	0 (0)%	0 (0)%	N/A
5. Was the beneficiary represented by the appropriate participants?	10	9 (90)%	0 (0)%	1 (10)%	N/A
6. Did the participants actively take part in the discussions?	10	8 (80)%	0 (0)%	2 (20)%	N/A
7. Do you expect that the beneficiary will undertake follow-up based on the results of the workshop (new legislation, new administrative approach etc.)	10	8 (80)%	0 (0)%	N/A	2 (20)%
8. Do you think that the beneficiary needs further TAIEX assistance (workshop, expert mission, study visit, assessment mission) on the topic of this workshop?	10	10 (100)%	0 (0)%	N/A	N/A
9. Would you be ready to participate in future TAIEX workshops?	10	10 (100)%	0 (0)%	N/A	N/A
10. If applicable, were you satisfied with the logistical arrangements?					
	Conference venue	10	10 (100)%	0 (0)%	0 (0)%
	Interpretation	10	10 (100)%	0 (0)%	0 (0)%
	Hotel	10	9 (90)%	0 (0)%	1 (10)%
Comments:					
<ul style="list-style-type: none"> • Very well done, useful source of information and base for future cooperation. The beneficiaries who participated showed a lot of interest in the EUTR and were willing to increase cooperation with Member States. It was suggested that this is done through an online platform as well as study visits to gain practical experience in both the implementation and enforcement of the legislation. The workshop was also important to participants from the member states as we could get better insight of the forestry legislation in these candidate countries which are also trading timber; • Hotel room was of considerably lower standard than expected for a 4 star hotel. I find it somewhat strange to respond to questions 1, 3, 6 and 7, since as the organiser and chair I was responsible for successful for these points (agenda, active participation, preparing follow-up etc.). • Difficult topics perfectly presented by various speakers: well organized workshop. 					





ANNEX I – Agenda

Day 1 : 02 June, 2016

Chair: Bojan Grlaš, EC DG ENV Co-Chair : Representative from the host country (TBD)				
Start	Finish	Topic	Speaker	Sub topic/Content
08:30	09:00	Registration		
09:00	09:30	Address by EC and host country Address by European Commission Address by ECRAN	Ivica Francetić, Assistant Minister for Forestry, Hunting and Wood Industry Bojan Grlaš, EC DG ENV Mihail Dimovski, ECRAN project Team Leader	Introductory presentation and expected results of the workshop Presentation of the agenda and introduction of participants
09:30 - 09:45		Regulation (EU) No 995/2010	EC DG ENV TBD	Presentation on main implementing requirements of EUTR and current status & trends
09.45	11.15	Presentations on EUTR implementation in Member States (1)	Hannes Krehan, Austria Domagoj Pleše, Croatia Jan Doubal, Czech Republic	Experiences with checks of importers of regulated wood products from candidate countries and potential candidates (Enforcement, challenges, examples of good practice, plans for future) 3 key obligations: Operators/traders obligations and Prohibition EUTR in Croatia Czech experience in developing guidance documents on EUTR implementation including support to



				SMEs and treatment of certification schemes under EUTR
11.15	11.30	Coffee Break		
11.30	12.30	Presentations on EUTR implementation in Member States (2)	Mr. Robert Rezonja, Slovenia Mr. Péter Békési, Hungary	Enforcement, challenges, examples of good practice on EUTR implementation in Slovenia. Enforcement, challenges, examples of good practice on EUTR implementation in Hungary. EUTR guidance document: development and main issues.
12.30	13.30	Lunch Break		
13.30	14.45	Presentations from Enlargement countries (competent authorities and traders)	Presentations from the ECRAN beneficiaries	Presentations will provide information on <i>institutional setting</i> , current state of illegal logging, good examples of policies and initiatives, and statistics on trade in timber and timber products <i>Template for presentation will be provided to the countries.</i>
14.45	15.00	Presentation on compliance with EUTR from operator point of view	Želimir Ivelić, Hilding Anders Int. AB.	Presentation on compliance with the EUTR from operators point of view
15.00	15.30	Coffee Break		
15.30	17.00	Presentations from Enlargement countries (competent authorities and traders)	Presentations from the ECRAN beneficiaries	Presentations will provide information on <i>institutional setting</i> , current state of illegal logging, good examples of policies and initiatives, and statistics on trade in timber and timber products <i>Template for presentation will be provided to the countries.</i>
17.00	17.30	Wrap up of day 1		



Day 2 : 03 June 2016

Chair : EC DG ENV Mr. Bojan Grlaš				
Start	Finish	Topic	Speaker	Sub topic/Content
08:30	09:00	Registration		
09:00	11:00	Presentations from Enlargement countries (enforcement authorities)	Presentations from the ECRAN beneficiaries	Presentations will provide information on institutional setting, current state of illegal logging, good examples of policies and initiatives, and statistics on trade in timber and timber products <i>Template for presentation will be provided to the countries.</i>
11:00	11:30	Coffee Break		
11:30	13:00	Presentations from Enlargement countries (enforcement authorities)	Presentations from the ECRAN beneficiaries	Presentations will provide information on institutional setting, current state of illegal logging, good examples of policies and initiatives, and statistics on trade in timber and timber products
13:00	14:00	Lunch Break		
14:00	15:00	Presentations on EUTR implementation in Member States (3)	Mr. Petko Iliev, Bulgaria Ms. Agius Marcelle, Malta Mr. Angelo Mariano, Italy TBD	Enforcement, challenges, examples of good practice on EUTR implementation in Bulgaria. Transposing EUTR into national legislation: lessons learned. FLEGT Regulation. Experiences with checks of importers of regulated wood products from candidate countries and potential candidates (Enforcement, challenges, examples of good practice, plans for future). Presentation of AITOLOS project on combatting illegal logging



15:00	15:45	Coffee Break		
15:45	16:30	Plenary discussion		Identification of challenges, obstacles, good practices and next steps
16:30	17:00	Presentation of the workshop conclusions and closing remarks	The European Commission Representative from the host country	



ANNEX II – Participants

First Name	Family Name	Institution Name	Country	Email
Edit	Vardhami	Ministry of the Environment	Albania	edit.vardhami@moe.gov.al
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Dragan	Kovačević	The Republican Institute for the Protection of historical, cultural and natural heritage	Bosnia and Herzegovina	DraganKovacevic@vladars.net
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Petko	Iliev	EUTR Competent Authority	Bulgaria	iliev@iag.bg
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Bojan	Grlas	DG ENVIRONMENT	Belgium	Bojan.GRLAS@ec.europa.eu
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ANNEX III – Presentations (under separate cover)

Presentations can be downloaded from:

http://www.ecranetwork.org/Files/Workshop_Presentations_Timber_June_2016_Zagreb.zip



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