



# EU “Timber” Regulation

*“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”*

Directorate General “Environment”  
European Commission



# PRESENTATION OUTLINE

- Main features of the EU Timber Regulation
- Secondary legislation and timeline



## KEY OBLIGATIONS

1. Prohibition on the first placing of illegal timber and timber products on the EU market
2. Obligation of “due diligence” for the operators i.e. first placing timber and timber products on the EU market – to take measures to verify the legality of timber or timber products traded
3. Basic traceability for traders i.e. other than “operators” – to keep records on suppliers and customers



Note: Not a border measure



# WHAT IS “LEGAL TIMBER”?

■ Definition of legality - legislation applicable in country of harvest: *legal rights to harvest; taxes and fees linked to harvesting; compliance with timber harvesting laws, including directly related environmental and forest legislation; respect for third parties tenure/use rights; relevant trade and customs rules*

➔ Note: Scope of applicable legislation includes laws directly related to harvesting

➔ Note: FLEGT & CITES timber is considered in compliance with the EU Timber Regulation - has a “green lane”



## PRODUCT SCOPE

- Timber and a wide range of timber products, listed using Customs codes in the Annex
  - ➔ Exemption: recycled products; printed papers



# ENFORCEMENT

- **Penalties:** EU Member States are responsible for laying down effective, proportionate and dissuasive penalties
- **Checks on operators:**
  - ✓ by Member States` Competent authorities (CAs);
  - ✓ follow-up to shortcomings: remedial actions; immediate interim measures (seizure; prohibition of trade); penalties
- ➔ Note: burden of proof lies on CAs



# REPORTING

- A progress report by the Commission every 2 years based on reports from MS
- Report on effectiveness (5 years after entry into force and every 6 years thereafter)
  - ✓ Prohibition
  - ✓ Product scope (printed papers Chapter 49)



# ENTRY INTO FORCE AND APPLICATION

- The Regulation was published in the Official Journal of the EU and entered into force on 2<sup>nd</sup> December 2010
- It will become applicable as from 3 March 2013
- Implementing legislation to be drafted in this period. Also Member States have to designate competent authorities, lay down penalties etc.



# SECONDARY LEGISLATION AND TIMELINE





# DELEGATED REGULATION

- Laying down procedural rules for recognition of monitoring organisations (MOs) – to be adopted by 3 March 2012
- What are MOs?
  - ✓ legal entities assisting operators
  - ✓ only an option for operators
- Requirements for MOs: legal & technical
- Recognition & withdrawal of recognition: by the European Commission
- Checks on MOs – by Member States` CAs



# IMPLEMENTING REGULATION

- Laying down detailed rules on the due diligence system (DDS)
- Laying down detailed rules on the frequency and nature of checks on MO
- To be adopted by 3 June 2012



# WHAT IS DDS?

## ■ Elements:

- ✓ Access to information: country of harvest, species, quantity, legal compliance, etc.
- ✓ Risk assessment: risk assessment criteria
- ✓ Risk mitigation: adequate and proportionate measures and procedures to minimise the risk

■ Operators can either use existing / set up their own systems or make use of the system of a monitoring organisation

Information



Risk criteria

Risk assessment

Negligible risk

Risk not negligible



Risk mitigation



## CONSULTATION PROCESS

- External study
- Stakeholder meetings 21<sup>st</sup> March; 28<sup>th</sup> April 2011
- Expert meetings to consult the delegated Regulation
- FLEGT Committee assists the Commission in adopting the implementing Regulation

Consultation process still under way for the implementing Regulation. Inputs from all interested parties welcome.



**Thank you!**

**European Commission  
DG ENV.E.2 –  
Environmental Agreements & Trade**

**E-mail: [svetla.atanasova@ec.europa.eu](mailto:svetla.atanasova@ec.europa.eu);  
[john.bazill@ec.europa.eu](mailto:john.bazill@ec.europa.eu)**

**Website: [http://ec.europa.eu/environment/forests/illegal\\_logging.htm](http://ec.europa.eu/environment/forests/illegal_logging.htm)**