



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

**Directorate General “Environment”  
European Commission**

# Legal Framework

**EUTR**

```
graph TD; EUTR[EUTR] --- Delegated[Delegated Regulation]; EUTR --- Implementing[Implementing Regulation]; EUTR --- Guidance[Guidance];
```

**Delegated  
Regulation**

**Implementing  
Regulation**

**Guidance**

# OBLIGATIONS

## ■ Due diligence

Art 4 § 2.: “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. Each operator shall maintain and regularly evaluate the due diligence system which it uses, except where the operator makes use of a due diligence system established by a monitoring organisation referred to in Article 8.

## ■ Prohibition

Art. 4 §1: “The placing on the market of illegally harvested timber or timber products derived from such timber shall be prohibited.”

- What does “illegally harvested” mean?

Art. 2 § g)

- What is the “applicable legislation” in the country of harvest?

Art. 2 § (h)

## ■ Traceability

Art. 5 Obligation of traceability

# What is Due Diligence System (DDS)?

*EUTR; Implementing Regulation*

## 1) Access to information

- What type of information? *Art. 6(1)(a), EUTR*
- When is the full scientific name of the tree species; the sub-national region and the concession of harvest required? *Art. 3, IR*
  - full scientific name - ambiguity in the use of the common name exists.
  - sub-national region; concession - the risk of illegal harvesting varies

Concession: Any arrangement conferring the right to harvest in a defined area

- What else ? *Art. 6(1)(a) last indent: documents or other information*

# What is DDS?

## 2) Risk assessment

- Criteria *Art. 6(1)(b), EUTR*

## 3) Risk mitigation *Art. 6(1)(c), EUTR*

***What is negligible risk*** - where following full risk assessment no cause for concern can be discerned

# How to apply DDS?

*Article 2 and 5, IR* (application not shipment based)

- To each specific type of timber or timber product supplied by a particular supplier within a period not exceeding 12 months, provided that the tree species, the country or countries of harvest or, where applicable, the sub-national region's (and concession's) of harvest remain unchanged.
- Access to the information for each consignment of timber and timber products placed on the market
- Information concerning the operator's supply and application of risk mitigation procedures shall be documented through adequate records, which shall be stored for 5 years and made available for checks by the competent authority.

# Monitoring organisations (MO)

*Article 8, EUTR; DR*

- Legally established within the EU and recognised by the Commission (procedure in the delegated Regulation)
- Maintain and evaluate a due diligence system and grant operators the right to use it
- Ensure that operators correctly apply the due diligence system
- Will be subject to checks by competent authorities
- 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)



# Placing on the market

■ Relevant legislation: *Art. 2, EUTR*

Supply must be:

- on the internal market
- for the first time (refers to each individual product, not product line)
- for distribution or use in the course of a commercial activity
- in return for payment or free of charge

■ Therefore, “placing on the market” = when an operator first makes timber or timber products available on the EU market for distribution or for use in the course of his commercial activity.

■ “operators” are:

- companies or individuals which harvest timber within the EU, for the purpose of processing or for distribution to commercial or non-commercial consumers
- companies or individuals which import timber or timber products into the EU, for the purpose of processing or for distribution to commercial or non-commercial consumers, and
- companies or individuals which harvest timber within the EU or import timber or timber products into the EU exclusively for use in their own business.

# Case Study

- An energy company based in the EU imports wood chips directly from Canada, which it then burns to generate energy. This energy is sold to a National Grid.

*Do these wood chips fall within the scope of the Regulation?*

YES

# Role of 3rd party verified schemes?

- Recognition of the voluntary certification in the Preamble - **Recital (19)**

- Role in the risk assessment - **Art. 6 (b)**

“[...] Risk assessment procedures shall take into account [...] relevant risk assessment criteria including: Assurance of compliance with applicable legislation, which may include certification or third-party-verified schemes which cover compliance with applicable legislation [...]”

- Role in the risk mitigation - **Art. 6(c)**

“[...] risk mitigation procedures [...] may include requiring additional information or documents and/or third party verification”.

# Role of 3rd party verified schemes?

## ■ Criteria for assessing their credibility in the implementing Regulation

### **Art. 4 Risk assessment and risk mitigation**

- (a) they have established and made available for third party use a publicly available system of requirements, which system shall at the least include all relevant requirements of the applicable legislation;
- (b) they specify that appropriate checks, including field-visits, are made by a third party at regular intervals no longer than 12 months to verify that the applicable legislation is complied with;
- (c) they include means, verified by a third party, to trace timber harvested in accordance with applicable legislation, and timber products derived from such timber, at any point in the supply chain before such timber or timber products are placed on the market;
- (d) they include controls, verified by a third party, to ensure that timber or timber products of unknown origin, or timber or timber products which have not been harvested in accordance with applicable legislation, do not enter the supply chain.

# Issues clarified in Guidance

- The definition of "placing on the market"
- Definition of negligible risk
- Clarification of "complexity of the supply chain"
- Clarification of the requirement for documents indicating compliance of timber with applicable legislation
- Clarification of the product scope – packaging materials; "waste"/"recovered" products
- The role of third parties verified schemes in the process of risk assessment and risk mitigation
- Regular evaluation of a due diligence system
- Composite products
- "Forest sector" in Art. 2(h), EUTR
- Treatment of CITES and FLEGT-Licensed Timber



# ROLE OF THE MEMBER STATES

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

- Check operators
- Check MOs
- Reports, etc.

- A list of 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

# Thank you!

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

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

**Website:**

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