

This information is based on the information on the application of the EU Timber Regulation (EUTR) in 2019, submitted by EU Member States and European Economic Area (EEA) countries.

### Legal frameworks to enforce the EUTR: Notices of remedial action and immediate interim measures (Article 10(5) of the EUTR)

**Key:** ✓: provided for in national legislation **x**: not provided for in national legislation MO: monitoring organisation d: days m: months y: years ns: timeframe/duration not set u: timeframe/duration unspecified Lifting of the Notices of remedial action Temporary seizure Temporary Other immediate or similar, and maximum of timber/timber suspension of suspensive effect interim measure timeframe within which of a complaint products, authority to trade, action must be taken by and maximum and maximum against the duty holders following a permitted duration permitted duration enforcement notice of remedial action of interim measure of interim measure measure until final decision is reached1, and maximum permitted duration of interim measure Overview 100% (by percentage of reporting countries) P: prohibition DD: due Р DD Τ DD DD Τ Р DD DD Т R diligence T: traceability Yes ■ No R: reporting To react to Art. 4 (2), (3), 6 (1), 8 (1) operators and MOs), Art. 4 (2), (3), 6 (1), 8 (1) breaches of the following Art 8 (1) Reporting obligation (MOs) Art 8 (1) Reporting obligation (MOs) 'raceability obligation (traders), Art. Art 8 (1) Reporting obligation (MOs) Traceability obligation (traders), Art. Art 8 (1) Reporting obligation (MOs) 'raceability obligation (traders), Art. Art 8 (1) Reporting obligation (MOs) Fraceability obligation (traders), Art. Traceability obligation (traders), Art. Prohibition (operators), Art. 4 (1) obligations of Obligations relating to DD Obligations relating to DD Obligations relating to DD relating to DD Obligations relating to DD the EUTR: (operators and MOs), operators and MOs), operators and MOs), (operators and MOs), Austria х Х х х х Х 1m 1m ns Belgium х х ns Bulgaria Х Х Х Х Х х Х х Х Х Х х Х 3m 6m 6m 1m 6m 6m Croatia х х Х х х х х х х Х Х х х х Х ns ns ns ns Cyprus х х х х х х х (Republic of) 1m 1m 1m 1m Czech Republic ✓

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<sup>&</sup>lt;sup>1</sup> In some cases, if an operator, trader or monitoring organisation is issued with a penalty but appeals/submits a complaint, the penalty is not applied until a final decision is reached in relation to the appeal/complaint. This type of immediate interim measure lifts this suspensive effect of the appeal/complaint so that the penalty applies already before a final decision is reached on the appeal/complaint.

Notices of remedial action Temporary seizure or similar, and maximum of timber/timber timeframe within which action must be taken by duty holders following a

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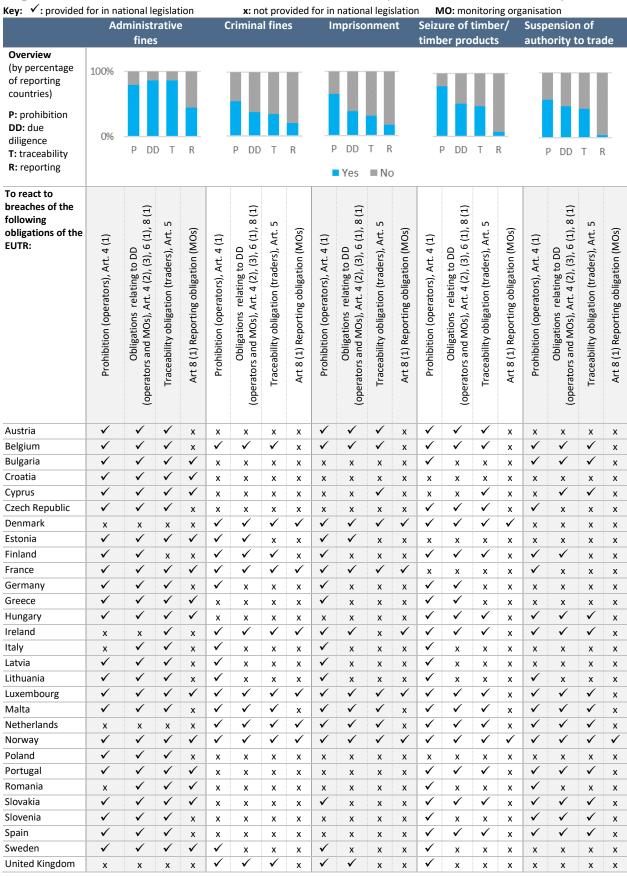
# Legal basis for notices of remedial action or similar measures and for immediate interim measures (Article 10(5) of the EUTR)

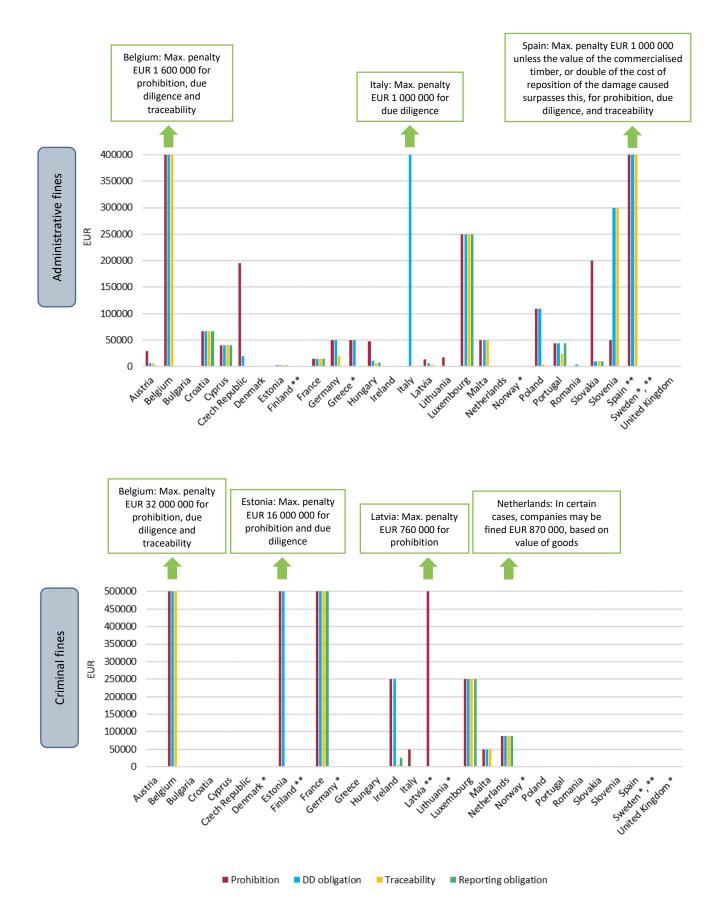
**Key:** ✓= legislation applies to infringements relating to both domestic and imported timber **D:** legislation applies to infringements

relating to domestic timber only **I:** legislation applies to infringements relating to imported timber only

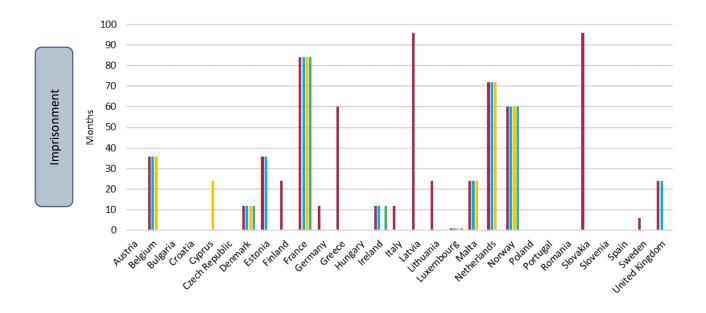
	EUTR-specific	Forest	General	Penal	Other
	legislation	(management) law	administrative sanctions law	(procedural) code	
Austria	✓				
Belgium			✓		
Bulgaria	✓	✓			
Croatia	✓				
Cyprus		✓			
Czech Republic	✓		✓		
Denmark					√ Timber Act No. 1225, 18/12/2012
Estonia		✓		✓	
Finland	✓				
France		✓			
Germany	✓	✓			
Greece	<b>✓</b>				Joint Ministerial Decision No. 134627/5835/23-12- 2015) (GG2872/2015), Article 10
Hungary		<b>√</b>	<b>✓</b>		Act. XXXIV of 2004 on the support and development of SMEs Art. 12/A
Ireland	✓				
Italy	✓		✓		
Latvia	✓		✓		✓ Unspecified
Lithuania	✓	✓	✓	✓	
Luxembourg	✓				
Malta	✓				
Netherlands	✓		✓		
Norway	I	D		I	l Unspecified
Poland		✓	✓		<u> </u>
Portugal	✓	✓	✓		
Romania	✓	✓			
Slovakia	✓	✓			
Slovenia	✓				✓ Inspection Act and Financial Administration Act
Spain		✓	✓		
Sweden	✓				
United Kingdom	✓				

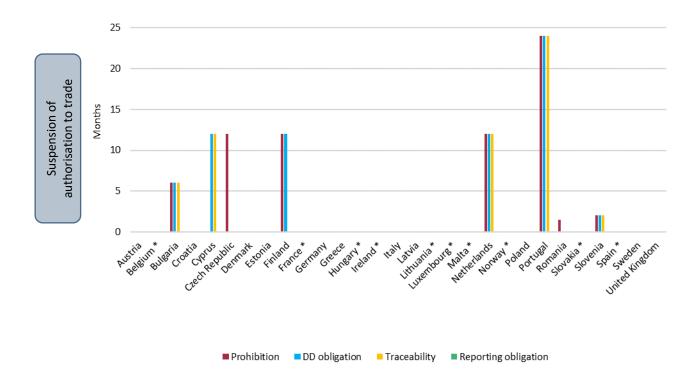
### Legal frameworks to enforce the EUTR: Penalties (Article 19 of the EUTR)





Maximum **penalties** for infringements of EUTR obligations (due diligence, prohibition, traceability and reporting obligation (monitoring organisations only)), where specified. No information was submitted by Iceland or Liechtenstein. **Key:** \* = amount not set \*\* = fines based on other unit rather than monetary value (e.g. percentage of income)





Maximum **penalties** for infringements of EUTR obligations (due diligence, prohibition, traceability and reporting obligation (monitoring organisations only)), where specified. No information was submitted by Iceland or Liechtenstein. **Key:** \* = duration not set

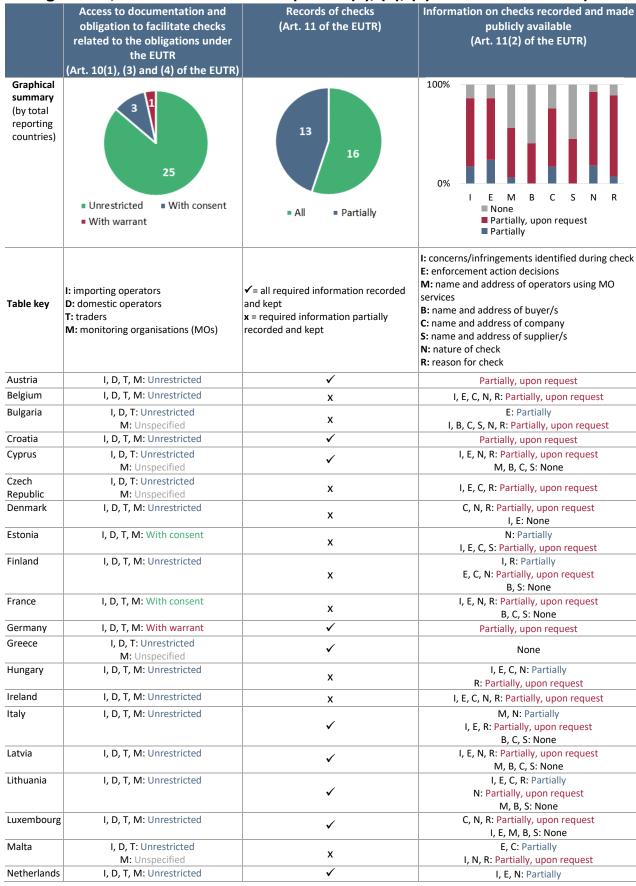
# Legal basis for penalties for infringements of the EUTR (Article 19 of the EUTR)

**Key:** ✓= legislation applies to infringements relating to both domestic and imported timber **D:** legislation applies to infringements relating to domestic timber only **I:** legislation applies to infringements relating to imported timber only

	EUTR-specific	Forest	General	Penal	Other	Name(s) and relevant article
	legislation	(management)	administrative	(procedural)		number(s) of legislation
		law	sanctions law	code		
Austria	<b>✓</b>					Bundesgesetz über die Überwachung des Handels mit Holz (Holzhandelsüberwachungsgesetz - HolzHÜG), Article 14, 15
Belgium			<b>√</b>			Law of 21.12.1998 on sustainable ways of consumption and production, Article 17 &18
Bulgaria	✓	✓				Unspecified
Croatia	<b>✓</b>					Zakon o provedbi uredbi Europske unije o prometu drva i proizvoda od drva ("Narodne novine", broj 25/2018), Article 8
Cyprus		✓				Unspecified
Czech Republic	•		<b>√</b>			1) Act No. 226/2013 Coll on placing timber and timber products on the market Article 12; 2) Act No. 255/2012 Coll on the Control Article 15; 3) Act No. 500/2004 Coll Code of Administrative Procedure Article; 4) Act No. 250/2016 Coll., on Liability for Administrative Offences and Proceedings
Denmark					✓	Timber Act no. 1225; 18/12/2012, Article 7
Estonia		<b>✓</b>		✓		Penal Code Charter 20; Forest Act chapter 6
Finland	<b>✓</b>			<b>✓</b>		Chapter 7 of the Coercive Measures Act (806/2011); Chapter 4, section 38 of the Act on the Execution of a Fine (672/2002); Chapter 2, section 8 of the Act on Conditional Fines (1113/1990)
France			<b>√</b>			Loi d'Avenir pour l'Agriculture, l'Alimentation et la Forét (LAAF), Article 76
Germany	✓					Holzhandelssicherungsgesetz HolzSiG, Article 2, 7, 8
Greece	<b>√</b>	<b>✓</b>				Join Ministerial Decision No.134627/5835/23-12-2015 (GG 2872/2015), Article 9; National Legislation (Law 86/1969)
Hungary		<b>~</b>	~			Forest Act 2009 Section Article 108. § (4); Decree No. 143/2009 (VII.6) on the measure and the method of calculation of forest protection and forest management fines Article 4. (4); Forest Act 2009 Article 90/K. § (1) a), ca)
Ireland	<b>✓</b>					S.I. No. 316/2014, Regulation 4, Article 9(3)(a), 9(3)(b), 9(3)(d), 9(3)(e), 11, 12
Italy	✓					Decreto legislativo No. 178/2014 Article 6
Latvia	<b>✓</b>	D	<b>✓</b>	D		Forest Law; Criminal Law; EUTR; Latvian Administrative Violations Code
Lithuania		<b>✓</b>	~	<b>✓</b>	<b>~</b>	Law on Forests; Administrative Code (Article 158, 214, 2701, 272, 273, 274); Product Safety Law; Order of the Minister of Environment

	EUTR-specific legislation	Forest (management) law	General administrative sanctions law	Penal (procedural) code	Other	Name(s) and relevant article number(s) of legislation
						No D1-249 of 6 March, 2014; Criminal Code, Article 273
Luxembourg	<b>~</b>					Loi du 21 juillet 2012 concernant certaines modalités d'application et la sanction du règlement (UE) n° 995/2010 du Parlement européen et du Conseil du 20 octobre 2010 établissant les obligations des opérateurs qui mettent du bois et des produits dérivés sur le marché, Article 7
Malta	<b>✓</b>					L.N. 79 of 2015 Timber and Timber Products (Placing on the Market) Regulations, Article 9(3)(a),(d); S.L.549.94 Regulation 8, 9 (2)
Netherlands	✓			<b>*</b>		Law on criminal prosecutorial procedures (wetboek van strafvordering); Article 1a under 1, 7c, 18 law on economic offences (wet op de economische delicten); Artikel 4.8 Wet natuurbescherming juncto; Article 7.2 and 7.5 of the nature conservation act; Artikel 94 wetboek van strafvordering en 36 Wetboek van strafrecht
Norway	I	D		I	ı	Biodiversity Act Article 73, 75; Forest Act Article 22, 23; Norwegian Civil Penal Code Art. 28
Poland		<b>✓</b>	✓			Law on forests; Code of Administrative Procedure
Portugal	<b>√</b>	<b>✓</b>	✓			Decree-law 76/2013, 5th June, Article 9, 10, 11, 12 and 13
Romania		<b>~</b>				Law no. 470/2014, Rules on the origin, movement and marketing of timber, the arrangements for the storage of timber and roundwood processing plants, as well as measures for the implementation of Regulation (EU) No 182/2011. Regulation (EC) 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
Slovakia	<b>✓</b>			<b>✓</b>		Act on Placing Timber and Timber products on the Market No. 13/2018, Articles 14, 16, 17; Criminal Code - Act No. 300/2005, Articles No. 305, 306
Slovenia		<b>✓</b>			<b>✓</b>	Act on Forests, Article 77c, 80, 81c; Inspection Act, Article 32; Financial Administration Act, Article 37
Spain		<b>✓</b>				Ley 21/2015 de Montes, Article 67, 68, 69 and 74
Sweden	<b>√</b>					Lagen (2014:1009) om handel med timmer och trävaror. Förordningen (2014:1010) om handel med timmer och trävaror
United Kingdom	<b>✓</b>					The Timber and Timber Products (Placing on the Market) Regulations 2013 No. 233 part 2, 3

## Overview of EUTR MS' access to documentation/facilities of duty holders during checks, and records of checks (Art. 10(1), (3), (4) and 11 of the EUTR)



	Access to documentation and obligation to facilitate checks related to the obligations under the EUTR  (Art. 10(1), (3) and (4) of the EUTR)	Records of checks (Art. 11 of the EUTR)	Information on checks recorded and made publicly available (Art. 11(2) of the EUTR)
			M, C, R: Partially, upon request B, S: None
Norway	I, D, T, M: Unrestricted	✓	(I, E, M), C, N: Partially (I, E, B, S), R: Partially, upon request (B, S), M: None Two submissions: brackets indicate differing data
Poland	I, D, T, M: Unrestricted	х	I, E, C, N, R: Partially, upon request B, S: None
Portugal	I, D, T, M: Unrestricted	✓	Partially, upon request
Romania	I, D, T, M: Unrestricted	✓	E, C: Partially I, M, B, S, N, R: Partially, upon request
Slovakia	I, D, T, M: Unrestricted	✓	I, E, N: Partially, upon request M, B, C, S, R: None
Slovenia	I, D, T, M: Unrestricted	×	I, E, B, C, S, N, R: None
Spain	I, D, T, M: Unrestricted	✓	Partially, upon request
Sweden	I, D, T, M: Unrestricted	✓	Partially, upon request
United Kingdom	I, D, T, M: With consent	х	I, E: Partially C, N, R: Partially, upon request B, S: None

#### **Duty holders: Traders (Article 5 of the EUTR)**

- 2055 traders were checked by 21 EUTR MS; 255 (12.4%) were not compliant with EUTR obligations (Figure 5).
- 269 notices of remedial action, 16 temporary seizures, 8 temporary suspensions of the authority to trade/injunctions, 460 administrative and 7 criminal financial penalties, 188 permanent seizures, 53 suspensions of the authority to trade as a penalty and 63 other penalties were issued by 6 EUTR MS.



Number of traders checked by EUTR MS in 2019, including the number of traders found to be non-compliant with Article 5 of the EUTR (where applicable). No information was submitted by Iceland or Liechtenstein.

#### Duty holders: Monitoring organisations (Article 8(4) of the EUTR)

- The main offices of the 13 monitoring organisations established in the EU should be checked every 2 years (Article 6 (1) of Commission Implementing Regulation (EU) No 607/2012); subsidiary offices should also be checked regularly.
- 3 of the 13 main seats were checked in 2019, and 5 subsidiary offices. No breaches of the EUTR obligations were reported and no enforcement actions taken (Table 2).

Number of checks on monitoring organisations <u>registered in the EU</u> over the reporting period, by country. (Key:  $\checkmark$  indicates monitoring organisation was checked during reporting period, 'HQ' indicates the country of the main seat of the monitoring organisation)

Country	AENOR Interna- tional	BM Trada	Bureau Veritas	Conlegno	Control Union Certifications	DIN CERTCO	GD Holz Service	CSI SpA	Le Commerce du Bois	NEPCon	sgs	Soil Asso- ciation	Timber Checker	No. of MOs providing services
Austria														8
Belgium														7
Bulgaria														6
Croatia														6
Cyprus														6
Czech														7
Republic														,
Denmark														6
Estonia										HQ				7
Finland														7
France			HQ						HQ					8
Germany						HQ	√HQ							8
Greece														6
Hungary														6
Italy				HQ				HQ						8
Iceland	No i	nforma	ation sub	mitted										6
Ireland														6
Latvia		HQ												7
Liechtenstein	No i	nforma	ation sub	mitted										6
Lithuania														7
Luxembourg														8
Malta														6
Netherlands					√ HQ								√ HQ	8
Norway														1
Poland			✓		✓					✓				7
Portugal														7
Romania														7
Slovakia														7
Slovenia														6
Spain	HQ													8
Sweden														7
United														
Kingdom											HQ	HQ		6



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Front page image Certified timber in a log pond (Michael Padmanaba/CIFOR via flickr)