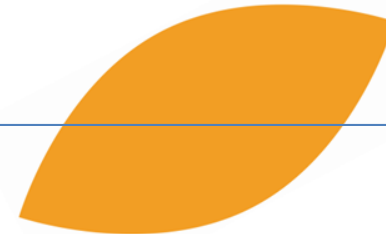




MINISTRY OF AGRICULTURE OF THE CZECH REPUBLIC

Introduction to EU Timber Regulation

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TREE workshop
April 5, 2016
Prague



Abstract

- EU legislative framework
- Who is operator/trader?
- What operator/trader must do?
- Due diligence system
- MS competences
- EC role
- Apart from theory a.k.a. what we do
- Informal meetings
- Example of the implementation in the Czech Republic

EU legislative framework

- EU Timber Regulation (EUTR)
 - 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
 - It is not alone, but it is a part of a whole process starting at 2003 by establishing EU FLEGT Action Plan
 - FLEGT Regulation
 - Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the EU
- But until today, only this piece of legislation is actively in force
 - EUTR came into force on 3rd March 2013 (3 years of implementation)



EU legislative framework

- EUTR is not alone and it is needed to look at it in the whole package
 - Commission Delegated Regulation (EU) No 363/2012 of 23 February 2012 on the procedural rules for the recognition and withdrawal of recognition of monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market
 - Commission Implementing Regulation (EU) No 607/2012 of 6 July 2012 on the detailed rules concerning the due diligence system and the frequency and nature of the checks on monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market
- Other EU legislations have a lot in common with EUTR, such as CITES or Customs law
- EUTR is translated into all EU languages and due to informal communication we also have Chinese and Russian translation (cannot be formally used, but it is helpful in understanding the law)



Who is operator/trader?

- But what EUTR says?
- The whole idea is to minimize the risk of placing illegal timber on EU market
- For that purposes EUTR defines two subjects:
- OPERATOR
 - He/she places timber or timber product on the EU market for the first time
- TRADER
 - He/she sells or buys on the internal market timber or timber products already placed on the internal market
 - That means that he/she buys from operators or traders and sells to traders or final consumers



What operator/trader must do?

- OPERATOR

- Article 4, EUTR
- Operators cannot place on the market illegal timber or timber products.
- Operators shall exercise due diligence when placing timber or timber products on the market.
- Each operator shall maintain and regularly evaluate the due diligence system which it uses.

- TRADER

- Article 5, Obligation of traceability
- Traders shall be able to identify:
 - (a) the operators or the traders who have supplied the timber and timber products; and
 - (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.



Due Dilligence system

- Crucial part of EUTR, operator's evidence
- DDS contains from three elements:
 - information concerning the operator's supply of timber or timber products placed on the market
 - risk assessment procedures enabling the operator to analyse and evaluate the risk
 - risk mitigation procedures which consist of a set of measures and procedures that are adequate and proportionate to minimise effectively that risk

Sometimes it is hard to explain DDS just because it is not the only one specific excel table or word doc, it varies between different groups of operators.



MS competences

- To establish competent authority (MSCA)
- To establish adequate sanction system
- To establish checks
 - To communicate actively within other MSCA's
 - To communicate adequately with EC
 - To evaluate EUTR (every two years)



EC role

- To assist MSCA's when needed
- To evaluate EUTR and report to the Council and EP
- Recognition of the Monitoring organisations and to withdraw these recognitions on the base of MSCA checks



Apart from theory a.k.a. what we do

- Legislation is just one tiny step forward but it is not sufficient without a proper enforcement
- EC FLEGT committee meetings/ Expert group meetings/Informal group meetings
- Evaluation report currently being discussed at Council WP meetings
- Cap4Dev



Informal meetings

- Chatham House meetings (2012)
- Forest Trends meetings, TREE
 - EU – USA
 - Plus other European countries
 - Plus Australia
 - today
- Every MSCA has to make an effort to help in enforcement
 - Bilateral meetings + checks
 - Communication platform



Example of the implementation in the Czech Republic

- Legislation – National Act No. 226/2013 on placing timber and timber products on the market
- CA – MOA, FMI, Czech Trade Inspection Authority, Regional Authorities, Customs – in total cca 50 people
 - We meet regularly, smaller vs. bigger group, all of us once a year
 - last year with SK colleagues
- Sanction system – for both operator/trader, comparable to other legislation (forest law, CITES...)
- checks – ongoing for almost three years now
- Informal – participation at informal meetings, close cooperation in our region – HU meeting, Minsk



Thank you for your attention. Questions?

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