EUTR – information for enforcement

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Risk of not being legal

- Where the procedural steps for a permit are not followed?
- (Failure to comply with rules)
  - E.g. – no EIA; no community consent; no benefit sharing agreement; proper auctioning requirements not followed; time limits not respected; etc.
  - So a permit is issued – but is not valid
Risk of not being legal?

• Where no appropriate procedure exists for the harvest/commercialisation of timber

• (Absence of rules)

• Examples of timber from conversion – where legal frameworks are typically absent/only partial.

  • Situations where there is no ‘correct’ permit.

  • And/or where e.g. Inter-ministerial consultations do not happen

• But the government – at least tacitly – enables trade.
Evidential requirements

• How can information/evidence that
  • Required steps have not been done; or
  • Rules do not exist so what is ‘legal’ is not established
    – be used to base enforcement actions?

• Distinguishing issues of sovereignty of producer country from compliance with due diligence obligation

• Question of knowledge (actual or presumed) of the operator?
Thank you

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