

# 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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