

## European Union Timber Regulation (EUTR)

The [European Union Timber Regulation \(EUTR\)](#) is one part of the EU's [FLEGT \(Forest Law Enforcement, Governance and Trade\) Action Plan](#) which is aimed at helping to stamp out illegal logging worldwide. The Regulation entered into force on 3<sup>rd</sup> March 2013 and it is directly applicable in all EU Member States.

In Ireland's case, supporting national legislation – [European Union \(Timber and Timber Products\) \(Placing on the Market\) Regulations 2014](#) - was enacted in July 2014. Briefly, this national legislation (i) designates the Minister for Agriculture, Food and the Marine as the competent authority to oversee implementation of the EUTR in Ireland, (ii) lays down effective, proportionate and dissuasive penalties for non-compliance with the EUTR, and (iii) provides the modalities for practical enforcement such as inspections and powers of authorised officers.

### Illegal logging

Illegal logging - the harvesting of wood in a way that breaches the laws or regulations of the *country of harvest* - has severe **economic, environmental** and **social impacts** for some of the world's most valuable remaining forests and the billions of people that rely on them.

### Role of the European Union (EU)

In 2011, 35% (€37.8 billion) of the global trade of primary timber products was by and within the EU. It is difficult to estimate what percentage of this trade was in illegally harvested timber but we know that the EU is an important export market for those countries where levels of illegality and poor governance in the forest sector are most serious.

By allowing wood and wood products that are potentially derived from illegal sources onto the EU market, we risk jeopardising the efforts of timber-producing countries to fight against illegal logging and could be perceived as adding to the problem by essentially sustaining the practice.

### EU response: the FLEGT Action Plan

Illegal logging has long been a problem but it was not until the 1990s that research revealed just how severe it was.

In order to address the issue at EU level, in 2003, the [FLEGT \(Forest Law Enforcement, Governance and Trade\) Action Plan](#) was adopted. The plan provides a number of measures to exclude illegal timber from our market, to improve the supply of legal timber and to increase the demand for responsibly produced wood products. The **EU Timber Regulation (EUTR)** along with [Voluntary Partnership Agreements](#) (VPAs – bilateral trade agreements with timber exporting countries that help prevent illegal timber from being placed on the European market) are the two key elements of the Action Plan.

## EU Timber Regulation: a brief overview

The [European Union Timber Regulation \(EUTR\)](#) – Regulation (EU) No 995/2010 - was adopted on 20 October 2010 and has been applied in all EU Member States since 3 March 2013. The Regulation prohibits the placing on the EU market of illegally harvested timber and products derived from such timber. It divides those dealing in wood or wood products into two categories - **operators and traders** - each with its own distinct obligations and responsibilities.

### Who is affected?

**Operators** – defined in the Regulation as *those who place timber or timber products on the EU market for the first time in the course of a commercial activity* – are required to put in place a risk management or '[due diligence](#)' system which contains three key elements:

1. Information – the operator must have access to information describing the timber and timber products, country of harvest, species, quantity, details of supplier and information of compliance with the applicable national legislation of the country of harvest.

Applicable legislation means the legislation in force in the country of harvest covering the following matters: rights to harvest timber within legally gazetted boundaries, payments for harvesting rights and timber including duties related to timber harvesting, environmental and forest legislation including forest management and biodiversity conservation where directly related to timber harvesting, third parties' legal rights concerning use and tenure that are affected by timber harvesting, and trade and customs insofar as the forest sector is concerned.

2. Risk assessment – the operator should assess the risk of illegal timber in his supply chain taking account of the information above and the criteria set out in the Regulation.
3. Risk mitigation – where the risk assessment shows that there is a risk of illegal timber in the supply chain then the operator should mitigate this by requiring additional information and verification from the supplier.

Meanwhile, **traders** – defined in the EUTR as *those who sell or buy timber or timber products already placed on the EU market* – are required to keep information about their suppliers and customers so that the timber products can be traced if necessary.

Both operators and traders may be subject to inspection by Competent Authorities to ensure that they fulfil their obligations under the Regulation.

### What is covered?

**Both timber and timber products produced in the EU and those imported from outside the EU are covered by the legislation.** It applies to a wide range of, but not all, timber and

timber products. The list of products covered by the law can be found in the Annex of the EUTR.

### **Supporting EU legislation**

The [European Union Timber Regulation \(EUTR\)](#) is complemented by two other pieces of EU legislation which offer more detail on specific points within the law. These are:

1. Regulation on rules for the recognition and withdrawal of recognition of monitoring organisations:  
[Commission delegated Regulation](#) (EU) No 363/2012
2. Regulation on detailed rules concerning the due diligence system and checks on monitoring organisations:  
[Commission implementing Regulation](#) (EU) No 607/2012

### **Voluntary Partnership Agreements (VPAs): a brief overview**

Voluntary Partnership Agreements (VPAs) are bilateral agreements with timber-producing countries. These agreements allow the EU to meet the demand for legal timber but also provide technical assistance and capacity building to the government, private sector and civil society of the country concerned. For countries that have an operational VPA with the EU (first expected in 2015), only timber and timber products from that country which are covered by a FLEGT licence may enter the EU market.

**FLEGT and [CITES](#) (Convention on International Trade in Endangered Species of Wild Fauna and Flora) licensed products are considered to be fully compliant with the EUTR.**

### **Ireland's Competent Authority for implementation of the EUTR**

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***This overview does not purport to be a legal interpretation and is intended for guidance purposes only. Effected parties are advised to seek independent legal advice on matters of interest to/effect on them.***