

Survey on the evaluation of the EU Timber Regulation two years after its entry into application

Fields marked with * are mandatory.

Introduction

The FLEGT Action Plan is the EU policy instrument to tackle the persistent problem of illegal logging within the EU and internationally. It was defined back in 2003 and consists of several measures. Regulation (EU) No 995/2010 (the EU Timber Regulation or EUTR) is one of the Action Plan's key elements. It was adopted in 2010 and entered into application in March 2013.

The EUTR prohibits the placing of illegally harvested timber and products derived from such timber on the EU market. It lays down obligations on operators who place timber and timber products on the internal market for the first time, as well as obligations on traders who sell or buy timber and timber products already placed on the internal market.

The EUTR covers a broad range of timber products including solid wood products, flooring, plywood, pulp and paper. The EUTR applies to both imported and domestically produced timber and timber products. Timber and timber products covered by valid FLEGT or CITES licenses are considered to comply with the requirements of the Regulation.

The EUTR defines monitoring organisations that elaborate and maintain Due Diligence Systems (DDS) and grant operators rights to use their DDS. It also designates Competent Authorities that are responsible for monitoring the Regulation's application in the EU Member States.

Each operator shall have a DDS in place, consisting of three main components: (a) measures and procedures providing access to information on timber supplies, (b) risk assessment procedures enabling to analyse and evaluate the risk of placing illegally harvested timber or timber products on the market and (c) risk mitigation measures that must be applied if the risk was assessed non-negligible.

Traders shall be able to identify (a) who has supplied them with timber and timber products and (b) whom they have supplied with timber and timber products.

Monitoring organisations provide operators with their DDS on a voluntary basis and verify that the engaged operators properly use the DDS. An organisation can be recognised as a monitoring organisation through a formal application process managed by the European Commission.

Competent Authorities shall carry out checks on operators and monitoring organisations to verify if they comply with due diligence requirements. Each EU Member State designates one or more Competent Authorities for the application of the EUTR in its country.

The EU Member States lay down rules on penalties applicable to infringements of the provisions of the EUTR. The penalties must be effective, proportionate and dissuasive, and may include e.g. fines, seizure of timber and timber products, suspension of the authorization to trade, etc.

The European Commission will be reviewing the functioning and effectiveness of the EUTR by 3 December 2015 (and every sixth year thereafter). This survey aims to contribute to this review by encouraging stakeholders to share their experiences and views on the implementation of the EUTR over the first two years.

More information on the EU Timber Regulation, together with the corresponding documents and the latest developments, is available [here](#).

Important notice on the publication of contributions

Contributions received are intended for publication on the Commission's website.

Information about the respondent:

Please provide us with the following information:

Name of the public authority / international organisation / organisation or company you represent: (Optional)
(The information you provide here is for administrative purposes only and will not be published)

Ministry of Economic Affairs, The Netherlands

Full name (first and last name) of the individual respondent: (Optional) *(The information you provide here is for administrative purposes only and will not be published)*

Laura de Pundert

Email address of the respondent: (Optional) *(The information you provide here is for administrative purposes only and will not be published)*

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Are you replying:

- ☐ On behalf of an organisation
As a private individual

Your role in the organisation:

- ☐ Management
- ☐ Specialist/Expert
- ☐ Strategy/Policy function
- ☐ Other (please specify)

Other (please specify):

Country of origin (of the organisation if relevant)

The Netherlands

Your organisation's geographical area of activities (indicate your area of activities if answering as an individual person)

- ☐ Local
- ☐ Regional
- ☒ National
- ☐ European
- ☐ Non-European
- ☐ Not applicable

*

Your organisation's type of activity (indicate your activity type if answering as an individual person)

- ☐ International organisation
- ☐ Competent authority for the EUTR
- ☒ Other government body
- ☐ Professions organisation/federation
- ☐ Small enterprise operator (*less than 50 people; turnover/balance sheet total < € 10 m*)
- ☐ Medium-sized enterprise operator (*less than 250 people; turnover < € 50 m/balance sheet total < € 43 m*)
- ☐ SME trader
- ☒ Large business operator (*over 250 people; turnover more than € 50 m/balance sheet total more than € 43 m*)
- ☐ Civil society organisation
- ☐ Monitoring organisation (as per EUTR)
- ☐ Certification body/institution
- ☐ Consultancy

Other (please specify)

Questionnaire

The EUTR and its objectives and impacts

1.1 With the EUTR the EU aims at contributing to international efforts to combating illegal logging and associated trade.

In my view, the EUTR has so far been effective in...

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
...preventing illegally harvested timber or timber products derived from such timber being placed on the EU market.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
.helping create a level playing field for timber trade and for operators acting in accordance with applicable legislation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
.contributing to the EU's international obligations {e.g. on sustainable forest management, combating deforestation and forest degradation, climate change, biodiversity conservation, and other internationally agreed goals}.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Others (please indicate)

The EUTR is too short in place to judge the situation regarding its effectiveness in preventing illegally harvested timber products being placed on the EU market or in contributing to the EU's international obligations. Answering these questions would also need separate, scientific research.

As long as the EUTR is not evenly implemented across the EU, there is no level playing field.

1.2 The EUTR specifically aims at preventing illegally harvested timber and timber products from being placed on the EU market. It contains a prohibition on placing such products on the EU market and requires operators who place them on the market for the first time to carry out due diligence.

In my view, the EUTR's aims are addressed effectively by...

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
.the prohibition of placing illegally harvested timber and timber products on the market.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
.the due diligence requirement for operators.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...both provisions, i.e. prohibition and due diligence.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Others (please indicate)

1.3 In my view, since the EUTR became applicable in March 2013, it has made a change to...

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
.the quantity of certified/verified timber on the EU market.	©	©	©	©	©
.the areas of origin of timber and timber products entering the EU market.	©	©	©	©	©
.the volume of timber and timber products entering the EU.	©	©	©	©	©
.the value of timber and timber products entering the EU.	©	©	©	©	©
.the species of timber and timber products entering the EU.	©	©	©	©	©
.the entry points of timber and timber products into the EU.	©	©	©	©	©
...the timber trade, beyond its original stated aims (see under 1.1).	©	©	©	©	©
.the level of engagement by timber-exporting countries to ensure that exports are verified to be of legal origin (including by engaging in FLEGT Voluntary Partnership Agreements with the EU and/or by developing national verification schemes).	©	©	©	©	©

Please specify if possible

1.4 What are, in your view, the main challenges to implementing the EUTR effectively?

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
Levels of penalties across the EU.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Resources for enforcement by competent authorities in EU MS.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
What is required by an operator to exercise due diligence.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gathering information on applicable legislation in timber/timber products-exporting countries.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Carrying out risk assessment and mitigation on high-risk supply chains and/or high risk timber sources.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation from timber suppliers in third countries.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The interface with third party verification/certification.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The definition of legal timber.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The definition of risk (and its related assessment).	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The product scope.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please indicate)

2. The EUTR and the added value of EU action in this field

It is important to assess the added value that the EUTR brings, compared to what could be achieved by MS at national level without a specific EU action.

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
In my view, the EUTR's objectives could have been achieved more effectively through measures at national level without any EU action.	©	©	©	©	©
In my view, other policy instruments or mechanisms provide, or can potentially provide, better cost-effectiveness than the EUTR.	©	©	©	©	©
In my view, other market instruments/mechanisms provide, or can potentially provide, better cost-effectiveness than the EUTR.	©	©	©	©	©

Further comments

3. Implementation and enforcement of the EUTR

EU Member States are responsible for laying down rules on penalties applicable to infringements of the provisions of the EUTR.

3.1 In my view, the penalties set in my Member State are.

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
.effective	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
.proportionate	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
.dissuasive in discouraging infringements	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Further comments

The Member States are also obliged to designate one or more Competent Authorities responsible for the application of the EUTR. Member States' Competent Authorities are required to check operators in order to verify they comply with all their obligations. Competent Authorities are also required to check monitoring organisations.

3.2 In my view, the Competent Authority in my Member State has so far.

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
.carried out a sufficient number of checks on operators.	☉	☉	☉	☉	☉
.carried out effective checks on operators.	☉	☉	☉	☉	☉
...given appropriate penalties to operators for infringements of the EUTR.	☉	☉	☉	☉	☉
.carried out a sufficient number of checks on monitoring organisations.	☉	☉	☉	☉	☉
.carried out effective checks on monitoring organisations.	☉	☉	☉	☉	☉

Further comments

4. The EUTR and the business environment (i.e. operators, traders)

Operators are companies or individuals who place timber or timber products on the market; they are required to undertake due diligence before doing so. Traders are companies or individuals who buy/sell on the internal market timber products already placed on the market; they are required to keep records of their suppliers and customers. Monitoring organisations are recognised by the European Commission and can provide due diligence services to operators in the EU.

4.1 In my view, in my Member State...

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
.operators have set up and maintained effective due diligence systems.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
.operators have effectively prevented illegally harvested timber or timber products from being placed on the market.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
.traders have effectively kept records of timber and timber products.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Other (please indicate)

It is up to the Competent Authority to have a view on these propositions.

4.2 It is important to understand the impacts of the EUTR on businesses in the EU.

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
The overall benefits of implementing the EUTR outweigh the costs regardless of the type and size of the business.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Some categories of enterprises are benefiting more than others.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The EUTR has a net benefit for large business (over 250 people; turnover more than € 50 m/balance sheet total more than 43 m) compared to small (less than 50 people, turnover/balance sheet total < € 10 m) and medium size enterprises (less than 250 people; turnover < € 50 m/ balance sheet total < € 43 m).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
The EUTR has created direct benefits for businesses in general.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Further comments If costs and benefits are considered purely as financial costs and benefits, the EUTR has probably been causing more costs than benefits to businesses in the EU.

4.3 In my view, the EUTR has created additional obligations and burdens for business in the EU particularly on...

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
.setting up a due diligence system.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
.maintaining a due diligence system.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
.using a monitoring organisation's due diligence system.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
.changing suppliers.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
.changing geographic supply sources.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
.changing timber species.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Another reason (please specify)

4.4. It is important to understand the impacts of the EUTR on businesses outside the EU.

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
The EUTR has brought overall benefits to timber exporters to the EU and non EU operators.	©	©	©	©	©
The EUTR has a net benefit for large businesses compared to small and medium-sized enterprises.	©	©	©	©	©
The EUTR has created direct benefits only for certain types of businesses.	©	©	©	©	©

Please specify

The EUTR might have created benefits for timber exporters in geographic areas that are considered to be low risk.

5. Monitoring organisations

Monitoring organisations are recognised by the European Commission to provide due diligence services to operators in the EU.

5.1 In my view, monitoring organisations have so far developed due diligence systems that.

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
.effectively help operators to assess and mitigate the risk of placing illegal timber on the EU market.	☉	☉	☉	☉	☉
.are affordable for large businesses (over 250 people; turnover more than € 50 m/balance sheet total more than 43 m).	☉	☉	☉	☉	☉
.are affordable for small (less than 50 people, turnover/balance sheet total < € 10 m) and medium enterprises (less than 250 people; turnover < € 50 m/ balance sheet total < € 43 m).	☉	☉	☉	☉	☉
.do not currently have a market while other services are preferred (i.e. training, free access to information, other tools).	☉	☉	☉	☉	☉
.are in need of further improvements.	☉	☉	☉	☉	☉

Further comments

6. Third parties' substantiated concerns

The EUTR allows for third parties to raise substantiated concerns with Competent Authorities concerning compliance by an operator with the EUTR.

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
Competent Authorities in my Member State have responded appropriately to substantiated concerns.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am aware of concerns but without proven evidence.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is not clear how to channel concerns and substantiate them.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Further comments

7. Communicating about EUTR

For the EUTR to function effectively it is important for operators and traders to be aware of information which affects their businesses.

7.1 In my view, operators in my Member State are sufficiently aware of.

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
... the requirements of the EUTR.	©	©	©	©	©
... how to access the European Commission's online EUTR guidance documents.	©	©	©	©	©
... who their EUTR Competent Authority is.	©	©	©	©	©
... how to access information from their EUTR Competent Authority.	©	©	©	©	©
... the requirements of the due diligence obligation.	©	©	©	©	©
... the services provided by monitoring organisations.	©	©	©	©	©

Further comments

7.2 In my view, traders in my Member State in general are sufficiently aware.

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
.of the requirements of the EUTR.	©	©	©	©	©
.of how to access the European Commission's online EUTR guidance documents.	©	©	©	©	©
. who their EUTR Competent Authority is.	©	©	©	©	©
. how to access information from their EUTR Competent Authority.	©	©	©	©	©
. the requirements of the due diligence obligation.	©	©	©	©	©

Further comments

Why should traders in the member states be aware of the requirements of due diligence? They are required to keep records of their suppliers and customers, not to undertake due diligence.

8. The EUTR and other relevant legislation

The EUTR has specific links to other policies, such as the Forest Law Enforcement, Governance and Trade (FLEGT) Regulation, and the EU Wildlife Trade Regulations. Optimising these synergies can enhances their effectiveness

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion
The EUTR is complementary to other existing legislation and has a coherent approach.	©	©	©	©	©
In my view, the implementation and enforcement of EUTR and/or other related legislation can be improved to benefit their interconnections.	©	©	©	©	©

Please specify