

# The European Union Timber Regulation (EUTR)

**Implementation and obligations on Operators and Traders.**

**International Forestry Division, DAFM – Ireland's EUTR Competent Authority.**



## EUTR

### **EUTR Overview**

Illegal harvesting of timber is a global scourge which the EU is tackling.

First placing of illegal timber or timber products on the EU market is now prohibited.

The EUTR is based on Due Diligence – Information, Risk Assessment and Risk Mitigation.

The EUTR applies to both Operators and Traders who deal in International or Domestic timber/ timber products.

Timber/timber products from regions/countries where there is a high risk of illegal logging require particular attention to determine legality based on the laws of the country of origin.

EUTR applies to both base timber but it also applies to a wide range of timber products such as flooring, furniture, plywood, sawn wood, particle board and OSB, wooden frames, carpentry and joinery wood, fuel wood, pulp and paper etc.

### **Implementation of EU Timber Regulation**

The EU Timber Regulation (EUTR) came into effect on 3rd, March 2013 and is directly applicable in all EU Member States. The Regulation represents a significant element of the EU's response to the global problem of trade in illegal timber.

Of late, a world-wide movement has emerged involving the EU, USA, Australia and Switzerland which is aimed at tackling the scourge of illegal logging with its significant environmental, social, economic and climate change downsides. Implementing sustainable forest management in practice and on the ground, reducing deforestation and maintaining forest cover levels are core actions which compliment the global response to tackling illegal logging and associated trade.



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Europe is playing its part through rollout of the EUTR. The Regulation provides for three main actions.

1. It prohibits the first placing of illegal timber or timber products on the EU market;
2. It sets out due diligence requirements for Operators who deal in a broad range of timber and timber products when these products are first placed on the EU market in the course of a commercial activity; and
3. It imposes traceability and record-keeping requirements on timber Traders.

The aim of the EUTR is to contribute to halting the trade in illegally harvested timber which accounts for a significant proportion of the global timber trade.

Both Irish and international timber and timber products are covered by the Regulation.

#### **Operator's obligations under the EUTR:**

- Operators are required to work with a fit for purpose Due Diligence System (DDS). They can choose to apply their own DDS or that of a Monitoring Organisation (licensing costs may apply).
- Regardless of whichever system the Operator chooses to apply, the DDS must be robust and comprehensive enough in order to minimise the risk of illegal timber or timber products being placed for the first time on the internal market. A fit for purpose DDS is one which enables a clear determination to be made by the Operator (and to the satisfaction of the Competent Authority) that there is, at worst, a negligible risk that the timber or timber product is from an illegal source.



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- In the case of repeat supplies, an Operator needs to apply DDS to each specific type of timber or timber product supplied by a particular supplier within a period not exceeding 12 months, provided that the tree species, the country or countries of harvest or, where applicable, the sub-national region and concession of harvest remain unchanged. If any of these elements of the supply change (supplier, tree species, country of harvest/region/concession) then DDS must be undertaken as normal.

#### **The three elements of Due Diligence are:**

- A. Information (to include inter alia description of product, tree species, country of harvest, quantity, supplier details, trader details and documents or other information indicating compliance with applicable legislation in the country of harvest);
- B. Risk assessment (of that information); and
- C. Risk mitigation (securing further information/documentation/verification which demonstrates mitigation of a risk).

If the Operator is unable to mitigate the risk to their complete satisfaction then they risk being subjected to sanction as provided for under the European Union (Timber and Timber Products) (Placing on the Market) Regulations 2014 - S.I. No. 316 of 2014).

**The responsibility to comply with the EUTR rests with the Operator.**



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### Trader obligations under EUTR:

Organisations/individuals who are buyers or sellers of (either or both) international or EU/Irish timber or timber products subsequent to that timber's or timber products' first placement on the EU/Irish market excluding retail customers who are purchasing for their own personal use with no onward trade or further use as part of a commercial activity.

### Traders are obliged to be able to identify:

- The Operator whom the timber or timber product has been bought from; and
- The Traders to whom they have supplied/sold timber or timber products to.

Traders are obliged to keep this information for at least five years and to provide it to the Competent Authority, if so requested. Under the European Union (Timber and Timber Products) (Placing on the Market) Regulations 2014 it is an offence for a trader to fail to comply with these provisions.

### The responsibility to comply with the EUTR rests with the Trader.

