

The EU Timber Regulation **(EU) No 995/2010**

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The EU Timber Regulation

The Law

Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010, laying down the obligations of operators who place timber and timber products on the market –



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Purpose of this Regulation

Also known as the (Illegal) Timber Regulation, this Regulation will counter the trade in illegally harvested timber and timber products through three key obligations:

Obligations:

The Regulation

- **PROHIBITS** the placing on the EU market, for the first time, of illegally harvested timber and products derived from such timber
- **REQUIRES** Operators who place timber products on the EU market for the first time to exercise '**DUE DILIGENCE**'
- **OBLIGES** Traders & Operators to Keep records of their suppliers and customers.

Definitions

- **“Operator “**:- means any natural or legal person that places timber or timber products on the market ;
- **“Trader “** :-means any natural or legal person who, in the course of a commercial activity, sells or buys on the internal market timber or timber products already placed on the internal market

What is Due Diligence?

The Regulation will compel operators to undertake risk management exercises so as to minimise the risk of placing illegally harvested timber, or timber products containing illegally harvested timber, on the EU market.

Taken together, these risk management exercises will constitute the operators system of “Due Diligence”

3 Key Elements of the “Due Diligence System”

- Information:**
- Risk Assessment:**
- Risk Mitigation:**

3 Key Elements of the “Due Diligence System”

- **Information:**
- The operator must have access to and maintain information describing
 - The timber and timber products
 - The country of harvest
 - The species
 - The quantity
 - The details of the supplier and
 - Information on compliance with national legislation in the country of harvest.

3 Key Elements of the “Due Diligence System”

- **Risk Assessment**

Based on the information, the operator must assess the risk of illegal timber in his or her supply chain and take into account the risk assessment criteria set out in the Regulation

3 Key Elements of the “Due Diligence System”

Risk mitigation:

When the assessment shows that there is a risk of illegal timber in the supply chain, that risk can be mitigated by requiring additional information and verification from the supplier

"Monitoring organizations"

- The Regulation provides for "Monitoring organisations" to be recognised by the European Commission.
- These organisations, which will be private entities, will provide EU operators with operational due diligence systems.
- Operators can either develop their own Due Diligence system or use one developed by a monitoring organisation



What's Covered

- — 4401 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
- — 4403 Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared
- — 4406 Railway or tramway sleepers (cross-ties) of wood
- — 4407 Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
- — 4408 Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm

What's Covered Cont'd

- — 4409 Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed
- — 4410 Particle board, oriented strand board (OSB) and similar board (for example, wafer board) of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances
- — 4411 Fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances
- — 4412 Plywood, veneered panels and similar laminated wood



What's Covered Cont'd

- 4413 00 00 Densified wood, in blocks, plates, strips or profile shapes
- 4414 00 Wooden frames for paintings, photographs, mirrors or similar objects
- 4415 Packing cases, boxes, crates, drums and similar packings, of wood; cable-drums of wood; pallets, box pallets and other load boards, of wood; pallet collars of wood
(Not packing material used exclusively as packing material to support, protect or carry another product placed on the market.)
- 4416 00 00 Casks, barrels, vats, tubs and other cooper's products and parts thereof, of wood, including staves
- 4418 Builders' joinery and carpentry of wood, including cellular wood panels, assembled flooring panels, shingles and shakes



What's Covered Cont'd

- Pulp and paper of Chapters 47 and 48 of the Combined Nomenclature, with the exception of bamboo-based and recovered (waste and scrap) products
- 9403 30, 9403 40, 9403 50 00, 9403 60 and 9403 90 30 Wooden furniture
- 9406 00 20 Prefabricated buildings

Implementation of the Regulation

- The Regulation is legally binding on all 27 EU Member States, which are responsible for laying down effective, proportionate and dissuasive penalties and for enforcing the Regulation.
- Each EU Member State will designate a Competent authority by 3rd June 2011 that will be responsible for enforcement of the Regulation.

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Implementing measures

The Commission is working on Implementation provisions and will adopt :

- More detailed rules on the risk assessment and risk mitigation measures which are part of the "due diligence system"
- Rules on the frequency and nature of checks which Member States` competent authorities will conduct on the Monitoring organisations



Delegated Acts

- By 3rd March 2012 ,the Commission will adopt "delegated acts" to supplement and/or amend the procedural rules for recognition of monitoring organisations.
- The Commission can also, and are very likely to, amend and extend the product scope and supplement the risk criteria through the development of further delegated acts.

Application in Ireland

- Ireland will put in place a robust and proportionate regime, including dissuasive penalties, in order to implement the Regulation.
- The **Competent Authority** will carry out checks on operators to ensure compliance, including examination of due diligence systems and on-site checks



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Make Your Voice Heard

- The Commission has sought input from stakeholders in relation to the elaboration of the implementing measures and delegated acts, in particular during the first half of 2011.
- Inputs should be sent by email to:
ENV-TIMBER-REG@ec.europa.eu



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Contact Details

For further Information please don't hesitate to
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