



EUTR

Combat illegal  
logging

Forensic  
Methods for  
wood and paper

# Legal framework

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## **Past (Germany)**

- CITES
- German money laundering law
- EU-BAN (Burma/Myanmar; 2008-2013)

## **Actual (Germany)**

- CITES
- German money laundering law
- EU-TR (2010); HolzSiG (2013)

## **others**

- USA (Lacey Act; 2008)
- Australien (Illegal Logging Prohibition Amendment Regulation; 2013)

# EUTR

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- First regulation against illegal wood in Germany
- **Article 10: Checks on operators**
  - Regular checks according to a plan and risk based
  - Checks possible, when substantiated concerns
  - Check: due diligence system, records of procedure
  - Spot checks and field audits possible
  - Remedial actions
  - Potentially: halt of trade and seizure of goods
- **Article 12: Cooperation**
  - Cooperation amongst each other and with third parties
  - Exchange of information with other Member States

# EUTR

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- **Article 19: Penalties**

- Effective, proportionate and dissuasive
- Fines proportionate to environmental damage
- Value of product and tax losses
- Effectively stop illegal behaviour

# Weaknesses: product groups that are not covered by the EU-TR

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## Appendix EU-TR – product groups that are not covered by the EU-TR

- All kind of „seating furniture“



# Weaknesses: product groups that are not covered by the EU-TR

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- Wooden handle bars (ARD-Markencheck 6/2013; Bubinga, Kotibé)
- Printed paper products
- Charcoal
- ...



# Structural weaknesses

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- Only first placers in the EU have to have a due diligence
  - After the wood overcome the first import – the wood is legal by definition
  - Consequently the EUTR can only have a chilling effect if all 28 member states have a strong control system in place combined with dissuasive penalties
- No public duty to declare wood species and origin

# Weaknesses HolzSiG

## Die Lizenz zum Abholzen

26. März 2013

Bundesrat beschließt neues Holzversicherungsgesetz / WWF: Deutschland macht illegalen Holzhandel salonfähig und setzt sich über EU-Vorgaben hinweg

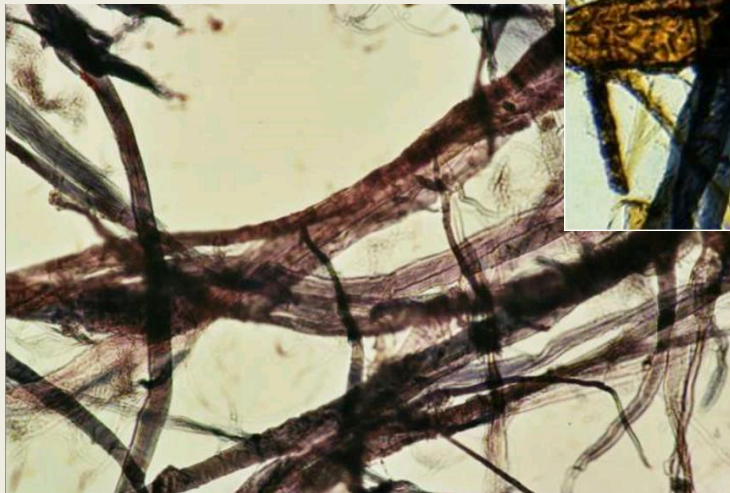
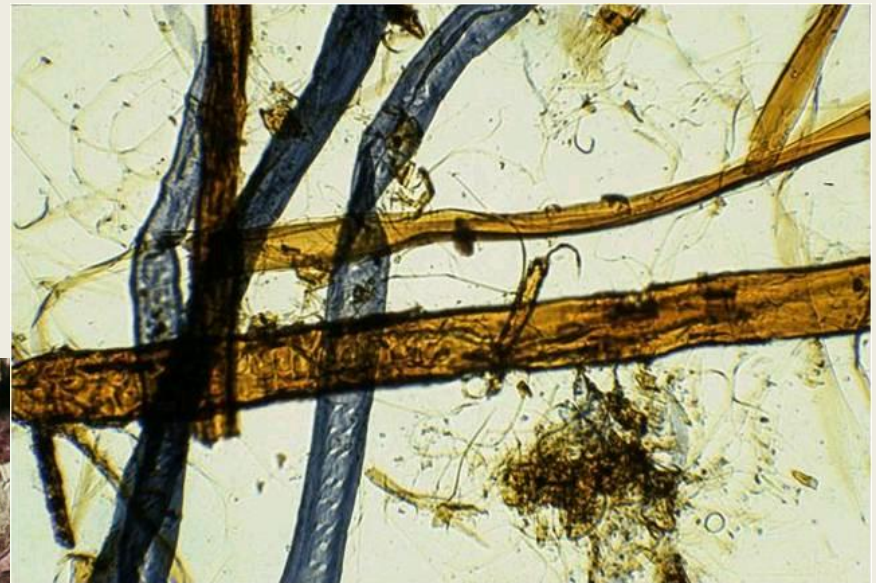
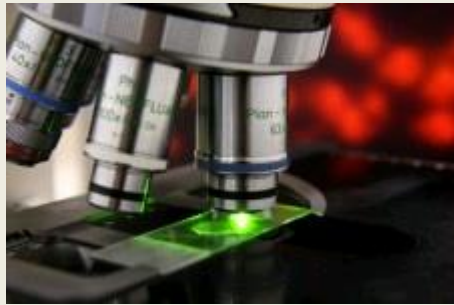
Berlin - Der WWF sieht den weltweiten Waldschutz durch eine Entscheidung des

- Complicated preconditions for criminal offense
- Small penalties for minor breach of the law



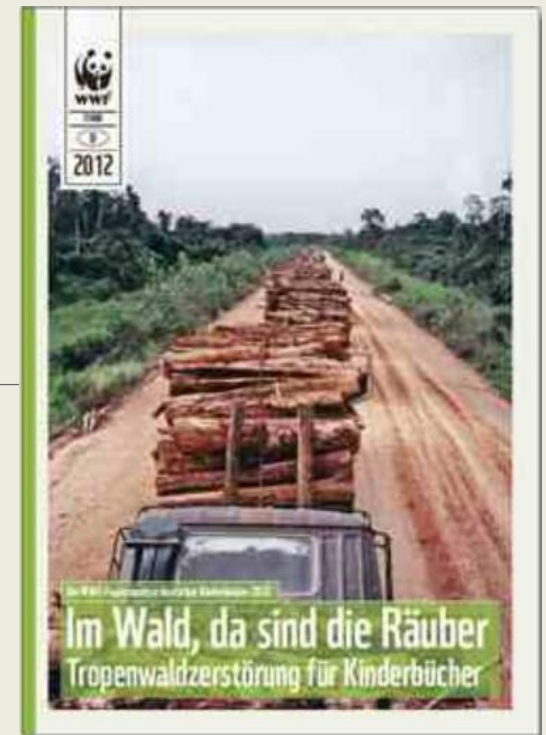
# Paper

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# Paper analysis

- MTH (mixed tropical hardwood) in paper
- Studies on childrens books (2009, 2012)
- Analysis of „Depesche“ products (2013)
- Printed products not covered by the EUTR (2013, 2014)
- Printed products covered by the EUTR (2015)





# WWF market check 2015 complaint to CA

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# Wood

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- TI in Hamburg





# German Example “Roller” (2013)

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1. Footrest – wrong wood species declared
2. Key cabinet – only one species declared – we found three – all genius include several species in the IUCN Red List
3. paper towel holder – wrong wood species declared
4. Shoe rack – wrong wood species declared
5. Cutting board – wrong wood species declared
6. Tiebacks – no wood species declared
7. Knife block OK
8. Coffee table (oak) – oak was right; origin Siberia was right – but – we also found birch; oak coming from high risk area in Russia
9. slatted frame - OK
10. Table and chairs – OK

# Jysk / DBL (2014, 2016, 2017)

1. Market checks proved four times wrong declarations
2. Complaints to the CA
3. Two penalties – breach of law against unfair competition
  - 10.000 EUR
  - 20.000 EUR



# Holzindustrie Schweighofer (2015)

1. CA in Austria denied to work on WWF's complaint because of formal reasons
2. Summary from the FSC investigation on the same accusations:



*“...there is clear and convincing evidence that HS has violated the PfA by its involvement in the trade of illegal timber...”*



# 8/2017 charcoal market check

## Not covered by EUTR

- 20 products tested
- 17 Difference from declared woods (5 of them FSC) or increased risks
- 8 with tropical species – one of them declared “no tropical species”
- 5 with “red list” species







# WWF calls for

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- Close loopholes (seating furniture, printed products...):  
best choice: all wood and paper products are in; well-founded exclusions possible
- Public declaration duty of species and origin
- Not only first placers have responsibilities to exclude illegal wood
- Make sure that penalties are Effective, proportionate and dissuasive EQUALLY in all memberstates – otherwise importers will move to the «easy» countries
- Make sure there are effective and transparent control mechanisms in all member states

