



EUTR

Combat illegal
logging

Forensic
Methods for
wood and paper

Legal framework

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

- 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

- **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

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

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



Structural weaknesses

- 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

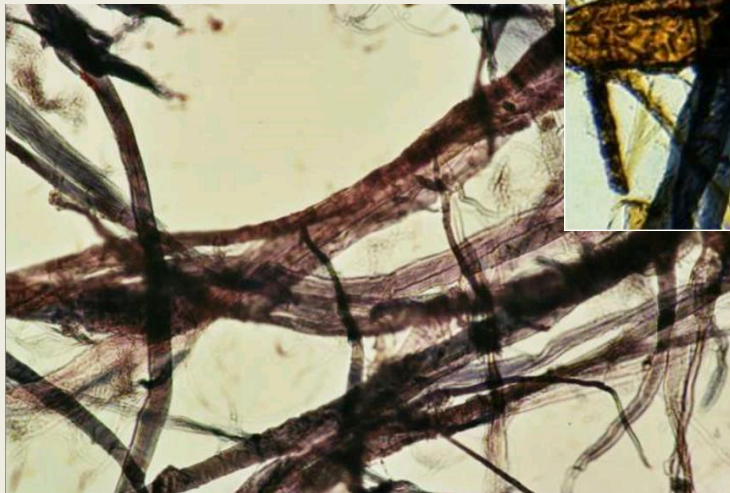
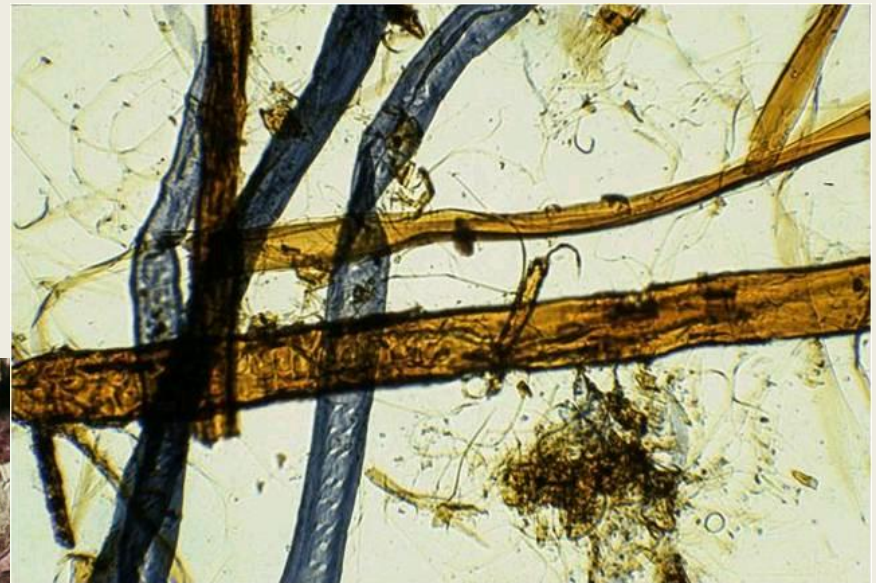
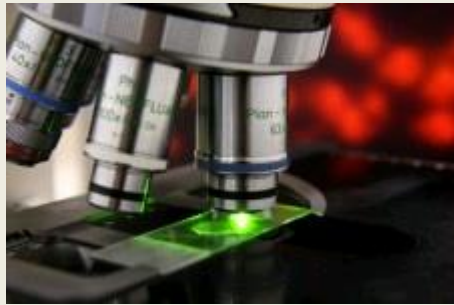
26. März 2013

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

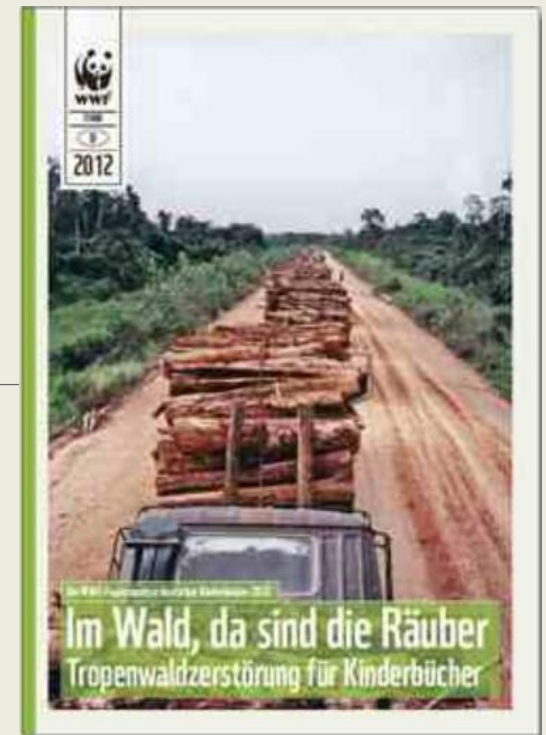
- Complicated preconditions for criminal offense
- Small penalties for minor breach of the law

Paper



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



Wood

- TI in Hamburg





German Example “Roller” (2013)

1. Footrest – wrong wood species declared
2. Key cabinet – only one species declared – we found three – all genus 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

- 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

