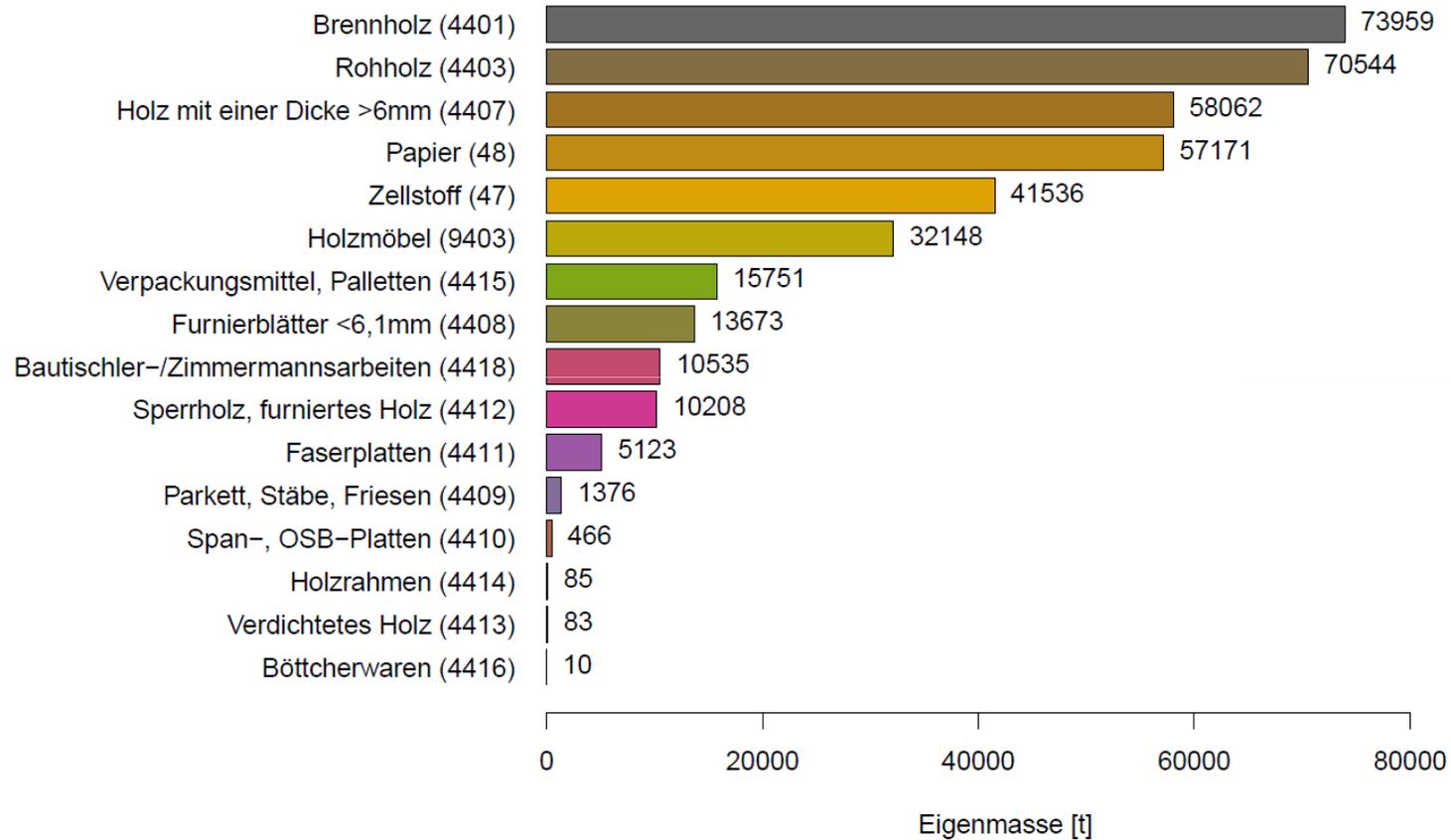


EUTR- Kontrollen durch das Bundesamt für Wald

Jasmin Putz & Hannes Krehan
Bundesamt für Wald
Wien, 28. November 2019

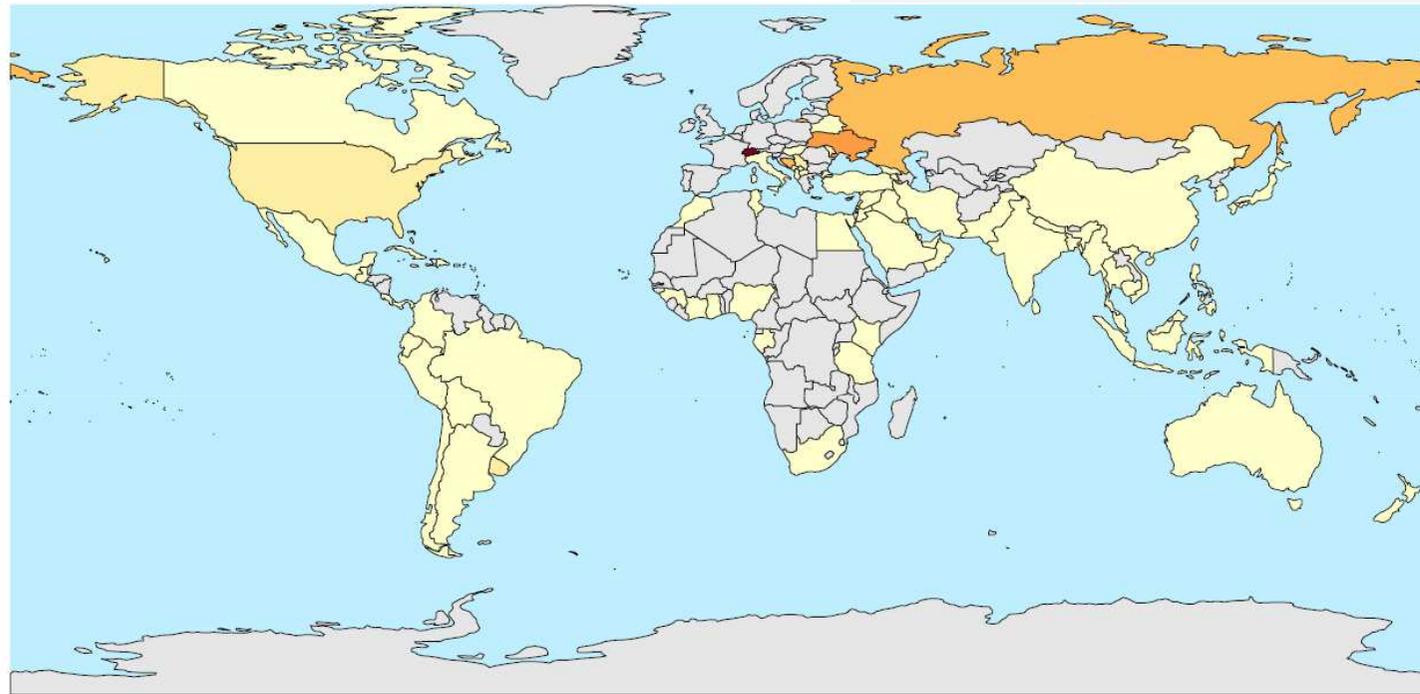
EUTR geregelte Importe KW 1 bis 46 2019



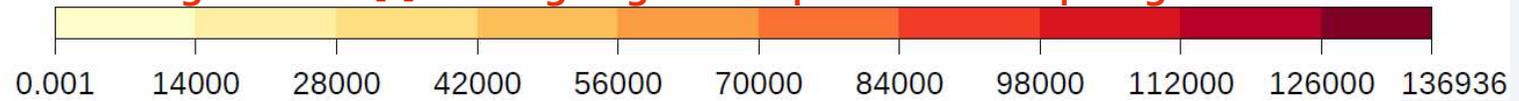
 Bundesamt
für Wald

Eine Einrichtung des Bundesministeriums für
Nachhaltigkeit und Tourismus

1. CH
2. UA
3. RU
4. BA
5. US



Eigenmasse [t] EUTR-geregelter Importe nach Ursprungsländern



Risikoanalyse durch das Bundesamt für Wald I

anhand von 4 Risikofaktoren (RF) mit jeweils 3 Risikostufen (RS):

1) Warenart

- Nicht bis wenig verarbeitete Produkte (z.B. Roh-, Brenn-, Schnittholz):
Risikostufe 1
- Stark verarbeitete Produkte (Faserplatten, Zellstoff): Risikostufe 2
- Vollständig verarbeitete Produkte (z.B. Möbel, Papier, vorgefertigte Gebäude):
Risikostufe 3

Risikoanalyse durch das Bundesamt für Wald II

2) Ursprungsland

bewertet anhand des jährlich erscheinenden Corruption Perceptions Index (CPI) von Transparency International*

- 70-100 Punkte: Risikostufe 1
- 40-69 Punkte: Risikostufe 2
- 0-39 Punkte/kein CPI-Wert vorhanden: Risikostufe 3

*[<https://www.transparency.org/cpi2018>]

Risikoanalyse durch das Bundesamt für Wald III

3) Holzart

- Nadelhölzer: Risikostufe 1
- Laubhölzer: Risikostufe 2
- Tropische Hölzer/keine Angabe: Risikostufe 3

Risikoanalyse durch das Bundesamt für Wald IV

4) Verhältnis zwischen Zollwert (ZW) und Eigenmasse (EM)

- Verhältnis < 10: Risikostufe 1
- Verhältnis > 10: Risikostufe 2
- Verhältnis > 100: Risikostufe 3

$$\text{Risikowert} = RS_{\text{Warenart}} + RS_{\text{Ursprungsland}} + RS_{\text{Holzart}} + RS_{\text{ZW/EM}}$$

Zusätzliche flexible Risikofaktoren (z.B. Exportverbote, Berichte von NGOs, etc.)

Kontrollablauf

- Bundesamt für Wald wählt Marktteilnehmer für Kontrolle aus und ersucht um postalische Übermittlung der Sorgfaltspflichtregelung und aller zugrundeliegenden Dokumente und Informationen für die angegebenen Importe, die Gegenstand der Kontrolle sind
- Bundesamt für Wald prüft übermittelte Unterlagen im Amt und entscheidet über die Notwendigkeit einer Vorortkontrolle
- Bei festgestellten Verstößen: Anzeige bei der zuständigen Bezirksverwaltungsbehörde

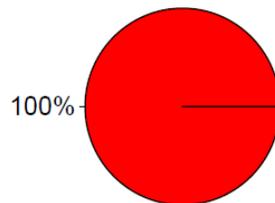
Erkenntnisse aus den EUTR- Kontrollen in AT

- Kenntnisse & Problembewusstsein bei den überprüften Marktteilnehmern oft gering
 - Mangelnde Sorgfaltspflichtregelung: Dokumente unvollständig → Risikobewertung kritisch/gar nicht möglich,
 - Risikominderungsmaßnahmen unzulänglich/nicht vorhanden: Setzt Kenntnis der zu mindernden Risiken voraus!
- Hoher Prozentsatz an Anzeigen bei Bezirksverwaltungsbehörden
- Bisher keine Unterstützung durch Monitoring-Organisationen von Betrieben angefordert
- Kontrollaufwand vor allem bei Importen aus Risikoländern für das Bundesamt für Wald viel höher als erwartet

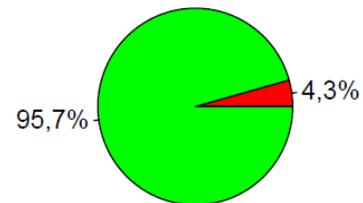
Ergebnisse aktueller EUTR-Kontrollen

Eine Einrichtung des Bundesministeriums für
Nachhaltigkeit und Tourismus

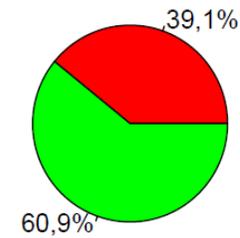
Zugang zu Informationen



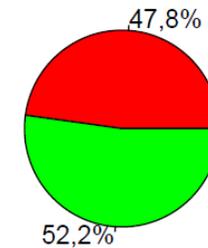
Beschreibung



Baumart

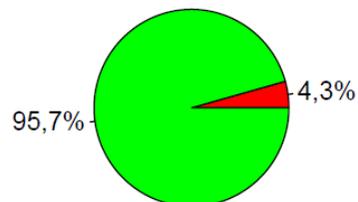


Holzeinschlagsland

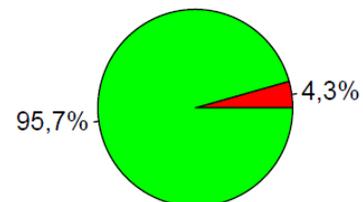


 erfüllt
 nicht erfüllt

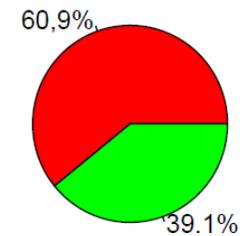
Menge



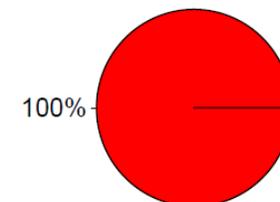
Lieferant



Händler



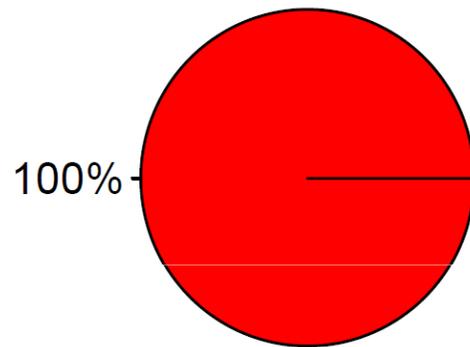
Legalitätsnachweise



Ergebnisse aktueller EUTR-Kontrollen

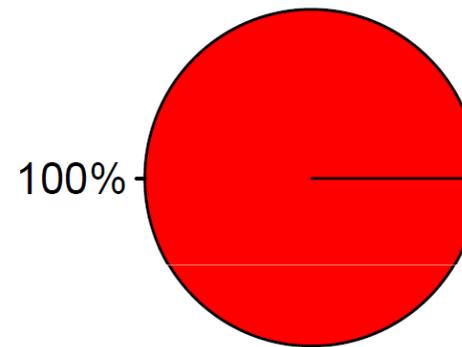
Eine Einrichtung des Bundesministeriums für
Nachhaltigkeit und Tourismus

Risikobewertung



- Keine Risikobewertung vorgelegt
- Risikobewertung enthält keine Quellen
- Risikobewertung enthält unrichtige Angaben

Risikominderung



- Familiäre bzw. freundschaftliche Nahverhältnisse
- „Große Produzenten/Firmen“
- Langjährige Geschäftsbeziehungen

 erfüllt
 nicht erfüllt

Reaktionen der Marktteilnehmer bzw. Vertreter

Staatsbetriebe haben kein
Interesse an illegalen
Schlägerungen.

Unsere Gattinnen
kennen sich.

Die EUTR ist gegen
die Menschenrechte!

Können Sie mir sagen, wer bei uns
in der Firma für die EUTR
zuständig ist?

Ich bin kein
Marktteilnehmer.

EUTR haben wir nicht,
wir haben nur FSC!

Wir waren Sportkameraden.

Die EUTR geht an der Praxis
vorbei.

Informationen für Marktteilnehmer I

EUTR-Homepage der EU-Kommission:

http://ec.europa.eu/environment/forests/timber_regulation.htm

- Country overviews (Ukraine, Brasilien, Russland, Myanmar, China)
- Leitfäden (Guidance Documents)
- Briefing Notes mit aktuellen Informationen (erscheinen alle zwei Monate)

Informationen für Marktteilnehmer II

Register der Commission Expert Groups:

[http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail
&groupID=3282&NewSearch=1&NewSearch=1](http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3282&NewSearch=1&NewSearch=1)

- Sitzungsunterlagen
- Summary records der Sitzungen mit aktuellen Informationen, z.B. zu bestimmten Hochrisikoländern

Briefing notes

- “on developments relevant to the implementation and enforcement of the EU Timber Regulation”
- Publiziert auf der EUTR Website der COM:
https://ec.europa.eu/environment/forests/timber_regulation.htm
- Werden erstellt von UNEP-WCMC als Berater der COM in Zusammenarbeit mit den zuständigen Behörden der Mitgliedstaaten
- Erscheinen seit 2016, zuletzt Zeitraum Juli bis August 2019

Briefing notes: Ukraine

- August – Oktober 2017:

Former deputy director of Ukraine's Busk Forestry Enterprise has property expropriated for illegally authorising export of unprocessed logs (August 2017)

A judge in the District Court of Lviv ordered the seizure of property belonging to the former deputy director of the Busk Forestry Enterprise, after criminal proceedings against him for abuse of power or official position and official forgery. Unprocessed wood was illegally exported in the form of fuelwood based on documents signed by him.

Ukrainian NGO StopCorruption reported on exports of potentially illegally logged timber to Romania (September 2017)

The NGO reported on export of valuable logs from the Chernivtsi region which were allegedly declared as firewood on documents seen by the NGO, as well as export of logs without any documentation.

Briefing notes: Ukraine

- November 2017 – Jänner 2018:

European Union

The **FLEGT/EUTR Expert Group** met in Brussels on 23 November. Member States exchanged updates on EUTR implementation and discussed substantiated concerns over the placement of Burmese teak on the EU market and the importance of a coherent approach. It was concluded that conclusions on Myanmar from previous meetings were retained. The revised draft guidance document for mitigation measures was discussed, with a few remaining points to be worked on; the guidance document on substantiated concerns was adopted following minor changes. Delegates of the TAIEX mission to Ukraine reported on weaknesses in the functioning of policy development, management and controls of the forestry sector as well as on the status of the country's timber tracking system. The need for Competent Authorities to access customs data as well as the obligation of Member States to foresee a legal framework for providing access was confirmed. An update was provided on recent collaborations across the Nordic-Baltic cooperation, including identification of operators importing timber products from China into Nordic-Baltic countries for joint checks. During updates on the FLEGT licensing scheme, Competent Authorities reported that there were some difficulties accessing relevant FLEGT license information,

Briefing notes: Ukraine

- Februar– März 2018:

Illegal timber intercepted at Ukraine customs border (February 2018)

Customs officials from the Zhytomyr region seized 32 cubic metres of softwood valued at UAH 100 000 at the Ukraine customs border. The certificate of origin for the timber was found to have been obtained illegally during compliance checks, in violation of the Customs Code of Ukraine.

Briefing notes: Ukraine

- April– Mai 2018:

European Union

The **FLEGT/EUTR Expert Group** met in Brussels on 19 April 2018. Some Member States reported substantiated concerns regarding companies placing timber from high-risk countries on the EU market, including from Myanmar and Brazil. The conclusion of the EUTR Expert Group meeting of 20 September 2017 was reiterated and it is still not possible for operators to demonstrate compliance with EUTR due diligence obligations as regards timber imports from Myanmar. A presentation on a TAIEX mission to Ukraine reported that a substantial corruption risk can be found in every supply chain and is widespread throughout the country, however there was not enough public information available to convince EU operators of the risks. Member States provided updates on the performing of checks on operators and

Briefing notes: Ukraine

- Juni – August 2018: **EARTHSIGHT REPORT ON ILLEGAL LOGGING AND CORRUPTION IN THE UKRAINE TIMBER INDUSTRY**

On 14 July, **EarthSight published findings** from a two-year investigation into illegal logging and timber corruption in Ukraine. The report detailed extensive corruption throughout the timber supply chain from the government-owned State Forestry Enterprises (SFEs) to their superiors within the country's forest administration. An extrapolation from field investigations indicates that ~40% of timber being produced is illegally cut, through misuse of a loophole designed to prevent the spread of disease. Court records reveal numerous investigations against SFEs for forging documents, receiving bribes from timber companies and causing losses to state revenues by illegally undervaluing timber at auctions. Earthsight also detailed evidence of direct sales of logs to the largest overseas buyers, in contravention of regulations. The European Union is the largest buyer of Ukraine's wood exports, with numerous EU imports suggested to be in breach of EUTR.

Ukrainian Prime Minister, Volodymyr Groysman responded on 18 July by **announcing** a crackdown on illegal logging and timber smuggling, initiating multi-agency inspections of SFEs and instructing the Prosecutor General to verify the facts of violations. Prime Minister Groysman also asked that EU partners provide information on timber imports from Ukraine.

Briefing notes: Ukraine

- September – Oktober 2018:

European Union

The **FLEGT/EUTR Expert Group** met in Brussels on 27 September 2018. The Expert Group discussed updates on the implementation of EUTR including substantiated concerns received by some Member States on timber from Brazil and inspections carried out on operators importing teak from Myanmar. The Expert Group upheld its opinion on imports of teak from Myanmar harvested before 2017, as it is not possible for operators to mitigate the risk of illegality. Earthsight presented their **report** on illegal timber harvest and corruption in **Ukraine**. The report suggested the EU is importing more illegal timber from Ukraine than from all tropical countries combined and concluded that due diligence cannot reduce the risk of illegality to negligible. The timber processing company EGGER presented their DDS applied to imports from Ukraine, explaining the steps taken to reach a negligible risk of illegality as regards the timber they process, independent of whether they act as operators or traders, including a recent external audit of their system by an international inspection and verification company. An update was provided on the impact assessment of EUTR

Briefing notes: Ukraine

- September – Oktober 2018:

- **EU TAIEX expert mission report on reform of forest governance in Ukraine released (October 2018)**

- The mission report has been released on the EU Technical Assistance and Information Exchange (TAIEX) expert mission on reform of forest governance in Ukraine, conducted between 29 January and 2 February 2018. The mission had the objective of analysing the institutional system of forest governance in Ukraine, identifying issues and developing proposals for institutional restructuring. It was found that numerous weaknesses were present in the institutional structures of forest governance in Ukraine, including fragmented forest policy and legislation and issues surrounding the issuance of felling licenses.

- **German CA hosted the Timber Regulation Enforcement Exchange (TREE) meeting, organised by Forest Trends (October 2018)**

- The TREE meeting, held in Hamburg on the 10-11 October, was attended by 18 EUTR CAs, European Commission representatives, four United States Lacey Act enforcement agencies and the Republic of Korea's Forest Service, as well as private sector and civil society experts. During the two day meeting participants: presented national and regional updates on practical enforcement; discussed due diligence standards and current legality risks for timber from Brazil, Peru and Ukraine; attended a document training session to aid in assessment of compliance for imports from Guyana, Mexico and Mozambique; discussed draft guidance from the EC on the 'consideration of prevalence of armed conflict

Briefing notes: Ukraine

- November – Dezember 2018:

UPDATE ON UKRAINE

Following publication of the [Earthsight report](#) in July 2018 and the [EU TAIEX expert mission report](#) in October 2018, Ukraine has taken steps to address illegalities in the forestry sector and the Ukrainian Prime Minister vowed to [strengthen enforcement](#) to fight illegal logging and timber trade. [Ukrainian forestry reforms](#) that would allow for independent enforcement of Ukraine's forestry laws and increased transparency have been approved by the Ukrainian cabinet of ministers, however [Earthsight](#) note that this key package of reforms has apparently stalled, as it awaits sign-off from the Prime Minister. The Ukrainian parliament [hosted a roundtable](#) on '*International aspects of corruption abuses in Ukrainian wood trade*' involving representatives of the Government, foreign diplomatic missions in Ukraine, NGOs and independent experts. The Secretary of the Committee on Environmental Policy, Natural Resources and Chernobyl Disaster Reduction, Ostap Yednak, stated that the outcomes of the meeting will be analysed and will be central to formulating instructions and appeals to the Ukrainian Government and other public authorities. A [WWF report](#) that was presented at the roundtable found that 4000 m³ of illegally-harvested timber were found in the 1600 ha of forest surveyed in the Carpathians, during their half year study. WWF calculated that there is potentially 1 million m³ of illegal timber harvested in the Carpathian forests.

Assurance Services International, a private organisation whose sole shareholder is FSC, oversee conformity assessment bodies. They [conducted in-depth compliance assessments](#) for key targets in Ukraine with a focus on regions highlighted in the [Earthsight report](#). Although they stated that the allegations against the Ukrainian Government, private companies and the FSC system are "not unfounded", they found that the previous findings of the FSC auditors in Ukraine were in line with accreditation and certification requirements and so could not verify [Earthsight's](#) findings. They noted that corruption was a difficult issue for voluntary standards systems to detect and address.

Briefing notes: Ukraine

- Mai – Juni 2019:

EarthSight's news website Timberleaks **followed up on illegal timber imports from Ukrainian company at centre of bribery case (June 2019)**

Timberleaks have followed up on the report, **Complicit in Corruption¹**, that identified illegal logging and corruption in the Ukraine. Timberleaks identified five EU companies importing timber from a Ukrainian supplier implicated in a bribery case, one of them the Swedish operator Primpanel AB, prosecuted for not having a due diligence system in place. Over three years since the criminal case began, Timberleaks reported that besides the Swedish operator, four Italian companies were still importing timber from the supplier. The Ukrainian company, which was dissolved in Spring 2019, was owned by the wife of the former head of Ukraine's State Forest Agency – the couple were alleged to have received > USD 30 million in bribes from four foreign companies to gain access to discounted timber.

Briefing notes: Ukraine

- Juli – August 2019:

FLEGT/EUTR Expert Group summary record for June 2019, with conclusions on Ukraine (August 2019)

The **summary record** of the 24th FLEGT/EUTR Expert Group meeting, held on 21 June 2019, is now available (meeting featured in the **May-June 2019** EUTR briefing note). Regarding timber from Ukraine, it was concluded that the country as a whole should be considered a risk country of harvest, requiring the provision of adequate risk mitigating measures. In cases where a negligible risk assessment cannot be reached, timber from Ukraine should not be placed on the EU market. The Conclusion on timber imports from Brazil¹ was upheld, as was the assessment on non-negligible risk relating to imports from Myanmar², together with further clarification with regards to current deficiencies in the national system in Myanmar.

 Bundesamt
für Wald

Danke für Ihre
Aufmerksamkeit!

Bundesamt für Wald
legal.timber@bfw.gv.at

Eine Einrichtung des Bundesministeriums für
Nachhaltigkeit und Tourismus