

Sprawozdanie ze stosowania rozporządzenia Parlamentu Europejskiego i Rady (UE) nr 995/2010 z dnia 20 października 2010 r. ustanawiającego obowiązki podmiotów wprowadzających do obrotu drewno i produkty z drewna za rok 2020

Przygotował:

Główny Inspektor
Ochrony Środowiska

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Zatwierdził:

z up. MINISTRA
SEKRETARZ STANU

Jacek Ozdoba

Minister Klimatu i Środowiska

Warszawa, marzec 2021 r.



W zastępstwie
Dyrektora Departamentu Inspekcji

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24.03.2021

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I.I. Competent Authorities

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I. Application context

I.I. Competent Authorities (ref. EUTR Article 7)

* 1 How many Competent Authorities have been designated at national and sub-national level for the application of the EUTR in your country?

17

* 2 Which national legislation designates the Competent Authority/ies (please also provide the Article number)?

The Act on the Inspection of Environmental Protection

Please provide a hyperlink to the national legislation or/and upload PDF. If available, please provide this in English, if this is not available, please provide it in your national language.

3 Hyperlink(s) to the national legislation:

<https://sip.legalis.pl/document-full.seam?documentId=mfrxilrsgqztimboozsxelrrha2taoi>

4 Upload PDF(s) with the national legislation:

The maximum file size is 5 MB
Only files of the type pdf are allowed

Contact

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I.II. Collaboration

Fields marked with * need to be filled in before the form can be submitted to the next level.

I. Application context

I.II. Collaboration with other Competent Authorities, the Commission, authorities of third countries or between authorities within a Member State to ensure the implementation and enforcement of the EUTR (ref. EUTR Articles 8(4)), 10(2), 12 and 19(3))

The implementation and enforcement of the EUTR nationally and across implementing countries requires the effective collaboration of different authorities to ensure comprehensive risk based planning of checks and successful enforcement measures.

'Collaboration' refers to the **active exchange** (i.e. the reception from and provision to other authorities) of **raw data** (e.g. customs or tax declaration data) or of **more processed information** (e.g. operator names or information on particular risks in countries of origins) that can be used for the planning of checks, performance of ad hoc checks or the coordination of EUTR implementation or enforcement action. It also refers to working together on **joint checks or coordinated implementation or enforcement action**. Collaboration frequency, partners, subjects and related legal constraints serve as indicators for assessing the intensity, quality, and scope of the collaboration.

1 Select the frequency with which the Competent Authority collaborates with other authorities through the **exchange of data/information** to implement and/or enforce the EUTR in relation to the obligations for operators, traders and monitoring organisations (duty-holders):

| | Frequently (at least monthly) | Occasionally (less frequently than monthly) | Never |
|---|-------------------------------|---|----------------------------------|
| * European Commission | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * EUTR Competent authorities of other Member States | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * Authorities of Third countries | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * National or sub-national authorities: Customs | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * National or sub-national authorities: Police | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * National or sub-national authorities: Tax authorities | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * National or sub-national authorities: Business inspectorate or similar | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| National or sub-national authorities: Other | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |

2 Please specify 'Other':

The Act on the Inspection of Environmental Protection
 Art. 10a. [Assistance of public administration bodies]

The Voivodship Inspector for Environmental Protection may apply to the Police or public administration bodies, including the National Tax Administration, the Road Transport Inspection, mining supervision offices, the National Labor Inspectorate, the Trade Inspection, the State Sanitary Inspection, the Veterinary Inspection, the State Plant Health and Seed Inspection Service, Border Guard, State Fire Service, for assistance if it is necessary to carry out control activities.

3 The **exchange of data/information**, relates to the obligations of the following duty holders (domestic and importing operators, traders, and monitoring organisations):

| | Operators - domestic timber/ timber products | Operators - imported timber/ timber products | Traders | Monitoring organisations |
|--|--|--|-------------------------------------|-------------------------------------|
| * European Commission | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| * EUTR Competent authorities of other Member States | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Authorities of Third countries | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| National or sub-national authorities: Customs | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| National or sub-national authorities: Police | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| National or sub-national authorities: Tax authorities | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| National or sub-national authorities: Other | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

4 Select the frequency with which the Competent Authority collaborates with other authorities through **joint checks/ inspections/ enforcement actions** to implement and/or enforce the EUTR in relation to the obligations for operators, traders and monitoring organisations (duty-holders):

| | Frequently (at least monthly) | Occasionally (less frequently than monthly) | Never |
|--|-------------------------------|---|----------------------------------|
| * European Commission | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * EUTR Competent authorities of other Member States | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| Authorities of Third countries | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| National or sub-national authorities: Customs | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| National or sub-national authorities: Police | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| National or sub-national authorities: Tax authorities | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| National or sub-national authorities: Other | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |

5 The **joint inspections/ enforcement actions** relate to the obligations for the following duty holders (domestic and importing operators, traders, and monitoring organisations):

| | Operators - domestic timber/ timber products | Operators - imported timber/ timber products | Traders | Monitoring organisations |
|--|--|--|-------------------------------------|-------------------------------------|
| National or sub-national authorities: Customs | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| National or sub-national authorities: Police | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| National or sub-national authorities: Tax authorities | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| National or sub-national authorities: Other | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

6 Specify why your Competent authority/ies did **not collaborate through exchange of data/information** with other authorities to implement and/or enforce the EUTR in relation to the obligations for operators, traders and monitoring organisations (duty-holders):

| | For the implementation and /or enforcement of the EUTR, there was no need to exchange data/ information with: | Due to restrictions under the provisions of EU legislation regarding the exchange of data/ information with: | Due to restrictions under the provisions of national legislation regarding the exchange of data/ information with: |
|---|--|--|--|
| National or sub-national authorities: Business inspectorate or similar | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

7 Please specify which legislation (provide name and hyperlink, where available):

The Act on the Inspection of Environmental Protection

8 Comments:

Participation in the FLEGT/EUTR Expert Group meeting in Brussels

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I.III Records of checks

Fields marked with * need to be filled in before the form can be submitted to the next level.

I. Application context

I.III. Records of checks (ref. EUTR Article 11)

Keeping records of checks is necessary for carrying out effective inspections and enforcement actions, and facilitates check planning and reporting, as well as for giving access to environmental information to the general public or upon request. Data related to checks under the EUTR kept in the records are considered environmental information. As a rule, access to environmental information has to be granted to anyone requesting it, unless this information falls under one of the exceptions to this rule, such as confidentiality of proceedings protected by law, ongoing proceedings, commercial information and personal data.

1 Please specify which of the information on the following duty holders (operators, traders, and monitoring organisations) is not retained in the Competent authorities (CA's) records. Of the information retained, indicate, which is made available under Article 11(2) and Directive 2003/04/EC on access to environmental information, (i.e. when none of the exceptions apply) and in which way:

| | This information is not retained in the CA's record | This information is (partially) made publicly available | This information is (partially) made available only upon request | None of this information is made available due to restrictions under the provisions of national legislation going beyond the EU legislation |
|--|--|---|--|--|
| * Name and address of the company | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * Reason for check (e.g. risks identified in check plan, proximity to other operator, substantiated concern, bi-annual check) | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * Nature of the check /inspection (e.g. purely desk-based, desk-based and onsite, joint inspections) | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * Concerns/ infringements identified during check (e.g. potential/confirmed placement of non-negligible risk timber on the market) | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| * Enforcement action decisions (e.g. Notice of Remedial Action or similar Interim measures, or penalties) | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |

| | | | | |
|---|----------------------------------|-----------------------|-----------------------|----------------------------------|
| * Name and address of the supplier company/ies (<i>applies to operators and traders only</i>) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Name and address of the buyer company/ies (<i>applies to operators and traders only</i>) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Name and address of operators using MO services (<i>applies to MO's only</i>) | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other (please specify in comments below) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

2 Please provide the name and, where available, a hyperlink to the legislation:

3 Comments:

For checks on traders additional records are kept and made available on the further supply chain.

For checks on Monitoring Organisations records are kept and made available on the the reason for checks.

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I.IV. Reaching, raising awareness and building capacity

Fields marked with * need to be filled in before the form can be submitted to the next level.

I. Application context

I.IV. Reaching, raising awareness and building capacity of different target audiences regarding EUTR (ref. EUTR Article 13)

For an effective and efficient application of the EUTR, the awareness and capacity of the duty-holders (operators, traders, and monitoring organisations), as well as of those involved in compliance verification and enforcement is crucial. Also civil society, in particular consumers, should be aware of the risk of illegally harvested timber/timber products being placed on the market and of the measures taken to address this issue. The type of information campaign, the level of involvement of the audience and estimated size of the audience can serve to assess, in how far which audience is reached, made aware and/or its capacity to comply with or verify compliance with the EUTR.

For the purpose of reporting, three levels of attaining audiences are differentiated:

Reaching an audience means information is being received by that audience. It is a necessary first step of awareness-raising and can indicate possible awareness raising. However, proof of reaching an audience, like reception of mails, visits of a website, viewing of an emission, cannot serve as a proof of awareness raising.

Raising awareness of an audience means ensuring that the audience reached becomes conscious of a concept, here the EUTR or one of its components, but not necessarily fully grasping it or retaining the details. Proof of interaction with an audience regarding the EUTR, direct e-mail exchanges, chats or other interactive communication can be considered proof of awareness raising. Awareness raising includes having been reached.

Building capacity of an audience means providing or improving skills and knowledge, thus enabling the audience to actively and autonomously use them. Proof of participation in a targeted, interactive activity for a closed audience like participation in a training course, seminars, conferences or meetings can be considered proof that capacity building has been achieved. Capacity building includes awareness raising and thus also reaching the audience.

Please use the form below to record details of particular actions/campaigns/events/emissions/press releases during the reporting period to increase awareness of the EUTR and/or the capacity to apply it. For each campaign fill in a new form throughout the reporting period.

1 Description or name of action/campaign/event/emission/press release:

*2 Which types of communication tools were used in this case to reach, raise awareness, or build capacity of the target audience(s)?

- Training courses, seminars, conferences, meetings (counts as capacity building, awareness raising and reaching the participants)
- Direct e-mail exchanges, chats or other interactive communication, contacts at fairs, inspections (counts as awareness raising and reaching the persons interacting)

- Information emails, newsletters, flyers (counts as reaching the recipients)
- Website, social media, publicly available webinars, downloadable information material (counts as reaching the users counted)
- TV, radio programmes (counts as reaching the estimated audience)

*3 Please specify the topic (select all that apply):

- EUTR overall purpose, obligations, and implementation
- EUTR traceability obligations
- EUTR due diligence obligation in general
- EUTR specific risks and related risk assessment and/or mitigation measures
- Other EUTR related issues (please specify under 'Description')

*4 Please specify the audience(s), which was/were targeted for reaching/raising awareness/building capacity:

- Operators of domestic timber/timber products (general)
- Operators of imported timber/timber products/traders (general)
- Small and Medium Sized Enterprise operators/traders
- Federations of operators/traders
- Own staff, staff of other national authorities, judiciary
- Other EUTR Competent authorities
- Third country Competent authorities
- Civil society organisations/Scientific bodies
- Monitoring organisations
- General public/consumers

Please specify the estimated/known number of individuals of the targeted audiences.

5 Operators of domestic timber/timber products (general)

6 Operators of imported timber/timber products/traders (general)

7 Small and Medium Sized Enterprise operators/traders

8 Federations of operators/traders

9 Own staff, staff of other national authorities, judiciary

10 Other EUTR Competent authorities

11 Third country Competent authorities

12 Civil society organisations/Scientific bodies:

13 Monitoring organisations:

14 General public/consumers

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II.I. Facilitation of checks

Fields marked with * need to be filled in before the form can be submitted to the next level.

II. Verification of compliance - context and implementation

II.I. Facilitation of checks - Access to documentation and obligation to facilitate checks related to the obligations under the EUTR (ref. EUTR Art. 10(4), 10(1) and (3))

1 How does your legislation grant the Competent Authority and other authorities involved access to operators'/traders'/monitoring organisations' premises and the documentation or records necessary for checks/ inspections/ enforcement measures?

| | Unrestricted access (with or without informing them in advance) | Only with their consent | Only with a warrant |
|--|---|-------------------------|-----------------------|
| * Operators - domestic timber/ timber products | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Operators - imported timber/ timber products | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Traders | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Monitoring organisations | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

2 Comments:

During business hours, after having informed the operator, trader or monitoring organisation in advance.

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II.II. Resources

Fields marked with * need to be filled in before the form can be submitted to the next level.

II. Verification of compliance - context and implementation

II.II. Resources for EUTR compliance verification and enforcement

The resources available for the verification of compliance and enforcement are key for ensuring the application of the EUTR and thus the reduction of illegally harvested timber or derived products being placed on the EU market and the improvement of traceability of timber throughout the supply chain in the EU. It is therefore important to understand, how much resources are at the disposal of the authorities implementing the EUTR and how much resources they need per compliance verification check. For a better understanding of the resources needed for compliance verification of operators placing imported timber/timber products, it is also important to understand, whether there are specific countries of harvest or origin, for which the verification of compliance with the EUTR it is particularly complex and thus resource-consuming.

Resources available for compliance verification and enforcement

Please specify the staff and resources dedicated to EUTR implementation and enforcement over the reporting period. Please **only count staff with a strong focus on EUTR**, not additional support staff or customs staff, unless customs is one of the Competent Authorities.

* 1 **Staff and budgets** dedicated to EUTR implementation and enforcement for **domestic timber** and **imported timber** are:

- Separated
 Combined

For **domestic and imported timber combined** (including operators, traders and monitoring organisations, if relevant)

* 6 What is the **staff's approximate combined total time** spent on EUTR implementation/ enforcement?

Provide as full-time equivalents (FTE), e.g. 10 part-time staff who each work 50%, and 50% of that time is spent on EUTR = 2.5 FTE

7.045

* 7 What was the total annual budget for EUTR implementation and enforcement over the reporting period (e.g. travel costs, workshop costs, costs for sample analysis, costs for issuing penalties, legal fees etc., but excluding staff salary costs)?

5943.1

EUR

8 It is assumed that the implementation of the EUTR in relation to traders and monitoring organisations is included in the above. If this is not correct, please clarify this here:

| |
|--|
| |
|--|

Resources needed on average for compliance verification per type of check

9 What is the **average time spent** on each type of check on operators placing **domestic** timber/timber products on the market (including preparation, transport, inspection onsite, follow-up, administrative procedure, but **not** including pursuing enforcement actions, preparation of replies to complaints and court cases)?

Purely desk based check can consist of **multiple** document reviews. Desk- and onsite check can consist of **multiple** document reviews and visits.

| | Up to 1 day | 1-2 days | 3-4 days | 1 week | Longer than 1 week |
|--------------------------|-----------------------|-----------------------|----------------------------------|----------------------------------|-----------------------|
| Purely desk based checks | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| Desk- and onsite checks | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

10 What is the **average time spent** on each type of check on operators placing **imported** timber/timber products on the market (including preparation, transport, inspection onsite, follow-up, administrative procedure, but **not** including pursuing enforcement actions, preparation of replies to complaints and court cases)?

Purely desk based check can consist of **multiple** document reviews. Desk- and onsite check can consist of **multiple** document reviews and visits.

| | Up to 1 day | 1-2 days | 3-4 days | 1 week | Longer than 1 week |
|--------------------------|-----------------------|-----------------------|-----------------------|----------------------------------|-----------------------|
| Purely desk based checks | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| Desk- and onsite checks | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |

11 What is the **average time spent** on each type of check on operators placing **unspecified** timber/timber products on the market (including preparation, transport, inspection onsite, follow-up, administrative procedure, but **not** including pursuing enforcement actions, preparation of replies to complaints and court cases)?

Purely desk based check can consist of **multiple** document reviews. Desk- and onsite check can consist of **multiple** document reviews and visits.

| | Up to 1 day | 1-2 days | 3-4 days | 1 week | Longer than 1 week |
|--------------------------|-----------------------|-----------------------|-----------------------|----------------------------------|-----------------------|
| Purely desk based checks | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| Desk- and onsite checks | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |

12 What is the **average time spent** on each type of check on **monitoring organisations**?

Purely desk based check can consist of **multiple** document reviews. Desk- and onsite check can consist of **multiple** document reviews and visits.

| | Up to 2 days | 3-5 days | Longer than 5 days |
|--------------------------|-----------------------|----------------------------------|-----------------------|
| Purely desk based checks | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |
| Desk- and onsite checks | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> |

Resource-intensive compliance verification for certain Non-Voluntary Partnership Agreement countries (non-VPA countries)

13 For particularly resource intensive compliance verification of operators placing imported timber/timber products on the market, which are linked to the Non-VPA country of harvest or origin, from which the operator imported them, please indicate the name of the country/ies and the reason(s) for the particular resource intensity:

| | Country/ies of harvest or origin | Reason(s) for complexity (e.g. complex applicable legislation on country of harvest; language; documents not reliable due to corruption; processing country with no/low traceability to country of harvest) |
|----|----------------------------------|---|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |

Comments

14 Comments:

Questions 9–12 'Purely desk based checks' and 'Desk- and onsite checks' understand respectively 'Document review on site' and 'Document and product inspection on site'.

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II.III. Voluntary Partnership Agreement (VPA) countries

Fields marked with * need to be filled in before the form can be submitted to the next level.

II. Verification of compliance - context and implementation

II.III. FLEGT VPA countries – FLEGT VPAs contribution to the objectives of the EUTR (ref. EUTR Article 3 and 20(2))

This chapter gathers information on whether the FLEGT VPA processes leading to the conclusion and operation of VPAs are having beneficial effects on EUTR implementation and enforcement, e.g. because access to information on the applicable legislation, its implementation and enforcement, and on supply chains in these countries becomes more transparent in the course of negotiations and implementation of the Legality Definitions and Timber Legality Assurance Systems of the VPAs. This would be reflected in a reduced complexity of checks. Another important aspect is whether there is evidence that illegal trade from these countries is reducing, indicated by a reduction of the perceived risk of illegally harvested timber and derived products originating in these countries over time. Relevant information is also gathered in other sections of the national report and will be taken into consideration during analysis.

1 What level of risk does the Competent Authority assign to each of these VPA countries in their risk based planning?

| | high risk | medium risk | low risk | risk not assessed | no imports |
|---------------------------------------|-----------------------|----------------------------------|----------------------------------|-----------------------|----------------------------------|
| * Cameroon | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Central African Republic | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Côte d'Ivoire | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Democratic Republic of the Congo | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Gabon | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Ghana | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Guyana | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Honduras | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Indonesia (non-FLEGT HS codes only) | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Laos | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Liberia | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Malaysia | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Republic of the Congo | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| * Thailand | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

| | | | | | |
|-----------|-----------------------|-----------------------|----------------------------------|-----------------------|-----------------------|
| * Vietnam | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
|-----------|-----------------------|-----------------------|----------------------------------|-----------------------|-----------------------|

2 Please assess the **complexity of checks** relating to imports from below VPA countries. To do so, **compare** the average time spent on checks of these countries to the the average time spent on checks relating to non-VPA countries which are considered to be of the same risk level and estimate the related **workload**:

| | More time required | Similar time required | Less time required | Unknown (please explain in comment box) |
|---------------------------------------|----------------------------------|----------------------------------|-----------------------|---|
| * Indonesia (non-FLEGT HS codes only) | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Malaysia | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Vietnam | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

3 Comments:

In 2020, there was no checks on imports from Cameroon, Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Gabon, Ghana, Guyana, Honduras, Laos, Liberia, Republic of the Congo, Thailand.

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II.IV. Implementation of the exemption for CITES under the EUTR

Fields marked with * need to be filled in before the form can be submitted to the next level.

II. Verification of compliance - context and implementation

II.IV. Implementation of the exemption for CITES under the EUTR (ref. EUTR Article 3)

* 1 During checks on operators or traders, did you identify any products covered under Annex A, B or C to Regulation (EC) No 338/97 which did not comply with that Regulation and its implementing provisions?

Yes No

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II.V. Planning – identification of the duty holders

Fields marked with * need to be filled in before the form can be submitted to the next level.

II. Verification of compliance - context and implementation

II.V. Planning –identification of the duty holders (ref. EUTR Article 10 and EUTR Article 8 (4))

In view of the great number of operators placing timber/timber products on the market, the EUTR underlines the need of effective planning. Before establishing a check plan, the Competent authorities need to estimate, how many operators placing domestic and/or imported timber/products on the market and know, how many monitoring organisations are active in their country.

Estimation of the number of operators

* 1 In your estimate of the total number of operators, does the Competent authority differentiate between operators placing domestic and imported timber on the market?

Yes No

* 2 Please provide an estimate of the number of operators who have been placing **domestic** timber/timber products on the market over the reporting period:

Operators within the meaning of the EUTR are natural or legal persons that place timber or timber products on the internal market in the course of a commercial activity for the first time (Article 2 of the EUTR). For timber harvested in the internal market, an entity becomes an operator when it harvests the timber for distribution or use through its own business. (Guidance document for the EU Timber Regulation of 12 February 2016, pp. 3 and 18f.). Data on forest owners and entities, which have acquired the right to harvest standing trees, and which actually harvested timber for their own commercial purposes in a given year may not be readily available in all Member States. It is therefore acceptable to use available data, e.g. on forest owners or timber harvesting companies as a proxy. However, these data should not be 'corrected' ex ante by excluding from the number of potential operators some that are unlikely to be commercially active, e.g., natural persons.

2000000

* 3 Specify the basis of the estimated number of operators placing **domestic** timber/timber products on the market:

- Number of registered forest owners
- Number of registered logging companies
- Number of domestic operators in a register established to implement the EUTR
- Number of all operators in a register established to implement the EUTR (no differentiation)
- other

* 5 Please provide an estimate of the number of operators placing **imported** timber/timber products on the market over the reporting period:

Operators within the meaning of the EUTR are natural or legal persons that place timber or timber products on the internal market in the course of a commercial activity for the first time (Article 2 of the EUTR). For timber harvested outside the EU, an entity becomes an operator when it imports timber or timber products into the EU. (Guidance document for the EU Timber Regulation of 12 February 2016, p. 3). Data on importers importing in the course of commercial activity may not be readily available in all Member States. For the purposes of reporting and to ensure comparability, where the exact number of importing operators cannot be established, please base your estimation on the total number of importers of

timber and timber products covered by the EUTR as a proxy, independent of the company size or the amount imported per year, or whether the importer is a natural person or not.

8000

* 6 Specify the basis of the estimated number of operators placing **imported** timber/timber products on the market:

- Number of importers of timber or timber products covered by the EUTR according to customs data
- Number of importing operators in a register established to implement the EUTR
- other

* 8 Please provide an estimate of the number of operators placing **undifferentiated** timber/timber products on the market over the reporting period:

Operators within the meaning of the EUTR are natural or legal persons that place timber or timber products on the internal market in the course of a commercial activity for the first time (Article 2 of the EUTR). For timber harvested outside the EU, an entity becomes an operator when it imports timber or timber products into the EU. ([Guidance document for the EU Timber Regulation of 12 February 2016](#), p. 3). Data on importers importing in the course of commercial activity may not be readily available in all Member States. For the purposes of reporting and to ensure comparability, where the exact number of importing operators cannot be established, please base your estimation on the total number of importers of timber and timber products covered by the EUTR as a proxy, independent of the company size or the amount imported per year, or whether the importer is a natural person or not.

8000

* 9 Specify the basis of the estimated number of operators placing **undifferentiated** timber/timber products on the market:

- Number of operators in a register established to implement the EUTR (no differentiation domestic/imported timber)
- other

Identification of monitoring organisations

10 Are **monitoring organisations** active in your country?

- Yes No

11 Which monitoring organisations are active in your country and how?

| | Actively providing services as monitoring organisations | Actively providing services as consultants | Unknown |
|--|---|--|--------------------------|
| AENOR International S.A.U. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| BM Trada Latvija | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bureau Veritas Certification Holdings SAS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Consorzio Servizi Legno-Sughero (Conlegno) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Control Union Certifications | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DIN CERTCO | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| GD Holz Service GmbH | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ICILA S.R.L. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Le Commerce du Bois | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| NEPCon | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|----------------------------|-------------------------------------|--------------------------|--------------------------|
| SGS United Kingdom Limited | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Soil Association Woodmark | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| TimberChecker | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments

12 Comments:

Contact

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II.VI. Planning - Risk-based approach

Fields marked with * need to be filled in before the form can be submitted to the next level.

II. Verification of compliance - context and implementation

II.VI. Planning - Risk-based approach for planning of checks on operators (ref. EUTR Article 10)

The criteria used in the risk-based planning determine the efficiency and effectiveness of the identification of operators meeting one or more risk criteria. Operators fulfilling one or more criteria are considered at risk of breaching the EUTR. For the establishment of the check plan, the Competent authority needs to dispose of additional criteria for identifying the operators to be included in the actual check plan. The better these criteria serve to identify those operators with the highest risk of non-compliance, the higher are the chances that the Competent authority can take measures to prevent that timber with a non-negligible risk of having been illegally harvest or products derived therefrom are placed on the market, and if necessary, to impose effective, dissuasive, and proportionate penalties.

1 What is the basis for the establishment of the risk based planning at the national level?

| | EUTR Art. 10 | National law/Regulation/Circular | Other |
|--|-------------------------------------|-------------------------------------|--------------------------|
| * Operators - domestic timber/ timber products | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| * Operators - imported timber/ timber products | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

*3 For the risk-based planning, the Competent authority differentiates between operators placing domestic timber /timber products or imported timber/products on the market:

Yes No

*4 Which criteria are used in the preparation of the risk based planning of checks of operators placing domestic timber /timber products on the market, to identify those for which there is a risk of breaching the EUTR? Select all that apply:

- Operator with antecedents (e.g. prior breaches of the EUTR or other wood/wildlife trade laws, applicable forest laws, accounting, tax, social security, or customs laws)
- Type of timber product (e.g. fuel wood)
- Type of business (e.g. forest owner, timber mill)
- Area/Region of harvest (e.g. areas/regions subject to high levels of corruption or illegal logging)
- Type of forest of harvest (e.g. primary/natural forest, Natura 2000 or national nature protected area, biosphere park)
- Timber types (e.g. broad leaf) or species (e.g. oak)
- Size of forest property of harvest
- High volume/weight of timber/timber products placed on the market
- High value of timber/timber products placed on the market
- Unusual value/volume ratio of timber/timber products placed on the market
- Other

*6 Which criteria are used in the preparation of the risk based planning of checks of operators placing imported timber/timber products on the market, to identify those for which there is a risk of breaching the EUTR? Select all that apply:

- Operator with antecedents (e.g. prior breaches of the EUTR or other wood/wildlife trade laws, applicable forest laws, accounting, tax, social security, or customs laws)
- Type of timber product (e.g. composite wood)
- Type of business (e.g. builder's merchant, boatyard)
- Country of harvest (e.g. countries with high corruption, internal armed conflicts, track record of illegal logging, export bans)
- Area/Region of harvest (e.g. areas/regions with high corruption, internal armed conflicts, a track record of illegal logging)
- Type of forest of harvest (e.g. primary/natural forest, national nature protected area, biosphere park)
- Timber types (e.g. tropical, broad leaf) or species (e.g. teak)
- Complexity or type of supply chain (e.g. trade involving transit or processing countries)
- High volume/weight of timber/timber products placed on the market
- High value of timber/timber products placed on the market
- Unusual value/volume ratio placed on the market
- Other

* 10 After having identified the operators placing **imported, domestic or unspecified** timber/timber products on the market which fulfill one or more risk criteria, which of the following **criteria** are used to **prioritize the operators to be included in the inspection/check plan**? Select all that apply:

- Checks carried over from the prior reporting period
- Substantiated concerns
- Number of risk criteria fulfilled (the higher the number, the higher the priority)
- Ranking specific risk criteria higher than others (e.g. antecedents are considered more risky than harvest of a risk species)
- Using one criterion, to choose among operators, where the risks are considered equivalent (weighting)
- Geographic proximity to other operators to be checked
- Random choice among those fulfilling one or several risk criteria
- Other

12 How often are the risk criteria, risk level or prioritization of risks reassessed?

| | Annually | Monthly | When new relevant information becomes available | Other |
|--|----------------------------------|-----------------------|---|-----------------------|
| * Operators - domestic timber/ timber products | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| * Operators - imported timber/ timber products | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

14 Comments:

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II.VII Checks planned and performed in the reporting period

Fields marked with * need to be filled in before the form can be submitted to the next level.

II. Verification of compliance - context and implementation

II.VII Checks planned and performed in the reporting period

The Enforcement of the EUTR, i.e. taking the effective, dissuasive and proportionate measures against the different duty-holders (operators, traders and monitoring organisations) is only possible, when compliance is verified by the authorities. For operators, the efficiency of compliance verification is supported by the risk based planning of checks. Information on the operators identified as fulfilling one or more risk criteria and thus being at risk of breaching the EUTR and the operators planned to be checked allows to appreciate the challenge faced in relation to the resources and expertise needed and available. The relationship of operators planned to be checked versus operators checked and checks performed informs on possible complications, which cannot be planned, such as substantiated concerns, issues with accessing the premises or documentation needed, or complications like the need to carry out scientific testing. The type of checks performed and the declared countries of origin and types or timber/timber products provide valuable additional information for a better understanding the size and complexity of the compliance verification task.

The insertion of the number zero (0) in reply to any of the questions in this Tab requires an explanation in the Comment box.

For countries, which do not distinguish between operators placing domestic or imported timber on the market, '0' should be introduced in questions 1. and 2. and the combined numbers should be introduced under questions 3. and 4.

* 1 How many of the estimated operators placing **domestic** timber/timber products on the market were identified as fulfilling one or more risk criteria and thus considered **at risk of having breached the EUTR**?

2000000

* 2 How many of these operators were **planned to be checked** under the EUTR?

24

* 3 How many of the estimated operators placing **imported** timber/timber products on the market were identified as fulfilling one or more risk criteria and thus considered **at risk of having breached the EUTR**?

8000

* 4 How many of these operators were **planned to be checked** under the EUTR?

64

* 5 How many **traders** of timber/timber products were planned to be **checked** under the EUTR?

38

*6 How many **monitoring organisations** were **planned to be checked**?

0

Operators - domestic timber/ timber products

7 Were any **checks based on the EUTR performed** on operators placing **domestic timber/timber products** on the market?

Yes No

*8 How many operators placing domestic timber/timber products on the market were checked?

24

*9 How many separate checks (check cases) does this correspond to?

One check (check case) may consist of desk-based work and several onsite visits. For one operator there may be several check cases, e.g. if a check case was closed, but a new concern arises.

105

*10 How many of the checks (check cases) remain open?

0

*11 How many checks (check cases) were based on substantiated concerns?

1

*12 For how many checks (check cases) were there any issues accessing premises or documentation?

0

13 How many checks (check cases) were purely desk-based?

This serves to estimate the workload involved.

21

14 How many checks (check cases) were both desk-based and onsite?

This serves to estimate the workload involved.

3

Operators – imported timber/timber products

*15 How many operators placing imported timber/timber products on the market were checked?

64

* 16 How many separate checks (check cases) does this correspond to?

One check (check case) may consist of multiple desk-based document reviews and several onsite visits, which may include multiple sample takings.

393

* 17 How many of the checks (check cases) remain open?

0

* 18 How many checks (check cases) were based on substantiated concerns?

0

* 19 For how many checks (check cases) were there any issues accessing premises or documentation?

0

20 How many checks (check cases) were purely desk-based?

This serves to estimate the workload involved.

51

21 How many checks (check cases) were both desk-based and onsite?

This serves to estimate the workload involved.

13

* 22 For how many checks (check cases) was scientific testing used?

0

* 23 For how many of these checks (check cases) were mismatches found compared to the declared information?

0

* 24 Did the Competent authority record, by check (check case), the declared country/countries of harvest/origin of the timber/timber products on which the check (check case) focused?

Yes No

25 Please specify how many of the checks (check cases) primarily focused on one of the below declared countries of harvest/origin of timber/timber products:

The list contains the countries with which the EU concluded Voluntary Partnership Agreements and/or regarding which Competent authorities expressed a particular interest. It also provides 'other' for other single-country of harvest/origin products the check (check case) focused on, 'multiple focus countries' for checks focusing on several countries of harvest/origin (e.g. products of mixed origin), and 'no focus country/ies', where checks (check cases) did not focus on a specific country or countries

| | Number of checks |
|--|------------------|
|--|------------------|

| | |
|------------------------------|----|
| No focus country/ies | |
| Multiple focus country/ies | 63 |
| Albania | |
| Belarus | 11 |
| Bosnia & Herzegovina | |
| Brazil | 1 |
| Cameroon | |
| Central African Republic | |
| Chile | |
| China | 4 |
| Côte d'Ivoire | |
| Democratic Republic of Congo | |
| Gabon | |
| Ghana | |
| Guyana | |
| Honduras | |
| India | |
| Indonesia | |
| Laos | |
| Liberia | |
| Malaysia | |
| Myanmar | 1 |
| Papua New Guinea | |
| Peru | |
| Philippines | |
| Republic of Congo | |
| Russia | 3 |
| Serbia | |
| Solomon Islands | |
| South Africa | |
| Suriname | |
| Thailand | |
| Turkey | |
| Ukraine | 17 |
| Uruguay | |
| Vietnam | |

Other

*26 Did the Competent authority record, by check (check case), the types of timber/timber product (HS Code /denomination) checked?

Yes No

*27 Please select the main HS codes which were subject to checks (check cases):

- 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 endjointed, of a thickness not exceeding 6 mm
- 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, waferboard) 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
- 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
- Chapters 47 and 48** Pulp and paper of the Combined Nomenclature, with the exception of bamboo-based and recovered (waste and scrap) products
- 9403 30** Wooden furniture
- 9403 40** Wooden furniture
- 9403 50 00** Wooden furniture
- 9403 60** Wooden furniture
- 9403 90 30** Wooden furniture
- 9406 10 00** (formerly 9406 00 20) Prefabricated buildings

Traders

*28 Were any traders of timber/timber products checked on the basis of the EUTR?

Yes No

*29 How many traders of timber/timber products were checked?

38

*30 To how many separate checks (check cases) does this correspond?

One check (check case) may consist of desk-based work and several onsite visits. For one operator there may be several check cases, e.g. if a check case was closed, but a new concern arises.

173

*31 How many of the checks (check cases) remain open?

*32 How many checks (check cases) were based on substantiated concerns?

*33 For how many checks (check cases) were there any issues accessing premises or documentation?

34 How many checks (check cases) were purely desk-based?

This serves to estimate the workload involved.

35 How many checks (check cases) were both desk-based and onsite?

This serves to estimate the workload involved.

Monitoring organisations

*36 Were any monitoring organisations checked in the reporting period?

Yes No

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III.I Remedial actions and immediate interim measures

Fields marked with * need to be filled in before the form can be submitted to the next level.

III. Enforcement - context and implementation

III.I Remedial actions and immediate interim measures (ref. EUTR Article 10(5))

The enforcement of the EUTR requires Member States to put in place national measures which provide a robust framework to be able to take effective, dissuasive and proportionate enforcement action and sanction different duty-holders (operators, traders and monitoring organisations) for infringements of the Regulation. The information on the legal frameworks used, the range of potential national penalties and their uppermost levels provide valuable information to assess the consistency of potential enforcement actions across the EU. This section is structured by duty-holders' obligations under the EUTR (prohibition to place illegal timber on the market for operators; due diligence and reporting obligations for operators and monitoring organisations; traceability for traders, and reporting obligation for monitoring organisations) and the provisions for remedial actions or similar and immediate interim measures, which are applicable in case of or to prevent infringements to each obligation.

1 Please specify for which breaches of the EUTR Notices of remedial actions or similar measures, and Immediate Interim Measures (ref. EUTR Article 10(5)) can be applied in your country:

| | Notice of remedial action in cases of breaches of: | Other national measures which are similar to Notices of remedial action in cases of breaches of: | Immediate interim measures [1] in cases of breaches of: |
|--|--|--|---|
| * Prohibition (operators) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| * DD obligation (operators and monitoring organisations) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| * Traceability obligation (operators/traders) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| * Reporting obligation (monitoring organisations) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

[1] These are measures that can be issued or applied with immediate effect to prevent trade in contravention of the EUTR and may be of temporary nature, until penalties in line with Article 19 are applied.

*2 Does the same legislation apply for infringements relating to domestic timber and for imported timber?

Yes No

*5 Which legislation provides for **measures to react to breaches of the EUTR** (please select all that apply)?

EUTR-specific legislation

Forest (management) law

- General Administrative law
- Penal (Procedural) code
- Other

*7 Which authority can issue Notices of remedial actions or similar measures (please select all that apply)?

- Competent authority/ies
- Customs (if not Competent authority)
- Police
- Court
- Other

*9 Which authority can issue Immediate interim measures (please select all that apply)?

- Competent authority/ies
- Customs (if not Competent authority)
- Police
- Court
- Other

11 Does/do the Competent Authority/ies carry out follow-up checks after having applied a notice of remedial action or similar measure?

- always
- sometimes
- never

12 Does/do the Competent Authority/ies carry out follow-up checks after having applied an immediate interim measure?

- always
- sometimes
- never

Notices of remedial actions or similar measures, and Immediate interim measures in cases of breaches of **prohibition**

Notice of remedial actions or similar measures in cases of breaches of **prohibition**

*13 Please describe which similar measures your country can take (instead of Notices of remedial action)?

Issue an administrative decision on the basis of separate provisions.

*14 What is the timeframe within which an operator needs to take action following a Notice of remedial action or similar measure being applied?

Please enter a whole number followed by a unit of time without spaces. Use either *d* for days or *y* for years or *m* for months. If it is not prescribed use *not set*. Examples: **45d** for 45 days; **18m** for 18 months; **5y** for 5 years; **not set** if not prescribed.

not set

Immediate interim measures in cases of breaches of **prohibition**

*15 Specify which immediate interim measures can be applied:

- Seizure of timber/timber products

- Suspension of authority to trade
- Lifting of the suspensive effect of a complaint against the enforcement measure until final decision is reached
- Other measures applied as an immediate interim measure

*** 17 For how long can the immediate interim measures be imposed?**

Please enter a whole number followed by a unit of time without spaces. Use either *d* for days or *y* for years or *m* for months. If it is not prescribed use *not set*. Examples: **45d** for 45 days; **18m** for 18 months; **5y** for 5 years; **not set** if not prescribed.

not set

Notices of remedial actions or similar measures, and Immediate interim measures in cases of breaches of **DD obligation**

Notice of remedial actions or similar measures in cases of breaches of **DD obligation**

*** 18 Please describe which similar measures your country can take (instead of Notices of remedial action)?**

Issue an administrative decision on the basis of separate provisions.

*** 19 What is the timeframe within which an operator/ monitoring organisation needs to take action?**

Please enter a whole number followed by a unit of time without spaces. Use either *d* for days or *y* for years or *m* for months. If it is not prescribed use *not set*. Examples: **45d** for 45 days; **18m** for 18 months; **5y** for 5 years; **not set** if not prescribed.

not set

Notices of remedial actions or similar measures, and Immediate interim measures in cases of breaches of **traceability obligation**

Notice of remedial actions or similar measures in cases of breaches of **traceability obligation**

*** 23 Please describe which similar measures your country can take (instead of Notices of remedial action)?**

Issue an administrative decision on the basis of separate provisions.

*** 24 What is the timeframe within which a trader needs to take action?**

Please enter a whole number followed by a unit of time without spaces. Use either *d* for days or *y* for years or *m* for months. If it is not prescribed use *not set*. Examples: **45d** for 45 days; **18m** for 18 months; **5y** for 5 years; **not set** if not prescribed.

not set

Notices of remedial actions or similar measures, and Immediate interim measures in cases of breaches of **reporting obligation**

Notice of remedial actions or similar measures in cases of breaches of **reporting obligation**

*28 Please describe which similar measures your country can take (instead of Notices of remedial action)?

In accordance with art. 8 point 5 of the EUTR Regulation:
Official letter to the Commission in order to start withdrawal procedure on the basis of art. 8 point 6 of the EUTR Regulation.

*29 What is the timeframe within which a monitoring organisation needs to take action?

Please enter a whole number followed by a unit of time without spaces. Use either *d* for days or *y* for years or *m* for months. If it is not prescribed use *not set*. Examples: **45d** for 45 days; **18m** for 18 months; **5y** for 5 years; **not set** if not prescribed.

not set

Comments

33 Comments:

Contact

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III.II Penalties

Fields marked with * need to be filled in before the form can be submitted to the next level.

III. EUTR Enforcement - context and implementation

III.II Penalties (ref. EUTR Article 19)

The enforcement of the EUTR requires Member States to put in place national measures which provide a robust framework to be able to take effective, dissuasive and proportionate enforcement action and sanction different duty-holders (operators, traders and monitoring organisations) for infringements of the Regulation. The information on the legal frameworks used, the range of potential national penalties and their uppermost levels provide valuable information to assess the consistency of potential enforcement actions across the EU. This section is structured by duty-holders' obligations under the EUTR (prohibition to place illegal timber on the market for operators; due diligence and reporting obligations for operators and monitoring organisations; traceability for traders, and reporting obligation for monitoring organisations) and the provisions for penalties which are applicable to infringements to each obligation.

1 Please specify for which breaches **penalties** (ref. EUTR Article 19) are applied in your country:

| | Administrative fines in cases of breaches of: | Criminal fines in cases of breaches of: | Seizure of timber or timber products as a penalty in cases of breaches of: | Suspension of the authorisation to trade/ do business as a penalty in cases of breaches of: | Imprisonment in cases of breaches of: | Other penalties in cases of breaches of: |
|--|--|--|---|--|--|---|
| * Prohibition (operators) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| * DD obligation (operators and monitoring organisations) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| * Traceability obligation (operators/ traders) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| * Reporting obligation (monitoring organisations) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

*2 Does the same legislation apply for infringements relating to domestic timber and for imported timber?

Yes No

***3 Which legislation provides for penalties for infringements of the EUTR?**

Please select all that apply.

- EUTR-specific legislation
- Forest (management) law
- General Administrative sanctions law
- Penal code
- Other

6 Please provide the name(s) and relevant Article numbers for the above-mentioned legislation:

- Law on forests;
- Code of Administrative Procedure

Penalties in cases of breaches of prohibition

Administrative fines in cases of breaches of prohibition

***7 Fine is expressed as:**

specific monetary value

***8 What is the maximum fine in EUR? (Please convert to EUR if the MS currency is different)**

Please enter a whole number. If it is not prescribed use *not set*. Examples: 45000 for 45.000,00 EUR; not set if not prescribed.

108925

***10 Which authority can impose this penalty?**

Please select all that apply.

- Competent authority/ies
- Police
- Court
- Fine imposing agency
- Other

Penalties in cases of breaches of DD obligation

Administrative fines in cases of breaches of DD obligation

***31 Fine is expressed as:**

specific monetary value

***32 What is the maximum fine in EUR? (Please convert to EUR if the MS currency is different)**

Please enter a whole number. If it is not prescribed use *not set*. Examples: 45000 for 45.000,00 EUR; not set if not prescribed.

108925

***34 Which authority can impose this penalty?**

Please select all that apply.

- Competent authority/ies
- Police
- Court
- Fine imposing agency
- Other

Penalties in cases of breaches of traceability obligation

Administrative fines in cases of breaches of traceability obligation

***55 Fine is expressed as:**

specific monetary value

***56 What is the maximum fine in EUR? (Please convert to EUR if the MS currency is different)**

Please enter a whole number. If it is not prescribed use *not set*. Examples: 45000 for 45.000,00 EUR; not set if not prescribed.

4357

***58 Which authority can impose this penalty?**

Please select all that apply.

- Competent authority/ies
- Police
- Court
- Fine imposing agency
- Other

Penalties in cases of breaches of reporting obligation (monitoring organisations)

Other penalties in cases of breaches of reporting obligation

95 Please describe the penalty:

In accordance with art. 8 point 5 of the EUTR Regulation:
Official letter to the Commission in order to start withdrawal procedure on the basis of art. 8 point 6 of the EUTR Regulation.

96 What is the maximum level of this penalty?

In accordance with art. 8 point 6 of the EUTR Regulation:
Withdrawal of recognition of a monitoring organisation by the Commission.

97 Which authority can impose this penalty?

Please select all that apply.

- Competent authority/ies
- Police
- Court

Business inspectorate

Other

98 Please specify other:

European Commission

Comments

99 Comments:

The exchange rate (PLN / EUR) is 0.22.
The value of 1 EURO from 2021-03-16 is PLN 4,59.

Contact

ENV-DECLARE@ec.europa.eu

III.III Enforcement action decisions taken

Fields marked with * need to be filled in before the form can be submitted to the next level.

III.III Enforcement action decisions taken in the reporting period

How many stakeholders were found to be in breach of their obligations under the EUTR:

*1 Operators, domestic timber:

1

*2 Operators, imported timber:

5

*3 Operators, unknown timber:

0

*4 Traders:

0

*5 Monitoring organisations:

0

6 If you have not used Declare-as-you-go to submit enforcement decisions taken in the reporting period, please use the Excel template below to report on enforcement decisions taken in the reporting period, and upload this file instead.

The maximum file size is 5 MB

Only files of the type xls,xlsx,ods are allowed

dbec1777-f145-440f-acc9-e6373df3e397/Kopia_EUTR_III_III_Enforcement_action_decisions_taken_PL.xlsx

7 Excel template:

EUTR_III_III_Enforcement_action_decisions_taken_EN.xlsx

*8 Were any complaints/appeals against any enforcement decisions submitted?

Yes No

*14 Did any court cases relating to EUTR enforcement decisions take place during the reporting period?

Yes No

17 Comments:

Contact

ENV-DECLARE@ec.europa.eu

IV. Other relevant information

IV. Other relevant information

1 Please provide any other relevant information related to the implementation or enforcement of the EUTR that may not have been fully captured elsewhere in the national report:

In chapter I.IV. in question 2 the following points should be marked:
"Direct e-mail exchanges, chats or other interactive communication, contacts at fairs, inspections (counts as awareness raising and reaching the persons interacting)" and "Website, social media, publicly available webinars, downloadable information material (counts as reaching the users counted).

2 Please provide any suggestions you may have that could improve the implementation and/or enforcement of the EUTR :

Contact

ENV-DECLARE@ec.europa.eu

EUTR - III.III Enforcement action decisions taken in the reporting period

GUIDANCE FOR FILLING IN THE TABLE

- There are separate tabs for enforcement decisions taken for **operators (regarding domestic, imported and unknown timber)**, **traders** and **monitoring organisations**.

- Each **row** should **either**:

a) represent **one "case"** against an operator /trader/monitoring organisation. If, for example, one operator received a warning letter, a financial fine, and there was a court case, all relating to timber products from Peru, then this should be entered in one row. If the operator was subject to another "case" later, relating to timber from DRC, then this would need to be entered as a separate row; **OR**,

b) represent **aggregated data** for all "cases" against operators /traders/monitoring organisations over the reporting period. Please ensure that **separate rows are entered as appropriate to distinguish between the different combinations of types of infringements, countries of harvest/origin and HS codes**.

- Operators can act as traders and vice versa - please ensure that you **only enter the "case"/penalties under the category under which the business was penalised**,

Please refer to https://ec.europa.eu/environment/forests/timber_regulation.htm for references to EUTR-related legislation

EUTR - III.III Enforcement action decisions taken in the reporting period

Only enter enforcement actions applied in the reporting period. Include "cases" that were already ongoing or that remained open at the end of the reporting period

| Operator pseudonym <small>(ensure that the same one is used for multiple rows for the same operator), or provide aggregated data (number(s))</small> | Select type of infringement under EUTR (Regulations 995/2010 and 607/2012) | HS code(s) subject to enforcement decision <small>(provide 4 digits; if multiple per check case, please indicate the main ones; or enter 'not recorded')</small> | Case(s) closed without enforcement action taken <small>(number)</small> | Select reason for case(s) closed without enforcement action <small>(an explanation for these cases is mandatory)</small> | Notice(s) of remedial action/warning letters <small>(number)</small> | Seizure(s) as an immediate interim measure <small>(number)</small> | Suspension(s) of authority to trade/injunction as immediate interim measure <small>(number)</small> | Lifting the suspensive effect of a complaint/appeal <small>(number)</small> | Other interim measures <small>(number)</small> | Financial administrative penalty/ies <small>(number)</small> | Financial criminal penalty/ies <small>(number)</small> | Imprisonment <small>(number)</small> | Seizure(s) as penalty/permanent measure <small>(number)</small> | Suspension(s) of authority to trade as penalty/permanent measure <small>(number)</small> | Other penalty/ies <small>(number)</small> | Comments |
|---|--|---|--|---|---|---|--|--|---|---|---|---|--|---|--|----------|
| Operator 1 | Multiple infringements | 4403 | | | | 1 | | | | 1 | | | | | | |

EUTR - III.III Enforcement action decisions taken in the reporting period

Only enter enforcement actions applied in the reporting period. Include "cases" that were already ongoing or that remained open at the end of the reporting period

| Operator pseudonym (ensure that the same one is used for multiple rows for the same operator), or provide aggregated data (number(s)) | Select type of infringement under EUTR (Regulations 995/2010 and 607/2012) | Country/ies of harvest/ origin declared subject to enforcement decision (enter 'all', where the infringement was related to all timber/ timber products, e.g. no DDS; enter main countries where multiple involved; or enter 'not recorded') | HS code(s) subject to enforcement decision (provide 4 digits; if multiple per check case, please indicate the main ones; or enter 'not recorded') | Case(s) closed without enforcement action taken (number) | Select reason for case(s) closed without enforcement action (an explanation for these cases is mandatory) | Notice(s) of remedial action/ warning letters (number) | Seizure(s) as an immediate interim measure (number) | Suspension(s) of authority to trade/ injunction as immediate interim measure (number) | Lifting the suspensive effect of a complaint/ appeal (number) | Other interim measures (number) | Financial administrative penalty/ies (number) | Financial criminal penalty/ies (number) | Imprisonment (number) | Seizure(s) as penalty/ permanent measure (number) | Suspension(s) of authority to trade as penalty/ permanent measure (number) | Other penalty/ies (number) | Comments |
|---|--|--|---|--|---|--|---|---|---|---------------------------------|---|---|-----------------------|---|--|----------------------------|----------|
| Operator 2 | Breach of due diligence obligation(s) | Russia | 4407, 4409, 4412, 4415 | | | 1 | | | | | 1 | | | | | | |
| Operator 3 | Breach of due diligence obligation(s) | Belarus | 4415 | | | 1 | | | | | 1 | | | | | | |
| Operator 4 | Breach of due diligence obligation(s) | China, India, Vietnam | 9401, 9403 | | | 1 | | | | | 1 | | | | | | |
| Operator 5 | Breach of due diligence obligation(s) | Belarus, Ukraine, China, Taiwan | 4410, 9403 60 10 | | | 1 | | | | | 1 | | | | | | |
| Operator 6 | Breach of due diligence obligation(s) | China | 4410, 4411, 4412 | | | 1 | | | | | 1 | | | | | | |

EUTR - III.III Enforcement action decisions taken in the reporting period

Only enter enforcement actions applied in the reporting period. Include "cases" that were already ongoing or that remained open at the end of the reporting period.

| Operator pseudonym (ensure that the same one is used for multiple rows for the same operator), or provide aggregated data (number(s)) | Select type of infringement under EUTR (Regulations 995/2010 and 607/2012) | HS code(s) subject to enforcement decision (provide 4 digits; if multiple per check case, please indicate the main ones; or enter 'not recorded') | Case(s) closed without enforcement action taken (number) | Select reason for cases closed without enforcement action (an explanation for these cases is mandatory) | Notice(s) of remedial action/ warning letters (number) | Seizure(s) as an Immediate Interim measure (number) | Suspension(s) of authority to trade/ Injunction as immediate interim measure (number) | Lifting the suspensive effect of a complaint/ appeal (number) | Other interim measures (number) | Financial administrative penalty/ies (number) | Financial criminal penalty/ies (number) | Imprisonme nt (number) | Seizure(s) as penalty/ permanent measure (number) | Suspension(s) of authority to trade as penalty/ permanent measure (number) | Other penalty/ies (number) | Comments |
|---|--|--|--|--|--|--|---|--|---------------------------------------|--|--|---------------------------|---|--|----------------------------------|----------|
|---|--|--|--|--|--|--|---|--|---------------------------------------|--|--|---------------------------|---|--|----------------------------------|----------|

| Trader pseudonym (ensure that the same one is used for multiple rows for the same trader), or provide aggregated data(number(s)) | Select type of infringement under EUTR | Case(s) closed without enforcement action taken (number) | Select reason for cases closed without enforcement action (an explanation for these cases is mandatory) | Notice(s) of remedial action/ warning letters (number) | Seizure(s) as an immediate interim measure (number) | Suspension(s) of authority to trade/ injunction as Immediate Interim measure (number) | Lifting the suspensive effect of a complaint/ appeal (number) | Other Interim measures (number) | Financial administrative penalty/ies (number) | Financial criminal penalty/ies (number) | Imprisonment (number) | Seizure(s) as penalty/ permanent measure (number) | Suspension(s) of authority to trade as permanent measure (number) | Other penalty/ies (number) | Comments |
|---|--|--|---|--|---|---|---|---------------------------------|---|---|-----------------------|---|---|----------------------------|----------|
|---|--|--|---|--|---|---|---|---------------------------------|---|---|-----------------------|---|---|----------------------------|----------|

DO NOT EDIT

Operators

- Not recorded
- Breach of prohibition
- Breach of due diligence obligation(s)
- Breach of record keeping (supply, procedures)
- Multiple infringements

Traders

- Not recorded
- Documentation not kept 5 years
- Documentation incomplete/ incorrect
- Multiple infringements

No enforcement action taken:

- Breach considered de minimis
- Full remediation of breach before enforcement action
- Administrative rules not respected by authority
- Other

Monitoring organisations

- Failure to maintain and regularly evaluates a DDS as per Art. 6 EUTR and grant operators the right to use it
- Failure to verify the proper use of its DDS by operators
- Failure to take appropriate action in the event of failure by an operator to properly use its DDS, including notifying CAs in the event of significant or repeated failure by the operator
- Failure to have legal personality and being legally established within your country
- Failure to have appropriate expertise and capacity to exercise functions as an MO (Art 8(1) EUTR)
- Conflicts of interest in the carrying out of the MO's functions
- Multiple infringements

