

Info-brief: EUTR enforcement in Finland

The EU Timber Regulation (EUTR) is implemented in each Member State via national legislation and enforced by national authorities. This means that differences exist in penalty regimes and enforcement practices. It also means that the opportunities for EU (and non-EU) civil society to support enforcement differ. Here we provide key information on the Finnish implementing legislation for the EUTR, as well as top-line information on the enforcement approach in Finland as of January 2017. This document is designed as a first point of reference – not a comprehensive source of information. It will be updated as new information becomes available.

Implementation status

- Implementation through the *Laki puutavaran ja puutuotteiden markkinoille saattamisesta 897/2013* (Act No. 897), which entered into force on 1 January 2014.
- The Agency for Rural Affairs (*Mavi*) is the Competent Authority (CA) for imported and domestic timber. Checks on domestic timber are carried out in collaboration with the Finnish Forest Centre.

Resources

- One full time and two part-time posts at the CA on EUTR-related issues and half a post at the Ministry of Agriculture and Forestry for legislation, coordination and guidance matters. Around 150 inspectors carry out checks on domestic forest owners at the Finnish Forest Centre as part of the enforcement of the Forest code.
- Annual financial resources for EUTR implementation and enforcement at CA level are approx. € 100,000.

Penalty regime

- Criminal sanctions apply to the following intentional breaches:
 - Intentionally violating the due diligence or traceability requirement (regulated by Act No. 897); and
 - Intentionally placing unlawfully harvested timber or timber products on the market (regulated by the criminal code).
- Pecuniary penalties are determined by a judge, based on the offender's income. The second type of offence may also lead to imprisonment for up to 6 months.
- If the CA suspects a criminal offence has been committed, it must notify the police (except where the case can be considered a minor one).
- Administrative sanctions apply to unintentional/negligent breaches of the due diligence or traceability obligation. The CA may take the following actions:
 - Issue of a written notice setting a time limit for corrections;
 - If the problem persists and concerns 1) placing timber on the market without exercise of due diligence, or 2) a significant recurrent lack of compliance in the operator's due diligence system, the CA may issue a correction order specifying a time limit by which to comply. A conditional fine could also be issued to reinforce the correction order; and
 - The CA may prohibit the timber, which is not in compliance with the issued correction order, from being placed on the market. Such a prohibition order may be valid for up to 3 months (or up to 1 year in case of seasonally placing on the market) and may be reinforced by a conditional fine.
- In addition to these sanctions, timber (or proceeds from the offence) can be confiscated and

sold at auction.

Checks by the Competent Authority

- Between March 2015 and November 2016 the CA has conducted 32 checks on imported timber and 19 checks on domestic timber (these latter checks are to verify the quality of the inspections undertaken by the Finnish Forest Centre, which is primarily responsible for carrying out checks on domestic timber).
- CA carries out risk-based checks as well as random checks.

Substantiated concerns (SCs)

- No prescribed format for SCs and no national rules on how the CA should handle a SC. However, Finnish administrative procedural law sets a general duty for the administration to handle cases without undue delay. This includes, upon request, giving an estimation of when a decision will be handed down and answering to inquiries concerning the progress of a case.
- No way for NGOs to legally challenge the CA's inaction: submitting a SC would not be regarded as an application for an administrative procedure and NGOs would, in any case, lack standing in any procedure the CA might conduct.
- Possibility to lodge an administrative complaint with the Ministry or the Parliamentary Ombudsman in case of inaction or administrative malpractice. This could be a means to resolve the issue informally but not to obtain a formal appeal.

Possibilities to challenge operators in legal proceedings

- NGOs, or any third party, can file a criminal complaint directly with the police or the state's prosecutor's office.
- The CA must notify the police if it suspects a criminal offence has taken place - except for minor cases.
- The CA must be heard by the public prosecutor or court in criminal proceedings against an operator.

Other key elements

- No registration obligation for operators but the CA has access to different existing registers, such as the customs register, to identify operators (in specific cases, customs may inform the CA about shipments).

Key implementation/enforcement strengths

- The CA cooperates with customs authorities, as well as other authorities such as the Finnish Forest Centre and Finnish Environment Institute.

Key implementation/enforcement weaknesses

- Pursuing a criminal case requires bringing evidence of intent. Depending how intent is interpreted by the courts, this could represent a hurdle for bringing an EUTR case.

Resource information

Law:

- [Act No. 897](#)

Competent Authority contact information:

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