EUTR News – November 2018 to January 2019

This issue of the EUTR News provides an update on the operation of the EU's law to address illegal logging, the EU Timber Regulation (EUTR), from November 2018 to January 2019 . As with all of our previous editions, this issue will include information on what both the European Commission and EU Member States are doing to ensure the proper application of the EUTR, and provide updates on similar legislation internationally.

If you have any updates to share that we could include in the next newsletter, or you would like to receive this newsletter by email, please email: forests-contact@clientearth.org.

1. European Commission support to implementation and enforcement of the EUTR

The European Commission launched a public consultation on stepping up action against deforestation and hosted the 21st Expert Group Meeting on the EUTR and FLEGT Regulation.

The European Commission opened a public consultation on their plans to 'step up action against deforestation'

In January 2019, the European Commission opened a public consultation towards an EU Communication on 'Stepping up EU Action against Deforestation and Forest Degradation', which will be available until 25th February. Adoption is planned for the second quarter of 2019. In November 2018, the Commission released a 'roadmap' to explain the work they were undertaking to develop the communication.

EUTR/FLEGT Expert Group Meeting

The European Commission Expert Group on the EUTR and FLEGT Regulation held their 21st meeting in Brussels on 7th December 2018.

At the meeting a Ukrainian government representative presented on the recent changes in national forest law aimed at fighting illegal logging. IKEA delivered a presentation on its Due Diligence system. Updates were given on substantiated concerns on placing timber from high-risk countries on the EU market and on the results of the Commission's biennial EUTR implementation report. Updates were also given on the preparation towards the Communication on Stepping up EU Action against Deforestation and Forest Degradation (see above).

The next Expert Group meeting is scheduled for 14th February 2019.

UNEP–WCMC publishes briefing note on EUTR implementation

UNEP-WCMC, contracted by the European Commission, published two briefing notes on developments in the implementation and enforcement of the EUTR covering the periods from September – October 2018 and from November – December 2018.

2. Member State enforcement of the EUTR

The UK finalised a Statutory Instrument in order to ensure that EU provisions aimed at fighting against illegal logging will be retained after Brexit. The UK has also published the rules that will apply to buying and selling timber and timber products if the UK leaves the EU with no deal.

UK finalised the 'United Kingdom Timber Regulation' (UKTR)

The UK finalised a Statutory Instrument the 'United Kingdom Timber Regulation' (UKTR) in November 2018. The UKTR aims to ensure that the provisions of the EUTR will be operable after the UK leaves the EU. As it is stated in the explanatory memorandum, the changes to the EUTR include 'amending references to EU, EU institutions and EU administrative processes to UK equivalents; updating legal references to refer to relevant UK legislation; and retaining the requirement for government to report'.

Brexit: requirements for timber importers in a no-deal scenario

The UK Department for Environment, Food & Rural Affairs published guidance on trading timber if there is no Brexit deal. In that case, from 29th March, businesses importing timber and timber products from non-EU and EEA countries would have to carry out due diligence to demonstrate that the timber was harvested legally.

EUTR workshops organised by the UK Competent Authority

The Office for Product Safety & Standards (the UK Competent Authority) is delivering a series of free workshops on the EUTR, which are aimed at improving business capacity to better understand the rules around risk identification and mitigation measures.

3. Other EU and international updates

In the EU and internationally, several organisations and institutions have been working to address the problem of illegal logging. In December 2018, during COP24 in Katowice, 69 countries supported the 'Forest for Climate' declaration. Ukraine introduced a new law aimed at ensuring better forest governance.

Katowice Declaration on Forests and Climate

During 24th session of the Conference of the Parties (COP24), which took place from 2-14 December 2018 in Katowice (Poland), 69 countries supported the Silesian Ministerial 'Forests for Climate' Declaration, in which the Parties acknowledged the important role of forests as sinks and reservoirs of greenhouse gases, and recognised that forests have decisive role to play in sequestration and storage of carbon. The Parties pledged to accelerate actions taken in order to ensure that the global contribution of forests and forest products is maintained and further enhanced by 2050.

Global Forum on Forest Governance

Almost 200 participants from around the world representing NGOs, governments and timber industry attended the annual Chatham House meeting on forest governance which took place on 8-9 November 2018. Discussions were held around tropical timber trade, Voluntary Partnership Agreements (VPAs), developments in Korean legislation, use of isotopes, illegal logging in Ukraine and conflict timber. The resources from the meeting are available online. The next Global Forum on Forest Governance will take place on 1-2 July 2019, at Chatham House.

Ukraine introduced legislation to fight against illegal logging

The Ukrainian law on preservation of forests and preventing the illegal export of rough timber was amended, and came into force on 1st January 2019. The law aims to ensure better forest governance and minimise illegal logging, and it restricts the domestic consumption of unprocessed timber. It also introduces significantly higher fines for illegal logging. Previously, the EU Technical Assistance and Information Exchange (TAIEX) conducted an expert mission to assess the governance situation within the Ukrainian forest sector.

Guyana signs VPA with the EU

Guyana signed onto a Voluntary Partnership Agreement (VPA) with the EU to tackle illegal logging and improve forest management. It is reported that VPA negotiations accelerated the process of reforms in forest sector in Guyana. The new Forest Regulation, adopted in June 2018, clarified legal and administrative requirements for timber companies. The reforms also strengthened transparency in allocation of logging concessions.

4. Publications and resources

Over last three months, many publications and resources have been released. Below is a selection of resources and publications that aim to inform stakeholders across the EU and internationally, on progress and key elements related to the EUTR.

ClientEarth launches an online legal hub, 'The Forest Logbook'

ClientEarth has launched a new online resource to provide access to information about forestry laws. The free online tool will offer open access to unbiased legal information regarding the forestry sector, with information on forest governance. The 'Forest Logbook' links to resources published by organisations and institutions, selected based on their impartiality or on their official status. ClientEarth encourages users to send new or updated information that could be added to the logbook to increase the information available. In the future, the Forest Logbook will be expanded to include more information on non-timber forest-risk commodities, such as palm oil and soy.

New EU–FLEGT Facility resource for timber buyers

The EU-FLEGT Facility launched a webpage about social, economic and environmental benefits of FLEGT licensing. The new resource includes documents and animations which explain what FLEGT-licences are, and how tropical timber exporting countries cooperate with the EU in halting illegal logging.

Comparison of South Korea's Act on the Sustainable Use of Timbers with the EUTR

The EU-FLEGT Facility published a comparison between the EUTR and South Korea's Act on the Sustainable Use of Timbers, explaining differences in the scope of the regulations, compliance measures and implementation support.

Guide for businesses on sourcing legally produced wood

The World Resources Institute, in partnership with the World Business Council for Sustainable Development, published an updated version of 'Sourcing Legally Produced Wood, a Guide for Businesses'. The document provides information on illegal logging and associated trade, private and public procurement policies, export country logging, log export bans, and wood products legality legislation in the United States, the EU and Australia.

EIA report on fake CITES permits in Rosewood trade

The Environmental Investigation Agency (EIA) published a report suggesting that Vietnam imported and re-exported Siamese Rosewood from Cambodia, in violation of the CITES Convention. The authors of the report claim that the Vietnam Management Authority knowingly accepted fake CITES permits when authorising imports of Siamese Rosewood from 2013-2015, which was subsequently re-exported to China.

The International Association of Wood Anatomists published the Atlas of Vessel Elements

The University of Hamburg and the Thünen Institute have developed the 'Atlas of vessel elements' for the identification of Asian timbers in pulp, paper and fiberboard. This publication, funded by the German Environmental Foundation, describes diagnostic features of 38 tropical and temperate Asian timbers regularly identified in fiberboards, pulp and paper from Asia. The authors of the Atlas hope that this resource will help to preserve protected tree species.

New supply-chain tracking tools

Stockholm Environment Institute and Global Canopy created a new tool aimed at improving the transparency of supply chains. The Transparency for Sustainable Economies tool ('Trase') shows the connections between internationally traded commodities and places where deforestation is happening.

CEPI decision tree

The Confederation of European Paper Industries (CEPI) published an animation that explains the main provisions of the EUTR, including the decision-making process for carrying out 'due diligence'.

EUTR product scope infographic

Global Traceability published an infographic that illustrates the results of European Commission's 2018 public survey on the product scope of the EUTR, and shows the type of products which, according to respondents, should be covered by the EUTR.