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**Training module under project “Co-operation with national judges in the field of environmental law under the European Commission Framework Contract ENV.A.1/FRA/2012/0018” on**

**HOW TO ENFORCE EU LEGISLATION ON BIODIVERSITY AND WILDLIFE TRAFFICKING**

Case Study 1 related to the enforcement of the EU Timber Regulation

**Background**

The competent authorities of Germany, the Netherlands and France receive a ‘substantiated concern’ from an NGO that is incorporated in the UK. The main elements of the substantiated concern are:

- Company ABC is based in the Netherlands and imports timber from Cameroon via a port in the Netherlands.
- These hardwoods are sold by Company ABC to furniture manufactures across the EU, including in Germany, the Netherlands and France.
- The NGO alleges that the timber that Company ABC imports into the EU (a mixture of different hardwood species) has been logged illegally. More specifically:
  - that Company ABC’s supplier logs timber using timber permits correctly authorised for one area, but in fact logging the timber from another geographical area.
  - the information presented indicates that over 60% of the timber produced by Company ABC’s supplier, is logged in this way. The information does not demonstrate that a specific supply chain/consignment of timber is illegally logged.
  - the information presented to support the claim includes:
    - Photograph and satellite information
    - Reports of recent sanctions from the Ministry of Forestry of Cameroon for logging timber outside of the area specified in a timber permit.
- Company ABC is identified as the consignee for the timber in the relevant customs forms.
- The NGO has sent the information contained in its substantiated concern to Company ABC over the past 6 months and has made it available to timber trade associations across the EU.
- The competent authorities are asked to consider that Company ABC has breached both the prohibition and the due diligence element of the EUTR.

**To discuss:**

- Whether the prohibition and/or the due diligence elements of the EUTR appear to have been breached;
- What additional information would be required to establish either point;
- What sanctions, if any, would be appropriate?

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## **HOW TO ENFORCE EU LEGISLATION ON BIODIVERSITY AND WILDLIFE TRAFFICKING**

### Case Study 2 related to the enforcement of the EU Timber Regulation

#### **Background**

Company DEF imports wooden frames for paintings from China and makes them available for sale in the UK, Italy and Spain.

An NGO presents a substantiated concern to the EUTR competent authority in Italy alleging that the wooden frames are made of fibres from multiple timber species, including species listed under CITES Appendix III/Annex C of Regulation (EC) No 338/97. No CITES certificate was included with the product.

This substantiated concern was based on DNA analysis conducted by an independent lab in Switzerland.

The NGO had, before presenting this information to the competent authority, made the information available to Company CEF.

The competent authority is asked to consider that Company DEF has breached both the prohibition and the due diligence element of the EUTR.

#### **To discuss:**

Whether the prohibition and/or the due diligence elements of the EUTR appear to have been breached;

What additional information would be required to establish either point;

What sanctions, if any, would be appropriate?