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The European Union Timber Regulation (EUTR)

The European Union Timber Regulation (EUTR) has been in force in all EU Member States, including Ireland, since March 2013.

The Department of Agriculture, Food and the Marine is Ireland's designated Competent Authority for implementation and enforcement of the EUTR. As Competent Authority the Department is charged with ensuring that the EUTR is effectively implemented in Ireland by Operators and Traders who place timber/timber products on the market in the course of a commercial activity.

The overarching aim of the EU Timber Regulation is to combat global trade in illegal timber/timber products.

The products covered by the EUTR are extensive and the Regulation does not just apply to sawn wood and wood in the rough. The EUTR also applies to almost all other products which contain a timber component. A wide spectrum of products including *inter alia* flooring, furniture, decking, wooden frames, fuel wood, pulp, plywood, sawn wood and particle board fall under the scope of the EUTR.

The consignee who imports timber and/or timber products into Ireland is, in most cases, classified as the EUTR Operator.

The EU Timber Regulation places obligations on Operators to ensure (and also to be able to evidence to the Competent Authority upon request) that timber/timber products being placed on the market derive from legal sources. To this end, Operators are required to have in place, and to apply, a robust Due Diligence System (DDS) which ensures and confirms the legality of the product.

The Operator is required to undertake Due Diligence prior to the product's first placement on the EU market. The Due Diligence System needs to be sufficiently robust so that the Operator can determine that the timber/timber product does, in fact, derive exclusively from legal sources based on the laws of the country of harvest.

DDS involves sourcing mandatory information from suppliers, assessing risk of illegality and then applying risk mitigation measures as necessary. These measures must fully address identified risks such that the Operator is in a position to determine negligible risk of illegality or otherwise.



It is important to note that risk mitigation steps cannot be pre-determined as they will differ depending on a number of crucial factors including species, country of origin and supply chain. Mitigation measures required to be taken by Operators will depend on the risks identified including *inter alia* the length and complexity of supply chain, the product itself (e.g. is it made up of one single species or a composition), independent third party verification, prevalence of illegal logging in the region(s) and the extent to which this may apply to particular species of wood. These factors need to be taken into account and fully mitigated against if and when they arise as part of DDS, and before the timber/timber products are placed on the market by Operators.

Operators can use their own DDS if it is sufficiently robust or can choose to use the services of a recognised Monitoring Organisation who provide bespoke DDS to Operators for a fee.

Only timber/timber products which are deemed to be of negligible risk of illegality (as a result of the application of a robust EUTR DDS) may be placed on the EU market. Product for which the risk of illegality is deemed to be more than negligible cannot be placed on the Irish market, as the EUTR specifically prohibits the first placement of illegal timber and/or timber products on the EU market.

The EUTR is supported by national implementation legislation, the European Union (Timber and Timber Products) (Placing on the Market) Regulations 2014 (S.I. No. 316 of 2014) which provides for a range of measures aimed at ensuring compliance with the requirements of the EUTR. These include *inter alia* penalties for failure of Operators to have a DDS in place and for the first placement of illegal timber on the market by Operators.

Further useful information is available on the European Commission's website:

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

The Department's Forest Sector Development division can be reached at the following email address: EUTR@agriculture.gov.ie.

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