



Netherlands Food and Consumer  
Product Safety Authority  
*Ministry of Economic Affairs*

## **Timber regulation**

- Implementation
- Experiences so far

# Netherlands Food and Consumer product safety authority



Independent agency of Ministry of Economic Affairs

## Tasks

- Supervision (inspections, certification, investigations)
- Risk assessment
- Risk communication

-2350 employees

Animal welfare, animal health, animal husbandry, fishery, nature conservation, product safety, food safety, food quality, Plant health

# Enforcement Timber related legislation

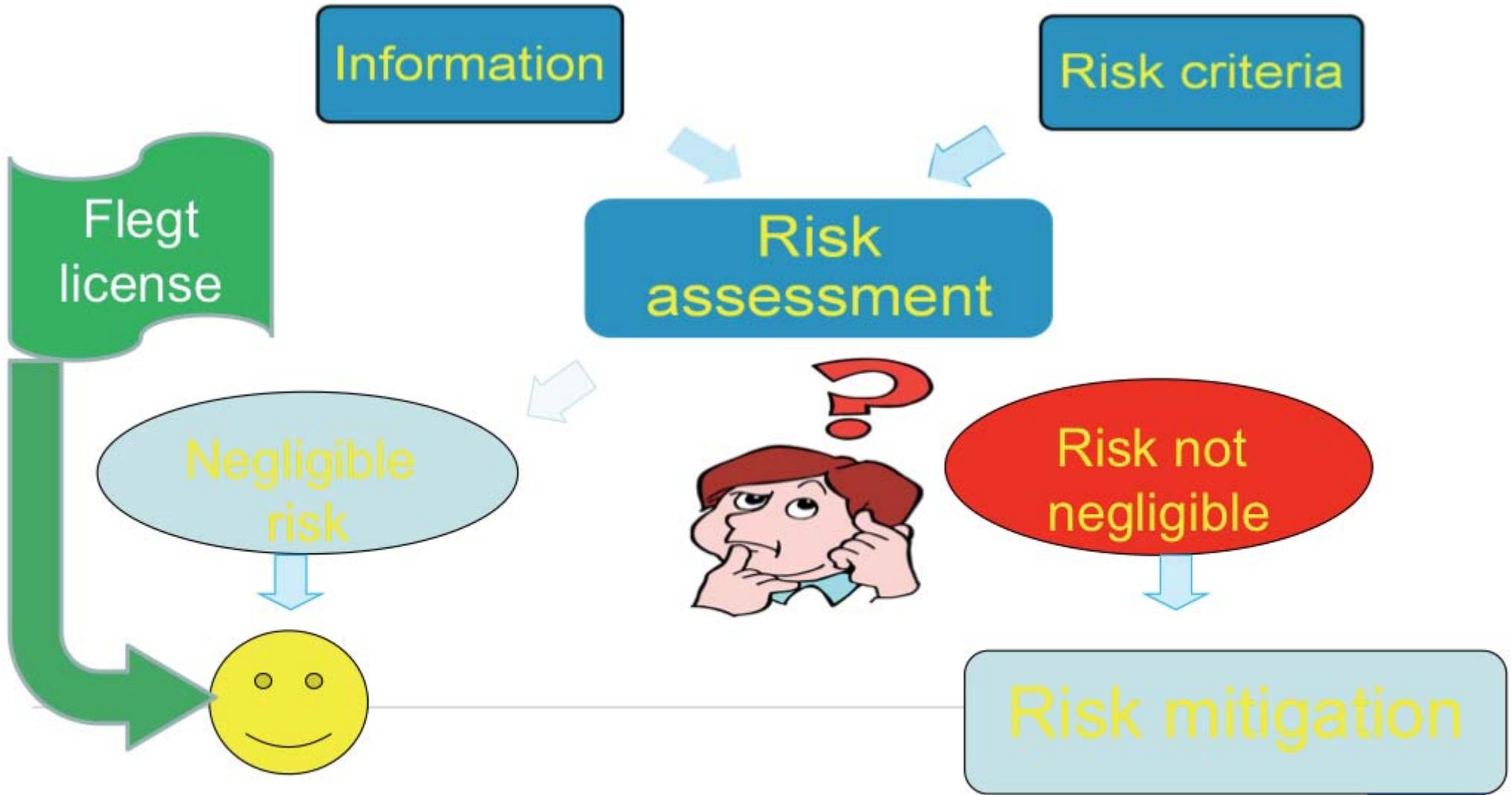


CITES	border	Customs	inland	Police
		NVWA – inspectors	nature conservation	
Fytosanitary	border	Certification bodies	inland	NVWA-
inspectors	fyto			
FLEGT	border	Customs	physical inspection	
			NVWA permit check	
EUTR	inland	NVWA inspectors	nature conservation	
Forestry law	inland	Provinces/municipalities		
		NVWA for Crown domain,	State forestry service,	Ministry of Defence/Army,
				Infrastructure
	Ministry of			

**FLEGT**

FOREST LAW ENFORCEMENT  
GOVERNANCE AND TRADE

## How ? DUE DILIGENCE SYSTEM (DDS)





## Obligation to have a due diligence system and use it

Difficult: open standard- not prediscrined  
varies per country

However: changes additude of companies  
makes them inspect their sources

## Prohibition to place illegally harvested timber on the market

Difficult: based on legislation in source country

However: if DDS has not functioned, the prohibition  
offers the CA the possibility to take the timber of the  
market

# Inspections



Market analyses in 2012:

5000 market operators

- Product scope
- Round and sawn wood
- Processed timber
- Paper, paper products and pulp
- Furniture
- Wood pellets for biofuel
- Very small domestic forestry sector



Risk based inspections

Customs data on imports

Information sharing with Customs based on MoU

# Inspections



Inspection at market operator

Check on dds of the market operator via a standard protocol

Check on available documents using country standards

Check on goods via species identification/lab analysis

Check on interpretation of risk: what do the documents proof in relation to corruption/ reports from NGO's and other information available

Risk mitigation: how does the market operator mitigate the risk.

## Step 1 and 2

## Information gathering



## and assesment

### Applicable legislation

Felling licences, Management plans, transport licences, export documents

Brasil: online database with all relevant documents and sanctions against companies

### Prevalence of harvesting of tree species

Cites, IUCN- red list

### Prevalence of illegal harvesting practices in country /region

Reports of IM, NGO's, Academic institutions, Interpol, governments

# Step 1 and 2 Information gathering



# and assesment

## Sanctions by UN/EU

UN website

## Complexity of the supply chain

Small/large concessions

Sawmills few/many suppliers,

Product simple or complex

Direct or indirect trade route

Timber felled in Brasil – shipped to Indonesia- made into doors- shipped to NL

Furniture made of multiple species - some locally grown, some imported

## Step 3: Risk mitigation



Risk mitigation is necessary in many cases!!

Use of certification

On site visits by market operator or representative

Use of independent surveyor

Stop buying the product/using this exporter

Become a trader and buy on the internal EU market

Use of other materials/other timber species

# Enforcement strategy



Focus on compliance- new legislation, companies are finding their feet

Offence which can be mediated: written warning and revisit in six months

Since march 2013: more than 150 companies inspected

25% written warning- no risk mitigation

Starting re-inspections



# Re-inscption not ok



Criminal prosecution:  
Report for public prosecutor

Fine (maximum penalties)  
€7800 /€19.500  
detention for 2 years  
community service



Administrative measures by NVWA:  
a sum of money is forfeited for every week/month a  
company is not complying  
The company must stop placing the product on the market  
until the gap in the dds is closed  
The product will be seized

# Corporation



24 EU countries now have law and CA in place

Eutr also applicable to Norway, Iceland and Liechtenstein

Countries are performing inspections

Approach across EU similar:  
warnings for first offences

Regular meetings within EU  
and with USA and Australia:  
Sharing information and best practices



# Effects of the legislation in the consumer countries

Companies start avoiding high risk timber

Governments and companies in producer countries are confronted with questions about legality

Questions help those working on legality in producer countries- government, companies, NGO's and civil society

Less loss of biodiversity, impact on climate change, more revenue for producer countries, level playing field

Thank you for your



attention

