

A vertical strip of images on the left side of the slide. The top part shows a dense forest with tall, thin trees. The middle part shows a large stack of cut logs, some with small white labels. The bottom part shows a stack of processed timber planks and a fan of colorful samples (green, yellow, blue) likely representing different wood treatments or finishes.

# How EU Member State authorities could deal with legality

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Central Point of Expertise on Timber (CPET), UK

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Session IV – Making legality understood.

Promoting the concept of legal wood to a non-wood audience

# CPET's role

## -The Central Point of Expertise on Timber

- Set up by UK Government in 2005
- Operated by Proforest
- Information on the UK Government's timber procurement policy requirements and the EU Timber Regulation
- Advice on how public sector buyers and their suppliers can meet the policy
- Support via:
  - Helpline
  - Website
  - Training and presentations
  - Update send to 4300+

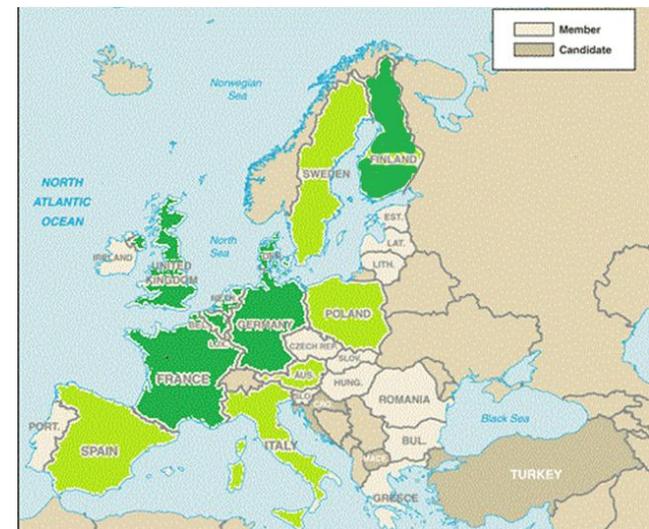


# Defining Legality

When ‘Making legality understood’ and ‘Promoting the concept of legal wood to a non-wood audience’ it is **important to clarify what criteria has to be met.**

No internationally agreed definition, but normally defined by the aspects of legislation required to be addressed at the forest management level.

NL, UK, Be and DK public procurement policies all now refer to the same set of criteria which are **broadly consistent** with the EUTR.



# EUTR vs. public policies

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EU Timber Regulation	NL, UK, Be and DK Public procurement policies
Rights to harvest timber within legally gazetted boundaries	The standard requires that the forest owner/manager holds legal use rights to the forest
Timber harvesting, including environmental and forest legislation including forest management and biodiversity conservation, where directly related to timber harvesting	The standard requires compliance from both the forest management organisation and any contractors with local and national legal requirements including those relevant to: Forest management , Environment, Labour and welfare, Health & safety, Other parties' tenure and use rights
Payments for harvest rights and timber including duties related to timber harvesting	The standard requires payment of all relevant royalties and taxes
Third parties' legal rights concerning use and tenure that is affected by timber harvesting	[Compliance with 'Other parties' tenure and use rights' addressed above]
Trade and customs legislation, in so far as the forest sector is concerned	The standard requires compliance with the requirements of CITES in signatory countries.

# Criteria covered

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In summary the following aspects are covered:

1. Legal **right to harvest**
2. Compliance with **legislation** related to forest management, environment, labour and welfare, health and safety
3. Compliance with legislation related to relevant **taxes and royalties**
4. Respect for **tenure or use rights** to land and resources that may be affected by timber harvest rights
5. Compliance with requirements for trade and export procedures including **CITES**



# Evidence required

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-EU Timber Regulation

The regulation text currently state that:

- **FLEGT licensing and CITES export permits** ‘should be considered to have been legally harvested’.
- Operators should carry out **risk assessment** for and **mitigate** where risk is high.
- **Certification** and other third party verified schemes that include verification of compliance with applicable legislation may be under in risk assessment.



# Evidence required

-EU Public procurement policies

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Country	Legality
Belgium	Legality only not accepted, as <b>sustainability is the minimum requirement</b>
Denmark	Evidence of legality is accepted. Guidance refer specifically to TLTV (SGS), VLC (Smartwood) OLB and FLEGT licenses. Brief guidance on key requirements for alternatives available tool.
UK	Evidence of legality will be accepted <b>where no sustainable</b> supply or alternative is available. Other evidence is assessed on a case-by case basis.
Netherlands	Evidence of legality will be accepted <b>where no sustainable</b> supply or alternative is available.
Germany	Legality not accepted, as <b>sustainability is the minimum requirement</b>
France	Any certification or documentation of legality accepted.



# Voluntary legality verification systems

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The **due diligence system** shall contain *risk assessment procedures enable operators to analyse and evaluate the risk of illegally harvested timber being placed on the market*

Relevant risk assessment *may include certification or other third-party-verified schemes which cover compliance with applicable legislation*

A rough review of operating legality verification systems/schemes show that some could potentially be listed as verifying ‘full legal compliance’ and thereby compliance with the public procurement and the EUTR criteria.

# Voluntary legality verification systems

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Criterion	SGS TLTV -VLO	SGS TLTV- VLC	SW VLO	SW VLC	SCS LHV	BV OLB	Certis ource
1. Legal right to harvest	✓	✓	✓	✓	✓	✓	✓
2. Compliance with legislation related to forest management, environment, labour and welfare, health and safety	⊙	✓	⊙	✓	✓	✓	✓
3. Compliance with legislation related to taxes and royalties	✓	✓	✓	✓	✓	✓	✓
4. Respect for tenure or use rights of land and resources that may be affected by timber harvest rights	✓	✓	✓	✓	✓	✓	✓
6. Additional criteria, compliance with international treaties e.g. ILO, CBD, CITES	✓	✓	✓	✓	✓	✓	✓

Key: ✓ Fully covered

⊙ Partially covered

X Not covered

# Evidence accepted

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Clarify criteria/definition but also how they are met.

As with public procurement policies, clear guidance on what evidence is acceptable will be useful to ensure compliance in the EUTR context:

- List of acceptable evidence certification and third party schemes
- And for alternative evidence scenarios can help provide examples to follow

Risk assessment on a case-by-case still needed





# Final comments

-The future is sustainability

The long-term aim of the FLEGT Action Plan is sustainable forest management.



**Sustainability**



**Legality**



# Final comments

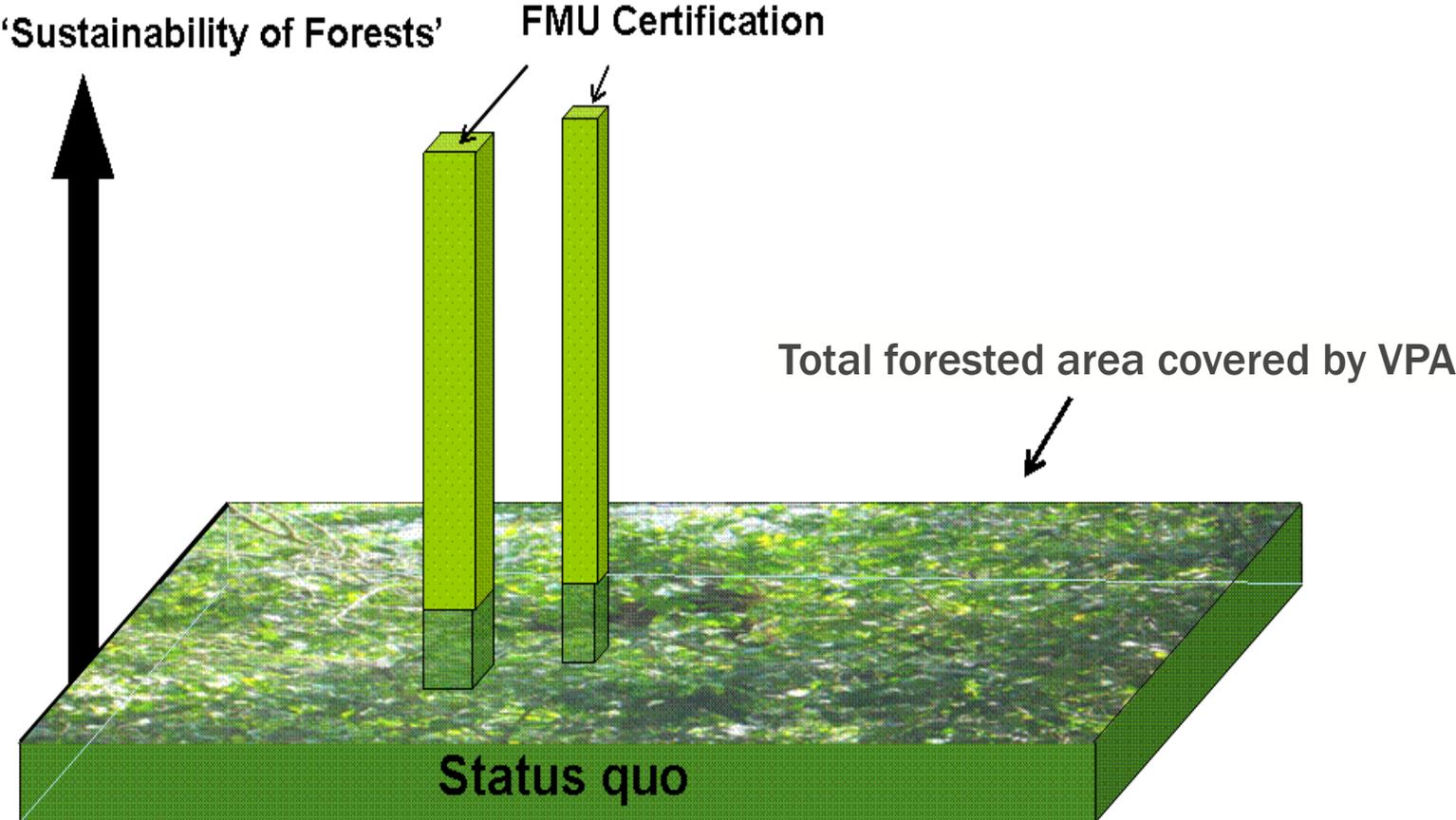
-on sustainability

The public procurement policies go beyond legality and prefer or require sustainability.

	France 	Germany 	Belgium 	DK 	UK 	NL 
Federal/central government	Mandatory	Mandatory	Mandatory	Voluntary	Mandatory	Mandatory
Current requirement	Legal, Sustainable preferred	Sustainable only	Sustainable only	Legal, Sustainable preferred	Sustainable or FLEGT licensed	Sustainable

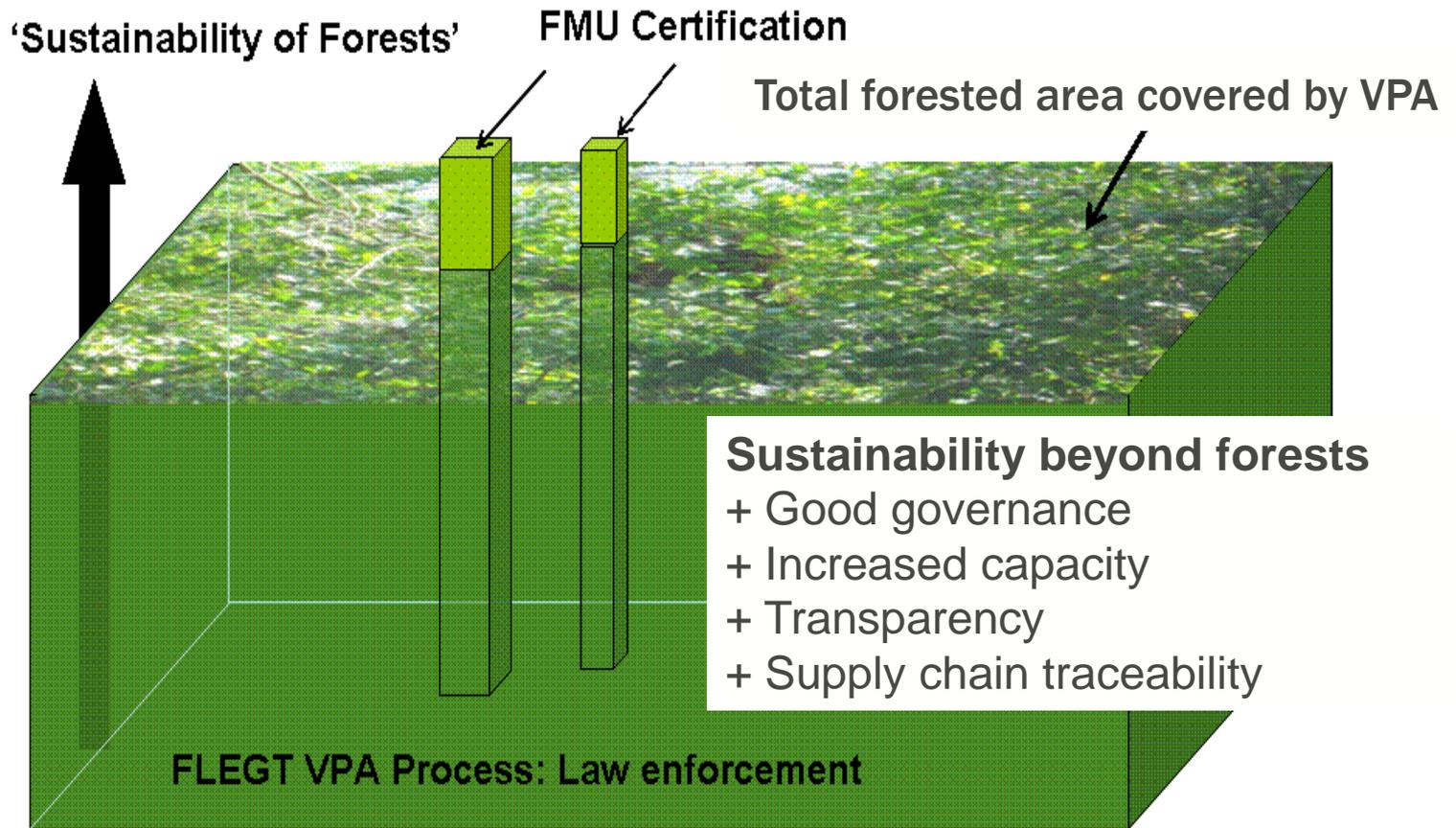
FLEGT VPA process deliver more than legality as defined in EUTR and PPP context as it applies at a national level beyond a single forest management unit level.

# Situation with poor governance



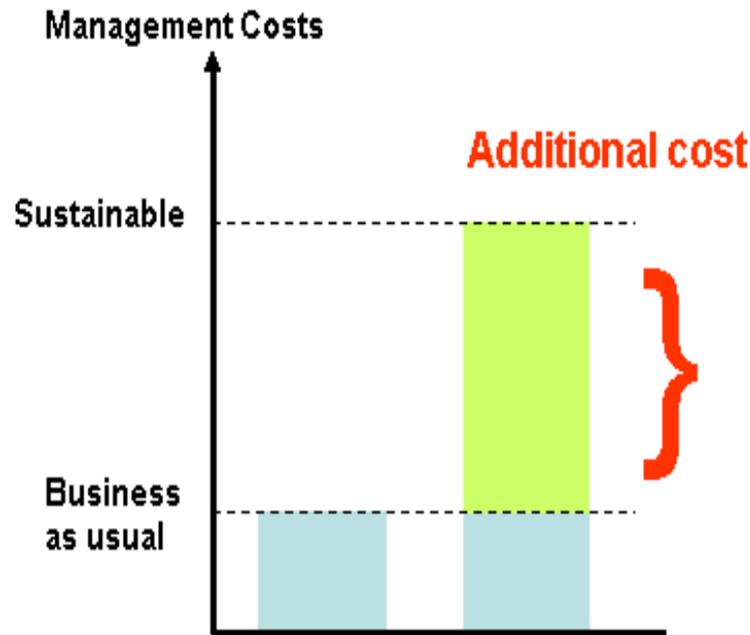
# Situations with improved governance

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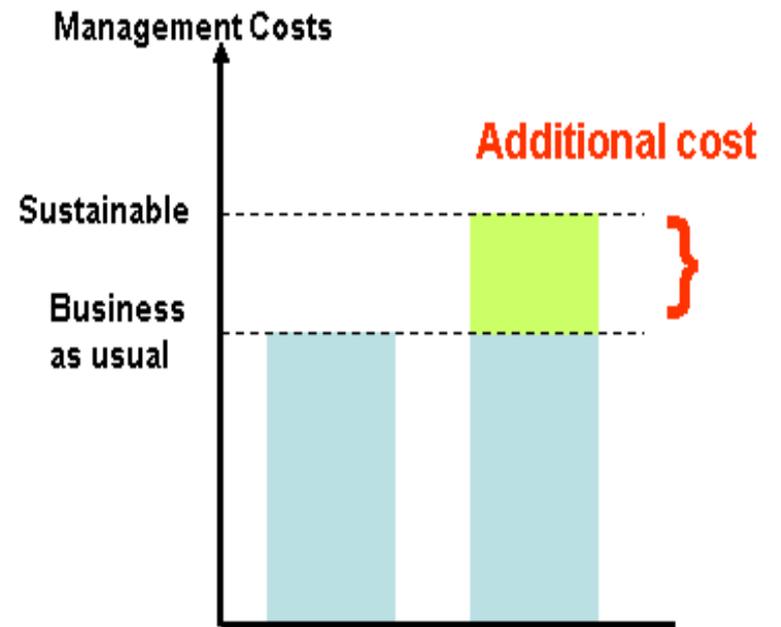


# Reducing barriers to implementing SFM

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*Level of forest management nationally poor*



*Level of forest management nationally good*

# Contribution of FLEGT VPAs to sustainability

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-based on experience with signed VPAs

- Multi-stakeholder processes including governments
- Clear and transparent requirements
- Promote good governance of the forest sector
- Delivering greater sustainability across the forest sector
- Independent monitoring
- Management beyond the FMU
- Long term impact

VPA ↔ FMU Certification



A wide-angle photograph of a lush, green forest landscape under a cloudy sky. The trees are dense and cover a rolling hillside.

# THANK YOU

Comments and Questions

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