

Enforcing (?) a Due Diligence based regulation for forest risk commodities

Based on Competent Authorities experience

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Summary

- EUTR in a nutshell
- DDS in a nutshell
- Issues with DDS and implementation
- Corruption? Certification? Other solution?



EUTR in a nutshell

1. The placing on the market of **illegally harvested** timber or timber products derived from such timber shall be prohibited.
2. Operators shall exercise due diligence when placing timber or timber products on the market. To that end, they shall use a framework of procedures and measures, hereinafter referred to as a 'due diligence system', as set out in Article 6.
3. DD system: a) information of trader, origin location, b) **assurance of compliance with applicable legislation**, c) set of measures and procedures that are adequate and proportionate **to minimize effectively that risk**



DDS for EUTR in practice

- The biggest issue – Corruption
- DDS is always based on documentation
 - What kind of? Types of documentation and whole systems concerning forestry varies across the World.
 - 11 country overviews by UNEP-WCMC, others up to CA's to find out
 - Language – up to CA's to be oriented within the documentation (Chinese, Portuguese, Russian,...)
 - How to verify its authenticity? - No database of tools for verification / national points to contact for verification
 - Corruption? Papers worth of papers written on?
- Negligible risk - what is it?
- Third party verification - Certification? – Most common, within checks, is Chain of Custody (CoC)
 - CoC – no GIS base, tracing volumes up and down
 - can CA assume, while CoC certification, the risk is negligible? Issues UA, RU, BR,...
 - CA's faces same issues with certification from countries with high level of corruption as with other documentation
 - If issues within CoC – no available information on time
 - What if third party verification scheme is not available in the country of origin (DRC, Nigeria, Myanmar,..?)
- Illegal timber – how to proof? Burden on CA's within the authorities, to prove, timber is illegal (impossible), or proof the risk is NOT negligible, if operators states otherwise



Food for thought

- Considering timber is solid, huge material, facing huge challenge to trace it back to stem (no available laboratory method is even close to trace back to stem, even isotopic is close, but still far, while declared origin is unknown) – how hard it will be for oil/ cocoa/ beef/...?
- Many operators have will to fulfil requirements and they ask how to mitigate the risk to negligible level? ... There is ALWAYS risk...
- Cost – who will pay for it? Operators? – Extreme burden for small and middle size companies. The big ones (with good lawyers) will always „somehow“ do it...
- Illegals - uncatchable two steps ahead, burden on fair operators
- EC – negotiation with countries of origin – VPA?



Thank you for your attention

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