

SUMMARY RECORD

Ninth Meeting of the “Multi-Stakeholder Platform on Protecting and Restoring the World’s Forests, including the EUTR/FLEGT” With a focus on the implementation of the EUTR and FLEGT Regulation WEB Conference

29 April 2022

(EU Member States’ representatives only)

1. Adoption of the agenda

COM introduced a new member of the EC team and presented the agenda. The agenda was adopted as it stood.

2. Adoption of the minutes of the 8 EUTR/FLEGT Expert Group/Platform meeting of 16 March 2022

The previous meeting minutes were adopted with no comments.

3. The situation of timber and timber products originating from Belarus and Russia

In view of the of the current situation in Ukraine¹ and relevant exchanges among EUTR Competent Authorities and the Commission regarding the impact of such situation on the import of timber and timber-derived products from Russian Federation and Belarus, EUTR Competent Authorities and the Commission agreed on the following conclusions, which repeal the conclusions from 16. March 2022:

- **Regarding import of timber and timber-derived products from the *Russian Federation* covered by sanctions**

On 8 April 2022 the Council adopted Regulation (EU) 2022/576 of 8 April 2022 amending Regulation (EU) No 833/2014² about restrictive measures, prohibiting import into the European Union of goods originating within the Russian Federation. Article 3i referring to Annex XXI of the Regulation covers **CN codes 44, 4705, 4804 and 9403** and therefore, almost the entire product scope of the EUTR (Annex 1). It is worth highlighting also the scope *rationae temporis* of these sanctions. According to Point 3 of Article 3i the prohibition does not apply to the execution until 10 July 2022 of contracts concluded before 9 April 2022, or ancillary contracts necessary for the execution of such contracts. Import of products falling under the sanction regime will be considered illegal if placed on the European market.

¹ UN General Assembly demands Russian Federation withdraw all military forces from the territory of Ukraine - European External Action Service (europa.eu)

² COUNCIL REGULATION (EU) 2022/576 of 8 April 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine (OJ L 111/1 of 8.4.2022)

- **Regarding import of timber and timber-derived products from *Belarus* covered by sanctions**

On 2 March 2022, the Council adopted sanctions on timber and timber-derived products from Belarus³. As such, imports falling under the remit of Point 1 ‘*Article 1o*’ of Council Regulation 2022/355 cannot be placed on the market and are therefore *de iure* illegal. Most of all products of the EUTR product scope fall under the Council Regulation, as it prohibits the import all wood products under CN code 44 that originate in or are exported from Belarus. As for the remaining products of the EUTR product scope, the same is to be said about the due diligence requirement applying to the payment to sanctioned individuals or entities.

The scope *rationae temporis* and *rationae materiae* of these sanctions is also important to note.

In line with Point 2 of ‘*Article 1o*’, the prohibition does not apply to contracts concluded before 2 March 2022 as long as they are executed until 4 June 2022. In such situations, an operator may still be allowed to import provided that the risk of illegality is negligible.

In terms of product scope, there are also discrepancies between the sanctions (Annex 10 of Council Regulation) and the EUTR (Annex 1). More specifically, Annex X of the Council Regulation covers all products within the EUTR except **CN Codes 47 and 48 (Pulp and Paper)** and **CN Codes 94 (Wooden furniture)**. Pending a possible future realignment of the scope of sanctions with the EUTR, the aforementioned products are excluded by the sanctions regime.

- **Regarding import of timber and timber-derived products from the *Russian Federation or Belarus* not covered by EU sanctions**

For all situations not covered by the aforementioned sanctions, operators need to carry out a full risk assessment (Article 6.1 (b) EUTR). In case non-negligible risk is identified, they need to carry out effective risk mitigation measures. In the present circumstances, it is impossible for operators – sourcing timber from Belarus and Russian Federation – to carry out full risk assessment and to effectively mitigate the non-negligible risk of acquiring illegally harvested timber.

According to the prevailing views expressed by several EUTR Competent Authorities, in the present circumstances operators cannot fully access sufficient and verifiable information. This is – inter alia – due to the lack of third party verification schemes working in the forests and inter-institutional cooperation foreseen in Article 12.1 EUTR with the national administrative. Particularly, the suspension of third party verification schemes as one of the most essential tools to mitigate risk of illegality of illegally harvested timber imported from the Russian Federation seems to be the substantial obstacle. Therefore, operators have to refrain from placing on the EU market for the first time all timber harvested in the Russian Federation and Belarus and timber products derived therefrom.

The floor was opened for MS discussion.

COM noted that sanctions apply to all timber coming from Russia and Belarus, including timber that comes via other third countries; operators need to know the actual origin of timber, especially if timber goes through countries which do not have the same/similar sanctions in place (i.e. possible attempts to circumvent sanctions).

COM confirmed there has already been communication with Indonesia, who will ensure that no timber or timber products originating in Russia or Belarus will reach the EU market on FLEGT licences.

4. Situation of timber and timber products originating from Ukraine

EUTR Competent Authorities and the COM agreed on a three-level approach that acknowledges the differing situation nationally in areas which are under sanctions, areas which are under active

³ COUNCIL REGULATION (EU) 2022/355 of 2 March 2022 amending Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus (OJ L 67/1 of 2.3.2022)

military combat and areas which are not under military conflict currently, but where the situation can evolve rapidly. The following guidance was agreed on:

Non government controlled areas of the Ukrainian territory:

Imports into the European Union of goods originating in the non-government controlled areas of Donetsk and Luhansk oblasts (Council Regulation (EU) 2022/263 of 23 February 2022) and from Crimea (Council Regulation (EU) No 692/2014 of 23 June 2014 which have been renewed on 21 June 2021) are prohibited in line with the respective sanction decisions of the Council.

Areas of active military hostilities within the Ukrainian territory:

As a consequence of the Russian war of aggression, in those parts of the Ukrainian territory with ongoing military hostilities, active governmental control of timber logging as well as tracking of timber trade is not possible. Third party verification is suspended and operators cannot conduct field checks due to risk of being affected by active military activity. In view of these factors, it is not possible for operators to draw conclusions about a negligible risk level.

Other parts of the Ukrainian territory:

In areas at this time not subject to active military hostilities, the situation remains highly volatile. Therefore, while challenges exist for the possibility to minimise the risk of sourcing timber in contravention of the applicable Ukrainian legislation, it is possible for operators to place on the market if negligible risk is achieved. The Conclusions of the Competent Authorities to timber imports from Ukraine that came out as an Annex to the EUTR/FLEGT Expert Group Meeting of 9th December 2020 remain valid and constitute an important reference material.

The floor was opened for MS discussion.

COM confirmed that the [Ukraine guidance document](#) (and [Annex](#)) still applies for ‘Other parts of the Ukrainian territory’ and notes the suggestion that input from NGOs/civil society on the ground in Ukraine can support risk mitigation. COM is starting negotiations with Ukraine to join the EU [LIFE programme](#) and encourages MS to help Ukraine form strong proposals.

5. Update on EUTR implementation

a. MS updates on other issues related to the implementation of the EUTR (MS)

COM reported that the updated guidance document on the ‘consideration of prevalence of armed conflict and sanctions in due diligence systems’ has been uploaded to the COM [website](#). Member State Competent Authorities (CAs) reported on the increased use of sample testing to verify origin of products, import patterns related to timber products from Russia and Belarus in the first months of 2022 compared to previous trade levels as well as increased due diligence checks on timber originating in Russia or Belarus. CAs also noted enforcement actions related to teak from Myanmar.

COM noted that following the military coup of 1 February 2021 in Myanmar, subsequent [EU sanctions](#) placed on the state-owned Myanmar Timber Enterprise and other individuals and entities mean it is *de facto* illegal to import timber or timber products into the EU originating from Myanmar after 21 June 2021. COM underlined that should such sanctions be lifted in the future, the [conclusions](#) formed on 9 December 2020 would remain valid and applicable.

6. AOB

The tenth Multi-Stakeholder Platform meeting with a focus on EUTR and FLEGT is planned for 22 June 2022, in-person in Brussels.

List of participants

| EU Member State + EEA/EFTA | Competent Authority |
|----------------------------|--|
| AT | Federal Forest Office |
| AT | Federal Ministry of Agriculture, Regions and Tourism |
| BE | FOD VVVL |
| BE | SPF Santé Publique |
| BG | BG Customs |
| BG | Executive Forest Agency |
| CY | Ministry of Agriculture, Rural Development and Environment |
| CZ | Forest Management Institute |
| DE | BMZ(GIZ) |
| DE | Bundesanstalt für Landwirtschaft und Ernährung / Federal Office for Agriculture and Food |
| DE | Bundesministerium für Ernährung und Landwirtschaft |
| DK | Danish Environmental protection Agency |
| EL | Ministry of Environment and Energy /General Directorate for the Forests and the Forest Environment/Department for the Control of the Trade and Transport of Wildlife & CITES Species |
| ES | EUSKADI |
| ES | Ministerio para la Transición Ecológica y el Reto Demográfico/Ministry for the Ecological Transition and the Demographic Challenge |
| ET | Ministry of Environment |
| FI | Finnish Food Authority |
| FI | Ministry for Foreign Affairs |
| FI | Ministry of Agriculture and Forestry |
| FR | Ministry of agriculture and food |
| FR | Ministère de l'Europe et des Affaires étrangères |

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| HR | Ministry of Agriculture |
| HU | Government Office of the Capital City Budapest |
| HU | National Food Chain Safety Office |
| IE | Department of Agriculture, Food & the Marine |
| IT | Carabinieri CUFA IT Enforcement FLEGT/EUTR |
| IT | Mipaaf DG DIFOR IT CA EUTR/FLEGT |
| LT | Ministry of Environment |
| LT | State Consumer Rights Protection Authority |
| LV | State Forest Service |
| NO | Norwegian Agriculture Agency |
| NO | Norwegian Environment Agency |
| NO | Ministry of Climate and Environment |
| PL | Chief Inspectorate of Environmental Protection |
| PL | National Revenue Administration |
| PT | ICNF |
| PT | Ministry of Finances - Portuguese Customs Administration |
| SE | Swedish Forest Agency |
| SI | Ministry of Agriculture, Forestry and Food |
| SK | The Slovak Forestry and Timber Inspectorate (Ministry of Agriculture and Rural Development) |