

Info-brief: EUTR enforcement in the United Kingdom

The EU Timber Regulation (EUTR) is implemented in each Member State via national legislation and enforced by national authorities. This means that differences exist in penalty regimes and enforcement practices. It also means that the opportunities for EU (and non-EU) civil society to support enforcement differ. Here, we provide summary information on the EUTR in the UK as of September 2015. This document is designed as a first point of reference – not a comprehensive source of information. It will be updated as new information becomes available.

Implementation status

- The EUTR is implemented in the UK through new legislation, *The Timber and Timber Products (Placing on the Market) Regulations 2013*.
- The National Measurement and Regulation Office (NMRO) acts as the competent authority (CA), contracted by the Department of Environment, Food and Rural Affairs.

Resources

- Specific additional financial resources have been allocated for EUTR enforcement.
- Additional specific human resources have been allocated to work on EUTR enforcement – approximately 4-5 full time staff.

Penalty Regime

- Where an operator places illegal timber or timber products on the market or breaches due diligence requirements, they are liable (a) on summary conviction to a fine not exceeding £5,000 and/or a term of imprisonment not exceeding 3 months; or (b) on conviction on indictment to a fine and/or a term of imprisonment not exceeding 2 years.
- For offences related to traceability, record-keeping, obstruction of an inspector or notices of remedial action, an operator is liable on summary conviction to a fine not exceeding £5,000.
- The CA may issue notices of remedial action to operators who are believed to be in breach of the due diligence obligation. Remedial measures are specified in the notice.

Checks by the competent authority

- Checks have been carried out since the EUTR came into force. The number of checks is not publicised.
- CA carries out enforcement projects where checks focus on a specific product/supply chain. Reports have been made publicly available (see, for instance, the [NMRO report on Chinese plywood](#)).

Substantiated concerns

- Substantiated concerns can be submitted to the NMRO.
- There is no prescribed format for substantiated concerns.

- Internal procedures exist to assess and respond to evidence provided by third parties. The NMRO has no legal obligation to respond.
- There are no formal appeal procedures against inaction or a decision by the competent authority.

Possibilities to challenge operators in criminal legal proceedings

- It is very difficult for NGOs in the UK to have legal standing to bring cases against operators.

Key implementation/enforcement strengths

- The CA co-operates with operators to facilitate compliance.
- The CA co-operates with customs authorities.
- The CA conducts enforcement investigations into specific products/supply chains and has published a report summarising the outcome of one of these investigations.

Key implementation/enforcement weaknesses

- There is no mechanism to challenge CA decisions or inaction on substantiated concerns.

Other key elements

- If the CA does not respond in a timely manner to a SC, it may have to pay a fine.

Resource information

Law:

The Timber and Timber Products (Placing on the Market) Regulations (No. 233) 2013

Penalties:

Criminal Justice Act 1982

Contact information for competent authority:

National Measurement and Regulation Office (NMRO), T: +44 (0)208 943 7227

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Enquiries may be made via an online enquiries system (it may take up to 30 days to receive a response)

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