



RECOMMENDATIONS FOR THE IMPROVEMENT OF LAW ENFORCEMENT IN RELATION TO FORESTRY CRIME

WWF, INTERPOL and ClientEarth
are working in partnership on
this DG Home funded project to
fight forestry crime



ClientEarth

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TABLE OF CONTENTS

I. INTRODUCTION	4
II. METHODOLOGY	8
III. EXECUTIVE SUMMARY	16
IV. LESSONS LEARNT BY THE PROJECT PARTNERS	20
V. LITERATURE RESEARCH	24
VI. RECOMMENDATIONS TO THE EUROPEAN UNION	32
VII. RECOMMENDATIONS TO THE ENFORCEMENT CHAIN AND COMPETENT AUTHORITIES	36
Non Governmental Organisations and Civil Society Organisations	38
Customs	40
Competent Authorities & Forest Staff	42
Investigation	45
Judicial system	48
Specialised Units: Anti-corruption, anti-fraud and money laundering	50
ANNEX: KEY DEFINITIONS	52



I. INTRODUCTION

Illegal logging and deforestation for agricultural expansion have probably become the single greatest threat to life on the planet and forestry crimes may involve the greatest mismatch of government and intergovernmental resources spent on combatting them relative to the crime profits that they generate⁶.

Illegal logging and the negative impacts of forest crime on climate change and the extinction of species are still not adequately understood or are underestimated at the political level.

Stream running through Ghimbavul Valley Gorge, Romania.

Forestry crime is a growing problem with links to organised crime and corruption. In financial terms, **environmental crime is the third largest crime sector in the world** following after counterfeiting and drugs and amounted to US\$110-281 billion in 2018. **Forestry crime accounts for by far the biggest share of environmental crime, with US\$51-152 billion**¹. Illegal logging accounts for as much as 10-30 per cent of the total logging worldwide, with some estimates as high as 20-50 per cent² when the laundering of illegal wood is included. Closely associated with the worst instances of corruption and organised crime, forestry crime and illegal logging also **deny governments tax and other revenue, and undermine the rule of law, principles of democratic governance and respect for human rights**³.

In some cases, it is also **associated with violent conflicts**, with profits from illegal exploitation of forests and other natural resources having been used to fund and prolong wars⁴, while terrorists and armed groups are using illegal logging as a source of income⁵.

Due to the increased profitability of wood and its by-products, crime involving the world's forests has become more prominent. In recent years, the engagement of organised crime in the forest sector has been growing. The nature of illegal logging is becoming increasingly organised, sophisticated and transnational.

As a consequence, a significant proportion of forestry crimes and illegal logging is now carried out by organised criminal networks. They use an international network of quasi-legitimate businesses and corporate structures to hide their illegal activities, which include creative accounting to launder criminal proceeds or collusion with senior government officials. **Organised forestry crime continues to evolve and develop new methods to conduct forestry crime operations and launder illegal timber.**

Addressing forestry crime is closely linked to promoting economic viability, political stability and improving public health and national security.

Illegal logging and deforestation for agricultural expansion have probably become the single greatest threat to life on the planet and forestry crimes may involve the greatest mismatch of government and intergovernmental resources spent on combatting them relative to the crime profits that they generate⁶.

Illegal logging and the negative impacts of forestry crime on **climate change and the extinction of species** are still not adequately understood or are underestimated at the political level.

In 2013, the EU adopted new legislation, the European Timber Regulation (EUTR), to address products derived from illegal logging on the EU market. However, **loopholes** in the EUTR and its enforcement, as well as **implementation gaps** of other national laws in EU member states, **have until now hindered real change, as shown for example by the results of the EUTR enforcement review, published by WWF in late 2019**⁷.

The project entitled “**EU Forest Crime Initiative**” aims to **enable effective law enforcement by stimulating networks that are able to detect forestry crime and respond to it.** The project covers six countries: **Belgium, Bulgaria, France, Romania, Slovakia and Ukraine.**

The first phase of the project included conducting a **comprehensive gap analysis to better understand forestry crime in the different project countries by analysing gaps, identifying challenges** along the enforcement chain but also to **find opportunities to identify more cases** and to **support forest governance and enforcement frameworks necessary to combat forestry crime.** The project was also meant to empower civil society to raise suspicions and to become an accepted partner for authorities.

Target audience

The results of these national gap analyses were used to formulate recommendations presented in this report.

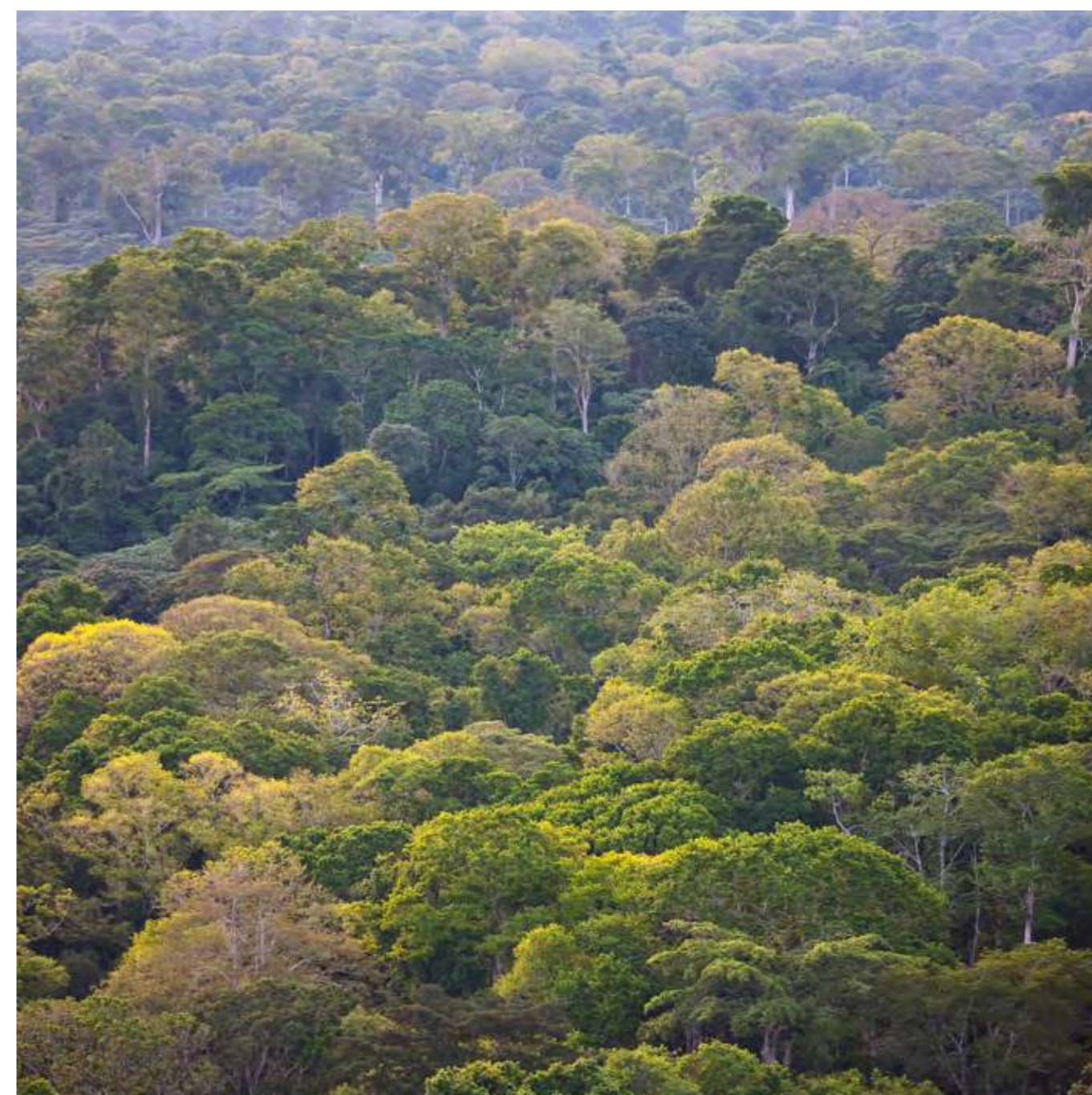
These recommendations are intended as a priority for:

1. **The European Union;**
2. **The Enforcement Chain/Competent Authorities fighting forestry crime (even beyond project countries);**
3. **Civil society.**

The recommendations are meant to be realistic and usable in overcoming the gaps and challenges that are preventing an effective fight against forestry crime.

Good practices

Good practices gathered during the first phase of the project are listed to illustrate the new techniques, tools and innovative thinking being used to thwart forestry crime in project countries.



1 Nellemann, C.; Henriksen, R., Pravettoni, R., Stewart, D., Kotsovou, M., Schlingemann, Shaw, M. and Reitano, T. (Eds). 2018. World atlas of il-licit flows. A RHIPTO-INTERPOL-GI Assessment. RHIPTO -Norwegian Center for Global Analyses, INTERPOL and the Global Initiative Against Transnational Organized crime. www.rhipto.or. www.interpol.int

2 Nellemann, C. (Editor in Chief); Henriksen, R., Kreilhuber, A., Stewart, D., Kotsovou, M., Raxter, P., Mrema, E., and Barrat, S. (Eds). 2016. The Rise of Environmental Crime – A Growing Threat To Natural Resources Peace, Development And Security. A UNEP INTERPOL Rapid Response Assessment. United Nations Environment Programme and RHIPTO Rapid Response–Norwegian Center for Global Analyses, www.rhipto.org - accessible here

3 European Union. 2006. Combatting illegal logging and related trade in developing countries. Available from: europa.eu/legislation_summaries/other/r12528_en.htm

4 European Commission (EC). 2003. Communication from the Commission to the Council and the European Parliament Forest Law Enforcement, Governance and Trade (FLEGT): proposal for an EU action plan [COM(2003)251]

5 INTERPOL; World Atlas of Illicit Flows. 2020

6 Nellemann, C. et al. 2020. The wicked problem of forest policy

7 wwf.panda.org/knowledge_hub/?357123/WWF-Enforcement--Review-of-the-EU-Timber--Regulation-EUTR



II. METHODOLOGY

The gap analysis sought to collect insights from government officials and authorities who are formally accountable for combating forestry crime and from NGOs/CSOs with expertise in forestry crime.

Field check foresters and WWF.

© Neil Doncheva

In Romania, Bulgaria, Slovakia and Ukraine, the gap analysis focused on forestry crime at domestic level as well as transboundary forestry crime.

In Belgium and France, the gap analysis focused on timber products imported from high risk sources and/or those with complex supply chains.

The project partners developed a questionnaire on forestry crime to reflect the personal views of members of the target groups (namely, members of the timber enforcement chain). They were asked, amongst other things, to list the obstacles preventing an effective fight against forestry crimes as well as

to come forward with recommendations on how to overcome these obstacles.

In addition, a two-day workshop took place in each project country (except for France, where, due to Covid-related restrictions, the workshop was held online) to bring together representatives of all key stakeholders and Competent Authorities fighting forestry crime.

Altogether, **194 stakeholders and representatives of relevant authorities** involved in combatting forestry crime **attended the six workshops**.

Organisation of recommendations

Each node of the enforcement plays a critical role in the fight against forestry crime and has its own missions and duties specific to its nature and function.

On the other hand, **each node is complementary and must work in close collaboration** with the rest of the enforcement chain to thwart forestry crime effectively.

For clarity and readability purposes, the recommendations are therefore given for each node of the enforcement chain (see below the infographic entitled “enforcement chain”).

Although they are specific to each stakeholder, **the objective behind them is to bring an additional value to the enforcement chain as a whole.**

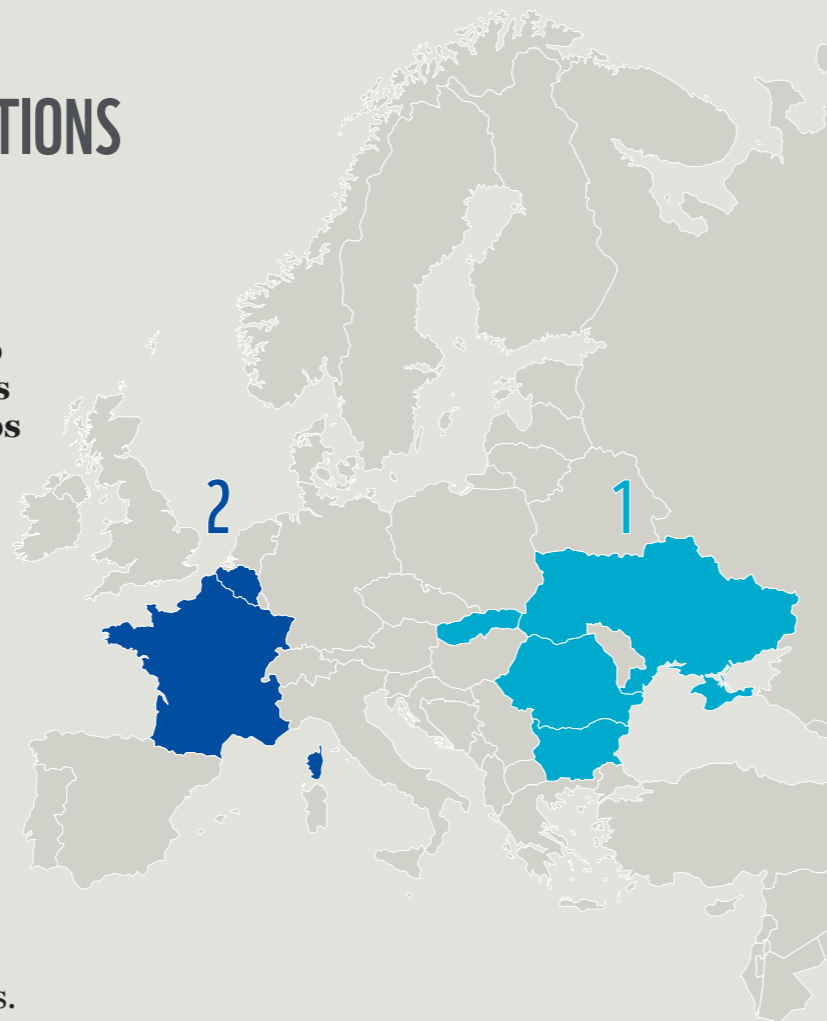
HOW WERE RECOMMENDATIONS FORMULATED?

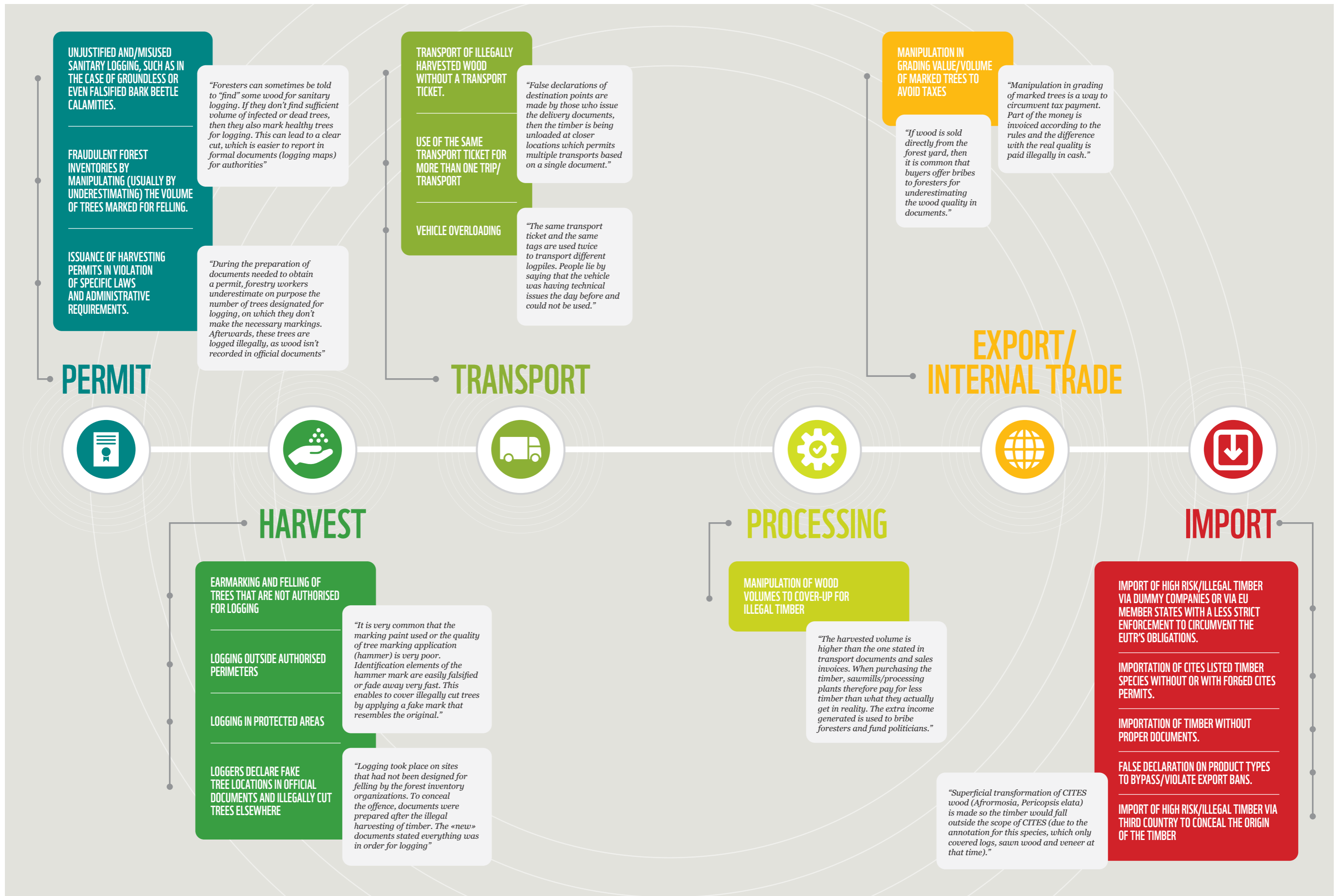
Recommendations were drawn up on the basis of a literature analysis and the outcomes of the workshops and are presented below.

Recommendations are generalised into two groups:

- 1. Producing countries (Bulgaria, Slovakia, Romania and Ukraine)**
- 2. Importing countries (Belgium and France).**

Please note that the recommendations for producing countries could be applicable to importing countries and vice versa even beyond project countries.





IMMEDIATE ACTIONS THAT SHOULD BE TAKEN BY:



THE EUROPEAN COMMISSION

- The European Commission holds EU member states accountable to their commitment to eliminate illegal logging and ensures a better and harmonised implementation across all EU member states.
- The European Commission carries out an assessment of whether the penalties set by EU member states under the EUTR are effective, proportionate and dissuasive.
- Training for judges and prosecutors is carried out across the EU member states on the EUTR.
- The European Commission encourages and provides guidance on how to best use forensic methods in fighting forestry crime and ensures authorities are using them regularly and systematically.
- Ensure strong implementation of Whistleblower Directive.

CHANGES NEEDED TO STRENGTHEN THE EUTR

- The product scope of the EUTR is extended to include all products containing wood
- Due Diligence obligations are extended to traders to capture participants circumventing the law.
- To ensure transparency, the obligation for operators and traders to declare wood species and origins at the point of sale is introduced



EUROPEAN COUNTRIES

- Transparent and clear strategies to combat forestry crime are established by governments at national and regional levels.
 - Transparency and public communication about forestry crime, corruption and fraud is made more central to increase political awareness and increase resourcing and funding.
 - Competent Authorities establish greater transparency towards the public and relevant stakeholders.
 - Guidance is developed for customs staff on establishing and developing improved risk analysis for timber imports.
 - Competent Authorities are provided by governments and the European Commission with a clear framework to help them define adequate fines and to ensure dissuasive administrative penalties under the EUTR. More severe penalties and sanctions for forestry crimes are imposed.
 - Staff capacity of Competent Authorities is reinforced.
 - Competent Authorities carry out analysis on companies known to be suspects, traffic routes, cover-ups and timber species most commonly trafficked.
 - Indications of fiscal fraud, corruption, money laundering or links to organised crime are investigated, including in the case of alleged illegal timber imports.
 - Checks under the EUTR and other relevant laws must be more effective and thorough, especially on companies known to be suspects and dealing with high risk products
 - Competent Authorities and enforcement agencies are equipped with protocols on risk profiling and available scientific techniques that could support them in efficient checks and fraud detection.
 - People uncovering offences and whistleblowers are better protected.
- Salaries are increased for forest and staff investigating bodies to cover livelihood needs and reduce the likelihood of corruption through bribes*.
 - Corruption in the forestry sector is made a central focus for authorities and prosecutors to make large cases of forestry crimes effectively investigated.
 - The focus of enforcement actions is shifted towards large corporations and criminal networks (including by using forensic methods to produce evidence) instead of small-scale loggers
 - Specialised staff dedicated to investigating forestry offences are appointed and appropriate performance indicators are introduced for staff with supervisory responsibilities.

*The blue recommendations are relevant in priority for countries facing forestry crime at domestic level (such as for example Bulgaria, Romania, Slovakia and Ukraine).

THE ACTIONS CONTRIBUTE TO

SHORT TERM

- Public pressure and awareness raising about forestry crime and corruption increases amongst civil society, institutions and authorities in European Countries -
- Forestry crime is prioritised by authorities and receives sufficient political support at EU and higher government levels

MID TERM (BY 2025)

- Proper enforcement of the EUTR prevents imports of illegal timber products into EU member states or illegal logging that takes place within the borders of the EU
- Political pressure and strangleholds on the forestry system and possible links between politicians and the forest business and/or organised crime shrink in project countries.

- Destruction and degradation of forest ecosystems in the EU and Ukraine due to illegal logging is stopped.
- Penetration into organised networks involved in forestry crime is made possible and related cases are prosecuted in project countries.

LONG TERM (BY 2030)

- The EU is able to fulfil its commitments made under the Green Deal and the Paris Climate Agreement by effectively addressing deforestation and forest degradation



III. EXECUTIVE SUMMARY

Results from the literature research show that the dynamics of forestry crime have been known for years. Despite clear indications of the pervasiveness and significance of forestry crime, authorities and governments have still not taken appropriate measures to tackle the issue.

Timber being transported along forest road, Piatra Craiului, Romania

© Wild Wonders of Europe / Cornelia Doerr / WWF

This is the case despite the need for a thorough action. The literature research makes it prominent that:

- The international community must recognize **environmental crimes as a serious threat** to peace and sustainable development - **forestry crime** must be considered as **serious transnational organized crimes**.
- Environmental **legislation needs to be strengthened** – transparency is key - penalties need to be dissuasive.
- **Money laundering and anti-bribery/corruption laws need to be strengthened** – for example Whistleblowers should be protected against retaliation in any form.
- National and international **law enforcement agencies need to be resourced adequately** – for example with technological support.
- **National and international collaboration needs to be strengthened** among agencies, including tax, police, prosecution and customs.

In Bulgaria, Romania, Slovakia and Ukraine (hereafter referred to as producing countries), the project confirmed the significance of forestry crime linked to **organised crime** networks and the pervasiveness of **corruption**. The magnitude of the problem, in terms of environmental damage, but also from a financial point of view, was clearly acknowledged by participants, although methodologies for independent assessments of forestry crime are missing.

In Belgium and France (hereafter referred to as importing countries) the awareness and recognition of forestry crime as a significant crime area not only for the environment but also for tax evasion, loss of revenues and its links to organized crime - which is visible amongst practitioners - **need to rise to political decision makers**.

In general, more training sessions as well as more resources are needed for all people working along the enforcement chain.

From a general perspective, the project highlighted the **weak implementation and enforcement of the EU Timber Regulation** at the moment.

Results show that the European Commission, as the guardian of the EUTR, needs to **harmonise and increase the quality of implementation** across all EU member states and must hold them accountable to their commitment to eliminate illegal logging and products made from illegal timber on the EU market.

The role of Non Governmental Organisations (NGOs) and Civil Society Organisations (CSOs) in combatting forestry crime was recognised by workshop participants in all of the six project countries.

In Bulgaria, Romania, Slovakia and Ukraine, outcomes stressed the need to **better equip and train CSOs**, providing them with guidance on how to cooperate with law enforcement authorities in a corrupted environment and on how to ensure **adequate protection for witnesses/whistleblowers** of forestry crime cases. These are key recommendations.

In Belgium and France, it is important to provide NGOs with further legal advice to better define to what extent third party substantiated concerns can be used in court.

At the moment, **customs are not sufficiently connected to the other stakeholders** from the enforcement chain and the existing procedures and protocols are not tailored to the reality of forestry crime.

At customs' level for producing countries, it is key to encourage and **conduct specialised training and education in the field of forestry crime** as well as the prevention of and **fight against corruption** for customs staff.

For Belgian and French customs, guidance for customs staff on establishing and developing **improved risk analysis** for timber imports should be developed.

When it comes to Competent Authorities and forest staff, the project highlighted the lack of protection for people uncovering offences. Results also showed that pre-investigations tend to be weak, insufficient and slow and do not generate solid evidence, while **prosecutors, investigators and forest staff are not sufficiently connected** to each other. Answers from participants also confirmed that numerous possibly **sophisticated modus operandi are used by organised criminal networks** and offenders, while **corruption** at forest level, including bribery, comes as an **aggravating and facilitating factor** used by perpetrators of forestry crime.

In producing countries, appropriate **performance indicators** shall be introduced for staff with supervisory responsibilities with a special focus on domestic operators and require transparency once checks are performed and on the results obtained along the supply chain. **A dedicated inter-agency task force or working group shall be set up** to help improve pre-investigation phases in the forest to generate solid evidence.

Project countries are lacking a **clearly established and shared strategy, intersectoral protocols and standards** on how the different nodes of the enforcement chain should detect and combat forestry crime from a national perspective. On top of that, results outlined that the **possibility of penetration into organised crime networks is low due to lack of resources/evidence** and corruption issues.

The project's results in producing countries suggest that there is a need to appoint or **strengthen specialised staff** dedicated to investigating forestry offences (such as a forest police) working closely with prosecutors and anti-

corruption units, spread over the country, possibly with regional or even district hubs. **Effective operational protocols** to build and collect strong evidence to formulate the accusation should be introduced and the **access to technical equipment**, such as forensic methods, satellite imagery, relevant forestry databases and GIS systems, should be improved.

In Belgium and France, **staff capacity** at the level of Competent Authorities must be **reinforced** and authorities should have a clear framework to help them in determining when a sanction should be issued and to define adequate fines to **ensure dissuasive penalties** as prescribed under the EUTR.

While overregulation, complexities in laws, excessive bureaucratic procedures and the difficulty to apply some provisions are hampering an effective fight against forestry crime in producing countries, the project's results outlined the obvious **lack of success with serious forestry crimes cases, possibly involving organised crime**, both in producing and importing countries.

In parallel, the level of penalties prescribed into national laws and/or imposed in courts for **forestry offences are up to now significantly too low to act as deterrents in Europe**.

In Bulgaria, Romania, Slovakia and Ukraine, severe offences to forestry laws and subsequent timber trade require thorough **law enforcement action**, with special attention

given to criminal law measures. The focus of enforcement actions should be shifted towards **large corporations and criminal networks** instead of small-scale loggers.

In Belgium and France, **more prosecutors and judges should be trained** to ensure that they are more specialised in environmental crimes, and specifically on forestry crime.

Political pressure and strangleholds on the forestry system, and **possible links between politicians and the forest business as well as between politicians and organised crime** make large cases of forestry crimes difficult to investigate. As a consequence, corruption, fraud, tax avoidance and money laundering seem to be missing from investigations.

For producing countries, it is key to **make corruption in the forestry sector a central focus** for authorities and in the training of prosecutors and to encourage the investigation of organised crime networks dealing with forestry crime and to **empower anti-corruption authorities** by any means.

Especially in Eastern Europe, salaries for forest and staff investigating bodies are very often significantly too low. **Salaries in such countries should be increased to reduce the likelihood of corruption through bribes**.

Public communication about environmental crime, corruption and fraud is crucial to **increase political awareness and increase resourcing and funding**.





IV. LESSONS LEARNT BY THE PROJECT PARTNERS

The project confirmed the necessity to tackle corruption by any means and the need to approach forestry crime **at different levels of the enforcement chain and by different government agencies**, while reinforcing cooperation and collaboration with CSOs/NGOs, given their added value and support in thwarting forestry crime.

The project outcomes also stressed the need for forestry crime, on both domestic and imported timber, **to be approached at different levels of the enforcement chain and by different government agencies, to tackle the problem effectively.**

Illegal logging pine forest in mountain.

The project also made very clear **the existence of poverty crime and organised crime**. At the start of the project, a clear distinction was not made between both phenomena (referred to as “forestry crime” in a generic manner) but soon **the need to differentiate between both became obvious and important**.

Poverty crime is driven by need and poverty while organised crime is driven by greed and the possibility to make considerable profits. Although they are very different in nature, both phenomena take place on a large scale and may be interlinked in certain cases.

Small-scale illegalities and poverty-related forestry crimes are quite common and widespread in producing countries, thus making it a significant problem. There is a consensus amongst respondents that individual cases of forestry crime involving poor citizens have minor implications in terms of damage to the environment and economy (although together they create a significant problem), while the organised crime accounts for less cases but with severe consequences (regarding both forest destruction and tax evasion).

Nevertheless, results show that some “poor” offenders may also be linked to or work for an organised crime structure and it can be difficult to attribute forestry crime to organised crime, as it can encompass many different types of people/organisations.

Outcomes confirmed that **forestry crime is constantly evolving but that many of the actual techniques and *modus operandi* used to perpetrate forestry crime offences are known by stakeholders from the enforcement chain**.

In Belgium and France, there is a growing awareness of and interest from authorities about the need to combat illegal forestry crime, beyond the Competent Authorities. One of the key links in the enforcement chain that needs to be mobilised more on this issue in the future are the prosecutors and judges, and possibly lawmakers.

Although initially some respondents and participants in the workshops may have had difficulties talking freely and openly about the issues and offences that they might face in their daily work, the reactions from participants and key stakeholders were very positive and encouraging overall, showing a strong willingness to share information, discuss issues and exchange good practices in order to step up efforts to tackle forestry crime **more effectively and proactively**.

Analysis of the insights and answers from project participants indicated that the fight against forestry crime warrants a governmental approach given the competences associated across the enforcement chain, **but that this government approach is at the moment non-existent or only partial and environmental crime appears not to be a priority**.

Up to the highest political level forestry crime needs to be recognized as a serious crime and a threat to societies as a whole. Extensive measures including a global focus on forestry crime at the higher level, stronger financial support and a multidisciplinary approach have to be taken to assure effective suppression of forestry crime.

Finally, in light of the severity of the threat to forests and the nature of criminal activities in this field, **the project stressed the need for prosecutors to be better trained and provided with powerful tools for prosecution to ensure proportionality between the offence, intent and punishment**.



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Vitoshka mountain.

A white truck with a metal frame is driving on a dirt road through a dense forest. The truck is carrying several large logs on its bed. The road is dusty, and the background is filled with tall trees under a cloudy sky.

V. LITERATURE RESEARCH

Below we present some recommendations from the literature research on how to step up the fight against forestry crime and how to make it more effective. This literature review is not meant to be comprehensive but to present some of the main recommendations.

GENERAL RECOMMENDATIONS FROM THE LITERATURE RESEARCH ON FIGHTING FORESTRY CRIME

From: Strengthening legal frameworks for licit and illicit trade in wildlife and forest products. Lessons from the natural resource management, trade regulation and criminal justice sectors. United Nations Environment Programme. 2018. 73 pages.

- More work is needed on the implementation and **enforcement of existing legislation** rather than the development and adoption of new or strengthened legal instruments.
- A sizeable number of countries have criminalised violations of legislation governing the trade in wildlife and forest products but the level of criminal prosecutions is not that high and such violations are more often handled via administrative means. A recommendation is to use a **penalty that is proportionate** to the offence.
- **The linkages** between the institutions and legal frameworks for natural resource management, trade regulation and criminal justice need to be enhanced in order to more effectively prevent, detect and penalise illegal trade in wildlife and forest products.
- States should adopt measures to prevent and **combat corruption** among rangers, wildlife investigators and other relevant officials to help reduce illegal harvesting and trade.

From: Protection of whistleblowers, Recommendation CM/Rec(2014)7 and explanatory memorandum, Council of Europe. October 2014. 46 pages.

- **Whistleblowers** should be protected against retaliation in any form*.

From: Daniela Kleinschmit, Stephanie Mansourian, Christoph Wildburger & Andre Purret (eds.). Illegal Logging and Related Timber Trade – Dimensions, Drivers, Impacts and Responses. A Global Scientific Rapid Response Assessment Report. IUFRO World Series Volume 35. Vienna. 2016. 148 pages.

- There are several data gaps when it comes to measuring illegal logging and the related timber trade. A recommendation is to adopt **big data analytics** to integrate and utilise large amounts of publicly-available timber (...) data in a more effective and beneficial way.

From: Assessment of law enforcement capacity needs to tackle forestry crime. INTERPOL, environmental crime programme, project LEAF. 2013. 24 pages.

- **Financial and technical resources**, including equipment and human resources, for law enforcement agencies responsible for the enforcement of forest laws, need to be increased. **Prioritisation of illegal logging and forestry crime by authorities is often limited by the amount of resources available to the police.** Unless funds are earmarked for this purpose, most police forces will prioritise immediate everyday crimes such as drug trafficking, theft or violence-related crime.
- Developing and introducing a national strategy **to increase coordination between different enforcement agencies** will improve the effectiveness of law enforcement.
- **Institutional reform to tackle corruption** needs to be carried out.
- **National and international collaboration needs to be strengthened** among agencies, including tax, police, prosecution and customs.
- **Legislative reforms are needed to clarify laws and reduce the number of government agencies issuing land clearance permits.**



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From: Nellemann, C., INTERPOL Environmental Crime Programme (eds). 2012. Green Carbon, Black Trade: Illegal Logging, Tax Fraud and Laundering in the World's Tropical Forests. A Rapid Response Assessment. 2012. 72 pages.

- **National law enforcement** agency cooperation and coordination needs to be strengthened by supporting the formation of national task forces to ensure enforcement of laws and regulations related to forests.
- The **issuing of permits** (...) for logging, plantations (...) and permits for road transport* of timber with strong anti-counterfeit measures needs to be centralised nationally.
- National **tax fraud investigations need to be encouraged**, with a particular focus on laundering via plantations and mills, under- or over-reporting of volumes and over- or under-invoicing, tax fraud and misuse of government **subsidies**.

From: Promoting a gender sensitive approach to addressing corruption in the forestry sector, Monika Kyria, U4 Issue 2019:14. 48 pages.

- Gender-sensitive approaches to **forestry anti-corruption measures need to be adopted** by integrating both gender considerations and anti-corruption initiatives in forestry sector strategies and plans.

From: Chainsaw project, an INTERPOL perspective on law enforcement in illegal logging, 57 pages.

- Illegal logging and timber trafficking must be considered and dealt with as **serious transnational organised crimes**.
- “**Hard**” law enforcement tools will inevitably be required to deal with significant issues of illegal logging and timber trade. People will need to be arrested and prosecuted. In some cases, this will also apply to **large corporations. Money and assets will need to be seized and national and international law enforcement agencies will need to be resourced adequately to suppress this area of crime.** That is not currently the case.
- The criminal approach needs to be boosted, particularly in terms of orienting projects to cover issues right from the protection of the forests through to the prosecution of criminals.
- The problem of **corruption** must not be underestimated or ignored but taken into account when drafting capacity building programmes. Any projects should be coupled with the principle of accountability. The person trained must be able to provide results.
- It can be counter-productive to create new systems and/or certification regimes unless there is a clear need. One recommendation is to consolidate existing structures and programmes and to ensure that they are **robust and fit for purpose**.

From: Nellemann, C. (Editor in Chief); Henriksen, R., Kreilhuber, A., Stewart, D., Kotsovou, M., Raxter, P., Mrema, E., and Barrat, S. (Eds). 2016. The Rise of Environmental Crime – A Growing Threat To Natural Resources Peace, Development And Security. A UNEP- INTERPOL Rapid Response Assessment. United Nations Environment Programme and RHIPTO Rapid Response–Norwegian Center for Global Analyses. 108 pages.

- The international community must recognise and address environmental crimes as a **serious threat to peace** and sustainable development and strengthen the environmental rule of law at all levels to prevent safe havens, including disrupting **overseas tax havens, improve legislation** at international and national levels, implement **dissuasive penalties**, substantial sanctions and punishments, capacity building and technological support in order to **enhance the**

enforcement and adjudication capacities in the area of environmental crime.

- Governments should establish **central coordination** and national cross-sectoral plans, with unity of command and unity of efforts, in coordination with the relevant UN entities, INTERPOL and other relevant international treaty bodies and institutions, as appropriate, to combat the involvement of organised criminal groups in environmental crimes.
- The international development community should be called on to recognise and address environmental crime as a serious **threat to sustainable development** and strengthen the share of **Official Development Assistance (ODA)** to governance and judicial sector reform, including to combat and prevent environmental crime. This should be targeted to capacity building and **technological support** to relevant agencies, national, regional and global law enforcement efforts against environmental crimes, such as information and analysis, inter-agency collaboration, enforcement, prosecution and the judiciary, especially in developing countries and fragile states.

From: Uncovering the risks of corruption in the forestry sector, INTERPOL, 2016, 20 pages.

- **Forest laws need to be clarified and harmonised.** Sufficient resources need to be allocated to enforce these new laws at both the national and local levels.
- Information held by different government agencies affecting land tenure and property rights should be consolidated through a **single database** that records all legal interests in forested land supported by official maps and GPS coordinates. **Transparency** in land tenure and property rights should be increased, for example by creating a public registry of all legal interests in land.
- Public tendering processes should be implemented when allocating logging permits and concessions, rather than using private allocation.
- Online permit systems can help frontline officers in the field when inspecting logging sites. **Strong IT security** is also necessary to avoid a repeat of known instances where these systems are hacked by criminals.
- **Fines that have been levied** and other **punishments related to corruption and illegal logging** should be published and disseminated to create a sense of accountability amongst law enforcement and the judiciary.
- **Capacity building** of law enforcement, prosecutors and the judiciary is necessary to ensure greater awareness of the negative impacts that corruption has on the economy

and the extent to which **corruption supports serious criminal activity** and organised crime.

- Officials across the entire law enforcement chain need **training to strengthen their capacity** to prevent, detect, investigate and prosecute corruption in the forestry sector. They must recognise forged documents and give due importance to the prosecution of forestry crimes.
- Investment is needed in capacity building, **training and equipment** for law enforcement, particularly forest law enforcement and anti-corruption units.
- The formation of a **dedicated forestry crime unit** within countries that collaborates with the anti-corruption unit is an important approach to help address the problem of corruption in the forestry sector.
- Units should also receive advanced training on various techniques that can support **financial investigations**, including: use of electronic surveillance, including telephone intercepts and listening devices; handling informants, conducting undercover ‘sting’ operations, forensic accounting, lifestyle audits (if, for example, public officials with disproportionate assets are identified, which cannot be explained by known legitimate sources of income).
- **INTERPOL’s dedicated platforms** for authorised law enforcement officers and anti-corruption and asset recovery agencies should be used to improve cooperation among anti-corruption practitioners to share information and coordinate cases with the implicated countries.
- **Independent** anti-corruption units should be established to tackle and prevent corruption.
- **Multi-agency task forces** that bring together different law enforcement agencies to work in a coordinated

manner should be established as this improves enforcement through cooperation and increases transparency and oversight between the agencies. This model reduces the risk that corrupt officials in one agency block effective law enforcement efforts overall.

- Cooperative **multi-agency efforts** have proven to be successful in tackling corruption in the forestry sector. Linkages between countries’ Financial Intelligence Units, Anti-Corruption Units and the Ministry of Forestry or Environment are highly encouraged.

From: Earthsight. COMPLICIT IN CORRUPTION. How billion-dollar firms and the EU government are failing Ukraine’s forests. 2018. 64 pages.

- **EUTR implementation must be improved.**
- **Increase the penalties** for illegal logging and wood trading.
- Enforce **money laundering** and **anti-bribery laws**.
- Stop the rampant **corruption in the forestry sector** - target on companies who are paying bribes.
- Corruption **cases have to be investigated** and prosecuted much more quickly.
- Halt the widespread **circumvention of EUTR or log export ban** in Ukraine.
- **Demand more meaningful due diligence.**
- **Amending the EUTR** to place the same responsibilities on **downstream traders and retailers.**



GENERAL RECOMMENDATIONS FROM THE LITERATURE RESEARCH FOR PRODUCING COUNTRIES

From: Schlingemann, L. (Editor in Chief); de Bortoli, I., Favilli F.; Egerer, H.; Musco, E.; Lucas T.; Lucius, I. (Eds). Combating Wildlife and Forest Crime in the Danube-Carpathian Region. A UN Environment – Eurac Research – WWF Report. 2017. 29 pages.

- **Tackling corruption**, lack of transparency and economic hardship by inter alia:
 - Enhancing the accessibility of public information on forest management and conservation status.
 - Undertaking and publishing economic reports on the economic losses related to illegal logging;
 - Promoting integrated rural and local development.
 - Creating and enhancing incentives for forest owners for protecting forest land and providing compensation for restriction on forest owners' logging on their own property.
- Ensuring **better enforcement of the EUTR** requirements by building capacity of local operators and authorities.
- Stepping up **inter-agency collaboration** within countries and cooperation between the states of the region on data sharing and law enforcement. To that aim, law enforcement agencies have to be better resourced and prosecution and jurisdiction trained to increase the probability of cases being heard in court and resulting in relevant penalties.
- Undertaking joint / **cross-border training** of authorities and institutions within the Central-Eastern Europe Danube-Carpathian region and developing a platform for mutual assistance, both in terms of legislation, prosecution and enforcement.
- **Improving sustainable forest management** by providing education and information for new forest owners, including on nature conservation, as well as knowledge on forestry legislation.

- Educating and increasing **awareness of the public** at large on the importance of virgin forests and the consequences of illegal logging through a journalism network, seminars, social media and other outreach material.
- Building capacity and equipping harvesting companies so that they are able to efficiently **implement due diligence** procedures or independent verification systems.
- Improving and promoting **tracking systems** such as the SUMAL application*.
- Relevant authorised institutions and authorities should undertake regular intense, **joint and long-term control actions** and inspections.
- Further encouraging the uptake and enforcement of recognised forestry certification schemes and their enforcement.

From: National EUTR penalties: are they sufficiently effective, proportionate and dissuasive? Client Earth, March 2018, 12 pages.

- Adopting **clear and credible enforcement policies**. It is an essential precondition for stronger enforcement that EU member states have adopted **penalty regimes** that are able to ensure that EUTR infringements are effectively sanctioned. National laws and regulations implementing EUTR penalties should be scrutinised for compliance with EUTR Article 19⁸.
- Increasing timely **access to EUTR enforcement information**. General information would be very helpful on procedure, the EUTR breach and geographic provenance and type of products, as well as on the outcome of the investigation, for example.
- Developing **guidance on effectiveness and dissuasiveness**. The possibility of including more specific guidance on the level of penalties should also be examined. This could be by harmonising levels for certain categories of EUTR fines or adopting a common methodology to determine the level of fines, such as a common percentage of the product value or of the economic benefit resulting from the infringement.

GENERAL RECOMMENDATIONS FROM THE LITERATURE RESEARCH FOR IMPORTING COUNTRIES

From: Greenpeace. Blood stained timber. Rural violence and the theft of the Amazon timber. 2017. 14 pages.

- **Conduct thorough checks** on operators in their jurisdiction, including ascertaining what measures they have taken to identify, assess and mitigate the risk of placing illegally harvested timber from the Brazilian Amazon on the market.
- Take all measures, including the application of **appropriate penalties** when breaches are detected, that are necessary to ensure that operators in their jurisdiction comply with the EUTR.
- Consider operators in breach of the EUTR if they are unable to **provide convincing evidence** that they have adopted adequate measures, going beyond the presentation of the risk of illegally harvested timber entering their supply chain, as required by Articles 4(2) and 6 of the EUTR.

From: The Croatian Connection Exposed: importing illicit Myanmar teak through Europe's back door, Environmental Investigation Agency, 2020, 16 pages.

- Where possible, EU Competent Authorities must enforce the EUTR against companies participating in schemes to circumvent the EUTR and impose **penalties that are effective, proportionate and dissuasive** to ensure operators are properly disincentivised from continuing to break the law.
- **Amend implementing legislation to capture participants in schemes to breach the EUTR, including those inciting, aiding or conspiring in breaches.**

From: Greenpeace. The Amazon's Silent Crisis. 2014. 56 pages.

- Treat any company as having failed to meet its due diligence requirement under the EUTR if it cannot **supply credible information** demonstrating risk mitigation measures that go beyond official documentation and penalise the company accordingly.



German navy sailing boat 'Gorch Fock'. The teak wood to restore its decking was ordered from Myanmar in violation of German public procurement guidelines and imported in violation of EUTR requirements. Source: WWF Germany

⁸ eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:295:0023:0034:EN:PDF

* Note from WWF: The issuance of permits for road transport is centralised under the SUMAL system in Romania



VI. RECOMMENDATIONS TO THE EUROPEAN UNION

The literature review shows that the **dynamics of forestry crime have been known for years** despite constant evolution, and that more and more reports, scientific papers and articles address this topic. The recommendations formulated in this report do not stand alone but **are complementary to the recommendations previously developed** by other stakeholders combatting forestry crime.

Deforestation in Romania.

© Slatan / Shutterstock.com

Despite clear indications from the literature research of the pervasiveness and significance of forestry crime, authorities and governments have still not taken appropriate measures to tackle the issue, despite the need for a comprehensive answer.

At the moment, the one EU regulation to tackle illegal timber trade has not so far been able to stop nor significantly reduce imports of illegal timber products or illegal logging that takes place within the borders of the EU.

The implementation of the EUTR requires action that reflects its spirit – to combat illegal timber trade – and yet **forestry crime has not received sufficient political backing at EU and higher government levels.**

As the guardian of the EUTR, the European Commission needs to step up efforts to harmonise and increase the quality of implementation across all EU member states and must hold them accountable to their commitment to eliminate illegal logging and products made from illegal timber on the EU market, a commitment made the day that the EUTR was adopted.

NON GOVERNMENTAL ORGANISATIONS AND CIVIL SOCIETY ORGANISATIONS

- The Commission should strengthen the wording of the EUTR regarding substantiated concerns by adopting a legal definition. The Commission should provide guideline or criteria concerning requirements for evidence from third parties to enable infringements. Give guidance if and when Competent Authorities are allowed to dismiss evidence provided in substantiated concerns. This process should include all relevant stakeholders, in order to share lessons learnt and discuss best practice, including on acceptance of results from wood testing from third parties.
- A stakeholder dialogue should be established at EU level to allow for concrete **exchange between NGOs and Competent Authorities/the EUTR/the Forest Law Enforcement, Governance and Trade (FLEGT) expert group**, in terms of sharing information and experience.

CUSTOMS

- The Commission's EUTR and FLEGT expert group should **facilitate more regular exchange** between agencies involved in the implementation of the EUTR (customs, police or others) from different EU member states to boost **cross-border cooperation**.

COMPETENT AUTHORITIES AND INVESTIGATION

- **Forestry crime experts** are needed at the EU level in order to better support and coordinate EU-wide and national initiatives in the fight against forestry crime.
- The European Commission should **offer training sessions** for national Competent Authorities and/or develop a training manual for the staff of Competent Authorities and other bodies involved in the implementation of the EUTR, focusing on **how to carry out effective checks**, how to undertake investigations etc., with input from external experts.
- The creation of a centralised EU database on seizures and offences and for information exchange for EUTR or FLEGT related offences and enforcement actions should be encouraged.
- The European Commission should offer **training sessions** for national Competent Authorities and/or develop a training manual for Competent Authority staff and other bodies involved in the implementation of the EUTR, focusing on **how to carry out effective checks**, how to undertake investigations etc., with input from external experts.
- The Commission expert group on the EUTR and FLEGT should prepare a guidance paper for Competent Authorities that specifies **criteria for checks** to analyse and better evaluate the risk level of products under the EUTR. This should also include criteria for (sufficient) **documentation of due diligence systems** in use and for showing compliance with applicable legislation.
- **The European Commission should encourage and support EU member states in the adoption of strict and harmonised policies on gathering data on operators, ideally in the form of a joint EU-wide register of operators and traders operating in the internal market.** Such a register could include data on the size of companies, the countries of operation, the complexity of supply chains, the frequency of timber imports and quantities and value of the timber imported and placed on the market.
- EU member states should be encouraged to rely much more on forensic methods to shift the law enforcement focus from vulnerable forest-adjacent communities to organised criminals.

JUDICIAL SYSTEM AND ENFORCEMENT

- **Training for judges and prosecutors** should be carried out across the EU.
- The European Commission should carry out an **assessment** of whether the **penalties set by EU member states are effective, proportionate and dissuasive** and in accordance with **Article 19 of the EUTR**⁹. A European-wide multi-stakeholder platform should be set up to discuss effective, proportionate and dissuasive penalties. The stakeholder platform should have regular exchange with the EU FLEGT expert group, agreeing on common guidance/ conclusions.
- The EU should develop **EU-wide guidance/criteria** for when an operator should be given a notice of remedial action, a penalty or otherwise and to help ensure penalties imposed are **effective, proportionate and dissuasive**. A first step to **harmonise** the approach would be an EU-wide analysis that assesses the circumstances in which a notice of remedial action was issued or a penalty was applied (context, type of timber/ timber products, countries of origin, type of business, suppliers if known, etc.).
- European Commission, EU member states, the police, representatives from the judicial system and NGOs should further discuss and define what is **acceptable evidence proving the illegality** of timber or demonstrating deliberate evasion of adequate due diligence, possibly by using **case studies**.

- **The European Commission must ensure that Competent Authorities establish greater transparency towards the public and stakeholders, as defined by article 11 of the EUTR**¹⁰. The European Commission should encourage EU member states to communicate much more regularly and transparently about enforcement actions, the register of checks and main infringements detected, e.g. via public websites, newsletters and press conferences as this helps operators to improve and sends a clear signal that the EUTR needs to be taken seriously.
- The development of rules governing the international timber trade should be ensured and overall policy coherence should be strengthened.
- The Environmental Crime Directive should be strengthened.

ANTI-CORRUPTION, ANTI-FRAUD AND MONEY LAUNDERING

- The EU should encourage **systematic cross-over crime enforcement modalities** in EU member states, covering anti-corruption and financial crime, such as linking the National Financial Crime Units and National Anti-Corruption Units with EUTR authorities to support the implementation of 'follow the money' enforcement operations, both in working groups and operational actions.



⁹ eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010R0995&from=EN

¹⁰ eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010R0995&from=EN



VII. RECOMMENDATIONS TO THE ENFORCEMENT CHAIN AND COMPETENT AUTHORITIES

The recommendations below were drawn up on the basis of outcomes to the questionnaires and workshops. We chose to categorise recommendations most relevant for producing countries on one side (Bulgaria, Slovakia, Romania and Ukraine) and recommendations most relevant for importing countries on the other side (Belgium and France).

For clarity and readability purposes, recommendations are therefore given for each node of the enforcement chain. Although they are specific to each stakeholder, **the objective behind them is to bring an additional value to the enforcement chain as a whole.**

Good practices gathered during the first phase of the project are listed to illustrate the new techniques, tools and innovative thinking being used to thwart forestry crime in project countries.

NON GOVERNMENTAL ORGANISATIONS AND CIVIL SOCIETY ORGANISATIONS

NGOs/CSOs have increased public awareness of and knowledge/research about forest issues and ensure that authorities, politicians and civil society are all well informed thanks to their frequent publications. NGOs and CSOs are an important constituency in advocating for changes and monitoring progress about forestry crime, while playing a watchdog function exposing illegal logging, trade and other criminal acts or pursuing campaigns to publicise detected illegal acts and their consequences.

CSOs and NGOs can effectively contribute to prevent illegalities and play an active role in urging national and local governments to move towards better law enforcement in the forestry sector, in detecting illegal acts and educating the public to generate enough political pressure to contribute to prevent some forest crimes.

NGOs and CSOs are often recognised by authorities as playing a key role in detecting possible forestry crimes. They are often exposed to threats and can face reprisals. They can play a role in evidence and information collection and some cooperate with authorities on a frequent basis. NGOs and CSOs also benefit from the new tools and technologies being developed (such as GIS tools, forensic methods, satellite imagery etc.) to carry out their mission to combat forestry crime.

Recommendations most relevant for producing countries

- (Re)create a context of trust to **encourage witnesses** and **whistleblowers** to testify.
- Provide guidance to CSOs on **how to cooperate** with **law enforcement** in a corrupted environment.
- Ensure adequate **protection for witnesses/whistleblowers** of forestry crime cases.
- Encourage CSOs and NGOs to **team up and work with similar organisations** as, when many voices come together, it is less likely that any one individual or one organisation will be targeted for reprisals or threatened.
- Train and provide guidance to CSOs on **how to react** if they **witness forestry crimes** being perpetrated.
- **Encourage NGOs/CSOs** to issue **third party substantiated concerns** in the framework of the EUTR and use other tools available.
- Use **timber testing/forensic methods** to provide reliable and additional evidence for court cases.
- Better **equip and train** NGOs so that they can provide “professionally” prepared third parties substantiated concerns to help authorities detect forestry crime.

- Authorities should help **build the capacity of CSOs to participate in illegal logging identification**, providing training in advocacy and communications techniques, investigative skills and improved knowledge of laws and regulations pertaining to key natural resources to distinguish legal from illegal activities.
- Support the establishment of a **network of volunteers** who could play a watchdog role in the process of identifying illegal logging.
- Raise awareness of forestry and law enforcement staff about why it is **important to collaborate with CSOs** and how to collaborate with them.

Recommendations most relevant for importing countries

- Provide further legal advice to better define to what extent **third party substantiated concerns** can be used in court.
- Use timber testing/**forensic methods** to provide reliable and additional evidence for court cases.
- Clear **timelines for responses** by the Competent Authorities towards third party substantiated concerns should be developed. Third parties who raised the concerns should be given the possibility to challenge the decision of the Competent Authority.

Good practices from producing countries

BULGARIA

There is a coalition of environmental NGOs in Bulgaria, called “For The Nature Coalition”¹¹. All the NGOs taking part (including WWF Bulgaria) work on different topics but on large cases many can be involved. For example, thanks to two NGOs teaming up, the court cases of the Pirin National Park against the Ministry of Environment and Waters were won. NGOs support each other and cooperate also during critical times, such as for example when a change in environmental laws threatens habitats and biodiversity.

SLOVAKIA

Some changes in reporting sanitary logging were introduced from January 2020 (amendment of the forest law and nature protection law). NGOs have, for a long time, pointed out the fact that sanitary logging in many cases could be performed in breach of the rules in Slovakia. Several NGOs reported to the European Commission about suspected breaches of EU directives. As a result, the European Commission opened an infringement procedure. This has led to the amendment of laws, now stipulating that all reported cases of sanitary logging in protected areas must be assessed by the State Nature Conservancy beforehand, which can allow, restrict or prohibit it in the event that some conflicts with nature protection activities might arise. Previously, the decision to launch sanitary logging operations was made in a top down manner and trees could be harvested without proper evaluation. Due to the recent changes, assessing the concrete benefits on the ground will nevertheless require more time.

Also, the work of the NGO Wulf led to changes to the Bioenergy Act. As a result, only the lowest quality wood and residues from wood processing and wood waste can now be subsidized for bioenergy purposes. It has helped to reduce the pressure, especially on tree stands outside the forest but also on the forests themselves¹².

11 forthenature.org/

12 aktualita.sk/clanok/648218/biomasaker-sa-konci-poslanci-stopli-dotacie-do-biostiepyk/

13 Available here: sfmu.org.ua/

UKRAINE

WWF Ukraine supports capacity building for civil society, running several volunteer-related projects since 2015. This includes the “Forest Watch” project, aiming to train volunteers on how to detect illegal logging. As a continuation of the “Forest Watch” project, the so-called “Forest Course” was developed with the aim of raising the awareness of volunteers about forest conservation issues. Recently, WWF Ukraine updated the Sustainable Forest Management in Ukraine web page¹³ as part of other projects. This web page includes descriptions of tools available for the participation of CSOs and allowing CSOs to impact decision making during forest management. This web page also describes how CSOs could participate further.

Good practices from importing countries

BELGIUM - FRANCE

Third party substantiated concerns are very often being addressed/ investigated by Competent Authorities.

FRANCE

Workshop participants acknowledged and praised the quality and thoroughness of substantiated concerns that they have received from some NGOs.

INTERNATIONAL EXAMPLE: USA

Based on the US-Lacey-Act, US-based NGO EIA provided evidence linked to the “Lumbers Liquidators case” that led to over 13 Mio. US Dollar fine because of import of illegal oak into the USA - The largest Lacey Act penalty ever.

[Lumber Liquidators Inc. Sentenced for Illegal Importation of Hardwood and Related Environmental Crimes | OPA | Department of Justice](#)

CUSTOMS

Customs should play a key role as barriers against illegal international timber trafficking as they are at the frontline in terms of combatting forestry crime, including illegal logging and its associated trade. In practice, customs organisations tend to most often encounter forestry crimes and illegal timber as part of their routine work at border crossings while assessing licit and illicit shipments, documents, permits etc. Customs are also closely linked to the other nodes of the enforcement chain. They should identify if timber may be high risk, detect possible illegal timber and alert the Competent Authorities accordingly. They can also be responsible for enforcing injunctions placed on companies in violation and seize or hold timber coming into the EU if that timber is potentially illegal.

Set up forceful wood expert units – use forensic methods to become more effective and network with other investigation bodies, transnational organizations or NGOs. Consider connected crimes like tax evasion.

Recommendations most relevant for producing countries

- Promote information exchange and **improve cooperation** between customs and relevant authorities in checking cross-border timber trade.
- Ensure that **access to relevant customs' databases** is granted for the rest of the enforcement chain.
- Encourage and conduct specialised **training** and education in the field of forestry crime as well as prevention/fight against corruption for customs staff.
- Simplify procedures for initiating **inspections before export** takes place to reinforce and simplify the enforcement of the traders' obligation under the EUTR or any other relevant laws addressing forestry crimes, such as CITES or anti-money laundering laws and improve the chance to detect offences of falsified/forged permits.

Recommendations most relevant for importing countries

- **Create missing networks** and identify counterparts in government administrations and authorities to ensure **more effective implementation of EUTR**.
- Develop guidance for customs staff on establishing and developing **improved risk analysis** for timber imports.
- **Expand the EU-Twix¹⁴** platform model (currently used for CITES species) to cover forestry crime more extensively, including the EUTR and FLEGT.

Good practices from producing countries

BULGARIA

At a domestic level, all operators are subject to registration and shall be inscribed in the public registers of the Executive Forest Agency. As a result of an agreement signed in 2014 between the Executive Forest Agency and the Customs Agency, the Executive Forest Agency now has access to the registers of the Customs Agency as a way to identify operators.

UKRAINE

At the regional level, there were some meetings about collaboration between the Customs Agency and Forest Agencies. For instance, there was agreement to collaborate directly between heads of Custom Posts and State Forest Enterprises and to share information needed in the Volyn region in 2018. In other cases, special commissions were established by decree from the regional Custom Office, such as it took place in the Zakarpattya region. The aim was to check if relevant officials made the right decisions in controversial cases. Some officials were fired as a result of the commissions' work.

Good practices from importing countries

BELGIUM - FRANCE

Customs run their own forensic method labs in which they can test timber to gain more information, such as on species or possible origins.

BELGIUM - FRANCE

Detector dogs can be trained to find target timber species among non-target timber species under controlled conditions. WWF recommends that tests be undertaken in real situations for example at international ports.¹⁵

BELGIUM

Customs have a mandate to enforce part of the EUTR, defined by the national law.

FRANCE

Some customs officers are specialised in timber.



14 eu-twix.org/

15 Source: WCO news; 2/2014; Detector dogs sniff out protected timber

COMPETENT AUTHORITIES & FOREST STAFF

Competent authorities and forest staff are at the forefront in the fight against forestry crime. In their daily mission, they are in charge of monitoring, carrying out inspections, enforcing relevant regulations and checking that rules and laws are respected at forest level. Along with NGOs and CSOs, they are the most likely to detect and identify forestry crime offences. They play a key role in checking timber at different stages, from forests and further down the supply chain, such as during transport or at sawmills and dispatching points, for both domestic and imported timber.

Their vital position in the forest value chain can lead them to face difficult situations, such as attempts at bribery or harassment to help conceal or facilitate forestry crime. From an enforcement perspective, it is essential that they work in close cooperation with the rest of the enforcement chain, such as with customs or investigation bodies and judicial authorities.

Especially in Eastern Europe salaries for forest and staff investigating bodies are very often significantly too low.

Recommendations most relevant for producing countries

- Develop and **conduct training** sessions/programmes around law/EUTR enforcement and fighting forestry crime better to build staff capacity and foster personal motivation.
- **Provide material** used for the detection of forestry crimes (CCTV cameras, drones, etc.) and rely much more on satellite imagery to detect offences. Simplify the access to video recordings owned for example by municipalities, state organisations or companies/private owners of records.
- **Better protect people investigating** and uncovering offences, considering the significant risks they are facing while performing their duty.
- **Increase salaries** and have incentives in place for forest staff (people involved in managing, checking on or supervising forests in general) to stimulate the motivation of personnel, to reduce the risk of corruption and cheating and to reduce turnover.
- Make the process of **recruitment** of forest staff and management positions **more transparent, stringent and fair** to avoid conflicts of interest and political interferences in public administration and policies.
- **Set up a dedicated inter-agency task force** or working group that would help to improve pre-investigation phases in the forest to generate solid evidence.
- Introduce appropriate performance indicators for staff with supervisory responsibilities with a special focus on domestic operators, and require **transparency once**

checks are performed and on the results obtained along the supply chain.

- Review the **system of volume measurement** to significantly reduce the margin for errors, possibly by digitalising and standardising measurement procedures. Amend the legislative framework where needed to prohibit inaccurate practices in making inventories of forests (such as concealing of actual forest stock) and manipulations in determining the yields.
- Carry out a comprehensive **assessment** of the pervasiveness of illegal logging and forestry crime to establish the state of play and to come up with tailored strategies to tackle it.
- Set up a **shared database** with compliance checks, substantiated concerns and subsequent enforcement measures (for example according to the EUTR, records of compliance checks are considered environmental information and should be disclosed without limitations).
- **Better fund the forestry sector** through the allocation of funds for forestry machinery, warehouses, road infrastructure.
- **Promote policies and initiatives** to do “better” legal forestry, more **transparent** and efficient, to help logging companies acquire environment-friendly technology, to increase added value of commodities so that people involved in forestry will pursue a rewarding legal forest activity.
- **Improve sustainable forest management** by providing education and information for all forest owners, including on nature conservation, existing tools for responsible forest management (i.e. FSC), as well as knowledge about forestry legislation.

- **Ensure that health and safety laws/regulations to prevent labour accidents** during harvesting activities are thoroughly enforced.
- **EU member states should play an active role, next to NGOs, in raising awareness and attention about forestry crime** and disclosing information on EUTR enforcement on a regular basis, possibly in the form of public registers or dedicated websites with data on compliance checks, substantiated concerns and subsequent enforcement measures, such as seizures and prosecuted cases.
- (BG, SK, UA)¹⁶ Implement or improve¹⁷ a centralised **electronic wood tracking** and evidence system for the planning, marking, logging, certification, transporting/dispatching and processing of timber. This electronic system would concentrate all the information about forest management (plans/volumes) to mitigate the risks of fraud along the chain of custody, including with possible manipulations of volumes during trade and transport, fraud based on paperwork etc. Timber would be monitored in real time.
- (SK, UA) **Strengthen the rules on issuing logging permits and ensure its harmonised enforcement**, with a special attention given to sanitary felling - an often misused practice in order to justify overharvesting.
- (RO, UA) **Address the administrative fragmentation of the national forest fund without delay** to ensure that forests are not illegally alienated and to ensure proper accounting and define boundaries of forested lands and rightful ownership.
- (RO, UA) **Create an independent specialised forest guarding service** composed of specially trained law enforcement people and ensure their prerogatives are coherent with the reality and complexity of forestry crime, such as for example through sufficient freedom and flexibility to carry out regular and unforeseen inspections.
- (UA, SK) **Provide a clear definition of illegal logging in national legislation.**

16 Romania (RO), Bulgaria (BG), Slovakia (SK), Ukraine (UA)

17 Ukraine has an electronic wood tracking system in place but it requires major improvements.

18 wwf.panda.org/wwf_news/?35571/WWF-BG-Forestry-Apps

19 gjs.wwf.bg/mobilz/en/

20 d2ouvy59p0dg6k.cloudfront.net/downloads/analysis_of_illegal_logging_in_bulgaria_2013_2017.pdf

Recommendations most relevant for importing countries

- Forestry crime at the domestic level and illegal logging and the related timber trade are not considered a significant challenge in France and Belgium. In both countries, the project focused on high risk imported timber products and/or those with complex supply chains. The few recommendations about forests (linked to forests in exporting/producing countries) can be found under section IV (Investigation).

Good practices from producing countries

BULGARIA

- **WWF-Bulgaria is developing a mobile application for reporting illegal logging in Bulgarian forests¹⁸ and a Forest Geographic Information System platform¹⁹** with multiple layers of information, including old growth forests, high conservation value forests, protected areas and logging permits. Both WWF tools are meant to be used in the field by the general public and forest authorities.
- **The Executive Forest Agency has set up an emergency phone number to send signals in case of fires and illegal forest activities.** In 2017, 8,539 signals were sent thanks to this new tool/structure, of which 28% were related to illegal logging, 11% related to the transport of illegal wood and 6% to the storage of illegal wood.
- Recent measures to help tackle forestry crime included: **marking of the transported wood with tags** with a unique number, the introduction of an **electronic register** with public access for enterprises and storehouses where the wood is being dispatched²⁰. Also, all vehicles transporting timber must now be **equipped with GPS so that timber trucks can be tracked online in real time** by the Regional Forestry Directorate.

ROMANIA*

The Ministry of Environment, Waters and Forests, together with the Government of Romania, implemented the *inspectorulpadurii*, a portal that collects data (also using the SUMAL database), enabling users to see satellite alerts and changes in forest vegetation^{21 22}.

WWF has supported authorities to develop SUMAL²³, a **best-practice system for tracing wood supply that includes a central database and a hotline that people can call to report or verify the legality of wood shipments, which represented a clear step forward in the fight against illegal logging**²⁴.

Its use is mandatory for forest administrators and for all operators and traders who harvest, store, process, market or carry out import-export operations with wood or wood materials. It covers every part of the process, from wood as a forest to wood as products. Every legal document is registered in this database (volume estimation documents on standing stock, harvesting authorisation, delivery documents for timber).

* Disclaimer: the information presented in this part describes the situation until 30 December 2020. Recent changes that came into effect after that date are not reflected in this report. Please consult: [One Step Forward, Two Steps Back: Romania's New Timber Traceability System Removes Public Transparency – EIA Global](#)

UKRAINE

- WWF-Ukraine developed and recently updated, in 2020, a GIS platform with information about the protection status of identified old growth forests in Ukraine: gis-wwf.com.ua/ (in the scope of another project). All old growth forests are divided into layers of forests which receive official protected status, forests which have not received official protected status and those which are in the process of receiving official status. Moreover, it displays information about the overlapping of existing protected areas with identified old growth forests, as well as the overlapping of old growth forests with other categories of forests like recreational forests etc. Thus, this web page is some kind of a roadmap for the protection of valuable forests which have not yet received protected status.
- WWF-Ukraine is in the process of developing an interactive infographic that will show which documents are needed for approval of different kinds of logging inside and outside protected areas as well as which organisations are involved and at which stages. This infographic will be extremely helpful for illustrating the complexity of the approval process and will be useful for NGOs, activists and law enforcement agencies.

SLOVAKIA

Military Forests and Estates of the Slovak Republic developed their own comprehensive system “Evidencia vyťažného deva” (Records of Harvested Wood). The system introduced in 2015 consists of information about harvested wood²⁵:

- wood storage and shipment information (from logging through storage to shipment);
- information about the forest stand where logging was carried out;
- unique number (plastic label) for each piece of timber (roundwood) or stack of wood (pulp or fire wood);
- qualitative classification (species, quality);
- volume and type (planned/sanitary, regeneration/tending, etc.);
- working group that carried out the extraction, forest stock number, where wood was skidded from the forest.

The system could be used as an inspiration in designing a wood evidence and tracking system at the national level.

INVESTIGATION

Investigation bodies are at the heart of the fight against forestry crime as they will enquire and research eventual leads for traces of illegalities and misconduct possibly overlapping with criminal activities. They will have the responsibility to establish strong and actionable evidence and the quality of their work will heavily influence the results of future trials in court. Investigation bodies can rely on new developing tools, such as forensic methods, to perform their mission.

It is of paramount importance that they work in very close collaboration in a streamlined manner with Competent Authorities at forest level and with judicial authorities to build solid cases.

Set up forceful wood expert units – use forensic methods to become more effective and network with other investigation bodies, transnational organizations or NGOs. Consider connected crimes like money laundering.

Recommendations most relevant for producing countries

- Have a **national database/online system** with restricted access to relevant authorities only, including records of control results (according to EUTR provisions) as well as information on forestry crimes committed and the status of investigations. This should help to identify vulnerable national areas from the point of view of forestry offences and measures can be taken to counteract the criminal phenomenon. At the same time, it should help to map possible routes that are used occasionally by people who commit such crimes, facilitate the flow of information and identify good practices. The platform would also offer space for discussions on different cases.
- Develop and rely on a **risk-based approach** to develop control plans and prioritise checks based on objective and transparent criteria, **with special attention given to large timber companies and macro forestry crime**.
- Establish **inter-institutional/unified procedures** to make investigation methods and protocols coherent and aligned throughout the supply chain.
- Streamline and **update procedures** (reduce unnecessary red tape and bureaucracy) to shorten the delay between the moment the offence is witnessed and the moment it is reported for prosecution.
- Use timber testing/**forensic methods** to provide reliable and additional evidence for court cases.
- Better **protect people investigating** offences, considering the significant risks they are facing while performing their duty. Meanwhile, higher salaries and a system of bonus rewards could be introduced.
- Introduce more **effective operational protocols** to build and collect strong evidence to formulate the accusation and improve the access to technical equipment, including tools to perform checks more easily and carry out stringent investigations such as more **satellite imagery**, relevant forestry **databases and GIS systems**. Make access to photography or video records more easily available when relevant to help prove illegal activities, ensure sufficient capacity to process the information resulting from surveillance measures and assess the quality and completeness of investigative actions once over.
- Find ways to ensure that **evidence** collected during field investigations (and after) is **reliable** enough and actionable to formulate the accusation, to ensure that cases can make it to court.
- **Adopt strict and harmonised policies on gathering data on operators, ideally in the form of a joint EU-wide register of operators and traders** operating in the internal market. Such a register could include data on the size of companies, the countries of operation, the complexity of supply chains, the frequency of timber imports and quantities and value of the timber imported and placed on the market.
- Develop **training sessions/programmes** around law enforcement and fighting forestry crime better to build operational capacity and expertise and foster personal motivation of pre-trial investigation bodies responsible for detecting, investigating and recording evidence of a criminal offence.
- Appoint or strengthen **specialised staff** dedicated to forestry offences (such as a forest police) working closely with anti-corruption units, anti-financial crime units and prosecutors, spread across the country, possibly with regional or even district hubs.
- **Enhance the cooperation between national and foreign entities** involved in fighting forestry crime by

21 wedocs.unep.org/bitstream/handle/20.500.11822/22225/Combating_WildlifeCrime_Danube.pdf?sequence=1&isAllowed=y

22 rt1.forestier.ro:5017/sumalsatelit/#coordonate=24.9668,45.9432/Z7

23 apepaduri.gov.ro/sumal-2/

24 eia-global.org/press-releases/romania-creates-revolutionary-public-access-in-new-online-wood-tracking-system

25 minzp.sk/files/iep/2019_12_ako-zlepsit-sledovanie-tazbu-dreva.pdf

setting up new platforms of communication (**like inter-institutional working groups or task forces**) that could promote the exchange of data/experience, as well as provide enforcing authorities with the capacity to perform joint activities (like inter-institutional/supranational inspections). This should also ensure that there are liaison/contact persons designated amongst each authority and reduce the risk that corrupt officials in one agency block effective law enforcement efforts overall.

- Share **risk indicators** of the enforcement between all authorities and organisations.
- When there is a lack of proof to prosecute companies/operators breaching the EUTR, indications of fiscal fraud, money laundering or links to organised crime should be analysed to open up opportunities to prosecute a company for **offences connected to forestry crime**.
- **Compile and analyse best practices of the enforcement chain** to help **inform and refine the approach to investigation**.
- Equip investigation staff with **protocols or dedicated guidance** on, for example risk profiling, or available scientific techniques that could support them in efficient controls and fraud detection.

Recommendations most relevant for importing countries

- Provide authorities with a clear framework to help them in determining when a sanction should be issued and to **define adequate fines** to ensure **dissuasive** administrative penalties under the EUTR.
- **Adopt strict and harmonised policies on gathering data on operators, ideally in the form of a joint EU-wide register of operators and traders** operating in the internal market. Such a register could include data on the size of companies, the countries of operation, the complexity of supply chains, the frequency of timber imports and quantities and value of the timber imported and placed on the market.
- Create **reliable databases** at national and EU level to compile information on offences, prosecutions, investigations, known actors linked to forestry crime, *modus operandi*, operators known to be suspects, known trafficking routes and timber species most commonly trafficked etc. to help facilitate the dissemination of information, capture experiences and better orientate investigations.
- Reinforce significantly **staff capacity** at the level of Competent Authorities to carry out more and better checks on operators importing timber.
- **Use timber testing/forensic methods** to provide reliable and additional evidence for court cases.
- Encourage and support the **analysis** of actors involved in illegal timber trade and their *modus operandi*.
- Institutionalise **cooperation between authorities** and establish a strategy, protocols and standards on how the different nodes of the enforcement chain should detect and combat forestry crime and ensure counterparts in government administrations and authorities are identified.

Good practices from producing countries

SLOVAKIA

A **police unit dealing with environmental crime was established in 2019**. Under the presidium of the Police Force, an independent Department for the Detection of Hazardous Substances and Environmental Crime was established. Dedicated environmental crime departments were established within existing criminal police departments for each of the eight County Police Force directorates with a taskforce of seven specialists/investigators for each country.

The fight against environmental crime at the district level was also strengthened. In each of the 53 districts, two experts work for the District Police Force Directorates (one investigator and one police officer). In terms of staff capacity, 105 police officers and investigators should be dealing with environmental crime topics²⁶.

An agreement to cooperate on the detection and documentation of environmental offences was signed in 2020 between the Ministry of Interior (the Police Force of the Slovak Republic) and the Slovak Environmental Inspectorate. **The agreement focuses on three main areas:** exchange and sharing of information, consultations and training meetings to coordinate procedures and cooperation during investigations²⁷.

ROMANIA

Collaboration exists in diverse forms, for example through the “Forest Shield” Plan. **The Forest Shield plan is an inter-agency cooperation programme where different agencies/authorities have a common action plan to address illegal logging.**

UKRAINE

The police and State Security Services **provide numerous reports about illegal logging investigations launched in different regions** as well as about forestry officials (including heads of regional forestry departments) caught trying to give bribes. This indicates that there is awareness about the issues and that some agencies are investigating this pervasive problem.

INTERPOL’s Investigative Support Team deployed to investigate suspicious timber cargo seized by the national authorities in Eastern Europe liaised with Agroisolab and the national authorities to deploy forensics technologies, analysed the seized timber and proved its alleged illegality. Thanks to the use of these dedicated forensics tools, the illegal origin of the timber was proven and document fraud was confirmed.

Good practices from importing countries

BELGIUM

Since September 2020, the Belgian federal police has a mandate to pursue environmental crime linked to fauna and flora, which should increase skills and capacities to carry out international investigations into criminal networks.

FRANCE

The French Competent Authority is training and specialising controllers with the help of third party organisations experienced in illegal timber detection.

INTERNATIONAL EXAMPLE: BRAZIL

Example of the Brazilian Sector-wide Plan for Protection and Combatting Deforestation in the Amazon (PPDCAM), initiated in July 2003.

The PPDCAM, as one of the largest successes achieved in the area of environmental crime and not replicated to date, shows that **with strong political support and a multidisciplinary approach, tackling forestry crime on a large scale is possible**. This experience and good practice could serve as a role model and reference for large scale investigation and enforcement actions.

As laid out in in the publication entitled *The wicked problem of forest policy*²⁸: “(...) one single office was given full responsibility for coordination: the Executive Office of the Presidency in close collaboration with the Federal Police, involving coordination and implementation with 13 ministries and more partners. (...) More than 41,000 fines amounting to US\$3.9 billion were issued. 700 people were arrested, many of them prosecuted, 1 million cubic metres of tropical timber were seized, 11,000 properties, equipment and assets were confiscated or destroyed”.

© Ricardo Bellei/Brazil | Photos/LightRocket via Getty Images



26 webnoviny.sk/nasvidiek/na-slovensku-vznikne-specialna-enviropolicia/

27 sizp.sk/files/genetika/zmluva_sizp_pz.pdf

28 Nellemann, C. et al. 2020. The wicked problem of forest policy

JUDICIAL SYSTEM

The judicial system, including judges and prosecutors, must play a key role in investigating, prosecuting and convicting perpetrators of forestry crime. Despite compelling data and evidence showing the pervasiveness of forestry crime, at the moment most forestry crimes do not make it to court, especially cases involving high profile people and organised criminal networks. This creates a sense of impunity amongst offenders and negatively impacts the perception of civil society in general.

The judicial system may not have been historically well aware and trained about environmental crime, but it has a crucial role to play in prosecuting forestry crimes by issuing thorough sanctions, with a special focus on big players and criminal networks. This will help to generate substantial and public debates at national level. Meanwhile, the publication and dissemination of fines levied and other punishments will create a sense of accountability amongst law enforcement and the judiciary and will help to deter criminal behaviour.

- Fines have to be dissuasive.

Recommendations most relevant for producing countries

- **Provide training on environmental crime, including forestry crime, to judges and prosecutors and** ensure that people working at justice level are **well informed/aware** enough of the harmful and deleterious effects of not sanctioning forestry crimes.
- Ensure adequate **protection for witnesses/whistleblowers** of forestry crime cases as requested by the 2019 Whistleblower Protection Directive (2019/1937). EU member states must ensure a quick and adequate transposition of the Directive into their national legislation by December 2021.
- Severe offences to forestry laws and subsequent timber trade require thorough law enforcement action, with a special attention given to criminal law measures. **The focus of enforcement actions should be shifted towards large corporations and criminal networks, instead of small-scale loggers.**
- **Forensic methods** in laboratories should be much more encouraged and used for court cases.

- Set up a working group **and boost cooperation between judicial authorities and forest/customs/investigation agencies to identify obstacles in the enforcement of forestry crime laws** (for example why most of the offences detected do not make it to court) **and to come up with solutions for more effective action.**
- Rely on **criminal law** more often to severely punish forestry crimes.

Recommendations most relevant for importing countries

- Administrative fines should not be overlooked by authorities as a tool for effective and **dissuasive sanctioning.**
- **Train more prosecutors** and judges to ensure that they are more **specialised in environmental crimes**, and specifically on forestry crime.
- **Increase the use of official communication channels**, which would strengthen the evidence in judicial proceedings.

LEGISLATURE

Recommendations most relevant for producing countries

- Establish more severe penalties and sanctions for forestry crimes.
- The **legislative framework** should be **stricter** (zero tolerance for illegal logging) and sanctions depending on the severity of the breach should be implemented.
- Analyse the existing forest policy and review/reformulate it to simplify and reduce the number of pieces of legislation, ensure that room is not left for interpretation and come up with more efficient, actionable and clearer laws.
- Introduce amendments to the legislation to ensure the **protection of witnesses** and introduce financial rewards, as a way to stimulate police and investigative bodies to investigate corruption and fraud linked to forestry crimes.

Good practices from producing countries

SLOVAKIA

Specialisation of prosecutors in environmental crime has been introduced at the level of the general, county and also **district prosecutors office in 2008**²⁹.

Good practices from importing countries

BELGIUM-FRANCE

In 2019, a Belgian operator was fined 12,000 EUR for infringing the EUTR requirement to perform due diligence³⁰ while a French operator was fined 5,000 EUR for the same offence. Though both fines may not be dissuasive, this indicates that relevant authorities are beginning to take legal action.³¹



Stump from illegally logged beech tree (*Fagus Sylvatica*) from the scene of a massive scale illegal logging discovered in Uzansky National Park in 2018, which the Park authorities notified.

© D. Karabchuk

29 KUREKOVÁ, I. 2018. Envirokriminalita a generálna prokuratúra. *Enviromagazín*. 5:13-15 enviromagazin.sk/enviro2018/05_enviromagazin_2018.pdf

30 clientearth.org/media/tcgd2g4j/eutr-news-april-to-june-2019-ce-en.pdf

31 lecommercedubois.org/actualites.php?id=427&PHPESSID=f4n3oueh6ram1v5bbnrel13j1

SPECIALISED UNITS: ANTI-CORRUPTION, ANTI-FRAUD AND MONEY LAUNDERING

Specialised units, such as units fighting against financial crimes, organised crime or anti-corruption initiatives, play an additional role in supporting the detection, identification and conviction of offenders/criminals linked to forestry crime. Forestry crimes are often perpetrated in connection with other crimes such as tax evasion, corruption, bribery, extortion, document fraud and money laundering.

Units fighting financial crime can help to detect the possible involvement of people in criminal schemes through financial investigations such as forensic accounting or net worth analysis. Meanwhile, independent anti-corruption units help to tackle and prevent corruption and help build transparency and confidence in the government, thereby improving oversight and monitoring, especially in the environmental and forest sector, where conflicts of interest and political interference are frequent. These specialised units are very complementary to the work of the rest of the enforcement chain to combat forestry crime.

Make corruption in the forestry sector a central focus for authorities and for training prosecutors, and encourage the investigation of organised crime networks involved in forestry crime.

Recommendations most relevant for producing countries

- **Empower anti-corruption authorities** by any means (including through hiring and training dedicated/specialised staff).
- **Increase salaries** for all forest staff and investigative bodies to reduce the likelihood of corruption through bribes. At the moment salaries are very often significantly too low.
- **Determine laws and protocols** so that corruption, nepotism and the involvement and interference of politicians in the forest business, administrations and policies is largely reduced.
- **Stop political nomination** of representatives of supervisory authorities.
- **Increase transparency** to make sure contracts and tenders related to forestry activities are won honestly and not through bribes or political contacts.
- Increase institutional **cooperation between authorities** for a better penetration of the criminal environment.

- **Better access to information.**
- Independent control bodies should consist of representatives from different expert institutions.
- Ensure that people are **condemned for high-level corruption** to help raise awareness of awareness of this issue amongst civil society.
- Conduct **public awareness** campaigns.
- Define a proper and reliable method of **calculation of financial losses** caused by forestry crime to assess the pervasiveness of the issue and define an associated strategy to tackle this.

Recommendations most relevant for importing countries

- Public communication about environmental crime, corruption and fraud is crucial to increase **political awareness** and **increase resourcing and funding**. Government officials have an active role to play in communication.

Good practices from producing countries

ROMANIA

It was reported in May 2018 that **Romania's security forces have mounted a series of raids to break up an alleged 25 million euro illegal logging ring.**³²

SLOVAKIA

There is growing interest in forestry crime from the anti-corruption unit (NAKA). **In 2020**, investigations and raids were carried out and **several people suspected of corruption and money laundering in relation to the wood trade were charged.**

UKRAINE

After the Revolution of Dignity in 2014, **Ukraine has established new anti-corruption institutions** such as a National Anti-Corruption Bureau, the National Agency for Prevention of Corruption, the Special Anti-Corruption Prosecution Office as well as the Special Anti-Corruption Court. The National Anti-Corruption Bureau is now involved in the investigation of corruption in forestry.



32 [theguardian.com/environment/2018/may/31/romania-breaks-up-alleged-25m-illegal-logging-ring](https://www.theguardian.com/environment/2018/may/31/romania-breaks-up-alleged-25m-illegal-logging-ring)



ANNEX: KEY DEFINITIONS

Tree trunk with holes in it, Slovakia.

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Civic Space

The place civil society actors occupy within society; the environment and framework in which civil society operates; and the relationships among civil society actors, the State, private sector and the general public.³³

Corruption

There is no one single definition of corruption. According to INTERPOL, corruption is defined as:

- the misuse of entrusted power for private gain, or
- any course of action or failure to act by individuals or organisations, public or private, in violation of a duty or obligation under law or trust for profit or gain.

The annual global cost of corruption in the forestry sector is estimated to be in the order of 29 billion dollars. Bribery is reported as the most common form of corruption in the forestry sector. Other forms of corruption, in order from most to least common after bribery, are the following: fraud, abuse of office, extortion, cronyism and nepotism³⁴.

Forensic methods

Innovative scientific testing methods in laboratories now make it possible to detect certain types of fraud/violations of law, for example in the context of the EUTR. Forensic methods make it possible to identify timber species.

These methods involve properties of the wood that are firmly ingrained in the wood and thus impossible to manipulate. Several forensic methods exist, the most common being:

- **Wood anatomy testing :** An established method routinely used to identify wood types for solid woods, veneers, plywood, etc. It consists of a macroscopic and microscopic examination during which the genus and, in many cases, the species of wood samples, can be determined precisely based on their anatomical structure.
- **Isotopic testing:** Isotopes of common elements such as hydrogen, oxygen, nitrogen, sulphur and carbon occur in different proportions in different geographic areas and are absorbed by plants and incorporated into their structure. By analysing the proportions of the isotopes in

plants, it is possible to determine where they were grown as long as reference material is available.

- **DNA testing:** DNA analysis compared genetic sequences extracted from timber samples against a genetic reference database. DNA testing can be used for population, species or individual log identification. Once a wood's species-specific markers have been identified, the genetics can be used to determine its species unequivocally.

Forestry crime

According to INTERPOL, “Forestry crime” is an umbrella term to describe criminal activity (carried out in contravention of national or international law) in the forestry sector covering the entire supply chain, from harvest (illegal logging) and transportation to processing, selling, trading, importing and exporting. It also refers to those criminal offences that facilitate such activity, including document fraud, corruption and money laundering³⁵.

Modus operandi

Modus operandi refers to the methods used to carry out forestry crime (please see the definition above) across the entire supply chain, from illegal harvest to transport and trade.

Offence

For the purposes of this report, the term “offence” includes all activities that may be subject to criminal or administrative penalties.

Organised crime

According to the United Nations Convention against Transnational Organized Crime (2004)³⁶:

- a. “Organised criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;

- b. “Serious crime” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.

Poverty-related forestry crime

Organised crime is different to poverty-related forestry crime³⁷. The United Nation Office on Drugs and Crime defines that “although actions in the illegal activities are linked (for example, poor farmers that are employed as harvesters and suppliers by traffickers), it is still critical to differentiate between activities driven by need and poverty, and those driven by greed and the lure for high profit. In developing countries, poverty can be a factor that drives wildlife and forest offences (...). In this connection, formal criminalization can be harmful for people depending on wildlife and forest resources for their livelihoods”.

Sanitary Logging

Sanitary logging refers to the practice of harvesting dead or diseased trees in order to prevent the spread of disease or

pests to other parts of the forest. It is a standardized tool to manage economical forests producing timber for commercial use, under certain conditions defined by laws. It can be either continuous or selective. Sanitary logging is sometimes misused as a coverage for commercial and illegal activities linked to forestry crime.

Substantiated concern

A substantiated concern could be described as any relevant information brought to the attention of an EUTR Competent Authority that indicates or proves non-compliance, by an operator or a monitoring organization, with their obligations as laid out in Regulation 995/2010 and Regulation 607/2012. According to articles 8 (4) and 10 (2) of Regulation 995/2010 (EUTR) an EUTR Competent Authority (CA) must carry out (additional) checks on Monitoring Organizations and Operators when it is in possession of relevant information, including on the basis of substantiated concerns provided by third parties, concerning compliance with the EUTR. In this document substantiated concern and third party concern are used synonymously.

33 OHCHR (2014). A Practical Guide for Civil Society: Civil Society Space and the United Nations Human Rights System.

34 Uncovering the risks of corruption in the forestry sector, INTERPOL (2016) 20 pages.

* Please note that, due to the sanitary situation, the workshop took place online, and was split into two sessions.

35 <https://www.interpol.int/content/download/5149/file/Global%20Forestry%20Enforcement%20Prospectus%202019-web.pdf>

36 https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THEREON.pdf

37 [unodc.org/documents/Wildlife/Toolkit_e.pdf](https://www.unodc.org/documents/Wildlife/Toolkit_e.pdf)



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