

BIENNIAL REPORT

Completion date: **30** maart 2015.

INTRODUCTORY LETTER

Article 20, paragraph 1 of the Regulation (EU) No 995/2010 (EUTR) requires each Member State to submit a biennial report on the application of this Regulation during the previous two years. On the basis of those reports the Commission shall draw up a report to be submitted to the European Parliament and the Council every two years. This report will help the Commission in analysing the progress made in respect of the conclusion and operation of FLEGT VPAs pursuant to Regulation (EC) No 2173/2005 and their contribution to minimising the presence of illegally harvested timber and products derived from such timber on the internal market.

The biennial report will also help the EC in reviewing the functioning and effectiveness of the Regulation. It provides an opportunity for the Member States to share information regarding their overall implementation of the Regulation and can serve as a tool for self-assessment through which the Member States can identify achievements, significant developments or trends, gaps or problems and possible solutions. At the international level, the comparison and synthesis of information in biennial reports can support policy and decision-making.

The format is divided into seven parts:

- A. General Information
- B. National Legislation for Implementation of EUTR
- C. Implementation and Enforcement
- D. Cooperation on Implementation and Enforcement of EUTR
- E. Resources
- F. Technical Assistance and Capacity Development
- G. Communication Methods

Each biennial report should cover the period from March 2013 to February 2015 and shall be submitted in electronic form to the European Commission (ENV-TIMBER-REG@ec.europa.eu) no later than by 30 April 2015.

The report should be prepared in one of the 24 official working languages of the European Union.

Specific instructions

- Parties are encouraged to respond to all questions. Inputs can be made in spaces highlighted in grey.
- Unless otherwise indicated, responses should reflect measures taken during the reporting period.
- This reporting format is intended to be completed by making use of tick boxes and expandable space.
- The format is designed so that a reporting agency can take as much space as required to give a full answer. Use Appendix 2 with appropriate references in case additional space is needed.
- Please contact the European Commission (ENV-TIMBER-REG@ec.europa.eu) if any clarification in the preparation of the report is required.

List of abbreviations

CA	Competent Authority
DD	Due Diligence
DDS	Due Diligence System
EUTR	European Union Timber Regulation
MO	Monitoring Organisation

A. GENERAL INFORMATION

A1 Respondent

Name of the Organisation	Nederlandse Voedsel- en Warenautoriteit
Member State	Nederland.
Period covered in this report	March 2013-February 2015

A2 Contact information of National Contact Point

Address	Catherijnesingel 59.
City	Utrecht
Zip code	3511GG
Phone number	088-2233333
Fax number	088-2233334
Email address	info@nvwa.nl

A3 Contact information of Competent Authority (if other than Respondent)

Name of the Organisation	Click here to enter text.
Address	Click here to enter text.
City	Click here to enter text.
Zip code	Click here to enter text.
Phone number	Click here to enter text.
Fax number	Click here to enter text.
Email address	Click here to enter text.

A4 Contributing agencies, organizations

	Yes	No
Has the information already been provided in the previous biennial report? (if "no" please provide the information below)	<input type="checkbox"/>	V
Contributing organization	Ministerie van Economische Zaken	
Country	Nederland	

See Appendix 1 for additional fill-in forms for contributing parties.

B. NATIONAL LEGISLATION FOR IMPLEMENTATION OF EUTR

B1 Penalties for infringement of EUTR (ref. EUTR Articles 10 (5), 19):

Penalty	Resulting from:	Organization with the authority to issue the penalty	The penalty is issued based on the law¹ of	Range of penalties (min and max) provided for infringements of the EUTR²
Notice of remedial Actions	Prohibition	De Minister van Economische Zaken, die de bevoegdheid heeft gemanageerd aan de Nederlandse Voedsel- en Warenautoriteit (NVWA)	Artikel 2, tweede lid, van het Besluit uitvoering Europese houtverordening (BuEh) in samenhang met artikel 5.21 van de Algemene wet bestuursrecht (AwB).	De NVWA legt een last op aan de overtreder. De last kan samengaan met een termijn om te handelen en de dreiging van bestuursdwang of een dwangsom. Bij bestuursdwang handelt de NVWA en heft de overtreding op waarna het de kosten van handelen verhaalt op de overtreder. Bij een dwangsom verbeurt de overtreder een geldsom wanneer hij de overtreding niet opheft.
	DD obligation		De BuEh is een natuurbescherfings wet, de AwB een bestuurswet.	
	Traceability			
Fines to operator	Prohibition	De strafrechter	Artikel 2, eerste lid, van het Besluit uitvoering Europese houtverordening (BuEh) in samenhang met artikel 1a, tweede lid, onder 2, van de Wet Economische Delicten (WED).	De rechter is vrij om een strafmaat te bepalen. Bij een opzettelijke handeling is deze ten hoogste een gevangenisstraf van 2 jaar of een geldboete van de vierde categorie (tot € 20250,-). In andere gevallen is deze ten hoogste een gevangenisstraf van 6 maanden of een geldboete van de vierde categorie (tot € 20250,-).
	DD obligation		De BuEh is een natuurbescherfings wet, de WED een strafwet.	
	Traceability			
Seizure of timber/ product	Prohibition	De strafrechter	Artikel 2, eerste lid, van het Besluit uitvoering Europese houtverordening (BuEh) in samenhang met artikel 7d, van de Wet Economische Delicten (WED) en artikel 36c van het Wetboek van Strafrecht (WvSr)	De rechter kan besluiten het hout of product af te nemen door verbeurdverklaring of onttrekking aan het verkeer. Vatbaar voor verbeurdverklaring zijn voorwerpen die aan de veroordeelde toebehoren of die hij geheel of ten dele ten eigen bate kan aanwenden en die geheel of grotendeels door middel van of uit de baten van het strafbare feit zijn verkregen of voorwerpen met betrekking tot welke het feit is begaan. Vatbaar voor onttrekking aan
	DD obligation		De BuEh is een natuurbescherfings wet, de WED en het WvSr zijn strafwetten.	
	Traceability			

				het verkeer zijn alle voorwerpen die geheel of grotendeels door middel van of uit de baten van het feit zijn verkregen of met betrekking tot welke het feit is begaan.
Suspension of authorisation to trade	Prohibition	De strafrechter	Artikel 2, eerste lid, van het Besluit uitvoering Europese houtverordening (BuEh) in samenhang met artikel 7c, van de Wet Economische Delicten (WED)	De rechter kan besluiten tot gehele of gedeeltelijke stillegging van de onderneming, waarin het economische delict is begaan, voor ten hoogste een jaar.
	DD obligation		De BuEh is een natuurbeschermings wet, de WED een strafwet.	
	Traceability			
Other penalty, specify below	Prohibition			
	DD obligation			
	Traceability			

¹ e.g., based on criminal law, forest and/or environmental legislation, trade laws, or other relevant piece of legislation

² please, specify the variable as appropriate, e.g., currency: xx euros (or other currency), volume: m³, weight: ton (1000 kg), or time: weeks/ months/ years

B2 Level of penalties in comparable legal offences (ref. EUTR Articles 19 (2)):

Please note that the provision of information for table B2 is not compulsory. Penalties that can be imposed under other legislation for comparable and proportionate infringements:

Comparable legislation ¹	Types of penalties and maximum level of the penalties	Due diligence system required by the comparable legislation		Other relevant information
		Tick if "Yes"	Additional information on the DDS in place	
Example 1, <u>Flora – en faunawet</u>	Geldboete van de vijfde categorie of gevangenisstraf maximaal zes jaar voor bezit en handel in beschermde soorten	<input type="checkbox"/>	Click here to enter text.	Geldboete vijfde categorie is maximaal 81.000 euro
Example 2, <u>Boswet</u>	Gevangenissenstraf van twee jaar maximaal of geldboete van de vierde categorie voor kap zonder vergunning	<input type="checkbox"/>	Click here to enter text.	Geldboete van de vierde categorie is maximaal 20.250 euro
Example 3, <u>Flegt opgenomen in de Algemene Douaneregeling</u>	Geldboete van de derde categorie voor invoer zonder geldige flegtvergunning	<input type="checkbox"/>	Click here to enter text.	Geldboete van de derde categorie is maximaal 8100 euro

¹ Please specify examples of relevant and comparable legislation (e.g. CITES, FLEGT Regulation, national forest and environmental laws) that stipulates legal sourcing and/or trade.

¹ In force at the time of submitting the report.

C. IMPLEMENTATION AND ENFORCEMENT

C1 Responsibility to Check Operators Placing Timber and Timber Products on the Market (ref EUTR Article 10 (4)):

C1.1 Specify the authority who checks documentation and procedures of operators for:

i) Domestic timber:	<u>NVWA</u>
If other than CA, please provide details on the organisation and relations with CA:	Click here to enter text.
ii) Imported timber and timber products:	<u>NVWA</u>
If other than CA, please provide details on the organisation and relations with CA:	Click here to enter text.

C1.2 Access to documentation and procedures of operators:

	Yes	No
i) Authority has a free access to operators' DDS	X	<input type="checkbox"/>
If i) "no", please specify (e.g. if checks require operators' consent, warrant etc.):	Click here to enter text.	

C2 Checks on Operators

C2.1 Identification of operators (ref. EUTR Article 10)

The following sources of information are used for identification of operators:

Source	Tick if applicable	Additional information (where appropriate)
Own register	<input type="checkbox"/>	Click here to enter text.
Registers of other authorities	X	Importgegevens van de Douane.
Registers of private sector (e.g. industry associations)		
Other	<input type="checkbox"/>	Click here to enter text.

C2.2 Plan for checking operators (ref. EUTR Article 10(2))

C2.2.1 Time schedule for planning checks on operators and the main criteria used (i.e. what is the basis for the planning of checks on operators, how the plan is developed and reviewed etc.):

Marktdeelnemers worden voor inspectie geselecteerd op basis van land van kap/verwerking, soort goederen en volume van import. Op basis van informatie van NGO's, wetenschappelijke instituten en bevindingen van eigen inspecties en inspecties van andere CA's en Douane worden nieuwe inspectieadressen geselecteerd.

De bevindingen worden geëvalueerd en aan de hand van de bevindingen en nieuwe ontwikkelingen of signalen wordt een vervolgplan opgesteld.

C2.2.2 Risk factors applied to the preparation and review of the check plan:

RISK FACTOR		Tick if applicable	Additional information (where appropriate)
1	Type of products	x	Click here to enter text.
2	Type of business (operator)	X	Click here to enter text.
3	Type of suppliers	<input type="checkbox"/>	Wat wordt bedoeld met type of suppliers is niet duidelijk. Gaat dit over de omvang of het soort product.
4	Country of harvest of timber/timber products	X	Click here to enter text.
5	Species of timber and timber products	X	Soort hout is niet altijd bekend aan de hand van de Douanegegevens.
6	Information provided by other CAs	X	Click here to enter text.
7	Concerns provided by third parties	X	Click here to enter text.
8	Other, bevindingen van Douane	x	Bijvoorbeeld opvallende handelsroutes, bevindingen omtrent handelswaardes.
9	Other, Click here to specify.	<input type="checkbox"/>	Click here to enter text.
10	Other, Click here to specify.	<input type="checkbox"/>	Click here to enter text.
11	Other, Click here to specify.	<input type="checkbox"/>	Click here to enter text.
12	Other, Click here to specify.	<input type="checkbox"/>	Click here to enter text.

C2.2.3 Check plan for March 2013-February 2015 indicating whether the checks focus on desktop review (**Desk**), document review on site (**Doc**), product inspection on site (**Prod**) or combined check including both document review on site and product inspection on site (**Comb**):

	Desk	Doc	Prod	Comb	Other comments
	Number of operators				
TOTAL	#		#	120 gepland	Alle inspecties zijn een combinatie van document en productcontrole. Echter in veel gevallen is het product alreeds verder door verhandeld. Daar waar relevant worden monsters genomen. Er is een aantal van 120 inspecties gepland De planning wordt bijgesteld aan de hand van de doorlooptijden van inspecties.

C2.2.4 Specify if the plan includes check(s) on domestic timber supplies:

Er zijn een klein aantal inlandse marktdeelnemers geïnspecteerd. De Nederlandse inlandse productie van hout is zeer beperkt.

C2.3 Checks undertaken on operators

C2.3.1 Number of checks (ref. EUTR Articles 10, 11):

Checks carried out between March 2013-February 2015 indicating

- a. type of checks: desktop review (**Desk**), document review on site (**Doc**), product inspection on site (**Prod**) or combined check including both document review on site and product inspection on site (**Comb**):
- b. whether the checks were included in the planned sampling (plan) or were due to information received from other authorities or third parties:

	Desk	Doc	Prod	Comb	Comments according to b.
	Number of operators				
TOTAL	#	#	#	98 afgeronde inspecties	<p>Het overgrote deel van de inspecties was gepland naar aanleiding van de eigen steekproef. Een klein percentage (minder dan tien) adressen kwamen voort uit verzoeken van NGO's. In bepaalde gevallen waren adressen reeds geselecteerd of geïnspecteerd en kwamen deze vervolgens ook naar voren in verzoeken van NGO's.</p> <p>Naast 98 afgeronde inspecties zijn ook een aantal inspecties reeds gestart maar nog niet afgerond binnen de termijn van deze rapportage.</p>
Other relevant information for section C2.3.1 based on the risk observations mentioned in C2.2.2 (e.g. risks related to type of products, type of business, type of suppliers, country of harvest of timber, species of timber, information provided by other CAs or third parties) :	Het is niet duidelijk welk soort informatie wordt bedoelt in deze sectie				

C2.3.2 Results of checks and penalties issued (ref. EUTR Articles 10, 11, and 19)

- i) Number of checks undertaken between March 2013-February 2015 having resulted in notices of remedial actions (RA), remedial actions that led to a penalty (RALP) and/or total penalties (P) and/or other action (OA):

	RA	RALP	P	OA	Specify here "other action"
	Number of operators				
TOTAL	24	#	#	#	<p>24 schriftelijke waarschuwingen voor het niet of onvoldoende hebben van een stelsel van zorgvuldigheidseisen. Waarna binnen een termijn een herinspectie volgt.</p> <p>Tot op heden is gebleken dat bij de uitgevoerde herinspectie de bedrijven hun stelsel van zorgvuldigheidseisen hadden aangepast.</p>

- ii) Describe type of penalties and bodies imposing penalties between March 2013-February 2015:

Types of penalties and body imposing the penalty (e.g. fines, seizure, suspension of authorization to trade and other penalties)
Geen sancties opgelegd

Other relevant information for section C2.3.2 based on the

Click here to enter text.

risk observations mentioned in C2.2.2 (e.g. risks related to type of products, type of business, type of suppliers, country of harvest of timber, species of timber, information provided by other CAs or third parties):

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C3 Checks on Monitoring Organizations (MO)

C3.1 Number of checks per MO carried out between March 2013-February 2015 (ref. EUTR Article 8 (4)):

Name of each MO checked	MO registered in the MS		Number of checks undertaken per MO	Resulting in notifications ¹ to the EC	Other comments, notify here if the checks were according to plan
	Yes	No			
i) Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	No. of checks	No. of checks	Click here to enter text.
ii) Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	No. of checks	No. of checks	Click here to enter text.
iii) Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	No. of checks	No. of checks	Click here to enter text.
iv) Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	No. of checks	No. of checks	Click here to enter text.
v) Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	No. of checks	No. of checks	Click here to enter text.
vi) Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	No. of checks	No. of checks	Click here to enter text.

¹ for withdrawal of recognition.

Main criteria for selecting MOs to be checked and other relevant information for section C3.1:

Er zijn geen toezichthoudende organisaties geïnspecteerd, daar deze pas gedurende de periode zijn benoemd.

D. COOPERATION ON IMPLEMENTATION AND ENFORCEMENT OF EUTR

D1 Cooperation with Authorities in EUTR Enforcement

D1.1 List of government agencies your country's CA has cooperated with during 2013-2015 on EUTR implementation and enforcement and description of the main areas of cooperation (*ref. EUTR Article 12*):

Agency	Area ¹ of cooperation
Douane	Uitwisseling gegevens en delen risico's
Openbaar Ministerie.	Afspraken maken over handhaving en inzet van handhavingsinstrumenten
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.

¹ Area of cooperation ie joint enforcement actions, joint investigation, technical support

D1.2 List of CAs and other authorities in other EU countries your country's CA has cooperated with during 2013-2015 (*ref. EUTR Article 12*):

CA or other authority	Area ¹ of cooperation
Belgie	Gegevensuitwisseling en samenwerking
Duitsland	Gegevensuitwisseling en overdracht inspectie
Ierland	Gegevensuitwisseling en overdracht inspectie
Verenigd Koninkrijk	Gegevensuitwisseling en overdracht inspectie
Zweden	Gegevensuitwisseling en samenwerking

¹ Area of cooperation ie joint enforcement actions, joint investigation, technical support

D1.3 List of agencies in non-EU countries the CA has cooperated with during 2013-2015:

Agency in producing country	Area ¹ of cooperation
Ibama/ Sema Brazilie	Gegevensuitwisseling en informatie overdracht
USDOJ/USFWS/HS/APHIS USA	Gegevensuitwisseling en informatie overdracht
Indonesia	Navraag informatie mbt SVLK documenten
Click here to enter text.	Click here to enter text.

¹ Area of cooperation ie joint enforcement actions, joint investigation, technical support, sharing of intelligence etc.

D2 Substantiated Stakeholder Concerns Received on Implementation and Enforcement of EUTR

D2.1 Total number of operators about whom concerns were received (CR) from third parties and MOs, number of cases resulted in checks on operators (C) and number of cases resulted in penalties (CP) between March 2013-February 2015 (*ref. EUTR Article 8 (4)*):

Concerns received from:	CR	C	CP	Please specify type of concerns received and/or provide other relevant information e.g. applicable HS codes
	Number of operators			
Third parties	3	3	0	De twee verzoeken tot handhaving richten zich op zendingen uit Brazilië bestemd voor meerdere marktdeelnemers.
MOs	#	#	#	
TOTAL	#	#	#	Daarnaast is nog een klacht gericht op een individuele marktdeelnemer ingediend. De klachten/verzoeken zijn onderzocht en hebben in bepaalde gevallen geleid tot een schriftelijke waarschuwing. Een aantal zaken zijn nog in onderzoek.

D2.2 Stakeholder concerns about operations of MOs (ref. EUTR defining recital 21):

Type of concern	Type of stakeholder ¹ and if possible, name	CA Action
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.

¹ Please specify the name and type of stakeholder group e.g., environmental/ social NGO, consumer group, industry, certification organisation

Other relevant information for section D2.2:

Geen klachten over MO's ontvangen

E. RESOURCES

E1 Resources Available in CA for Implementation and Enforcement of EUTR

E1.1 Human resources

- i) Human resources available for implementation and enforcement, person months/a:

3 fte

E1.2 Financial resources (if the information is available to the respondent)

- ii) Total annual budget for EUTR implementation, e.g.,

cooperation, training, reporting, EUR/a:

- iii) Total annual budget for EUTR enforcement, e.g.,

checks, remedial actions, issuance of penalties, EUR/a:

370.000 euro voor zowel implementatie als handhaving

Other relevant information
for section E1.2:

Click here to enter text.

F. TECHNICAL ASSISTANCE AND CAPACITY DEVELOPMENT

F1 Technical Assistance Provided to Operators

F1.1 Assistance and training provided by any Member State government organisations to operators during March 2013-February 2015 (ref. EUTR Article 13):

Organisation providing assistance/training	Types of organisations receiving assistance/training	Type of assistance/training provided
NVWA	Branche organisaties, . Marktdeelnemers., Consultants en Douane agenten	Lezingen, workshops.
Ministerie van Economische zaken.	Branche organisaties, . Marktdeelnemers,	Lezingen, workshops
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.

F1.2 If the information is available to the respondent, please provide a general description of training/assistance provided to operators by other parties (ref. EUTR Article 13):

Bodies providing assistance/training	Types of organisations receiving assistance/training	Type of assistance/training
Bosschap.	Bosannemers en bosbezitters	Informatie folder
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.

F1.3 Please provide an estimate of the number of operators who received assistance/training between 2013-2015:

300

F2 Other Technical Assistance Provided

F2.1 Other assistance and training provided in March 2013-February 2015:

Organisation/body providing the training/assistance	List of organisations/bodies receiving training/assistance	Type of assistance/training
NVWA	Click here to enter text.	Informatie beschikbaar stellen op de website, beantwoorden van vragen van individuele bedrijven en personen
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.

G. COMMUNICATION METHODS

G1 CA communication with stakeholders

G1.1 Methods of CA communication and concerns and complaints received from stakeholders during March 2013-February 2015:

Purpose of communication	Communication methods ¹	Target groups
Dissemination of information, awareness raising	Website, lezingen en interviews met bladen bestemd voor de doelgroep	Marktdeelnemers en handelaren
Reception of concerns	Website, email.	NGO's
Responses to concerns received	Brieven en emails	Melders van klachten
Reception of complaints and appeals	Website en email	Melders
Responses to complaints and appeals received	Brieven en emails	Melders
Other	Click here to enter text.	Click here to enter text.

¹e.g. website, emails, phone calls, meetings, newsletters, conferences or other.

Appendix 1

Additional contact information forms:

A4 Contributing agencies, organizations or individuals

Contributing organization	Ministerie van Economische Zaken
Country	Nederland

Contributing organization	Click here to enter text.
Country	Click here to enter text.

Contributing organization	Click here to enter text.
Country	Click here to enter text.

Contributing organization	Click here to enter text.
Country	Click here to enter text.

Contributing organization	Click here to enter text.
Country	Click here to enter text.

Contributing organization	Click here to enter text.
Country	Click here to enter text.

Appendix 2

Comments and/or
other relevant
information:

Click here to enter text.