

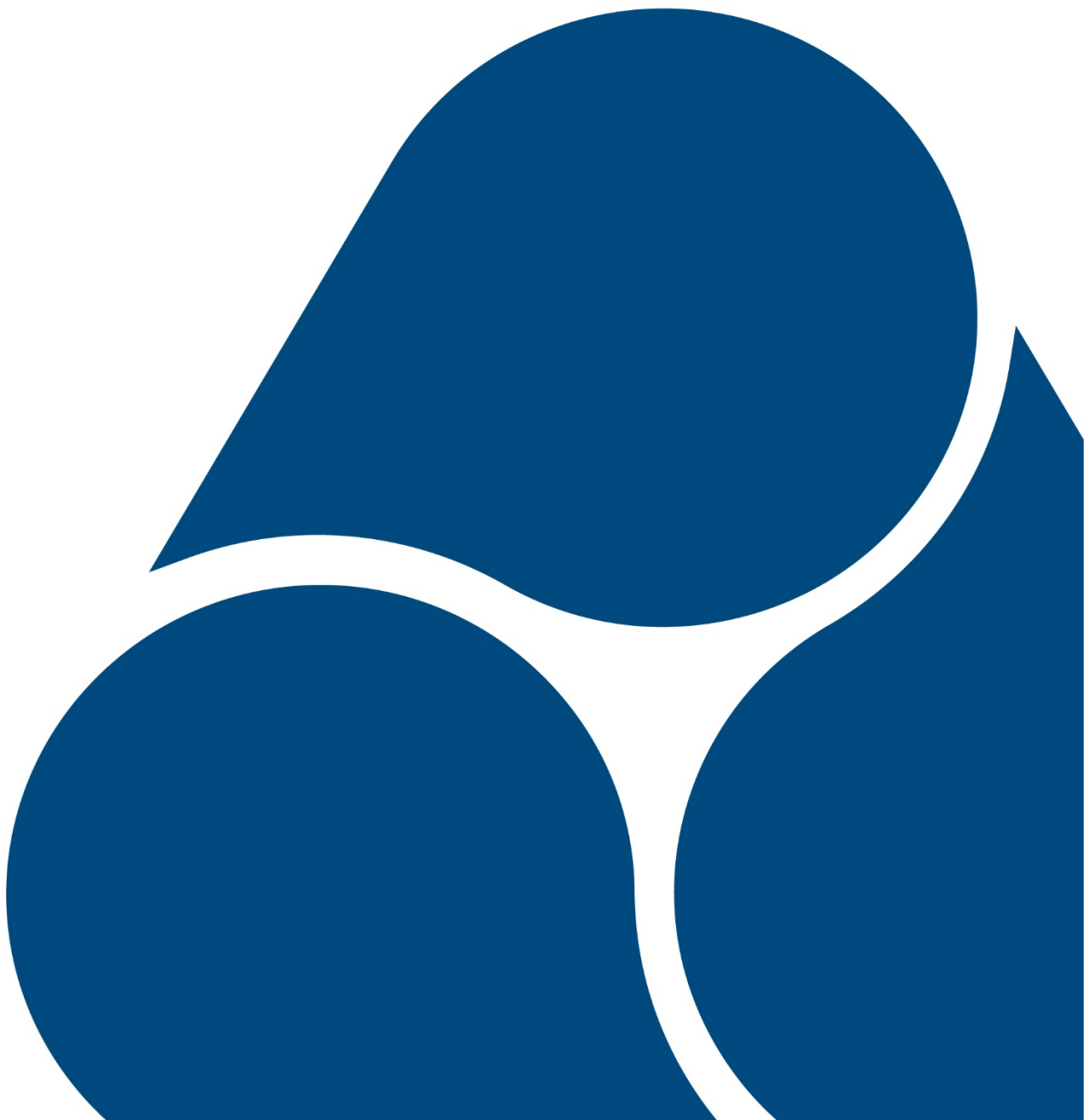


Office for Product  
Safety & Standards

# **Timber and Timber Products (Placing on the Market) Regulations 2013, as amended**

## **Guidance on the UK Timber Regulations**

January 2021



## Contents

Summary	3
1 Background	4
2 Scope	6
3 Obligations of traders	12
4 Obligations of operators	13
5 Risk mitigation measures	22
6 Recycled timber and timber products	24
7 Conflict timber	27
8 Substantiated concerns	30
9 Our role	32
10 Glossary	33

## Summary

<b>Purpose</b>	This guidance has been produced by the Office for Product Safety and Standards (OPSS) with the aim of supporting understanding of the Timber & Timber Products (Placing on the Market) Regulations 2013, as amended by the Timber & Timber Products and FLEGT (EU Exit) Regulations 2018, the Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019, Timber and Timber Products and FLEGT (Northern Ireland Protocol) Regulations 2020 and The Timber and Timber Products and FLEGT (Amendment) (EU Exit) Regulations 2020.
<b>Intended use</b>	This document is intended for use by any person placing timber or timber-related products on the market in Great Britain and to any business that buys or sells such products.
<b>Regional coverage</b>	The Timber & Timber Products (Placing on the Market) Regulations 2013, as amended, cover England, Scotland and Wales.
<b>Status</b>	Version 1

In this guidance:

- ‘must’ indicates a legal obligation;
- ‘should’ indicates good practice advised; and
- ‘may’ indicates discretionary actions in the light of the context and circumstances.

For clarity, legal requirements and good practice are set out in separate paragraphs.

All terms in bold lettering in this guidance are explained in the Glossary.

# 1 Background

- 1.1 Timber supply chains are regulated to ensure harvesting practices are legal, encourage sustainable harvesting practices and support global forest governance.
- 1.2 The Timber & Timber Products (Placing on the Market) Regulations 2013, establish obligations for businesses trading in timber and timber-related products. The purpose of the legislation is to prevent trade in timber that was illegally harvested.
- 1.3 This guidance is designed to help businesses that trade in timber and timber-related products understand their obligations under the regulations.

There are two separate regulatory regimes:

- the Timber Regulations;
- the Forest Law Enforcement, Governance and Trade Regulations (FLEGT).

Each of these regulatory regimes consists of the following suite of separate regulations:

1. the principal regulations made by the EU Parliament. These are Regulation (EU) No. 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market<sup>1</sup> ('**Timber Regulations**') and Council Regulation (EC) No. 2173/2005<sup>2</sup> on the establishment of a FLEGT licensing scheme for imports of timber into the European Community ('**FLEGT Regulations**').
2. implementing regulations, made by the EU commission, and adding detail to the principal regulations;
3. UK enforcement regulations, made by the UK Parliament for the purpose of establishing powers to investigate compliance with the principal and implementing regulations, and establishing a criminal penalty for non-compliance. This is the Timber & Timber Products (Placing on the Market) Regulations 2013.

The European Union (Withdrawal) Act 2018 (as amended in 2020) ensures that European regulations (e.g. the principal and implementing regulations described above) become UK law after the end of the transition period – and the term for this new UK law is retained direct EU law.

The EU (Withdrawal) Act provides powers to make regulations correcting deficiencies in either retained direct EU law, or in UK regulations that implement retained direct EU law (e.g. the UK enforcement regulations described above). From this was created The Timber and Timber Products and FLEGT (EU Exit) Regulations 2018 and The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019.

---

<sup>1</sup> The EU Timber Regulation (Regulation (EU) No 995/2010) is available at: [www.ec.europa.eu/environment/forests/timber\\_regulation.htm](http://www.ec.europa.eu/environment/forests/timber_regulation.htm)

<sup>2</sup> Council Regulation No. 2173/2005 is available at [www.ec.europa.eu/environment/forests/flegt.htm](http://www.ec.europa.eu/environment/forests/flegt.htm)

## Guidance on the UK Timber Regulations

As laid down in the EU (Withdrawal) Act and the Northern Ireland Protocol, at the end of the Transition Period certain provisions of EU law will be applicable in Northern Ireland (NI). The EU principal and implementing regulations described above, will continue to apply directly in NI along with the UK enforcement regulations.

The European Timber Regulation (EUTR) and FLEGT will become UK domestic legislation as the UK Timber Regulations and FLEGT. The Timber and Timber Products and FLEGT (Amendment) (EU Exit) Regulations 2020 amends the 2018 Exit Regulation to ensure it remains correct and operable within the context of the Northern Ireland Protocol.

## 2 Scope

- 2.1 The UK Timber and Timber Products Placing on the Market Regulations (UKTR) apply to any **operator** or **trader** within the GB timber supply chain. The obligations imposed by UKTR are different at different points in the supply chain, therefore a business trading in timber or timber-related products must understand whether it is acting as an '**operator**' or a '**trader**'.
- 2.2 The operator and trader requirements in themselves are not new; what changes as we move from an EU market to a GB market is that some businesses who were previously traders for the purposes of the regulations will become operators and their obligations will therefore change.
- 2.3 If you are an **operator** or **trader** in NI, EUTR will continue to apply and you should refer to the European Union guidance on how to comply with those regulations. This can be found on the European Commission's page for the [Timber Regulation](#)<sup>3</sup>.
- 2.4 If you are an **operator** or **trader** in Great Britain, you should refer to this document for guidance on how to comply with UKTR.
- 2.5 To determine whether or not you are considered an **operator** or **trader** in Northern Ireland, please refer to the scenarios at the end of the following sections on **operators** and **traders**.

### Operators

- 2.6 You are an **operator**<sup>4</sup> for the purposes of UKTR if you place timber or timber-related products on the GB market for the first time, making them available for distribution or for use in your own business.
- 2.7 If you are importing the timber or timber-related products from outside of GB then the **operator** is the entity identified in box 8 of the C88 form, the [single administrative document](#)<sup>5</sup> that is used to clear customs.
- 2.8 The obligations of **operators** are explained in section 4 of this guidance.

### Placing on the market

- 2.9 Timber is placed on the GB market<sup>6</sup> for the purposes of UKTR when it is supplied by any means - irrespective of the selling technique used - for the first time, for distribution or use in the course of a commercial activity.
- 2.10 **Placing on the market** applies whether the timber is harvested within or outside of the GB.
- 2.11 Timber is not considered to be placed on the GB market where it is subject to special customs procedures or in transit or being imported for the purposes of being re-exported.

---

<sup>3</sup> Guidance for operators in Northern Ireland can be found at:  
[www.ec.europa.eu/environment/forests/timber\\_regulation.htm](http://www.ec.europa.eu/environment/forests/timber_regulation.htm)

<sup>4</sup> Article 2, EU Regulation 995/2010

<sup>5</sup> The single administrative document is available from HM Revenue and Customs at:

[www.gov.uk/government/publications/import-and-export-single-administrative-document-full-8-part-set-c88-1-8](http://www.gov.uk/government/publications/import-and-export-single-administrative-document-full-8-part-set-c88-1-8)

<sup>6</sup> Article 2, EU Regulation 995/2010

2.12 The scenarios below provide examples of where a person is an **operator** for the purposes of UKTR.

#### Example Scenario 1

**Company A is a law firm based in Great Britain. They send out a lot of letters and generate many physical copies of documents. They import all the paper they use for printing from outside of GB.**

Company A is an **operator**. Even though the paper is not sold on, it is used in the course of company A's business. Company A therefore needs to fulfil all the obligations of an **operator**.

#### Example Scenario 2

**Mr B sells standing trees he has grown on his land, within Great Britain, to Company C, also within Great Britain. Mr B does not harvest the trees as Company C owns the right to harvest.**

Mr B is not an **operator**.

Company C becomes an **operator** the moment it harvests the timber for distribution or use in business.

#### Example Scenario 3

**Company D, based in Great Britain has purchased barrels from outside GB. Company D employs the services of Mr Z as an agent to process the barrels through customs.**

Mr Z is in this case a representative of Company D as he is only processing the barrels through customs on behalf of Company D. As an agent, he is neither the **operator** nor a **trader**.

The moment the barrels clear customs, Company D becomes an **operator**; regardless of whether they use the barrels in the course of their own business or go on to supply them to the UK market.

#### Example Scenario 4

**Company E is based in England. It imports outdoor furniture which was placed on the market by Company F, based in Northern Ireland.**

Company E must comply with the requirements of UKTR. Under UKTR, Company E is considered to be a **trader** and, as such, no new due diligence checks will be required. Company E will still be required to provide documentation relating to traceability of the product.

### Example Scenario 5

**Company G is based in Northern Ireland and imports a timber product from Great Britain.**

Company G must comply with the requirements of EUTR. Under EUTR, Company G is an **operator** and they will need to undertake due diligence prior to placing it on the EU Market.

### Traders

- 2.13 You are a **trader**<sup>7</sup> for the purposes of UKTR if you are based in Great Britain and in the course of a commercial activity you buy or sell timber or timber-related products that have already been placed on the market by a GB **operator**.
- 2.14 The obligations of **traders** are explained in section 3 of this guidance.

### Timber and timber-related products

- 2.15 UKTR applies to timber and timber-related products regardless of whether the timber was harvested within or outside of GB.
- 2.16 The term 'timber', where it is used throughout this guidance, refers to all timber and timber-related products in scope of UKTR.
- 2.17 The products that are in scope of UKTR are listed in Table 1. The list identifies products by reference to '**HS Codes**'<sup>8</sup>.

**Table 1. Timber products listed in the EUTR Annex**

<b>HS Code</b>	<b>Product description</b>
<b>4401</b>	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
<b>4403</b>	Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared
<b>4406</b>	Railway or tramway sleepers (cross-ties) of wood
<b>4407</b>	Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6mm
<b>4408</b>	Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6mm

<sup>7</sup> Article 2, EU Regulation 995/2010

<sup>8</sup> HS Codes refer to the Harmonized Commodity Description and Coding System, or simply the 'Harmonised System', is a standardised international system to classify globally traded products. Further guidance on **HS codes** is available on the Gov.uk website at: [www.gov.uk/guidance/finding-commodity-codes-for-imports-or-exports](http://www.gov.uk/guidance/finding-commodity-codes-for-imports-or-exports)



## Guidance on the UK Timber Regulations

<b>4409</b>	Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed
<b>4410</b>	Particle board, oriented strand board (OSB) and similar board (for example, waferboard) of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances
<b>4411</b>	Fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances
<b>4412</b>	Plywood, veneered panels and similar laminated wood
<b>4413 00 00</b>	Densified wood, in blocks, plates, strips or profile shapes
<b>4414 00</b>	Wooden frames for paintings, photographs, mirrors or similar objects
<b>4415</b>	Packing cases, boxes, crates, drums and similar packings, of wood; cable-drums of wood; pallets, box pallets and other load boards, of wood; pallet collars of wood  (Not packing material used exclusively as packing material to support, protect or carry another product placed on the market.)
<b>4416 00 00</b>	Casks, barrels, vats, tubs and other cooperers' products and parts thereof, of wood, including staves
<b>4418</b>	Builders' joinery and carpentry of wood, including cellular wood panels, assembled flooring panels, shingles and shakes
	Pulp and Paper of Chapters 47 and 48 of the Combined Nomenclature, with the exception of bamboo based and recovered (waste and scrap) products
<b>9403 30</b> <b>9403 40</b> <b>9403 50 00</b> <b>9403 60</b> <b>9403 90 30</b>	Wooden furniture
<b>9406 00 20</b>	Prefabricated buildings

2.18 The scenarios below provide examples of where timber products are in scope of UKTR or are exempt. Where there are doubts as to whether a product is within scope or not, businesses are encouraged to approach OPSS for advice (see section 9).

### Exemptions

2.19 Certain timber is exempt from the requirements of UKTR. Exempt products include:

- recycled timber: timber that has completed its lifecycle and would otherwise be disposed of as waste e.g. timber from buildings that are demolished. Further guidance on this is provided in section 6;
- printed books: newspaper, pictures and other products of the printed industry not included in chapters 47 and 48 of the **HS codes**;

## Guidance on the UK Timber Regulations

- packaging, which is used exclusively as packing material to support, protect or carry another product placed on the market or is specially shaped or fitted to contain a specific article or set of articles for which they are intended;
- tools: tool bodies, tool handles, broom or brush bodies and handles of wood;
- seats; and
- musical instruments.

### Example Scenario 6

**Company H buys paper from a country outside of GB and imports it into GB to manufacture envelopes. The envelopes are then sold on to Company I, also based in GB.**

Paper is in scope of UKTR. Company H is an **operator**; they purchase the paper for use in their own business.

Company I is a **trader**.

### Example Scenario 7

**Company J buys timber from a country outside of GB and imports it into GB to manufacture furniture. The furniture is then sold on to Company K in an EU Member State.**

Company J is an **operator**; they purchase the timber for use in their own business.

Company K is not subject to UKTR but is likely to be an **operator** for the purposes of EUTR and, as such, will require information from Company J in order to exercise its own **due diligence**.

### Example Scenario 8

**Company L is importing bottles of wine from a country outside of GB. To protect the bottles of wine they are transported in timber crates.**

In this case, the crates are not within the scope of UKTR as they are not the product but are used to protect and support the bottles of wine, which are the product.

Company L is not an **operator**.

### Example Scenario 9

**Company M imports timber pallets from outside of GB to use as packaging for items they manufacture and intend to export.**

In this case, the timber pallets are within scope as they are the product imported by Company M.

Company M is an **operator**.

**Example Scenario 10**

**Company N is based in Northern Ireland and imports outdoor furniture from Germany.**

As Company N is based in Northern Ireland, under EUTR Company N is considered a **trader**.

### 3 Obligations of traders

- 3.1 Any person who, based in Great Britain and in the course of a commercial activity, sells or buys timber already placed on the GB market, is referred to in UKTR as a **trader** and is required to meet obligations in respect of the traceability of timber<sup>9</sup>. Where a business first places timber on the GB market and then goes on to sell that timber, it is acting as both an **operator** – in respect of placing the timber on the market – and a **trader** – in respect of the sale.
- 3.2 A **trader** must maintain records identifying the **operator** or **trader** who supplied the timber. This information must be kept for at least 5 years and must be provided to OPSS on request.
- 3.3 A **trader** must also, where applicable, identify any **traders** to whom they have supplied the timber.

---

<sup>9</sup> Article 5 Obligation of traceability, EU Regulation 995/2010

## 4 Obligations of operators

- 4.1 UKTR prohibits the **placing on the market** of illegally harvested timber. Any person who places timber on the GB market is referred to in UKTR as an **operator** and is required to meet obligations in respect of the legality of the timber<sup>10</sup>.
- 4.2 An **operator** must not place timber on the GB market that was illegally harvested, or timber products derived from such timber. This obligation applies whether the timber was sourced from within GB or outside GB.
- 4.3 An **operator** must:
- exercise '**due diligence**' when placing timber on the GB market; and
  - maintain and regularly evaluate a '**due diligence system**'.<sup>11</sup>
- 4.4 An **operator** must maintain records of its **due diligence** checks. This information must be kept for at least 5 years and must be provided to OPSS on request.

### FLEGT and CITES

- 4.5 The requirement to exercise **due diligence** does not apply where:
- The timber is imported from a country that has implemented a **voluntary partnership agreement (VPA)** with the UK – currently only Indonesia – and is accompanied by a forest law enforcement, governance and trade (FLEGT) licence; or
  - The timber is accompanied by a valid **Convention on International Trade in Endangered Species (CITES) permit**.<sup>12</sup>
- 4.6 All **FLEGT timber** being imported from Indonesia to the UK will need to be accompanied by a **FLEGT licence** issued by the Indonesian authority which will require subsequent verification from OPSS.<sup>13</sup>
- 4.7 Indonesia issues separate FLEGT licences depending on the final destination of the timber.
- 4.8 **FLEGT timber** imported into the EU then exported to GB is in scope of UKTR and the GB **operator** is required to exercise **due diligence** when placing the timber on the UK market. Similarly, where **FLEGT timber** is imported into GB and then exported to the EU, it will be in scope of EUTR and the EU **operator** will be required to exercise **due diligence** when placing the timber on the EU market.

---

<sup>10</sup> Article 4 Obligations of operators, EU Regulation 995/2010

<sup>11</sup> Article 6 Due diligence systems, EU Regulation 995/2010

<sup>12</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora. Information available at: [www.cites.org](http://www.cites.org)

<sup>13</sup> Further information, including a full list of products covered by FLEGT and an Information Sheet on licence verification, is available at: [www.gov.uk/guidance/eu-timber-regulation-guidance-for-business-and-industry](http://www.gov.uk/guidance/eu-timber-regulation-guidance-for-business-and-industry)

### Example Scenario 11

**Company O (GB based) imports furniture from a country within the EU, the furniture was exported from Indonesia into the EU with a FLEGT licence issued by the Indonesian authority for export to the EU.**

Company O is the **operator** for the purposes of UKTR and is therefore required to complete **due diligence**. Even though the product entered the EU on a **FLEGT licence** this is not valid in GB.

### Example Scenario 12

**Company P (GB based) imports furniture from Indonesia on a FLEGT licence issued by the Indonesian authority for export to the UK which it then exports to Company Q in the EU.**

Company P is an **operator** for the purposes of UKTR but is not required to exercise **due diligence** as it can rely on the verified **FLEGT licence**.

Company Q is an **operator** for the purposes of EUTR and is therefore required to complete **due diligence**. Even though the product entered the UK on a **FLEGT licence** this is not valid in the EU and can't be relied on by Company Q. Company Q will require information from Company P in order to exercise its own **due diligence**.

## Legally harvested timber

- 4.9 Most countries have legislation which they apply to the harvest and supply of timber. For timber placed on the GB market to be considered legal it must have been harvested without contravening any of the **applicable legislation**<sup>14</sup> in the country of origin. The implication for anyone intending to place timber on the GB market is that they must identify the country of harvest, understand the **applicable legislation** and ensure that the timber has been harvested in accordance with those laws.
- 4.10 '**Applicable legislation**' refers to the legislation that is in force in the country in which the timber was harvested. Timber harvesting laws vary from country to country, however some of the common subjects which harvesting laws cover include:
- trade and customs laws that relate to timber harvesting;
  - rights to harvest and legally harvestable species;
  - payments for harvest rights and duties related to the harvesting of timber;
  - biodiversity conservation and forest management;
  - legal rights of third parties with regards to use and tenure that are affected by timber harvesting; and
  - transportation of timber.

---

<sup>14</sup> Article 2, EU Regulation 995/2010

## Due diligence

- 4.11 The purpose of a **due diligence** system is to ensure that necessary steps and measures have been taken to prevent illegally harvested timber from being placed on the GB market. **Due diligence** is a preventative measure and must be carried out before the timber is placed on the GB market.
- 4.12 **Operators** can either develop their own **due diligence** system or use one provided by an approved **monitoring organisation**.<sup>15</sup>
- 4.13 A **due diligence** system comprises three stages: information gathering; risk assessment; and, where applicable, **risk mitigation**. **Operators** must be able to demonstrate how the information collected was assessed in light of the risk of illegality, how the level of risk was determined and how mitigating measures were decided on, i.e. choices made to effectively reduce the risk of placing illegal timber on the market to negligible levels.
- 4.14 Where the risk assessment does not identify any cause for concern that illegally harvested timber has entered the supply chain, the **operator** may legally place the product on the UK market. Where the risk assessment identifies any risk, other than a **negligible risk**, then the **operator** must take steps to mitigate that risk (see Stage 3 in the flow chart below) and may not legally place the product on the GB market unless the **risk mitigation** measures taken reduce the level of risk to negligible.
- 4.15 It is good practice to have all documents and paperwork that make up the **due diligence** system in an accessible portfolio, arranged if possible, in chronological order with each document labelled to show if it is part of information gathering, risk assessment or **risk mitigation**. There is a basic checklist ([due diligence checklist](#)) available on our website<sup>16</sup> that can be used to record **due diligence** checks in respect of a particular product. It is important that a record is maintained of the decision reached in respect of the level of risk and the reasons for that decision.
- 4.16 The **due diligence** system is illustrated in the chart below and the stages are explained on the following pages.

---

<sup>15</sup> A list of approved monitoring organisations in the UK is available at: <https://www.gov.uk/guidance/eu-timber-regulation-guidance-for-business-and-industry#how-to-comply>

<sup>16</sup> The Timber regulations: due diligence checklist is available at: [www.gov.uk/guidance/eu-timber-regulation-guidance-for-business-and-industry](http://www.gov.uk/guidance/eu-timber-regulation-guidance-for-business-and-industry)

## Guidance on the UK Timber Regulations

### Information Gathering (see Stage 1)

The information gathered must include: product description (including species); country of harvest; quantity; supplier's details; **trader(s)** to whom the timber will be supplied; documents showing compliance with **applicable legislation** in country of harvest.



### Risk Assessment (see Stage 2)

The criteria used to assess risk must include: assurance of compliance with **applicable legislation**; prevalence of illegal logging of species; prevalence of illegal logging and armed conflict in the country of harvest; sanctions imposed on timber imports or exports; complexity of supply chain.

The risk assessment must reach a conclusion as to whether the risk that illegally harvested timber has entered the supply chain is negligible or not.

#### ▼ Non-negligible risk

#### Risk Mitigation (see Stage 3)

Involves a number of measures and procedures that are adequate and proportionate to minimise risk effectively.

**Where the risk cannot, after mitigating actions, be reduced to negligible then the timber cannot be placed on the GB market.**

#### ▼ Negligible risk

**Risk mitigation not required – timber may be placed on the GB market**

### Stage 1. Information gathering

4.17 **Operators** must gather information relating to the timber they intend to place on the market. The key information that must be gathered is summarised in Table 2.

**Table 2. Information gathering**

Required information	Notes
<b>Product description</b>	<p>This must include the trade name and type of product as well as the common name of the specific species of timber in question and, where applicable, its full scientific name.</p> <p>Where multiple species are present, all species must be identified.</p> <p>Examples of documents which could contain the required information include, amongst others, an invoice or associated documents.</p>



## Guidance on the UK Timber Regulations

<b>Country of harvest</b>	<p><b>Operators</b> must identify the country of origin of the timber.</p> <p>Where applicable, the subnational region and <b>concession</b> of harvest must also be identified. <b>Applicable legislation</b> may vary from one subnational region to another and sometimes from one <b>concession</b> to another, as may other factors that affect the risk of illegality. In these circumstances, identification of the subnational region or <b>concession</b> is essential in order to conduct a risk assessment (see Stage 2).</p> <p>For records purposes, the country, subnational region and <b>concession</b> of harvest should be marked out on a map.</p>
<b>Quantity</b>	<p>The quantity of timber must be declared and expressed in terms of volume, weight or number of units.</p> <p>This information may be found on documents such as bill of lading (where the timber has been imported), other customs and trade documents and invoices.</p>
<b>Name and address of the supplier</b>	<p>This information must be recorded to ensure traceability of the supply chain.</p>
<b>Name and address of any trader to whom the timber has been supplied</b>	<p>This information must be recorded to ensure traceability of the supply chain.</p> <p>Where the timber has been sold to a member of the public this information is not required.</p>
<b>Documents showing compliance with applicable legislation</b>	<p><b>Operators</b> must evidence that the timber has been <b>legally harvested</b>.</p> <p>UKTR recognises that <b>applicable legislation</b> can vary greatly from one region to another and so does not specify legislation that must be complied with. However, it is critical to establish legality, to identify the country, subnational region and in some cases the <b>concession</b> where the timber was harvested; only then is it possible to accurately establish the documentation needed to verify compliance.</p> <p>It is not possible to provide an exhaustive list of documentation that would show compliance with the <b>applicable legislation</b> but the following documents are listed as a guide:</p> <ul style="list-style-type: none"> <li>• concession licences</li> <li>• forest management plans</li> <li>• proof of payment of applicable taxes and duties</li> <li>• extraction quotas and transport documents</li> <li>• harvesting permits</li> </ul>

**Stage 2. Risk assessment**

- 4.18 Once an **operator** has gathered all the required information, they must carry out a risk assessment, the purpose of which is the identification of the risks, if any, of illegally harvested timber entering the supply chain and/or product. Each piece of information gathered in Stage 1 must be taken into account and the risk of illegality assessed at each stage in the supply chain.
- 4.19 Collaboration with suppliers is essential during risk assessment and any subsequent **risk mitigation**. Where suppliers are unwilling to cooperate, **operators** should seriously consider if it is possible to come to a conclusion of **negligible risk**.
- 4.20 The risk assessment must address certain elements<sup>17</sup> and these are summarised in Table 3.

Table 3. Risk assessment	
Required information	Notes
Assurance of compliance with applicable legislation	<p>This relates to whether the timber has been harvested in line with the <b>applicable legislation</b> of the country of harvest and, where applicable the, subnational region or <b>concession</b> of harvest.</p> <p>Proof of compliance is usually in the form of documentation showing rights of harvest within legally gazetted boundaries.</p> <p>Documentation should be evaluated and the following key questions asked:</p> <ol style="list-style-type: none"> <li><b>1. Do the documents relate to the product in question?</b> If, for example, a concession licence is provided, it must demonstrate that the timber being evaluated is from the site specified on the licence. This then informs research into which laws are applicable to harvesting and supplying the timber from the site.</li> <li><b>2. Are the documents recent, original and verifiable?</b> Where documents are out of date or presented as copies of the original, extra caution must be applied and steps taken to verify authenticity.</li> </ol> <p><b>Operators</b> may include use of certification or third party certification schemes which cover compliance with <b>applicable legislation</b>. In considering whether to make use of a certification scheme or legality verification assurance that the timber in a product had been <b>legally harvested</b>, an <b>operator</b> must determine whether the scheme incorporates a standard that includes all the <b>applicable legislation</b>.</p> <p>Certified products generally carry a label with the name of the certification organisation that has set the criteria for the certificate and has set the requirements for the auditing process. Such organisations will normally be able to provide information on coverage of the certification and how it was</p>

<sup>17</sup> Article 6(1), EU Regulation 995/2010

	<p>applied in the country where the timber was harvested, including such details as the nature and frequency of field audits.</p> <p>The <b>operator</b> should be satisfied that the third-party organisation that issued a certificate was sufficiently qualified and is in good standing with the certification scheme and the relevant accreditation body. Information about how schemes are regulated can usually be obtained from the verification scheme.</p>
<p><b>Prevalence of illegal harvesting of specific tree species</b></p>	<p><b>Operators</b> must assess the extent to which the species within their product is at risk of being illegally harvested. <b>Operators</b> should use all reasonable sources of information to identify if their product is or contains an at risk species.</p> <p>Whilst it is not possible to specify one source of information on species most at risk of illegal harvesting, methods employed to access such information by an <b>operator</b> could include but are not limited to:</p> <ul style="list-style-type: none"> <li>• using the internet as a research tool;</li> <li>• reviewing material produced by organisations that work to protect threatened species; for example, civil society groups, the <a href="#">IUCN red list of threatened species</a><sup>18</sup>.</li> <li>• checking for protection under the Convention on International Trade of Endangered Species of Wild Fauna and Flora. The CITES <a href="#">checklist</a><sup>19</sup> uses ‘Appendices’ to indicate the level of protection for species. The level of protection a species has is often a helpful indicator as to whether there will be restrictions on its harvesting and thus the likelihood of it being illegally harvested.</li> </ul>
<p><b>Prevalence of illegal logging or armed conflict in country of harvest</b></p>	<p>There is no single definitive source of information on the prevalence of illegal harvesting or practices in a country. Therefore an <b>operator</b> must research the country their timber originates from. Illegal practices could occur at any stage of the timber supply chain, either illegal logging in the country of origin or laundering of illegally logged timber during subsequent processing and transportation.</p> <p>Where multiple countries or subnational regions are involved in the supply chain, each country and subnational region must be assessed. Where a country or subnational region is found to have a high prevalence of illegal activities this could be an indicator of a significant risk to the legality of the timber.</p> <p>Where there is armed conflict in a country or subnational region, this should be seen as a prompt for caution by the <b>operator</b>. Information about current conflicts is published by a range of organisations, including for example, the US-based <a href="#">Council on Foreign Relations</a><sup>20</sup> and <a href="#">The New</a></p>

<sup>18</sup> The International Union for Conservation of Nature’s Red List of Threatened Species is available at: [www.iucnredlist.org](http://www.iucnredlist.org)

<sup>19</sup> The Checklist of species protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora is available at: <https://checklist.cites.org/#/en>

<sup>20</sup> The Council on Foreign Relations’ Global Conflict Tracker is available at: [www.cfr.org/interactive/global-conflict-tracker/?category=us](http://www.cfr.org/interactive/global-conflict-tracker/?category=us)

	<p><b>Humanitarian</b><sup>21</sup>. <b>Operators</b> should be aware that these sources may not always be comprehensive or up-to-date.</p> <p>When assessing the risk of illegal logging in the supply chain, <b>operators</b> should make use of the <b>Corruption Perceptions Index</b><sup>22</sup> and consider how corruption is related to either the harvesting or processing of timber in the supply chain. <b>Operators</b> should make use of as many sources of information as possible when seeking to ascertain corruption levels at the origin of their products, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Using the internet as a research tool</li> <li>• NGO reports</li> <li>• Independent <b>monitoring organisation</b> operating in specific countries</li> </ul>
<p><b>Sanctions imposed on timber imports or exports</b></p>	<p><b>Operators</b> must check with the <b>United Nations Security Council</b><sup>23</sup> and <b>UK government</b><sup>24</sup> whether there are sanctions imposed on imports or exports of timber from countries in their supply chain.</p>
<p><b>Complexity of the supply chain</b></p>	<p>The more processors and intermediaries between the place of harvest and the <b>operator</b> and the more species used in the product the more complex a supply chain is, the greater the need for transparency at each point. This is to demonstrate <b>legally harvested</b> timber has not been mixed with illegally harvested timber. An <b>operator</b> must therefore map and evaluate the supply chain and demonstrate that, based on the evaluation of the supply chain, correct and adequate steps have been taken to ensure the legality of their product.</p>

### Stage 3. Risk mitigation

- 4.21 The presence of any identified risk needs to be verified and effective action taken to eliminate or reduce the risk to negligible levels. More extensive guidance on risk mitigation is provided in section 5.
- 4.22 **Risk mitigation** processes vary and depend on the nature of the risks. An approach to mitigate one risk might not be effective to mitigate another; it is therefore essential to choose actions that are robust enough and best suited to each identified risk. Some of the actions taken to mitigate risks could include but are not limited to:
- mapping the supply chain from harvest to delivery and requesting additional certified/verified documents;
  - obtaining documentation for forest management plans and verifying adherence to the plans;

<sup>21</sup> The New Humanitarian map is available at: [www.thenewhumanitarian.org/maps-and-graphics/2017/04/04/updated-mapped-world-war](http://www.thenewhumanitarian.org/maps-and-graphics/2017/04/04/updated-mapped-world-war)

<sup>22</sup> Transparency International's Corruption Perceptions Index is available at [www.transparency.org/](http://www.transparency.org/)

<sup>23</sup> Details of sanctions established by the United Nations Security Council are available at: [www.un.org/securitycouncil/sanctions/information](http://www.un.org/securitycouncil/sanctions/information)

<sup>24</sup> The UK Government provides guidance on current sanctions, embargoes and restrictions at: <http://www.gov.uk/guidance/uk-sanctions>

## Guidance on the UK Timber Regulations

- conducting timber analysis to ascertain species and/or origin;
- on site supply chain audit;
- evaluation of the chain of custody;
- employing the use of third party verification with emphasis on **risk mitigation**; and
- replacement of the supplier. New suppliers should also be risk assessed and a confirmation of **negligible risk** for the products being sourced should be obtained.

## 5 Risk mitigation measures

### Estimation of the level of risk

- 5.1 The level of risk can be identified in various ways. Evidence of prevalence of illegal logging could originate from the following (non-exhaustive list):
- reports by international organisations and Secretariats (e.g. CITES, INTERPOL, UNODC, FAO, UNEP);
  - government sources;
  - scientific and technical reports from academia, research institutions; and
  - civil society and/or private sector (e.g. NGOs, Monitoring Organisations).
- 5.2 In addition, information on corruption (e.g. low Corruption Perception Index) or on the quality of governance (e.g. World Bank Worldwide Governance Indicators) can be used as an indicator for the level of risk.
- 5.3 In cases where the available information for the estimation of the level of risk is assessed as not sufficient, the operator has to conclude that the risk of illegal logging is not negligible. The operator has to either take mitigation measures, followed by a new risk assessment, or to refrain from placing this product on the GB market.

### Guidance

- 5.4 When exercising due diligence under the UKTR, the mitigation measures should minimise to a negligible level any risk identified during the risk assessment. The higher the level of risk the more rigorous mitigation measures are needed.
- 5.5 The operator should apply risk mitigation measures tailored to the specific risk(s) identified at a specific point in the supply chain. For instance, if illegal logging is a risk, field audits may need to be conducted. If mixing of timber from different sources is a risk, then checks at sawmill may be necessary. Particular attention to the latter should be given in cases of a long or complex supply chain.
- 5.6 Risk mitigation measures and procedures suitable in cases of non-negligible risk could be one or more of the following (non-exhaustive list) depending on the specific risk identified:
- Requesting/acquiring and assessing further information and documentation regarding forest management units and/or supply chains, and/or suppliers. Where feasible, associations or commercial parties may assist by conducting the checking and verification of documents. Furthermore, the content of the documents collected must be assessed as a whole - with traceability throughout the supply chain up to the point of harvest – and its reliability should be verified.
  - Use of independent third-party verification schemes, if in line with the UKTR.
  - Use of independent audits in the country of harvest and any processing country along the supply chain to verify compliance with the applicable legislation in the country of harvest. Audit reports must be made available to OPSS during checks. Audits must be compliant with international or UK standards (e.g. the relevant ISO-guides or ISEAL codes) and include field visits or other means to check the place of harvest by, for instance, satellite data or information gathered from GPS loggers. Independent auditors are available from commercial consultants, some of which

also operate as Monitoring Organisations. In some countries independent auditing is being developed as a commercial service. Audits must be conducted at least every twelve months to verify that applicable legislation is complied with.

- Use of scientific methods for timber identification, such as wood-anatomy (macroscopic and microscopic) analysis, mass spectrometry, stable isotopes analysis, DNA analysis and/or other methods. By taking samples of the timber or timber product(s) and comparing them with available or additionally collected reference samples, the tree species and/or the origin of the timber indicated in the relevant documentation can be cross-checked. There are several levels at which these methods can be applied:
  - for identifying/checking the species;
  - for checking the large scale area of origin (e.g. country-level);
  - for checking small scale area of origin (e.g. concession-level); and
  - for checking whether the timber belongs to a specific tree (e.g. for tracing timber through the production chain).

Each of these different levels requires the availability of reference samples to a different extent.

Information on available scientific methods as well as on laboratories offering timber testing and identification services has been compiled by various organisations (international, government, research/academia, civil society) and is available online. For example: the UNODC Timber Analysis Guide<sup>25</sup>, the guide to laboratory techniques to determine species and origin of timber products<sup>26</sup>, the Global Timber Tracking Network (GTTN)<sup>27</sup>, the World Forest ID Project<sup>28</sup> and Kew Gardens.<sup>29</sup>

### 5.7 Carrying out self-conducted audits (i.e. conducted by the operator) can include:

- field visits at forest management units; and/or
- using other means to check the place of harvest by for instance satellite data or information gathered from GPS loggers; and/or
- audits on supplier(s) - and further along the supply chain if necessary – to verify legality, transparency and traceability across the supply chain.

Self-conducted audits must be:

- based on an audit-process plan to verify compliance with the obligations under the UKTR; and
- well documented and focused on the fulfilment of the applicable legislation in line with UKTR.

### 5.8 Risk mitigation measures taken together must effectively reduce the risk to a negligible level. In the case where all risk mitigation measures together cannot attain a negligible level of risk, the operator must refrain from placing the timber on the GB market.

---

<sup>25</sup> [www.unodc.org/documents/Wildlife/Guide\\_Timber.pdf](http://www.unodc.org/documents/Wildlife/Guide_Timber.pdf)

<sup>26</sup> <https://preferredbynature.org/library/articles/thematic-article-no-1-timber-testing-techniques>

<sup>27</sup> [www.globaltimbertrackingnetwork.org](http://www.globaltimbertrackingnetwork.org)

<sup>28</sup> [www.worldforestid.org](http://www.worldforestid.org)

<sup>29</sup> [www.kew.org](http://www.kew.org)

## 6 Recycled timber and timber products

- 6.1 Used timber and timber products that have completed their life cycle, and would otherwise be disposed of as **waste**, are excluded from the scope of UKTR.
- 6.2 This exemption applies to:
- timber products of a kind covered in Table 1, produced from material that has completed its lifecycle and would otherwise have been disposed of as waste (e.g. recycled paper, timber retrieved from dismantled buildings, or products made from waste wood).
- 6.3 This exemption **does not** apply to:
- by-products of a manufacturing process that involves material which has *not* completed its lifecycle and would otherwise have been discarded; or
  - goods that are simply second-hand, but which have not yet reached the end of their life cycle.

### Obligation to carry out checks

- 6.4 OPSS has the obligation to carry out checks to verify if operators comply with the requirements set out in UKTR (prohibition of placing on the market and due diligence). In order to fulfil these obligations, OPSS must first apply the definition of timber and timber products.
- 6.5 Unless otherwise demonstrated by the operator, it is generally assumed that the timber and timber products covered by Table 1, do not fall under the exemption and the operator should have exercised due diligence when placing those products on the market. In the context of checks the operator must provide evidence to OPSS that any product falls under the exemption.

### Demonstrating that timber and timber products fall under the exception

- 6.6 In order to avoid placing disproportionate burden on operators, the obligation to exercise due diligence does not apply to operators placing on the market timber or timber products or components of such products manufactured from timber or timber products that would otherwise be disposed of as waste.
- 6.7 The operator is to document that timber and/or timber products or components of such products, placed on the market for the first time, have been made from materials that have completed their lifecycle and would otherwise be disposed of as waste.
- 6.8 Evidence that may be used to that end:
- official documentation provided by competent national authorities;
  - certification (certified recycled material);
  - confirmation from the supplier supported by photos from the factory showing all the sorted waste;
  - business activity of the operator;
  - documentation/licence to handle waste;
  - system and/or organization in place for collecting waste; or



## Guidance on the UK Timber Regulations

- any other documentation stating it is waste or recovered e.g. a technical dossier of the manufacturer or a test report from a recognised body, where the recycled content percentage by weight is stated.

### Example Scenario 13

**Will furniture made of by-products from another production be covered by/subject to UKTR?**

Yes.

By-products from another production are not waste but are to be regarded as a raw material in the production. Material in a regulated timber product is not recycled material if the material is the by-product of a manufacturing process.

Example: Sawdust or off-cuts from sawn timber used to make particle board or medium density fibreboard.

### Example Scenario 14

**Will plywood made with a core of recycled material and a front and a back facing made of new veneer be covered by/subject to UKTR?**

Yes.

It depends whether the plywood sheets are imported as sheets. If so they fall completely under the regulations. If the waste material is imported and the sheets are manufactured in the UK, then the waste is not covered by UKTR.

If the operator makes a plausible claim that the material used in the core falls under the definition of waste or is recycled, then the operator needs to have a due diligence system in place only for the veneer used on the front and back.

### Example Scenario 15

**What about film-faced plywood made with a core of recycled material?**

The operator must produce plausible evidence that the material used in the core falls under the definition of waste or is recycled and a declaration of the composition of the film-facing, e.g. melamine. Any paper-based/wood fibre laminates used in the facing, have to be included in the due diligence system.

### Example Scenario 16

**How to document timber purchased directly from a demolition contractor of old fishing vessels to be reused/processed in the UK?**

Evidence may include documentation of the exporter's activities, licence to handle waste, photos of such vessels, documentation of supply, and source of supply.

**Example Scenario 17**

**Will furniture made from timber recovered from demolition of houses be subject to the Regulations?**

No.

However, if any parts are made of new material like backboards and floorboards, these are covered under the UKTR.

The material in these products has completed its lifecycle and would otherwise have been disposed of as waste. Evidence may include documentation of exporter's activities, licence to handle waste, photos, documentation of supply, and source of supply.

**Example Scenario 18**

**Will a second-hand table that was purchased from outside GB be exempt from UKTR?**

No. This product has not reached the end of its lifecycle and would not have been considered, in its current form, to be waste. It continues, unmodified, to be used in the same way as it was prior to being placed on the market in the UK.

## 7 Conflict timber

- 7.1 Illegal logging can be linked to armed conflict. Operators' due diligence systems must incorporate relevant risk assessment criteria to analyse and evaluate the risk of illegally harvested timber being placed on the GB market, including consideration of the prevalence of armed conflict and the presence of sanctions imposed by the UN security council or the UK government on timber imports or exports.
- 7.2 While the UKTR does not include an operational definition of 'the prevalence of armed conflict', operators should apply this risk assessment criterion taking into particular consideration the OECD<sup>30</sup> definition of "conflict-affected and high-risk areas" which states that:
- "Conflict-affected and high-risk areas are identified by the presence of armed conflict, widespread violence or other risks of harm to people. Armed conflict may take a variety of forms, such as a conflict of international or non-international character, which may involve two or more states, or may consist of wars of liberation, or insurgencies, civil wars, etc. High-risk areas may include areas of political instability or repression, institutional weakness, insecurity, collapse of civil infrastructure and widespread violence. Such areas are often characterised by widespread human rights abuses and violations of national or international law."
- 7.3 The UKTR also explicitly lists sanctions on timber imports or exports imposed by the UN Security Council and the UK government among the relevant risk assessment criteria as part of the operators' due diligence system. Information on these sanctions are publicly available on the website of the UN<sup>31</sup> and the UK<sup>32</sup>. It should be noted that while these sanctions may not specifically be aimed at "timber imports or exports", shipments of timber and timber products may be linked to entities (including logging, processing, or exporting companies) or individuals (including beneficial owners of related companies, managers and employees, or contractors) that are themselves subject to sanctions; national government watchlist information could also be checked<sup>33</sup>.

### Guidance

- 7.4 To determine 'the prevalence of armed conflict', operators should not rely on any single source of information. International organisations and government sources, reports by civil society organisations and academic publications could all inform due diligence systems.

---

<sup>30</sup> [www.oecd.org/dac/conflict-fragility-resilience/](http://www.oecd.org/dac/conflict-fragility-resilience/)

<sup>31</sup> [www.un.org/sc/suborg/en/sanctions/un-sc-consolidated-list](http://www.un.org/sc/suborg/en/sanctions/un-sc-consolidated-list)

<sup>32</sup> [www.gov.uk/government/publications/the-uk-sanctions-list](http://www.gov.uk/government/publications/the-uk-sanctions-list)

<sup>33</sup> [www.gov.uk/government/publications/financial-sanctions-consolidated-list-of-targets/consolidated-list-of-targets](http://www.gov.uk/government/publications/financial-sanctions-consolidated-list-of-targets/consolidated-list-of-targets)

- 7.5 [The World Bank](#) provides a list of fragile and conflict-affected situations.<sup>34</sup> Other national or regional sources, such as the websites of ministries of foreign affairs of third countries also often provide up to date information on in this context. It should be recognised, that the prevalence of armed conflict may not be uniform across a country, and thus, due diligence systems must be sufficiently robust to detect variation in risk at the appropriate sub-national level and across the supply chain.
- 7.6 When assessing ‘the prevalence of armed conflict’, due diligence systems must identify situations where the forestry sector is affected by and contributes to fuelling the outbreak or continuation of violent conflict, undermining national endeavours towards development, good governance, and rule of law. The due diligence system must be sufficiently robust to detect whether the products covered by the UKTR were harvested, traded or exported by parties involved in the conflict. It is important that the operator is also aware of any prevalence of armed conflict at the foreseen time of harvesting. Likewise, due diligence systems must be robust enough to detect when sanctioned individuals and/or companies are involved in a supply chain. Operators should therefore take into consideration to whom and where they transfer their payments for the timber products.
- 7.7 Carrying out due diligence in the context of prevalence of armed conflict will require identifying and assessing the risk in the supply chain that timber and timber products might have that are harvested in conflict-affected, high-risk areas and lack of law enforcement. When assessing the nexus between the prevalence of armed conflict, illegal logging and associated timber trade, operators should take into consideration, including:
- whether any aspect of the timber supply chain is located in conflict affected and high-risk areas and where and when the risk might be particularly high;
  - whether there is any information that illegal harvesting of timber or illicit trade in timber is used to finance violence or other gross violations of international humanitarian law;
  - to what extent security forces (military, police, etc.) and armed groups are known to be involved in the exploitation (e.g. harvesting, trade, or export) of timber and timber products, including extorting money by blocking the production or transportation of legally harvested timber; and
  - whether local governance and security failures contribute to significantly increase the risk of violation of applicable legislation concerning third parties’ legal rights concerning use and tenure that are affected by timber harvesting. As in all cases, where applicable legislation related to timber harvesting in the broader sense is violated through criminal acts (e.g. slave-like labour) and these practices are known and the related information is publicly available, they should be taken into account in the risk assessment, since such criminal practices increase the risk of illegality in the stricter sense.
- 7.8 Where relevant, the operators’ risk assessment procedure must contain a clear and coherent assessment of the prevalence of armed conflict. The operator must also be able to demonstrate how a decision on risk mitigation measures was taken and how the operator determined the degree of risk.

---

<sup>34</sup> [www.worldbank.org/en/topic/fragilityconflictviolence/brief/harmonized-list-of-fragile-situations](http://www.worldbank.org/en/topic/fragilityconflictviolence/brief/harmonized-list-of-fragile-situations)

- 7.9 In a context of prevalence of armed conflict or sanctions by the UN Security Council or the UK government, operators should also consider specific steps, including:
- obtaining “information on the ownership (including beneficial ownership) and corporate structure of suppliers and their affiliates, including the names of corporate officers and directors; the business, government, political or military affiliations of the company and officers (in particular focusing on potential relationships with non-state armed groups or public or private security forces)”<sup>35</sup>; and
  - obtaining independently audited, forensic financial reports from suppliers to verify that no payments were made to armed groups e.g. to allow for transport of timber through territory under their control, including both state and non-state, or their affiliates in violation of applicable national law.
- 7.10 Where the risk of illegal harvesting and practices identified is non-negligible, the operator has to either take mitigation measures, followed by a new risk assessment, or refrain from placing the timber or timber-product(s) on the GB market. Risk mitigation measures taken together must effectively reduce the risk to a negligible level. In the case where all risk mitigation measures together cannot attain a negligible level of risk, the operator must refrain from placing the timber on the GB market. The risk of illegal harvesting and practices linked to the prevalence of armed conflict and the presence of sanctions will also be duly taken into account by OPSS when drawing their periodically reviewed risk-based plans for checks.

---

<sup>35</sup> OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, Third Edition, [www.oecd.org/daf/inv/mne/OECD-Due-Diligence-Guidance-Minerals-Edition3.pdf](http://www.oecd.org/daf/inv/mne/OECD-Due-Diligence-Guidance-Minerals-Edition3.pdf)

## 8 Substantiated concerns

- 8.1 OPSS may carry out (additional) checks on operators and **Monitoring Organisations** when it is in possession of relevant information, including on the basis of substantiated concerns provided by third-parties.
- 8.2 A substantiated concern is any relevant information regarding non-compliance with the UKTR - and supported by proof or evidence - that is brought to the attention of OPSS. A substantiated concern may refer to specific shipments, suppliers, operators or **Monitoring Organisations**. It may also refer to situations in specific countries of harvest that generate risks of illegal timber being placed on the market and that may require the intervention of OPSS. It may also refer to specific third-party verification schemes or organisations that are used by suppliers or operators to indicate legality.

### Guidance

- 8.3 A substantiated concern can be presented to OPSS in writing or orally

You can contact us by:

- Email: [opss.enquiries@beis.gov.uk](mailto:opss.enquiries@beis.gov.uk)
- Online Enquiry Form: <https://www.rohs.bis.gov.uk/enquiry/>
- Telephone: 0121 345 1201
- Post: Office for Product Safety and Standards, 4th Floor Cannon House, 18 The Priory Queensway, Birmingham, B4 6BS, United Kingdom

It could also be presented to the alleged offenders but also to other operators with a view to raise awareness and - if applicable - to take the relevant information into consideration when exercising due diligence, for example through associations or the press.

- 8.4 When submitting a substantiated concern, the informing party should include as many as possible of the following elements:
- information (full name, address, contact) on the subject of substantiated concerns (operator/trader/monitoring organisation), when known;
  - information on the individual or organisation submitting the substantiated concern if applicable (full name, address, phone number);
  - identification of the alleged breach of the UKTR (illegal timber on the market/lack of DDS/not maintaining DDS);
  - the type of evidence e.g. photos, reports, witness, information from reliable sources such as Interpol, Custom Authorities, Producer Country Authorities, Third Country Authorities, etc;
  - identification of the 'applicable legislation' in the country of harvest that the operator has not complied with or any other relevant information that proves non-negligible risk of illegally harvested timber;
  - where the alleged breach of the UKTR takes place/did take place;

## Guidance on the UK Timber Regulations

- the object of the alleged breach of the UKTR - identification of species, weight etc; and
- any other information that might be useful for the investigation of the alleged non-compliance with the UKTR.

8.5 OPSS, in view of facilitating third parties' cooperation in the effective enforcement of the UKTR, will:

- acknowledge your allegation or information within 5 working days;
- may request further information from you;
- critically assess the information provided against a range of criteria, to help us determine the appropriate response;
- we will explain how we may respond, so that you know what to expect; and
- we will determine whether it is appropriate to share information with you about the outcome of the allegation on a case-by-case basis.

We treat all contact with the service in confidence unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf or there is an operational reason why we need to do so. Personal data will be managed in accordance with the General Data Protection Regulation and other relevant legal requirements.

## 9 Our role

- 9.1 OPSS is part of the Department for Business, Energy and Industrial Strategy and is authorised by Defra to ensure compliance with UKTR within GB and EUTR in Northern Ireland.
- 9.2 We operate across a range of sectors with a focus on technical, environmental and product-based regulations. We make regulation work, protecting people and the environment, enabling businesses and maximising the impact of what we do, in partnership with users and stakeholders.
- 9.3 Our approach to carrying out our regulatory activities is explained in our [Service Standards](#). We know that good regulation is proportionate, consistent, targeted, accountable and transparent. We use the full range of tools and powers available to us to promote compliance and enforce the law to maintain protection, fairness and confidence.
- 9.4 We ensure that information, guidance and advice are available to help those we regulate to understand and meet legal requirements. Enquiries and requests for guidance or advice can be made by contacting us:  
Email: [opss.enquiries@beis.gov.uk](mailto:opss.enquiries@beis.gov.uk)  
Online enquiry form: <https://www.rohs.bis.gov.uk/enquiry>  
Telephone: 0121 345 1201  
Office for Product Safety and Standards, 4<sup>th</sup> Floor Cannon House, 18 The Priory, Queensway, Birmingham, B4 6BS
- 9.5 We carry out inspections and other activities to check compliance with legal requirements, and we target these checks where we believe they are most needed.
- 9.6 We are committed to dealing with non-compliance with legal requirements in a manner proportionate to the nature, seriousness and circumstances of the offence, as set out in our [Enforcement Policy](#). Our aim is to deliver enforcement that is fair and objective, while also being robust, credible and consistent with the intentions of the legislation. We use compliance advice, guidance and support as a first response to many breaches, where we consider this effective and proportionate. However, we will deal firmly with those that deliberately, persistently or recklessly fail to comply with their obligations, using the powers set out in the UKTR.
- 9.7 When we take enforcement action or make a regulatory decision in relation to a business or other body that we regulate, we will always provide a clear and timely explanation of any associated right to appeal. Further information on rights to appeal is available in our [Challenges and Appeals Guidance](#).
- 9.8 We publish details<sup>36</sup> of certain statutory enforcement actions that we take, including Notices of Remedial Action issued in relation to UKTR, and prosecutions. Where we issue a Notice of Remedial Action and subsequently receive confirmation from the operator or trader that it has complied with the requirements of the Notice, we will include an indication to this effect in the details that we publish.

---

<sup>36</sup> The list of statutory enforcement actions taken is updated on a periodic basis. It is available at: [www.gov.uk/government/publications/statutory-enforcement-actions](http://www.gov.uk/government/publications/statutory-enforcement-actions)



## 10 Glossary

Term	Definition
<b>Applicable legislation</b>	<p>Means the legislation in force in the country of harvest covering the following matters:</p> <ul style="list-style-type: none"> <li>• rights to harvest timber within legally gazetted boundaries</li> <li>• payments for harvest rights and timber including duties related to timber harvesting</li> <li>• timber harvesting, including environmental and forest legislation including forest management and biodiversity conservation, where directly related to timber harvesting</li> <li>• third parties' legal rights concerning use and tenure that are affected by timber harvesting, and</li> <li>• trade and customs, in so far as the forest sector is concerned.</li> </ul>
<b>Cites permit</b>	<p>The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an agreement to ensure that international trade in wild animals and plants does not threaten their survival. Some species of wildlife can be legally traded, but many require permits to cross borders.</p>
<b>Concession</b>	<p>Means the owner of a forest agrees to give another entity the right to manage a forest area for production or other uses, the resulting agreement is known as a forest concession. Such an agreement not only gives rights to the operator but also makes them accountable for the impacts of their management practices.</p>
<b>Due diligence</b>	<p>Means a risk management exercise so as to minimise the risk of placing illegally harvested timber or timber products containing illegally harvested timber on the UK market. The three key elements of the due diligence system are information, risk assessment and risk mitigation.</p>
<b>FLEGT</b>	<p>Forest Law Enforcement, Governance and Trade Licensing Scheme (FLEGT) means the issuing of licences for timber products for export to the UK from partner countries and its implementation in the UK provisions on border controls.</p>
<b>FLEGT licence</b>	<p>Means a shipment-based or market participant-based document of a standard format which is to be forgery resistant, tamper-proof and verifiable, and which refers to a shipment as being in compliance with the requirements of the FLEGT licensing scheme, duly issued and validated by a partner country's licensing authority. Systems for issuing, recording and communicating licences may be paper-based or based on electronic means, as appropriate.</p>

## Guidance on the UK Timber Regulations

<b>FLEGT timber</b>	Legally produced timber products produced from domestic timber that was legally harvested or timber that was legally imported into a partner country in accordance with national laws determined by that partner country as set out in the Partnership Agreement.
<b>HS Codes</b>	Means the Harmonised System (HS Codes) also known as Commodity Codes (CC Codes). An international nomenclature for the classification of products.
<b>Illegally harvested</b>	Means harvested in contravention of the applicable legislation in the country of harvest.
<b>Legally harvested</b>	Means harvested in accordance with the applicable legislation in the country of harvest.
<b>Monitoring Organisation</b>	Means a private entity with a legal presence in the UK who have been recognised by the secretary of state to provide Operators with operational due diligence systems.
<b>Negligible risk</b>	Negligible risk should be understood to apply to timber supply if a full assessment of both the product specific and the general information shows no cause for concern.
<b>Operator</b>	Means any natural or legal person that places timber or timber products on the market.
<b>Placing on the Market</b>	The supply by any means, irrespective of the selling technique used, of timber or timber products for the first time on the internal market for distribution or use in the course of a commercial activity, whether in return for payment or free of charge. Internal market - This means the timber is physically present in the UK, either harvested here or imported and cleared by customs for free circulation, as products do not acquire the status of UK goods before they have entered the territory of the customs union. Goods subject to special customs procedures (e.g. temporary importation, inward processing, processing under customs control, customs warehouses), in transit or being re-exported are not considered to be placed on the market.
<b>Risk Mitigation</b>	Means a set of measures and procedures that are adequate and proportionate to minimise effectively the identified risk.
<b>Trader</b>	Means any natural or legal person who in the course of a commercial activity, sells or buys on the internal market timber or timber products already placed on the internal market.
<b>Voluntary Partnership Agreement (VPA)</b>	Means an agreement between the UK and a partner country by which the UK and that partner country undertake to work together in support of the FLEGT action plan and to implement the FLEGT licensing scheme.
<b>Waste</b>	Means any substance or object which the holder discards or intends to or is required to discard.

© Crown copyright 2021

**Office for Product Safety and Standards**

Department for Business, Energy and Industrial Strategy

4<sup>th</sup> Floor Cannon House, 18 The Priory Queensway, Birmingham B4 6BS

[www.gov.uk/government/organisations/office-for-product-safety-and-standards](http://www.gov.uk/government/organisations/office-for-product-safety-and-standards)

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](http://nationalarchives.gov.uk/doc/open-government-licence/version/3)

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

Alternative format versions of this report are available on request from [enquiries@beis.gov.uk](mailto:enquiries@beis.gov.uk)