

Info-brief: EUTR enforcement in France

The EU Timber Regulation (EUTR) is implemented in each Member State via national legislation and enforced by national authorities. This means that differences exist in penalty regimes and enforcement practices. It also means that the opportunities for EU (and non-EU) civil society to support enforcement differ. Here we provide key information on the French implementing legislation for the EUTR, as well as top-line information on the enforcement approach in France as of March 2017. This document is designed as a first point of reference – not a comprehensive source of information. It will be updated as new information becomes available.

Implementation status

- Adoption of a penalty regime through *LOI n° 2014-1170 du 13 octobre 2014 d'avenir pour l'agriculture, l'alimentation et la forêt, Article 76*, which entered into force in October 2014.
- The *Ministère de l'Agriculture, de l'Agroalimentaire et de la Forêt* (MAAF) has been designated as the Competent Authority (CA). It carries out checks on logging companies and (importing) sawmills. It is supported by the *Ministère de l'Environnement, de l'Énergie et de la Mer* (MEEM), which carries out checks on importers (excluding sawmills).

Resources

- Resources for the implementation of the EUTR amount to three persons working full time, one at the MAAF and two at the MEEM (one is a temporary position). There are also approximately 15 agents who conduct checks across France among other activities.
- Agents who work for the MAAF and the MEEM have been trained to carry out checks on operators.

Criminal penalties

- Penalties for placing illegal timber or timber products derived from such timber on the market, or for failing to put in place or respect a due diligence system, can include financial penalties (up to € 100,000) and/or detention (up to 2 years).
- Penalties for obstructing checks by the CA can include financial penalties (up to € 15,000) and/or detention (up to 6 months).
- Penalties for not respecting some administrative penalties can include financial penalties (up to € 100,000) and/or detention (up to 2 years).
- If criminal offences are committed by an organised gang, penalties can include financial penalties (up to € 500,000) and/or detention (up to 7 years).
- A specific criminal penalty regime exists for legal persons (i.e. companies): fines up to a maximum of five times the levels set out above, can apply. This means, for example, that for placing illegal timber on the market or failing to put in place a due diligence system, the financial penalty can go up to € 500,000. Additional penalties can also be applied – such as confiscating the timber.

Administrative penalties

- Penalties exist for failing to put in place an appropriate due diligence system or for placing illegal timber on the market. These penalties apply if the operator does not comply with the formal notice sent by the CA where infringements are identified. The maximum fine is € 15,000 and a daily penalty of € 1,500 until compliance with the formal notice. The CA can also suspend the operator's activities and take provisional measures, as deemed necessary.

Checks by the Competent Authority

- The MAAF conducted approx. 45 inspections in 2016. In addition, 58 inspections were conducted by the MEEM during the first semester of 2016, with a slowing down of checks in the second semester.

Substantiated concerns and administrative legal proceedings

- Can be submitted by NGOs to the CA.
- To have a right to appeal, the substantiated concern should take the form of a request to carry out checks.
- In case of explicit or implicit refusal from the CA to take action, the NGO could file a case with an administrative court.

Possibilities to challenge operators in criminal legal proceedings

- 'Approved' NGOs may file criminal complaints against an operator, to the public prosecutor, to an investigating judge, or directly before the criminal court. The NGO must be able to show that the infringement of the EUTR in question leads to (direct or indirect) damage to the interests that it defends.
- A well-substantiated NGO report may be sufficient to initiate criminal proceedings.

Key implementation/enforcement strengths

- Adoption of a penalty regime for offences committed as an organized group.
- Stronger penalties exist for legal persons (i.e. companies).
- 'Approved' NGOs may file criminal complaints against an operator.
- CA conducts trainings, for example for the *Office central de la lutte contre les atteintes à l'environnement et la santé publique*.

Key implementation/enforcement weaknesses

- Lower number of checks undertaken to date by the MEEM.
- No sanctions for traders that do not comply with the traceability obligation (Article 5 of the EUTR).

Resource information

Law:

- [Loi n°2014-1170 du 13 oct. 2014 d'avenir pour l'agriculture, l'alimentation et la forêt, Art.76](#)

Subsidiary regulations:

- [Circulaire DGPAAT/SDBF/C2013-3029 du 14 mars 2013](#)
- [Instruction Technique DGPAAT/SDFB/2014-992](#)

Competent Authority contact information:

MAAF, Direction Générale de la Performance Économique et Environnementale des Entreprises |
19 avenue du Maine FR - 75732 Paris Cedex 15 | E: pierrick.daniel@agriculture.gouv.fr