



Netherlands Food and Consumer
Product Safety Authority
Ministry of Economic Affairs

EUTR in the Netherlands

Netherlands Food and Consumer product safety authority



Independent agency of Ministry of Economic Affairs

Tasks

- Supervision (inspections, certification, investigations)
- Risk assessment
- Risk communication

- 2350 employees

Animal welfare, animal health, animal husbandry, fishery, nature conservation, product safety, food safety, food quality, Plant health



Enforcement Timber related legislation

CITES	border inland	Customs Police NVWA – inspectors nature conservation
Fytosanitary	border inland	Certification bodies NVWA- inspectors fytosanitary
FLEGT	border	Customs physical inspection NVWA permit check
EUTR	inland	NVWA inspectors nature conservation
Forestry law	inland	Provinces/municipalities NVWA for Crown domain, State forestry service, Ministry of Defence/Army, Ministry of Infrastructure

Information sharing



Customs and NVWA share information based on a Memorandum of understanding with number of annexes

- Interesting shipments,
- wrong customs declarations (wrong HScode)

NVWA inspectors doing the CITES checks also do the EUTR Checks- knowledge of business operations and trade patterns

Sharing information with EU CA's ad hoc-case based and regular at the FLEGT working group and enforcement group



NVWA has enforcement powers similar to the police

Administrative search

Entering any premises (except house)

Stopping vehicles and inspect them

Confiscating goods

Taking samples

Arresting people

Questioning people

Prosecution criminal



Criminal case: Public prosecutor

Special section dedicated to environmental crime

Public prosecutor is leader of the investigation but limited
'hands on' involvement

Judge-no jury system

Usually a judge specialised in economic crimes

Most cases are dealt with out of the courts, offender will
pay fine and halt the prosecution.

Criminal sanctions



Seizure of goods

Seizure of financial assets from suspect

Premeditated: Fine €8100,00 €20.250,00

or detention for 2 years

or community service for 240 hours

Not premeditated: Fine € 8100,00

or 6 months detention

or community service for 240 hours

All sentences are the maximum possibilities. Judge may decide on a lower sentence.

Prosecution administrative



Goal is restoring back to the original situation
Not a punishment as such (it may feel that way...)

Governement bodies are the administrative organisations
depending on which legislation.



Administrative sanctions



Seizure of goods

Compulsary recall

Stop trading in a certain product

A market operator is obliged to get/adjust their due diligence system. For every week/month the market operator are not complying a non-compliance penalty will be forfeitted

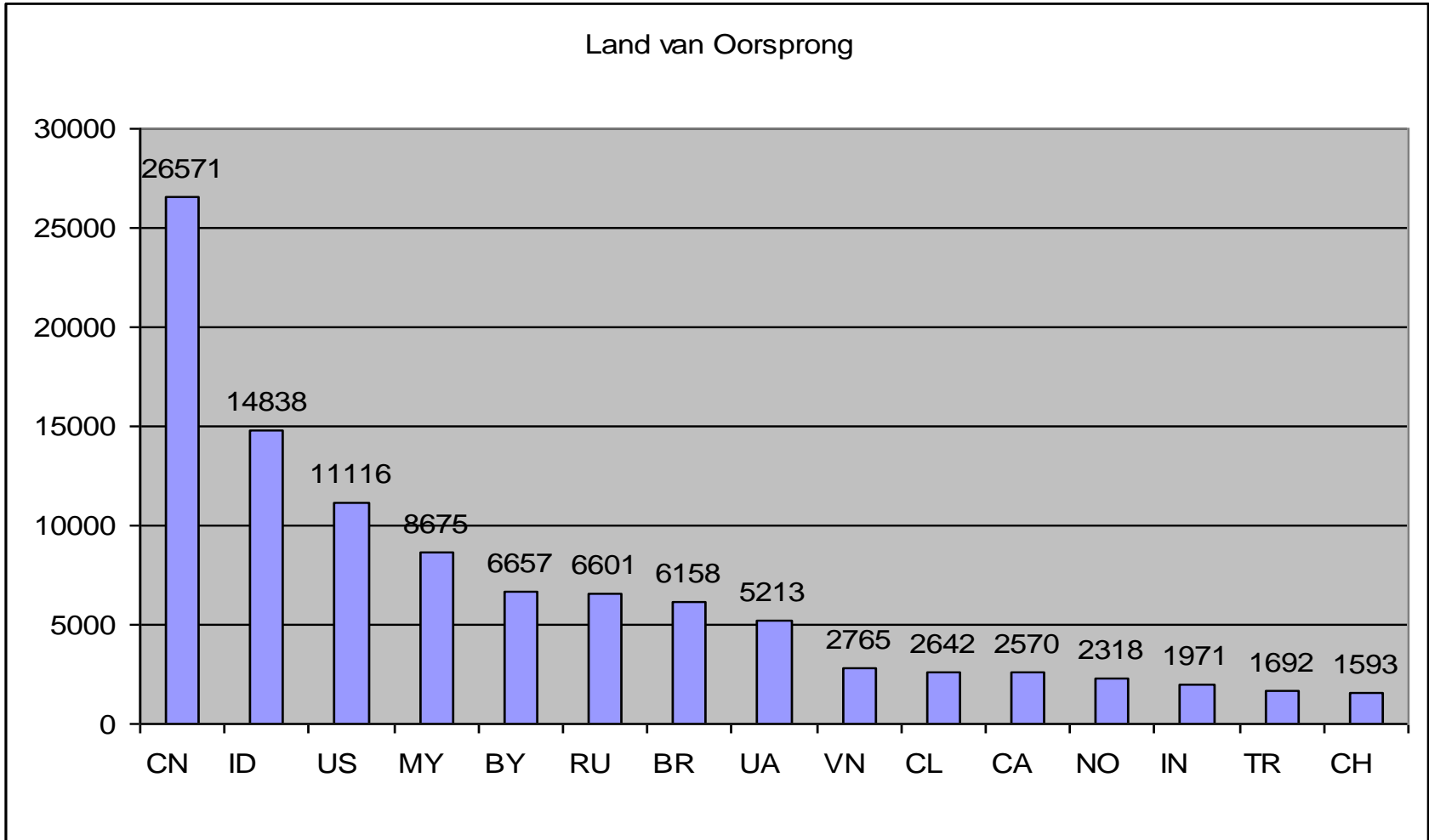


5000 market operators, small domestic sector (10% landcover is forest)

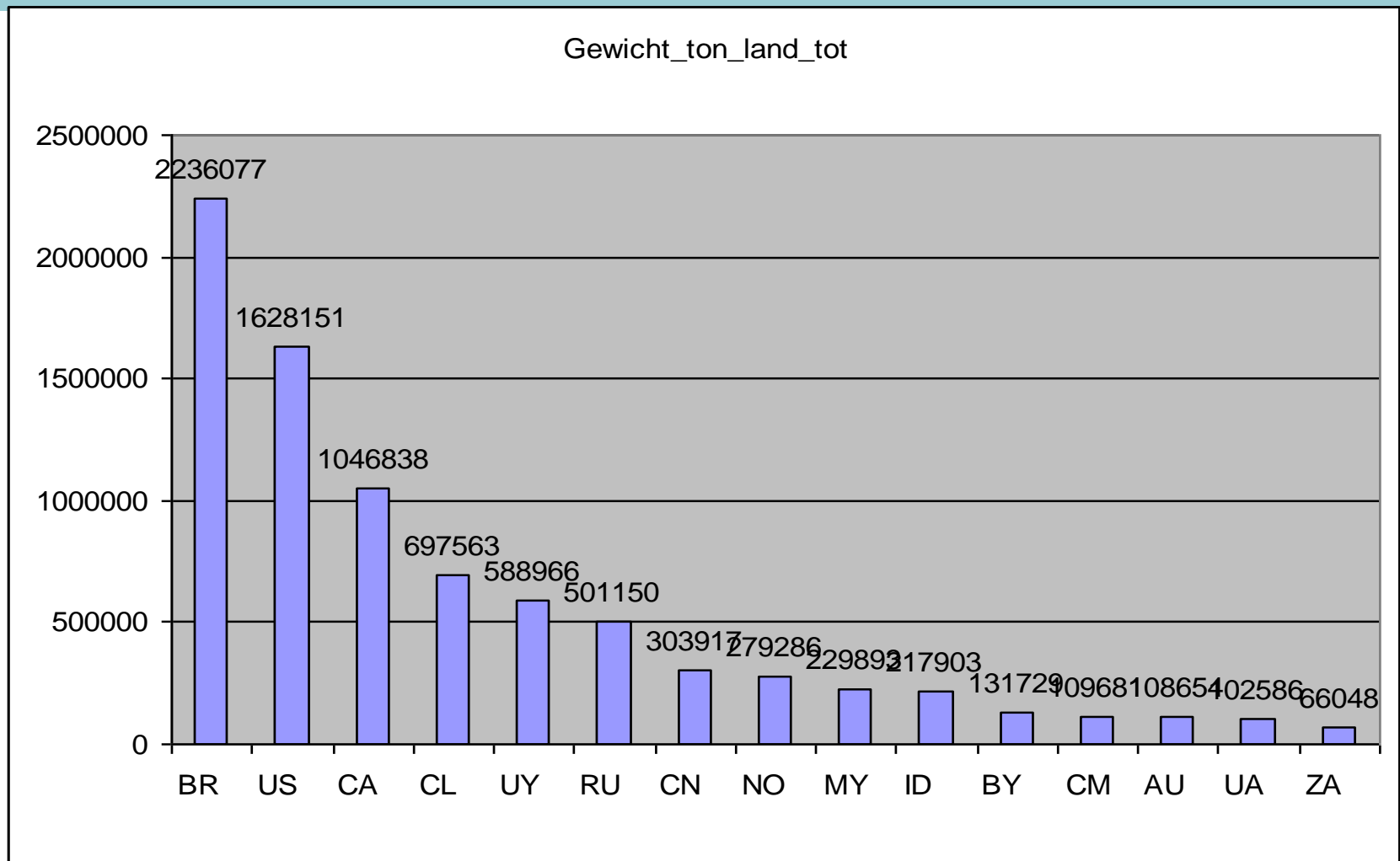
Imports in NL 2011 50154

- wooden furniture 11.864 imports 78.914 ton
- wood, sawn >6 mm 10.777 imports 469.163 ton
- notebooks & agenda's 6.373 imports 21.155 t.
- woodpulp 3996 imports, 1.859.863 ton
- fire-wood 465 imports, 836.289 ton

2010-2012 importdata



2010-2012 tonnage



Enforcement strategy



Focus on compliance- new legislation, companies are finding their feet

Minor cases: oral warning and revisit in few weeks

Not minor: written warning and revisit in six months

When after the second visit the problem has not been solved/ gap has not been closed- further steps will be taken:f.i:

- a sum of money is forfeited for every week/month a company is not complying
- The company must stop placing the product on the market until the gap in the dds is closed
- The product will be seized

The best approach is case based and discussed with the public prosecutor.

Inspections



Starting point: Customs data on certain imports (risk countries/risk products)

Inspection at market operator:

Check on dds of the market operator via a standard protocol

Check on available documents using country standards

Check on interpretation of risk: what do the documents prove in relation to corruption/ reports from NGO's and other information available

Risk mitigation: how does the market operator mitigate the risk.

Risk mitigation



Use of certification

On site visits by market operator or representative

Use of independent surveyor

Stop buying the product/using this exporter

Become a trader and buy on the internal EU market

Use of other materials/other timber species



Issues for NVWA

Matching the timber in the yard with the importdata is not easy – is this the right shipment??

No marks on the timber from sawmill to timberyard (or beyond)- matching timber to paper

Getting the right information from the country of harvest, what are the applicable laws and what forms/documents are Required – good contacts are essential

Corruption, buying documents, legalizing illegal timber.....- how do we prove this...

Enforcement so far



About 100 market operators checked

About 10-15 written warnings issued

Focus has been on
large timber importers

We are shifting focus
to other sectors





<http://ec.europa.eu/environment/forests/pdf/scoreboard.pdf>



Thank you for your attention

