III.II Penalties

> Fields marked with * need to be filled in before the form can be submitted to the next level.

III. EUTR Enforcement - context and implementation

III.II Penalties (ref. EUTR Article 19)

The enforcement of the EUTR requires Member States to put in place national measures which provide a robust framework to be able to take effective, dissuasive and proportionate enforcement action and sanction different duty-holders (operators, traders and monitoring organisations) for infringements of the Regulation. The information on the legal frameworks used, the range of potential national penalties and their uppermost levels provide valuable information to assess the consistency of potential enforcement actions across the EU. This section is structured by duty-holders' obligations under the EUTR (prohibition to place illegal timber on the market for operators; due diligence and reporting obligations for operators and monitoring organisations; traceability for traders, and reporting obligation for monitoring organisations) and the provisions for penalties which are applicable to infringements to each obligation.

1 Please specify for which breaches **penalties** (ref. EUTR Article 19) are applied in your country:

	Administrative fines in cases of breaches of:	**Criminal fines** in cases of breaches of:	**Seizure of timber or timber products as a penalty** in cases of breaches of:	**Suspension of the authorisation to trade/ do business as a penalty** in cases of breaches of:	**Imprisonment** in cases of breaches of:	**Other penalties** in cases of breaches of:
*Prohibition (operators)	✓	✓	✓	✓	✓	☐
*DD obligation (operators and monitoring organisations)	✓	✓	✓	✓	✓	☐
*Traceability obligation (operators/ traders)	✓	✓	✓	✓	✓	☐
*Reporting obligation (monitoring organisations)	✓	✓	☐	☐	✓	☐

*2 Does the same legislation apply for infringements relating to domestic timber and for imported timber?
◉ Yes   ○ No

1

*3 Which legislation provides for **penalties** for infringements of the EUTR?
Please select all that apply.
- ☑ EUTR-specific legislation
- ☐ Forest (management) law
- ☐ General Administrative sanctions law
- ☐ Penal code
- ☐ Other

6 Please provide the name(s) and relevant Article numbers for the above-mentioned legislation:

> Loi du 21 juillet 2012 concernant certaines modalités d'application et la sanction du règlement (UE) n° 995 /2010 du Parlement européen et du Conseil du 20 octobre 2010 établissant les obligations des opérateurs qui mettent du bois et des produits dérivés sur le marché - Art. 7

Penalties in cases of breaches of prohibition

Administrative fines in cases of breaches of prohibition

*7 Fine is expressed as:

> specific monetary value

*8 What is the maximum fine in EUR? (Please convert to EUR if the MS currency is different)
Please enter a whole number. If it is not prescribed use *not set*. Examples: 45000 for 45.000,00 EUR; not set if not prescribed.

> 250000

*10 Which authority can impose this penalty?
Please select all that apply.
- ☐ Competent authority/ies
- ☐ Police
- ☑ Court
- ☐ Fine imposing agency
- ☐ Other

Criminal fines in cases of breaches of prohibition

*12 Fine is expressed as:

> specific monetary value

*13 What is the maximum fine in EUR? (Please convert to EUR if the MS currency is different)
Please enter a whole number. If it is not prescribed use *not set*. Examples: 45000 for 45.000,00 EUR; not set if not prescribed.

> 250000

*15 Which authority can impose this penalty?
Please select all that apply.

- [ ] Competent authority/ies
- [ ] Police
- [x] Court
- [ ] Fine imposing agency
- [ ] Other

Seizure of timber or timber products as a penalty in cases of breaches of prohibition

*17 Which authority can impose this penalty?
    Please select all that apply.
- [ ] Competent authority/ies
- [ ] Prosecutor
- [ ] Police
- [x] Court
- [ ] Seizure imposing agency
- [ ] Other

*19 Which authority/ies is/are responsible for disposal of confiscated timber/timber products?
- [ ] Competent authority/ies
- [ ] Customs
- [ ] Police
- [x] Court
- [ ] Other

Suspension of the authorisation to trade/ do business as a penalty in cases of breaches of prohibition

*21 For how long can the suspension of the authorisation to trade be imposed?
    Please enter a whole number followed by a unit of time without spaces. Use either *d* for days or *y* for years or *m* for months. If it is not prescribed use *not set*. Examples: 45d for 45 days; 18m for 18 months; 5y for 5 years; not set if not prescribed.

> not set

*22 Which authority can impose this penalty?
    Please select all that apply.
- [ ] Competent authority/ies
- [ ] Customs
- [ ] Police
- [x] Court
- [ ] Business inspectorate
- [ ] Other

Imprisonment in cases of breaches of prohibition

*24 What is the maximum duration of imprisonment?
    Please enter a whole number followed by a unit of time without spaces. Use either *d* for days or *y* for years or *m* for months. If it is not prescribed use *not set*. Examples: 45d for 45 days; 18m for 18 months; 5y for 5 years; not set if not prescribed.

> 1m

*25 Which authority can impose this penalty?
    Please select all that apply.

☐ Competent authority/ies
☐ Police
☑ Court
☐ Other

Penalties in cases of breaches of DD obligation

Administrative fines in cases of breaches of DD obligation

*31 Fine is expressed as:

> specific monetary value

*32 What is the maximum fine in EUR? (Please convert to EUR if the MS currency is different)
Please enter a whole number. If it is not prescribed use *not set*. Examples: 45000 for 45.000,00 EUR; not set if not prescribed.

> 250000

*34 Which authority can impose this penalty?
Please select all that apply.
☐ Competent authority/ies
☐ Police
☑ Court
☐ Fine imposing agency
☐ Other

Criminal fines in cases of breaches of DD obligation

*36 Fine is expressed as:

> specific monetary value

*37 What is the maximum fine in EUR? (Please convert to EUR if the MS currency is different)
Please enter a whole number. If it is not prescribed use *not set*. Examples: 45000 for 45.000,00 EUR; not set if not prescribed.

> 250000

*39 Which authority can impose this penalty?
Please select all that apply.
☐ Competent authority/ies
☐ Police
☑ Court
☐ Fine imposing agency
☐ Other

Seizure of timber or timber products as a penalty in cases of breaches of DD obligation

*41 Which authority can impose this penalty?
Please select all that apply.
☐ Competent authority/ies
☐ Prosecutor

- ☐ Police
- ☑ Court
- ☐ Seizure imposing agency
- ☐ Other

*43 Which authority/ies is/are responsible for disposal of confiscated timber/timber products?
- ☐ Competent authority/ies
- ☐ Customs
- ☐ Police
- ☑ Court
- ☐ Other

Suspension of the authorisation to trade/ do business as a penalty in cases of breaches of DD obligation

*45 For how long can the suspension of the authorisation to trade be imposed?
Please enter a whole number followed by a unit of time without spaces. Use either *d* for days or *y* for years or *m* for months. If it is not prescribed use *not set*. Examples: 45d for 45 days; 18m for 18 months; 5y for 5 years; not set if not prescribed.

> not set

*46 Which authority can impose this penalty?
Please select all that apply.
- ☐ Competent authority/ies
- ☐ Customs
- ☐ Police
- ☑ Court
- ☐ Business inspectorate
- ☐ Other

Imprisonment in cases of breaches of DD obligation

*48 What is the **maximum** duration of imprisonment?
Please enter a whole number followed by a unit of time without spaces. Use either *d* for days or *y* for years or *m* for months. If it is not prescribed use *not set*. Examples: 45d for 45 days; 18m for 18 months; 5y for 5 years; not set if not prescribed.

> 1m

*49 Which authority can impose this penalty?
Please select all that apply.
- ☐ Competent authority/ies
- ☐ Police
- ☑ Court
- ☐ Other

Penalties in cases of breaches of traceability obligation

Administrative fines in cases of breaches of traceability obligation

*55 Fine is expressed as:

specific monetary value

*56 What is the maximum fine in EUR? (Please convert to EUR if the MS currency is different)
Please enter a whole number. If it is not prescribed use *not set*. Examples: 45000 for 45.000,00 EUR; not set if not prescribed.

250000

*58 Which authority can impose this penalty?
Please select all that apply.
- ☐ Competent authority/ies
- ☐ Police
- ☑ Court
- ☐ Fine imposing agency
- ☐ Other

Criminal fines in cases of breaches of traceability obligation

*60 Fine is expressed as:

specific monetary value

*61 What is the maximum fine in EUR? (Please convert to EUR if the MS currency is different)
Please enter a whole number. If it is not prescribed use *not set*. Examples: 45000 for 45.000,00 EUR; not set if not prescribed.

250000

*63 Which authority can impose this penalty?
Please select all that apply.
- ☐ Competent authority/ies
- ☐ Police
- ☑ Court
- ☐ Fine imposing agency
- ☐ Other

Seizure of timber or timber products as a penalty in cases of breaches of traceability obligation

*65 Which authority can impose this penalty?
Please select all that apply.
- ☐ Competent authority/ies
- ☐ Prosecutor
- ☐ Police
- ☑ Court
- ☐ Seizure imposing agency
- ☐ Other

*67 Which authority/ies is/are responsible for disposal of confiscated timber/timber products?
- ☐ Competent authority/ies
- ☐ Customs
- ☐ Police
- ☑ Court
- ☐ Other

Suspension of the authorisation to trade/ do business as a penalty in cases of breaches of traceability obligation

*69 For how long can the suspension of the authorisation to trade be imposed?

Please enter a whole number followed by a unit of time without spaces. Use either *d* for days or *y* for years or *m* for months. If it is not prescribed use *not set*. Examples: 45d for 45 days; 18m for 18 months; 5y for 5 years; not set if not prescribed.

> not set

*70 Which authority can impose this penalty?

Please select all that apply.

- ☐ Competent authority/ies
- ☐ Customs
- ☐ Police
- ☑ Court
- ☐ Business inspectorate
- ☐ Other

Imprisonment in cases of breaches of traceability obligation

*72 What is the maximum duration of imprisonment?

Please enter a whole number followed by a unit of time without spaces. Use either *d* for days or *y* for years or *m* for months. If it is not prescribed use *not set*. Examples: 45d for 45 days; 18m for 18 months; 5y for 5 years; not set if not prescribed.

> 1m

*73 Which authority can impose this penalty?

Please select all that apply.

- ☐ Competent authority/ies
- ☐ Police
- ☑ Court
- ☐ Other

Penalties in cases of breaches of reporting obligation (monitoring organisations)

Administrative fines in cases of breaches of reporting obligation

*79 Fine is expressed as:

> specific monetary value

*80 What is the maximum fine in EUR? (Please convert to EUR if the MS currency is different)

Please enter a whole number. If it is not prescribed use *not set*. Examples: 45000 for 45.000,00 EUR; not set if not prescribed.

> 250000

*82 Which authority can impose this penalty?

Please select all that apply.

- ☐ Competent authority/ies
- ☐ Police
- ☑ Court

☐ Fine imposing agency

☐ Other

Criminal fines in cases of breaches of reporting obligation

*84 Fine is expressed as:

> specific monetary value

*85 What is the maximum fine in EUR? (Please convert to EUR if the MS currency is different)
   Please enter a whole number. If it is not prescribed use *not set*. Examples: 45000 for 45.000,00 EUR; not set if not prescribed.

> 250000

*87 Which authority can impose this penalty?
   Please select all that apply.
   ☐ Competent authority/ies
   ☐ Police
   ☑ Court
   ☐ Fine imposing agency
   ☐ Other

Imprisonment in cases of breaches of reporting obligation

*92 What is the maximum duration of imprisonment?
   Please enter a whole number followed by a unit of time without spaces. Use either *d* for days or *y* for years or *m* for months. If it is not prescribed use ***not set***. Examples: 45d for 45 days; 18m for 18 months; 5y for 5 years; not set if not prescribed.

> 1m

*93 Which authority can impose this penalty?
   Please select all that apply.
   ☐ Competent authority/ies
   ☐ Police
   ☑ Court
   ☐ Other

Comments

99 Comments:

no comment

Contact

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