III.I Remedial actions and immediate interim measures

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

III. Enforcement - context and implementation

III.I Remedial actions and immediate interim measures (ref. EUTR Article 10(5))

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 remedial actions or similar and immediate interim measures, which are applicable in case of or to prevent infringements to each obligation.

1 Please specify for which breaches of the EUTR Notices of remedial actions or similar measures, and Immediate Interim Measures (ref. EUTR Article 10(5)) can be applied in your country:

	Notice of remedial action in cases of breaches of:	Other national measures which are similar to Notices of remedial action in cases of breaches of:	Immediate interim measures [1] in cases of breaches of:
* Prohibition (operators)	☑	☐	☑
* DD obligation (operators and monitoring organisations)	☑	☐	☑
* Traceability obligation (operators/ traders)	☑	☐	☑
* Reporting obligation (monitoring organisations)	☑	☐	☑

[1] These are measures that can be issued or applied with immediate effect to prevent trade in contravention of the EUTR and may be of temporary nature, until penalties in line with Article 19 are applied.

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

*5 Which legislation provides for **measures to react to breaches of the EUTR** (please select all that apply)?
- ☑ EUTR-specific legislation
- ☐ Forest (management) law

☐ General Administrative law
☐ Penal (Procedural) code
☐ Other

*7 Which authority can issue **Notices of remedial actions or similar measures** (please select all that apply)?
☑ Competent authority/ies
☐ Customs (if not Competent authority)
☐ Police
☐ Court
☐ Other

*9 Which authority can issue **Immediate interim measures** (please select all that apply)?
☑ Competent authority/ies
☐ Customs (if not Competent authority)
☐ Police
☐ Court
☑ Other

10 Please specify other:

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11 Does/do the Competent Authority/ies carry out follow-up checks after having applied a **notice of remedial action or similar measure**?
○ always
● sometimes
○ never

12 Does/do the Competent Authority/ies carry out follow-up checks after having applied an **immediate interim measure**?
○ always
● sometimes
○ never

Notices of remedial actions or similar measures, and Immediate interim measures in cases of breaches of **prohibition**

Notice of remedial actions or similar measures in cases of breaches of **prohibition**

*14 What is the timeframe within which an operator needs to take action following a Notice of remedial action or similar measure being applied?

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.

3m

Immediate interim measures in cases of breaches of **prohibition**

*15 Specify which immediate interim measures can be applied:
☑ Seizure of timber/timber products
☑ Suspension of authority to trade

2

☐ Lifting of the suspensive effect of a complaint against the enforcement measure until final decision is reached

☐ Other measures applied as an immediate interim measure

*17 For how long can the immediate interim measures 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.

40d

Notices of remedial actions or similar measures, and Immediate interim measures in cases of breaches of **DD obligation**

Notice of remedial actions or similar measures in cases of breaches of **DD obligation**

*19 What is the timeframe within which an operator/ monitoring organisation needs to take action?

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.

3m

Immediate interim measures in cases of breaches of **DD obligation**

*20 Specify which immediate interim measures can be applied:

☑ Seizure of timber/timber products

☑ Suspension of authority to trade

☐ Lifting of the suspensive effect of a complaint against the enforcement measure until final decision is reached

☐ Other measures applied as an immediate interim measure

*22 For how long can the immediate interim measures 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.

40d

Notices of remedial actions or similar measures, and Immediate interim measures in cases of breaches of **traceability obligation**

Notice of remedial actions or similar measures in cases of breaches of **traceability obligation**

*24 What is the timeframe within which a trader needs to take action?

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.

3m

Immediate interim measures in cases of breaches of **traceability obligation**

*25 Specify which immediate interim measures can be applied:

☑ Seizure of timber/timber products

☑ Suspension of authority to trade

☐ Lifting of the suspensive effect of a complaint against the enforcement measure until final decision is reached

☐ Other measures applied as an immediate interim measure

*27 For how long can the immediate interim measures 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.

40d

Notices of remedial actions or similar measures, and Immediate interim measures in cases of breaches of **reporting obligation**

Notice of remedial actions or similar measures in cases of breaches of **reporting obligation**

*29 What is the timeframe within which a monitoring organisation needs to take action?
   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.

3m

Immediate interim measures in cases of breaches of **reporting obligation**

*30 Specify which immediate interim measures can be applied:

☑ Suspension of authority to trade

☐ Lifting of the suspensive effect of a complaint against the enforcement measure until final decision is reached

☐ Other measures applied as an immediate interim measure

*32 For how long can the immediate interim measures 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.

40d

Comments

33 Comments:

no comment

Contact

ENV-DECLARE@ec.europa.eu