

Obligations of operators who place timber and timber products on the market

2008/0198(COD) - 18/02/2016 - Follow-up document

The Commission presents a report on the exercise of the delegation conferred on the Commission pursuant to Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (the EU Timber Regulation).

The EU Timber Regulation:

- prohibits the placing on the EU market of illegally harvested timber and products derived from such timber;
- requires operators, defined as market participants who place timber products on the EU market for the first time, to exercise "due diligence" in order to ensure the legality of harvesting of the wood imbedded in their products;
- requires traders throughout the supply chain to keep records of their supplier and their customer, to facilitate the traceability of timber products placed on the market.

The Regulation covers a wide range of timber products listed in its Annex using the EU Combined nomenclature codes. It provides for recognition of "monitoring organisations" by the Commission, whose role is to assist operators in meeting their obligations.

Exercise of the delegation: according to the Regulation, the Commission may adopt delegated acts concerning:

- further relevant risk assessment criteria that may be necessary to supplement those already provided for in the Regulation;
- the procedure for the recognition and withdrawal of recognition of monitoring organisations and, if experience so requires, to amend them;
- the list of timber and timber products to which the EU Timber Regulation applies.

The delegation is conferred on the Commission for a **period of 7 years from 2 December 2010** and the Commission is required to make a report in respect of the delegated powers not later than 3 months before the end of a three-year period after the date of application of the Regulation, which is December 2015 as the Regulation became applicable on 3 March 2013.

Delegated act: the Commission adopted one delegated act, the [Commission Delegated Regulation No 363/2012](#) of 23 February 2012 on the **procedural rules for the recognition and withdrawal of recognition of monitoring organisations**. The exercise of this empowerment responds to the need to supplement the requirements and the procedural rules regarding the recognition and withdrawal of recognition of monitoring organisations.

Neither the European Parliament nor the Council issued any objection to the delegated act within the period of 2 months as provided for in the EU Timber Regulation. On the expiry of the 2 months period, **the delegated act was published in the Official Journal of the EU and entered into force on 17 May 2012.**

The Commission has not yet adopted delegated acts concerning further relevant risk assessment criteria that may be necessary to supplement those already provided for in the Regulation, and concerning the list of timber and timber products to which the EU Timber Regulation applies as more experience with the application of the Regulation is needed in order to assess the necessity of such amendments.

Conclusion: the Commission considers that it has properly exercised its delegated powers. It still considers **the delegated powers necessary**, in particular for the purposes of amending and/or supplementing the list of timber and timber products set out in the Annex.