



# EU FOREST CRIME INITIATIVE

## Gap Analysis: Belgium

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# EXECUTIVE SUMMARY

## BACKGROUND AND PRESENTATION OF THE PROJECT

Illegal logging accounts for as much as 10–30 % of the total logging worldwide, with some estimates as high as 20–50 %<sup>1</sup> when laundering of illegal wood is included, with a growing involvement of organized crime. Criminals responsible for forestry crime are not just destroying biodiversity, but also threaten livelihoods, deprive states from incomes and undermine stable governance.

The European Union Timber Regulation (EUTR) came into force in 2013 to stop illegal wood and paper products being placed on the European market, but has up to now not been implemented with full effect due to different gaps and obstacles, as for other laws related to forestry crime.

The project “EU Forest Crime Initiative” aims to enable effective law enforcement by stimulating networks that are able to detect forestry crime and respond to it.

The project is carried out in 6 countries: Belgium, Bulgaria, France, Romania, Slovakia and Ukraine. This analysis aims to better understand forestry crime in the different countries by analyzing gaps and identifying challenges along the enforcement chain. It is based on responses to a survey by stakeholders from the environmental crime enforcement chain (inspectors, legal experts and competent authorities for the EUTR and CITES at the Federal Public Service Health, Food Chain Safety and Environment and customs, inspection and investigative units at the customs to public prosecutors), civil society actors and on the outcomes of a workshop in Brussels in February 2020. A separate best practice manual will collate best practices from target countries.

## KEY FINDINGS OF THE GAP ANALYSIS

Survey answers and inputs from workshop participants show that there are numerous challenges, gaps and obstacles that can jeopardize the proper enforcement of the EU Timber and CITES regulations, and hamper the fight against forestry crime in Belgium. Obstacles listed by stakeholders indicate that forestry crime on imported timber in Belgium needs to be approached at different levels of the enforcement chain and by different government agencies, to effectively tackle the problem.

→ **Gaps with resources, knowledge and tools:** There is a structural lack of staff considering investigations are time consuming. The level of knowledge from one person to another, along the enforcement chain, is still very heterogeneous and experience still needs to be built up. A clear framework is missing that could guide authorities in determining when a sanction should be issued and to define adequate fines to ensure dissuasive administrative penalties, which tend to be low compared to the maximum fines defined in the Belgian laws.

→ **In-country and international cooperation:** Cooperation is limited and does not rely on formal or institutionalized structure or agreements. As a result, there is no established and shared strategy, protocols and standards on how the different nodes of the enforcement chain should detect

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<sup>1</sup> Nellemann, C. (Editor in Chief); Henriksen, R., Kreilhuber, A., Stewart, D., Kotsova, M., Raxter, P., Mrema, E., and Barrat, S. (Eds). 2016. The Rise of Environmental Crime – A Growing Threat To Natural Resources Peace, Development And Security. A UNEP INTERPOL Rapid Response Assessment. United Nations Environment Programme and RHIPTO Rapid Response–Norwegian Center for Global Analyses, [www.rhipto.org](http://www.rhipto.org) - accessible [here](#)

and combat forestry crime from a Belgian perspective. Authorities also miss counterpart contacts in countries of origin, which hinders acquisition of legal documents and information in e.g. the framework of an investigation.

→ **Legislation and judiciary:** The legislative framework can present challenges, considering that the burden of proof on failure to carry out due diligence by the operator relies on the public prosecutor when the case is being prosecuted under criminal law, which proves to be a heavy and time-consuming process. The lack of awareness and interest by judges for environmental crime is seen as an additional challenge. From a judicial perspective, there is an apparent lack of success concerning serious forestry crime cases involving criminal activities. Related criminal offences in the case of illegal timber imports (tax fraud, document forgery) are not investigated.

### **WWF analysis of gaps**

Respondents most notably concurred in the importance of cooperation along the enforcement chain but admitted that present cooperation can be improved. As capacities and knowledge were unevenly distributed amongst respondents, regular information exchange and cooperation is key to effective investigations and enforcement.

In particular, there is an apparent gap in the depth of analysis of actors involved in illegal timber trade and their modus operandi. Modus operandi are known by Belgian enforcement officials but the handful of concrete cases named contrast with the many alleged illegal timber cases raised by NGOs.

Respondents differed in their perception of the usefulness of information provided by NGOs, while WWF considers such information is to be considered as a starting point for official investigations. While NGOs often have expertise and good networks in origin countries, Belgian enforcement officials raised the difficulty to know forestry laws and practices in those countries and to obtain information from counterparts.

The applicability of the EUTR, and its transposition in Belgian law, before Belgian courts seriously compromises its effectiveness. The estimation that the EUTR had a neutral effect so far on hampering forestry crime in Belgium is a warning signal. Serious consequences for offenders are key to dissuading illegal timber trade and successful court cases in other EU countries form a precedent.

Finally WWF estimates that the fight against forestry crime warrants a governmental approach given the competences associated across the enforcement chain - this government approach is at the moment non-existent. The awareness and recognition of forestry crime as a significant crime area not only for the environment but also for tax evasion, loss of revenues and its links to organized crime - which is visible amongst practitioners - needs to rise to political decision makers.

The present report does not list specific recommendations, although some possible solutions were already identified in the table in annex 3.

In order to strengthen the fight against forestry crime, a manual of recommendations will be made **available by early 2021**, in which all key lessons learnt and best practices identified during the project will be compiled and recommendations formulated.

# KEY DEFINITIONS

## Forestry crime

According to INTERPOL, “Forestry crime” is an umbrella term to describe criminal activity (carried out in contravention of national or international law) in the forestry sector covering the entire supply chain, from harvest (illegal logging) and transportation to processing, selling, trading, importing and exporting. It also refers to those criminal offenses that facilitate such activity, including document fraud, corruption, and money laundering<sup>2</sup>.

## Organized crime

According to the United Nations Convention against Transnational Organized Crime (2004)<sup>3</sup>:

- a) “Organized criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;
- b) “Serious crime” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.

## Corruption

There is no one single definition of corruption. According to INTERPOL, corruption is defined as:

- the misuse of entrusted power for private gain, or
- any course of action or failure to act by individuals or organizations, public or private, in violation of a duty or obligation under law or trust for profit or gain

The annual global cost of corruption in the forestry sector is estimated to be in the order of 29 billion dollars. Bribery is reported as the most common form of corruption in the forestry sector. Other forms of corruption, in order from most to least common after bribery, are the following: fraud, abuse of office, extortion, cronyism and nepotism<sup>4</sup>.

## Modus operandi

Modus operandi refers to the methods used to carry out forestry crime (definition above), across the entire supply chain, from illegal harvest to transport.

## Offence

For the purposes of this report, the term “offence” includes all activities that may be subject to criminal or administrative penalties.

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<sup>2</sup><https://www.interpol.int/content/download/5149/file/Global%20Forestry%20Enforcement%20Prospectus%202019-web.pdf>

<sup>3</sup>[https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED\\_NATIONS\\_CONVENTION\\_AGAINST\\_TRANSNATIONAL\\_ORGANIZED\\_CRIME\\_AND\\_THE\\_PROTOCOL\\_S\\_THERE\\_TO.pdf](https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOL_S_THERE_TO.pdf)

<sup>4</sup> Uncovering the risks of corruption in the forestry sector, Interpol (2016) 20 pages.

## **Acronyms**

**CITES:** Convention on International Trade in Endangered Species of Wild Fauna and Flora

**CSO:** Civil Society Organization

**EUTR:** European Union Timber Regulation

**NGO:** Non Governmental Organization

**SME:** Small & Medium Enterprise



# 1. METHODOLOGY



## ABOUT THIS GAP ANALYSIS

This gap analysis was carried out in the framework of the EU-funded project “EU Forest Crime Initiative” aiming to enable effective law enforcement by stimulating networks that are able to detect forestry crime and respond to it.

The project is carried out in 6 countries: Belgium, Bulgaria, France, Romania, Slovakia and Ukraine. In Belgium and France, the project focuses on high risk imported timber products and/or those with complex supply chains, and aims to motivate existing networks fighting against environmental crime to carry out independent investigations.

## TARGET GROUP

The target group for the gap analysis in Belgium includes all stakeholders who are part of the timber enforcement chain.

The gap analysis sought to collect insights from government officials and authorities who are formally accountable to combat forestry crime and from NGOs with expertise in forestry crime related to the Belgian market.

## APPROACH

The gap analysis is based on responses of 7 government agencies and stakeholders to a questionnaire and on rich insights gained during a two-day workshop in Brussels in February 2020.

### Development of a questionnaire

The project partners developed a questionnaire on forestry crime to capture both quantitative and qualitative information in order to have a comprehensive analysis as well as to reflect the personal views of the target group. The questionnaire was distributed to all key stakeholders identified by project partners.

The survey focuses on 4 main parts:

- General knowledge about forestry crimes, illegal logging and trade on a national level, including modus operandi to commit forestry crimes;
- General knowledge about EU Timber Regulation, CITES and other legislation in relation to forestry crime;
- Cooperation along the enforcement chain;
- Conclusion on challenges in relation to prosecution and potential for more cases.

A questionnaire intended for NGOs contained 17 questions instead of 25 for the enforcement chain (questions non-applicable to NGOs were removed, and 4 questions were added).

You can access the complete survey for the enforcement chain in **annex 4**.

A separate version of the survey was also prepared for NGOs & CSOs. You can access it in **annex 5**.



## Workshop in Bruxelles

The two-day workshop, held on 18 and 19 February 2020, was intended for authorities and experts involved in combating the illegal trade in timber in Belgium. 30 stakeholders attended the workshop. The workshop offered a learning and exchange opportunity on illegal trade in timber, applicable legislation (such as EUTR and CITES) and methods for combating it. Interactive sessions analysing the specific challenges and case studies for Belgium aimed to increase capacity and encourage cooperation between the different authorities at national/international level and civil society.

### Overview of participants and respondents

SURVEYS			WORKSHOP IN BRUXELLES		
Dates	Types of respondents	Number of replies received	Dates	Number of participants who attended	Nature of the participants/ Parts of the enforcement chain represented
<p>Surveys were first circulated to stakeholders in September 2019.</p> <p>Feedbacks were received no later than <b>February 2020</b>.</p>	<ul style="list-style-type: none"> <li>• EUTR Competent Authority</li> <li>• CITES Management Authority</li> <li>• Lawyer</li> <li>• Customs</li> <li>• Public prosecutor</li> <li>• NGO</li> </ul>	7	18 and 19 February 2020	30	<ul style="list-style-type: none"> <li>• EUTR Competent Authority,</li> <li>• CITES Management Authority</li> <li>• Inspectors (Federal Public Service for Health, Food Chain Safety and Environment)</li> <li>• Customs (Federal Public Service of Finances)</li> <li>• Center for Environment and Energy Law, UGent</li> <li>• Public prosecutors (Federal Public Service of Justice)</li> </ul>

## ANALYSIS

WWF analysed the concurrence between survey outcomes with independent literature or official data. Finally, based on the surveys and the workshop, WWF proposes a critical evaluation of the results.



## 2. CONTEXT

**Disclaimer:** the information presented in part 2 on the context describes the situation until **July 31 2020**. Possible changes that came into effect after that date may not be reflected in this report.

Forestry crime, including illegal logging, is one of the major threats to the world's forests. It drives the loss and degradation of forest ecosystems, destroying wildlife habitats and threatening biodiversity. It also impacts on people – particularly local communities and indigenous groups that are directly dependent on forest resources for subsistence, whose livelihoods, rights and security are threatened<sup>5</sup>.

Illegal logging and the related trade also hinder economic development. It's been estimated that developing countries lose more than US\$10 billion per year from illegal logging on public lands alone – eight times the total global development assistance for sustainable forest management. In addition, governments lose an estimated US\$5 billion due to evaded taxes, fees and other revenues associated with legal forestry<sup>6</sup>.

Closely associated with the worst instances of corruption and organised crime, forestry crime and illegal logging also undermine the rule of law, principles of democratic governance, and respect for human rights<sup>7</sup>. In some cases, it is also associated with violent conflict, with profits from illegal exploitation of forests and other natural resources having been used to fund and prolong wars<sup>8</sup>.

Belgium is a net importer of timber and plays a prominent commercial role within the EU, most notably as a top importer of primary tropical timber products (accounting for 27% of EU imports in 2018)<sup>9</sup>.

WWF Belgium estimates that an average of 10,4 millions m<sup>3</sup> of wood equivalents are imported annually into Belgium. A third of this volume is fuelwood (31%), followed by sawn wood (21%), round wood (10%) and panels (9%). 4,6 million hectares of forest worldwide, a surface larger than Belgium, supply Belgium's timber and timber product (including paper) imports. WWF estimates that at least 17% of this forest footprint is located in high risk countries in terms of deforestation and labour rights and 50% in medium risk countries<sup>10</sup>.

According to a WWF assessment, until June 2018, whilst capacities were strengthened and the number of checks had increased, implementation of the EUTR was not yet at scale and no dissuasive sanctions were applied by Belgian authorities against companies engaging in illegal timber trade or

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<sup>5</sup> Rosander, MN. 2008. Illegal Logging: Current Issues and Opportunities for Sida/ SENSE Engagement in Southeast Asia. Regional Community Forestry Training Centre for Asia and the Pacific.

<sup>6</sup> INTERPOL/World Bank. 2009. Chainsaw Project – An INTERPOL perspective on law.

<sup>7</sup> European Union. 2006. Combating illegal logging and related trade in developing countries. Available from: [europa.eu/legislation\\_summaries/other/r12528\\_en.htm](http://europa.eu/legislation_summaries/other/r12528_en.htm)

<sup>8</sup> European Commission (EC). 2003. Communication from the Commission to the Council and the European Parliament Forest Law Enforcement, Governance and Trade (FLEGT): proposal for an EU action plan [COM(2003)251]

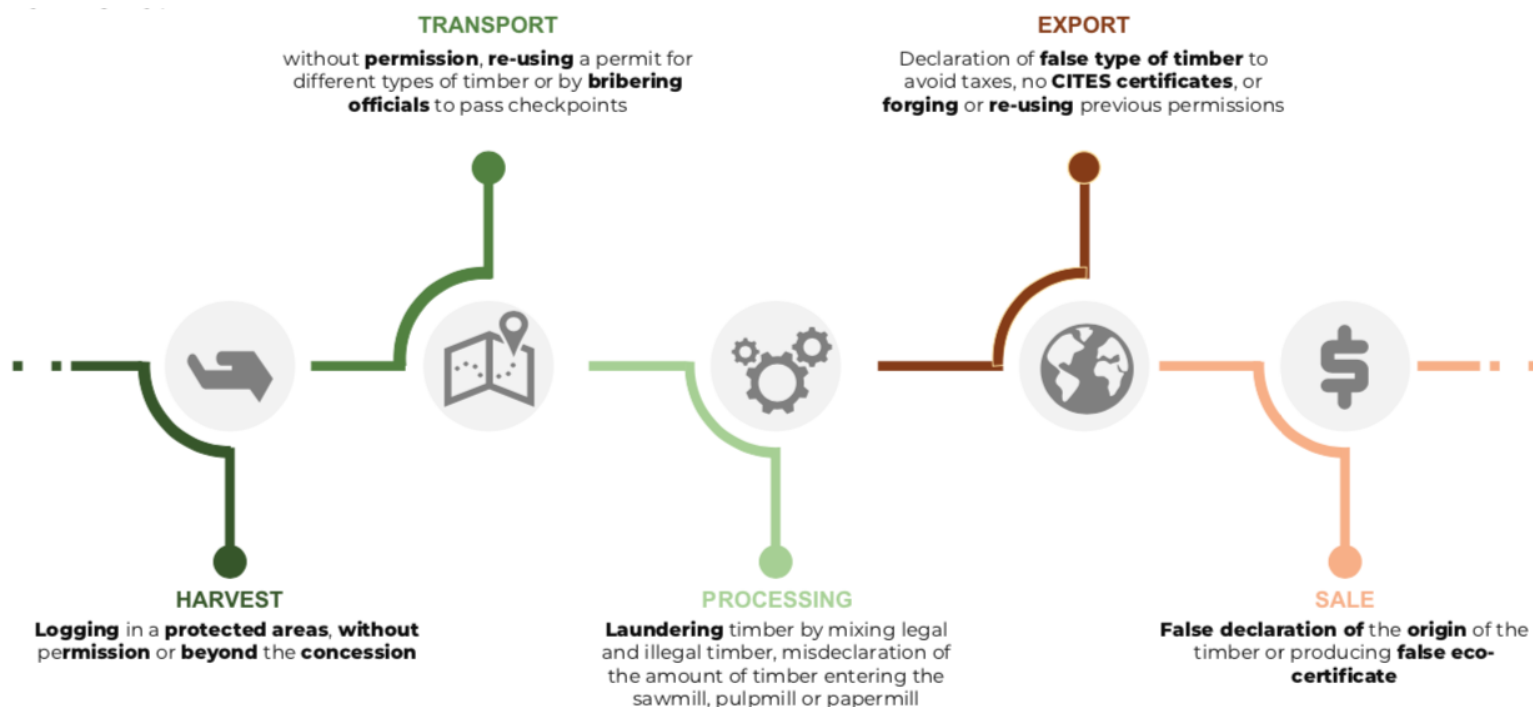
<sup>9</sup> <https://www.idhsustainabletrade.com/uploaded/2019/11/IDH-Unlocking-sust-tropical-timber-market-growth-through-data.pdf>

<sup>10</sup> WWF Belgium (2019) Déforestation importée: arrêtons de scier la branche. <https://wwf.be/assets/IMAGES-2/CAMPAGNES/ELECTIONS2019/deforestation-report/WWF-DeforestationImportee-FR-spread-final.pdf>

remaining careless about their obligations under the EUTR<sup>11</sup>. This contrasts with numerous cases of alleged illegal timber imports to Belgium reported by several NGOs.<sup>12 13 14 15 16 17 18 19 20 21 22 23 24</sup>

## The timber supply chain: forestry crime at different stages<sup>25</sup>:

The graph below presents examples of forestry crimes at different stages of the timber supply chain.



INTERPOL For official use only

<sup>11</sup> <https://www.wwf.eu/?uNewsID=357123>

<sup>12</sup> <https://eia-global.org/blog-posts/20190522-raw-intelligence-wcts-blog>

<sup>13</sup> <https://eia-global.org/reports/20190325-toxic-trade>

<sup>14</sup> <https://eia-international.org/wp-content/uploads/EIA-Overdue-Diligence-FINAL.pdf>

<sup>15</sup> [Greenpeace Belgium., 2015. Importing timber from the Democratic Republic of Congo: A high-risk business for Europe. Case study III: DRC Afrormosia from La Forestière exported to Belgium. 8 pages](#)

<sup>16</sup> Greenpeace International., 2013. Import of timber from the DRC: high risk business for Europe. A case study in the port of Antwerp: the blocking, investigation and subsequent release of illegal Afrormosia wood for Belgian timber traders

<sup>17</sup> [Greenpeace., 2015. Trading in Chaos, the impact at home and abroad of illegal logging in the DRC. 15 pages](#)

<sup>18</sup> <https://www.illegal-logging.info/sites/files/chlogging/uploads/GreenpeaceJuly2013.pdf>

<sup>19</sup> <https://www.greenpeace.org/international/publication/15432/imaginary-trees-real-destruction/>

<sup>20</sup> <https://www.greenpeace.org/eu-unit/issues/nature-food/1170/greenpeace-investigation-eu-imports-of-amazon-timber-tainted-by-widespread-fraud-in-brazil/>

<sup>21</sup> [Greenpeace., 2017. Blood stained timber. Rural violence and the theft of the amazon timber. 14 pages](#)

<sup>22</sup> <https://www.greenpeace.org/usa/wp-content/uploads/legacy/Global/usa/planet3/PDFs/SilentCrisisTimberReport.pdf>

<sup>23</sup> [Greenpeace., WWF., 2015. Deuxième anniversaire du Règlement Bois de l'Union européenne \(RBUE\) : aucune raison de faire la fête. 15 pages.](#)

<sup>24</sup> <https://www.globalwitness.org/en-gb/campaigns/forests/total-systems-failure/>

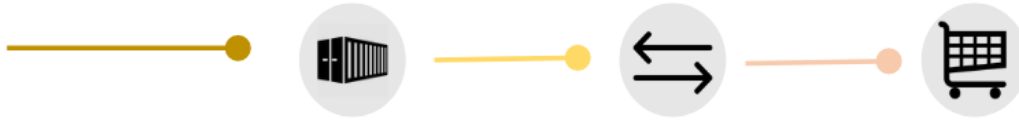
<sup>25</sup> Interpol (2019) GLOBAL FORESTRY ENFORCEMENT Strengthening Law Enforcement Cooperation Against Forestry Crime

**IMPORT/PLACING ON THE EU AND BELGIAN MARKET**

- Declaration of false type of timber or product
- No CITES certificate
- Forging or re-using previous permissions
- Absent or incomplete due diligence
- Placing of illegally-harvested wood on the market

**SALE**

Producing false eco-certificate



**TRADE ON INTERNAL MARKET**

Not keeping documentation on chain of custody

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An aerial photograph of a vast, dense tropical forest. The trees are a mix of various shades of green, from deep forest green to bright yellow-green, suggesting a diverse ecosystem. The forest extends to the horizon, creating a textured, layered appearance. A black rectangular box is overlaid on the right side of the image, containing the text '3. MAIN RESULTS' in white, bold, sans-serif font.

# 3. MAIN RESULTS

## 3.1 SURVEY

### 3.1.1 Forestry crime situation

**Disclaimer:** Although project partners assume that there is a common understanding of “organized crime” amongst people from the target group, this term was not defined initially in the survey. References to organized crime by respondents may therefore encompass slightly different meanings.

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The results below are based on 7 answers. 6 respondents are stakeholders belonging to the enforcement chain group and 1 respondent is a member of an NGO.

For transparency reasons we mention the profile of respondents for each question.

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#### 3.1.1.1 Current trends in forestry crime in Belgium (Enforcement chain + NGOs)

None of the respondents had an overview of recent trends concerning the import of timber associated with forestry crime based on monitoring and enforcement statistics. Two underlying reasons are the annual change of law enforcement priorities for CITES (1 respondent), and that EUTR enforcement was very limited before 2018 (1 respondent). So far, no case of illegal timber has been detected or prosecuted under the EUTR in Belgium, hence not permitting an analysis based on the evolution of case numbers.

#### 3.1.1.2 How important is forestry crime compared to other crimes (Enforcement chain + NGOs)

Respondents were asked to rank the importance of forestry crime compared to other crimes, concerning:

##### 1) Damages to the environment

4 respondents  
Very important

3 respondents  
Important

##### 2) Tax evasion and loss of revenue

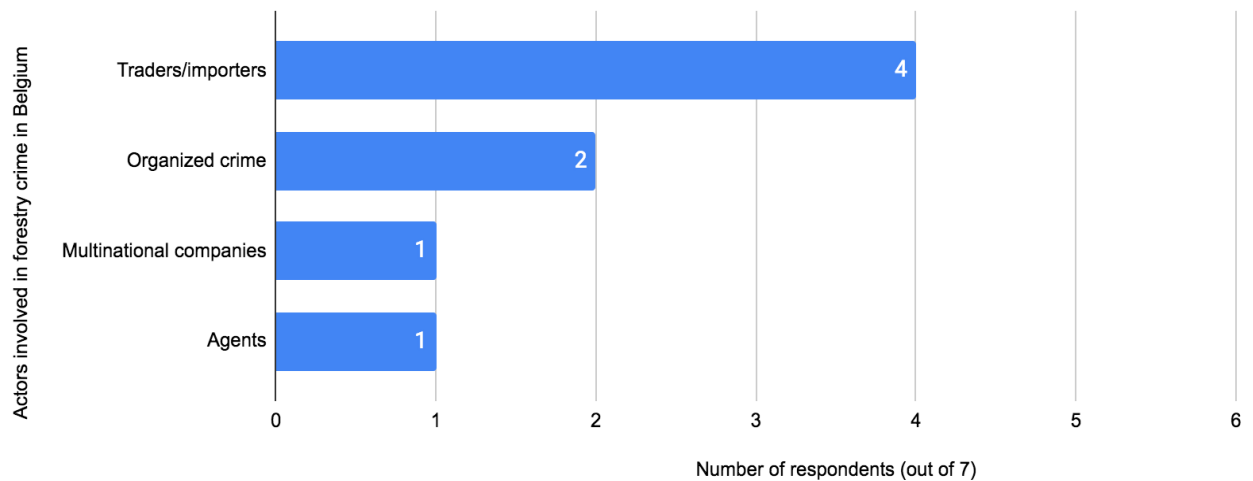
1 respondent  
Very important

5 respondents  
Important

1 respondent  
Moderately important

#### 3.1.1.3 Key actors involved in forestry crime (Enforcement chain + NGOs)

Most respondents pointed at companies importing or trading timber as central actors involved in forestry crime in Belgium, while two estimate that organized crime networks are also involved (although attribution might be hard to prove according to one respondent).



***NB:** The term agent usually refers to a company/legal person who is acting on behalf of the importer (the owner of the goods) to handle and facilitate the export/transport and clearance of the goods/timber, sometimes including the storage and dispatching of the goods to the final destination.*

### 3.1.2 National enforcement chain

#### 3.1.2.1 Knowledge of the enforcement chain, implementation of national legislation and capacity/experience of authorities in tackling forestry crime

**How important is the fight against forestry crime for you and your respective unit/agency/authority (Enforcement chain):**

1 respondent  
Very important

5 respondents  
Important

**How would you grade your knowledge on forestry crime (Enforcement chain + NGOs):**

1 respondent  
Very good

3 respondents  
Good

2 respondents  
Fair

1 respondent  
Poor

**The knowledge on forestry crime varies depending on the position in the enforcement chain as well as on the length of experience and on resources.**

One respondent from the Competent Authority explained that their organization has had limited knowledge until the recruitment of an additional staff although the lack of time and resources is being identified as hindering effective capacity building. One respondent from the judicial side describes the knowledge of EUTR and CITES regulations as being basic, while the NGO respondent has a long time experience with forestry crime and related trade on the EU market.

**How would you define the capacity of your organization in dealing with forestry crime (Enforcement chain)?**

2 respondents  
Good

3 respondents  
Poor



According to survey respondents, the capacity of Belgian authorities to address forestry crime has partially improved in recent years, yet remains limited and faces several shortcomings. External knowledge institutes or services (e.g. customs laboratory and Royal Museum for Central Africa) are crucial partners to provide technical support and capacities.

Poor capacities are due to a structural lack of staff relative to the amount of work, considering that investigations take time (especially to uncover criminal organizations).

Only one respondent regularly participates in training. Other respondents either took part in training(s) very sporadically or did not attend any training at all.

**Who are relevant agencies/actors/institutions in Belgium involved in fighting forestry crime?**

- Federal Public Service Health, Food Chain Safety and Environment
  - EUTR Competent Authority
  - CITES Management Authority
  - Species Inspectorate
  - Legal Department
- Federal Public Service of Finance
  - Frontline custom officers
  - Special tax inspectorate (money laundering)
- Federal Public Service of home affairs
- Federal Public Service of Justice
- Belgian Scientific organisations: Royal Museum for Central Africa, Botanic Garden Meise
- European/International organisations and agencies including Europol, INTERPOL, United Nations Office on Drugs and Crime (UNODC), European Anti-Fraud Office (OLAF)

**3.1.2.2 Legislation in relation to forestry crime**

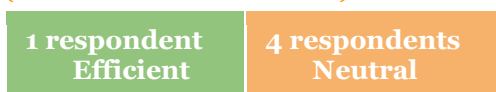
**How important are national and international legislation to prevent and fight forestry crime for you and your respective unit/agency/authority? (Enforcement chain + NGOs)**



**How would you grade your knowledge on existing European legislation on forestry crime? (Enforcement chain + NGOs)**



**How efficient are the legislations at discouraging forestry crime in your country? (Enforcement chain + NGOs)**



Respondents consider the EUTR to be a legally vague, more specifically the concept of Due Diligence. Respondents concurred that many importers have taken a ‘wait and see’ approach towards the EUTR and the application of the Due Diligence System. Slow progress can be seen only since implementation of the EUTR has been improved, including more checks and awareness raising/information actions. Several respondents judge that the EUTR and the due diligence system

offer too much space for interpretation and discussions before court and poor ground for prosecution. Finally, one respondent mentioned the difficulty to define an ‘effective, proportionate and dissuasive’ penalty. In the Belgian law, fines have a wide range from €160 to €4,000,000.

### 3.1.2.3 Cooperation along the enforcement chain

**How important is the cooperation along the enforcement chain to prevent and fight forestry crime for you and your respective unit/agency/authority (Enforcement chain) :**

2 respondents Very important	3 respondents Important
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**How would you grade the existing level of cooperation on forestry crime (Enforcement chain)?**

2 respondents Good	3 respondents Fair	1 respondent Poor
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**How is information shared along the enforcement chain (Enforcement chain)?**

The sharing of information is currently not institutionalised and strategically defined. Different channels are used such as joint actions, emails, meetings, telephone, secured platforms as well as the SIENA digital system provided by EUROPOL.

The type of information shared concerns for instance import data by customs authorities, or substantiated concerns received from NGOs.

### 3.1.2.4 Cooperation of the enforcement chain with NGOs (Enforcement chain)

Only one respondent mentioned regular contacts with various NGOs/CSOs for the exchange of information and substantiated concerns.

According to one respondent, substantiated concerns from NGOs are very helpful and several respondents highlight that information by NGOs, including market studies on timber testing, give indications to start further (criminal) investigations.

2 different respondents noted that there can be concerns about the credibility and quality of information submitted by NGOs. Officials see it as a barrier when information is obtained illegally or in a way that cannot be double-checked by authorities (e.g. information is not publicly available, no written proof or the info is not legally obtained or exchanged thus not usable in a lawsuit).

### 3.1.2.5 Cooperation of NGOs with the enforcement chain (NGOs)

**How do you assess your cooperation with relevant authorities/units fighting against forestry crimes?**

According to the NGO respondent, experiences are mixed, with the impression of a rather slow-working administration which lacks capacity and training while combating illegal timber trade effectively requires rapid response and vigilance and political support.

**In the frame of the EU Timber Regulation, have you already provided a substantiated concern to your national Competent Authority?**

The respondent explains that the NGO he works for has provided several substantiated concerns. Authorities often seem to act on them but the end-result generally seems to be negative, with cases being closed or dismissed because the evidence is not strong enough.

**How often do you inform public authorities about forestry crimes?**

The respondent noted that authorities are informed by their NGO 3 to 4 times a year when the NGO has strong indications of illegal timber trade, although timber suspected to be illegal still enters Belgium regularly. The respondent notes that the NGO sometimes informs the EUTR Competent Authority formally (emails, substantiated concerns, ...) sometimes in a more informal way (for example a phone call or more informal e-mail) and sometimes works more directly with the customs department.

### 3.1.3 Types of forestry crimes: modus operandi and occurrence (Enforcement chain + NGOs)

Respondents were asked in the questionnaire to list modus operandi in forestry crime that they know are taking place before, or when, timber is being imported into Belgium.

An additional list of modus operandi based on a literature review and cases reported by NGOs is available in **annex 1**.

Examples reported by respondents may be given in addition to better illustrate these criminal methods.

Recorded modus operandi by respondents are presented below. They are not listed by order of importance:

#### Boundary

- **Logging activity outside of authorised perimeters**

**Example:** Cases where logging outside concession boundaries took place, but also cases of logging inside concessions without respect of annual cutblocks.

#### Conditions for logging

- **Logging in excess of permits or concessions quotas**

**Examples:** Afrormosia (*Pericopsis elata*) imported without CITES permit during a period of excessive harvesting. The imported timber thus fell outside the acceptable quota. To circumvent this the wood was superficially transformed. It was demonstrated that the transformation was not functional, so that the wood was considered to be within the scope of CITES. As no acceptable export permit could be issued, the shipment was seized.

**Example:** WCTS case in Gabon<sup>26</sup>, and pre-2017 timber from Myanmar when there was a temporary nationwide logging ban<sup>27</sup>.

- **Manipulations in calculating the volume of trees marked for felling/fraudulent forest inventories**
- **Base timber harvesting activities on incorrect wood stock data listed in forestry management plans**

**Example:** “This is a common practice in several countries (DRC, Cameroon etc.). Local officials lack the training to detect such offences and if they detect it, they receive a bribe.”<sup>28</sup>

<sup>26</sup> <https://eia-global.org/blog-posts/20190522-raw-intelligence-wcts-blog>

<sup>27</sup> <https://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupMeetingDoc&docid=32789>

<sup>28</sup> This example describes common modus operandi to harvest timber illegally in countries where Belgium sources timber, but not necessarily referring to concrete cases with wood destined to the Belgian market.

- **Logging with forged or re-used permits**

**Example:** In Cameroon for several years industrial logging where using and reusing documents from community forestry to forge exports of illegally logged wood from all sorts of operations.<sup>29</sup>

## Taxes, fees & royalties

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- **Manipulation in grading of marked trees**

## Trade

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- **Importation of CITES listed timber species without or with forged CITES permits**
- **Importation of timber without proper documents**

**Example:** Import of Afrormosia (*Pericopsis elata*) without proper CITES documents.

- **Importation of falsely-labeled timber across EU borders**

**Example:** Import of CITES-listed Afrormosia (*Pericopsis elata*) as a different non-CITES species

- **False declaration on products types to bypass/violate export bans**

**Example:** Superficial transformation of CITES wood (Afrormosia, *Pericopsis elata*) so it would fall outside the scope of CITES (due to the annotation for this species, which only covered logs, sawn wood and veneer at that time).

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<sup>29</sup> This example describes common modus operandi to harvest timber illegally in countries where Belgium sources timber, but not necessarily referring to concrete cases with wood destined to the Belgian market.

## 3.2. MAIN OBSTACLES FOR EFFECTIVE LAW ENFORCEMENT

### (ENFORCEMENT CHAIN + NGO + WORKSHOP PARTICIPANTS)

- Respondents to the survey were asked to list the main obstacles for effective law enforcement / fighting forestry crime along the enforcement chain<sup>30</sup>.
- In addition, during the national workshop with representatives from authorities along the enforcement chain, that took place in Brussels on February 18-19 2020, participants identified further obstacles preventing a better fight against forestry crime.

We present all these obstacles below, listed by theme.

#### **1/ Resources: personel, knowledge, capacity, equipment and access to technology**

- Lack of controlling officers along the enforcement chain on investigation and controls in general, from customs level to the fight against fraud and money laundering.
- Difficulties in taking samples and cost of lab testing to identify timber species.
- There is no Belgian interagency timber task force to bring together dedicated focal points from each administration in order to increase cooperation, exchange information and improve enforcement. .
- There are not enough prosecutors specialized in environment crime.
- Shortage of training opportunities, with no dedicated modules in regular customs and judges training curricula.
- Lack of knowledge considering some staff has been newly assigned and experience is still being built.

#### **2/ In-country cooperation: Investigation and controls, information exchange, connected crime areas**

- Despite its partial mandate on EUTR application in Belgium, customs are lacking an approach/protocols to organize and carry out targeted investigations and contribute to the EUTR enforcement. Cooperation with the other key bodies of the enforcement chain, especially the Competent Authority, is still too sporadic.
- Risk analysis on timber imports is largely based on customs data. Customs data are insufficiently reliable and additional data (consigner, timber species,..) could help to detect suspicious imports.
- Timely and continuous cooperation, as well as networking, are missing along the enforcement chain. The information network is still too informal, preventing or jeopardizing the use of the information in court.
- No counterparts in government administrations and authorities identified.
- Best practices from other comparable areas and or legislation are not compiled, nor analyzed.
- The access and circulation of information is too slow between actors of the enforcement chain, such as on operators known to be suspects, traffic routes, cover-ups (such as wrong codes), modus operandi, timer species most commonly trafficked etc.
- There is an absence of risk indicators to help detect fraud mechanisms: at the customs level, guidance is missing on how to establish and develop improved risk analysis specifically for timber imports.
- Risk indicators are not shared between actors, for example between the customs and the EUTR CA .
- When there is a lack of proof to prosecute companies/operators breaching the EUTR, indications of fiscal fraud, money laundering or links to organized crime are currently not

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<sup>30</sup> (The full list of obstacles but also recommendations for improvements listed by respondents can be found in **annex 3**)

analysed, despite the opportunities it brings to prosecute a company for offences connected to forestry crime.

### **3/ International cooperation**

- There is no centralised EU database on seizures and offences and for information exchange (such as EU-Twix) for EUTR or FLEGT related offences.
- It is very difficult to check whether or not wood is legally obtained. As each providing country has its own legislation on forestry crime, it is very difficult to check on the origin of the timber and to check the legality. It is relatively easy to check on the species, but the exact origin is a major problem.
- Lack of direct contacts within government administrations or authorities and direct access to information at the country of origin and/or exporting country.
- Lack of possibilities to exchange information on a legal basis (so the info can be used in court) with the country of origin and/or exporting country
- Difficulties to track the wood till point of origin / extraction.

### **4/ Legal framework and the judicial system**

- Sanctions are not proportionate and dissuasive: administrative fines tend to be overlooked as a tool for effective and dissuasive sanctioning.
- The burden of proof on failure to carry out Due Diligence by the operator relies on the public prosecutor when the case is being prosecuted under criminal law, which proves to be a heavy and time-consuming process.
- The “due diligence system” offers too much space for interpretation and discussions before court. For example, malicious intent is difficult to prove under the EUTR (to what extent the operator acted in good faith when importing illegal/high risk timber).
- Lack of awareness and interest by judges dealing with environmental crime.
- Legal exchange of information with countries of origin is sometimes difficult.

### **5/ Political will and commitment**

- Environmental crime is not a priority for the police.
- Priorities of law enforcement change yearly.
- Public communication by authorities about environmental crime is deficient, while this is an important tool to increase political awareness, resourcing and funding.



# 4. ANALYSIS



## **4.1 PUBLICLY AVAILABLE INFORMATION AND DATA**

### **4.1.1 What are available information and data**

WWF is not aware of official or independent assessments of illegal timber imports/high risk timber imports, or assessment of law enforcement, in Belgium, except for NGOs reports that regularly establish the link between fraudulent forestry companies and Belgian traders, or the enforcement review of the EUTR carried out by WWF (all are referenced in part 2 on the context).

### **4.1.2 How does the publicly available literature compare with the outcomes from the surveys and the workshop**

The outcomes from the surveys and the workshop - bringing together the views of six authorities involved in the fight against forestry crime - are overall in line with what was found in the EUTR enforcement review of WWF based on interviews with the Competent Authorities of 16 EU countries including Belgium, with a shortness of resources and capacity to fight forestry crime, the absence of a formal collaboration in-country between the CA, customs, prosecutors and police investigators. These challenges lie at the root of shortcomings concerning prosecution of infringements, and the fact that illegal timber products have not yet been found, more than 7 years after the EUTR came into force.

## 4.2 WWF ANALYSIS

### Relevance of forestry crime

Belgian government officials and authorities that participated in the survey recognize forestry crime as a significant threat to the environment but also important relative to other crime areas in terms of tax evasion and loss of revenues. This is in line with official estimates as INTERPOL rates, environmental crime, including forestry crime, is now slightly more lucrative than human trafficking, and is the third largest criminal sector worldwide, moving up from the 4th largest, after drugs, counterfeit goods and human trafficking. Environmental crime amounted to 110-281 billion USD in 2018, in which forestry crime and illegal logging represented 51-152 billion USD<sup>31</sup>.

Amongst the respondents there is awareness of potential links between forestry crime and organized crime, although these links were not exploited in investigations so far. INTERPOL outlines that environmental crimes, and associated transnational organized crime, are often deeply embedded in state and non-state armed forces and the political elite, and are therefore directly stimulated by continued or renewed conflict in many of the world's most deadly contexts.

Given the large volumes of timber imported by Belgium, including from fragile countries experiencing high corruption levels and internal conflicts<sup>32</sup>, it cannot be excluded that timber imported by Belgium has passed through the hands of such criminal networks.

In the following pages, WWF critically evaluates the points of accord and discordance raised in this gap analysis.

### Resources: knowledge and capacity of the enforcement chain

Respondents concurred in a general lack of resources and knowledge across the enforcement chain to effectively tackle forestry crime in Belgium. Major knowledge gaps exist on the legality frameworks and forestry practices in the large number of origin countries from which Belgium sources timber. Furthermore, practitioners are not equipped with protocols or dedicated guidance on e.g. risk profiling, or available scientific techniques that could support them in efficient controls and fraud detection.

The Belgian federal police had until September 2020 no mandate on environmental crime linked to fauna and flora which has taken away the skills and capacities to carry out international investigations into criminal networks.

Despite the recent hiring and appointment of inspectors and customs officials, the capacities are still deemed low in proportion to the magnitude of the timber flow through Belgium. Newly established capacities cannot count on a well-grounded and existing experience and expertise in Belgium. Thus, knowledge and tools need to be built up. Dedicated training, to be integrated as part of existing curricula, will help to raise awareness and build a knowledge foundation. Meanwhile, regular exchange with international practitioner networks, timber and forestry experts and NGOs are good ways to keep up-to-date with latest cases, modus operandi and techniques used by criminals as well as techniques available to uncover cases.

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<sup>31</sup> Nellemann, C.; Henriksen, R., Pravettoni, R., Stewart, D., Kotsoyova, M., Schlingemann, Shaw, M. and Reitano, T. (Eds). 2018. World atlas of illicit flows. A RHIPTO-INTERPOL-GI Assessment. RHIPTO -Norwegian Center for Global Analyses, INTERPOL and the Global Initiative Against Transnational Organized crime. [www.rhipto.or](http://www.rhipto.or). [www.interpol.int](http://www.interpol.int)

<sup>32</sup> Forest Trends (2017) Timber-Sourcing from Fragile and Conflict-Affected States ; available at: [https://www.forest-trends.org/wp-content/uploads/2017/09/doc\\_5616.pdf](https://www.forest-trends.org/wp-content/uploads/2017/09/doc_5616.pdf)

## **Modus operandi to carry out forestry crimes**

Answers show that respondents believe importers are the main actors involved in forestry crime in Belgium, knowingly or not, through the import of illegal timber. However, according to answers, suspicious operators, risky suppliers or forestry companies in origin countries and most common trafficking routes have not been identified at a more detailed level. Thus, there does not seem to be a systematic identification of risky actors along Belgian timber supply chains that could enable targeted monitoring.

Many modus operandi are known by Belgian enforcement officials but only a handful of concrete cases linked to Belgium were listed to illustrate them. This stands in contrast with the many alleged illegal timber cases raised by NGOs and to the importance of Belgium as a timber import hub for CITES-listed Afrormosia as well as timber and timber products from countries with documented high levels of illegality in the forestry sector.

## **Cooperation along the enforcement chain and the role of NGOs/CSOs**

There is a clear recognition that lack of cooperation both in-country and internationally is hampering effective fight on forestry crime in Belgium. Respondents indicated that cooperation along the enforcement chain is important to very important but at the same time assessed the level of cooperation as fair to poor, identifying an obvious gap. Regular exchanges, possibly in a formalized working group, could respond to this need by facilitating information exchange, knowledge and tool sharing and by coordinating the different enforcement chain actors, their capacities and respective mandates.

Respondents differed in their perception of the usefulness of information exchange and cooperation with NGOs. On one hand, some respondents recognize NGO information as useful to start independent investigations, but others stressed sometimes deficient quality of information and barriers when information is not available in the public domain. The capacity of Belgian authorities to verify NGO leads or collect supplementary evidence seems limited, due in part to difficult access to international networks and export country authorities. WWF considers that substantiated concerns and NGO information should indeed be considered as a starting point and ‘puzzle pieces’ for official investigations.

## **The legislative framework & EU Timber Regulation**

Respondents concurred in their view that the EUTR due diligence obligation leaves too much space for interpretation before court and thus offers poor ground for prosecution. Furthermore, in practice it is difficult for authorities and prosecutors in Belgium to bring evidence on a case of illegal timber due to the difficulty of accessing information and collecting evidence in the country of origin.

While some solution pathways were identified such as a more systematic use of administrative rather than criminal sanctions and the investigation of connected crime areas, in practice, the applicability of the EUTR and its transposition in Belgian law before Belgian courts is a serious gap that needs to be urgently addressed as it undermines the relevance and effectiveness of the EUTR in Belgium. The respondents’ estimation that the EUTR only had a neutral effect so far on hampering forestry crime is an important warning signal. While the lack of effect likely also arises from the limited number of checks and near absence of administrative sanctions, serious consequences for offenders are key to dissuade the trade of illegal timber. In other EU countries, successful court cases on EUTR breaches demonstrate that it is possible to define what constitutes acceptable evidence to prove the illegality of timber or demonstrate failure to carry out due diligence.

## **Political backing**

Environmental criminality spans the competencies of many ministries (finances, interior, environment and justice), just as the enforcement chain spans different government agencies and authorities. This reality calls for a governmental approach to addressing it. WWF estimates that wildlife and forestry crime have not received sufficient political backing at the government level. Encouragingly, enforcement officials noted that they can play an active role, next to NGOs, to raise awareness and attention about forestry crime by communicating publicly about seizures and prosecuted cases.

# ANNEXES

## **Annex 1: Literature review - modus operandi to carry out forestry crime in Belgium**

**Disclaimer:** Due to the very low number/absence of conviction for illegal logging for companies located in third countries exporting to Belgium, this table also lists cases of alleged illegal logging.

<b>Modus Operandi to conduct illegal logging and forestry crimes (methods used)</b>
<b>BOUNDARY</b>
Illegal logging operations outside of the authorized concession area <sup>33</sup> . Bribes are paid to officials so that they turn a blind eye to the crimes.
<b>CONDITIONS FOR LOGGING</b>
Import of timber from illegally acquired forest concessions through the payment of bribes <sup>34</sup> .
Import from a company who over-harvested nearly 20,000 cubic meters worth of species listed as vulnerable or endangered according to the International Union for the Conservation of Nature (IUCN) Red List of Threatened Species <sup>35</sup> .
Forest is logged in violation of the forest management plan (more trees are logged than allowed per year) <sup>36</sup> . Bribes are paid to officials so that they turn a blind eye to the crimes.
Import of timber from a company who exhausted its annual export quota of logs by April of each year; thus all log exports shipped after April were in violation of the Congolese export quota law <sup>37</sup> .
Import of Burmese teak without the possibility to carry out a proper Due Diligence as required under the EU Timber Regulation, knowing that EU authorities consider the legality of Burmese timber as impossible to establish <sup>38</sup> . Belgian company mentioned: Crown Teak. Also, according to EIA, Belgian customers used to receive directly Burmese teak in Belgium. Since mid-2018 and due to the strengthened enforcement of the EUTR, these EU customers (including Belgian ones) had asked their supplier to ship the timber to Italy (or possibly Greece or Spain) where EUTR controls are less stringent. The teak is then transported by trucks to Belgium <sup>39</sup> .
WCMC says that :”In September 2017, the EUTR/FLEGT Expert Group concluded that the lack of sufficient information on harvesting volumes authorised for cutting, sufficient data for clear attribution of origin within the country to exclude conflict timber, and the high risk of mixing legally harvested with illegally harvested logs in the saw mills often owned by MTE, combined with the high corruption index, make it impossible for any verification service to mitigate risk to a negligible level that timber from Myanmar was illegally harvested. The Expert Group reiterated this finding in November 2017, in particular with regard to the information provided to determine the origin of timber” <sup>40</sup> .
<b>TRANSPORTATION</b>
/

<sup>33</sup> <https://eia-global.org/blog-posts/20190522-raw-intelligence-wcts-blog>

<sup>34</sup> <https://eia-global.org/reports/20190325-toxic-trade>

<sup>35</sup> <https://eia-global.org/reports/20190325-toxic-trade>

<sup>36</sup> <https://eia-global.org/blog-posts/20190522-raw-intelligence-wcts-blog>

<sup>37</sup> <https://eia-global.org/reports/20190325-toxic-trade>

<sup>38</sup> <https://eia-international.org/wp-content/uploads/EIA-Overdue-Diligence-FINAL.pdf>

<sup>39</sup> <https://eia-international.org/wp-content/uploads/EIA-report-State-of-Corruption.pdf>

<sup>40</sup> [https://www.unep-wcmc.org/system/comfy/cms/files/files/000/001/347/original/Myanmar\\_2\\_25\\_10\\_2018.pdf](https://www.unep-wcmc.org/system/comfy/cms/files/files/000/001/347/original/Myanmar_2_25_10_2018.pdf)

## TAXES, FEES AND ROYALTIES

Import of timber from a company who deliberately transferred its assets to smaller companies to hide the over harvested timber and make export data look misleadingly smaller in order to owe less taxes to the State<sup>41</sup>

Import of timber from a company who has avoided the payment of at the very least between US\$3 and US\$6.7 million per year in corporate tax in Africa, from 2013 to 2016, through transfer pricing techniques that involve offshore companies based in Hong Kong<sup>42</sup>.

## TRADE

### Import of timber without the proper CITES documentation

In 2007, a total of 9,700 kg of sawn wood of the species *Swietenia macrophylla* were seized on export in Belgium at a maritime port destined for the USA.

In 2013 a total of 669 m<sup>3</sup> of logs of the species *Pericopsis elata* were seized at a market/shop in Belgium. The specimens had been exported from Cameroon.

According to seizure data between 2007 and 2016, shipments of *P. elata* have been confiscated on occasion indicating that alleged illegal trade is occurring.<sup>43</sup>

From 2013, Greenpeace alerted the Belgian Authorities of the arrival of several consignments of alleged illegal *P. elata*/Afroormosia (listed on annex II of the CITES) was imported to Belgium from the DRC<sup>44 45 46</sup>

### Import of timber with forged official documents

In November 2013, illegal shipments of endangered wengé (*Millettia laurentii*) logs from the Congolese firm Bakri Bois Corporation (BBC) destined for two German operators were confiscated after the German authorities established that official documents were forged. The wood had been unloaded in April at Antwerp on behalf of the Swiss-based company Bois d'Afrique Mondiale SA (BAM), and the Belgian authorities had allowed it to continue its onward journey, even though admitting to doubts about its legality after Greenpeace Belgium had alerted them.<sup>47</sup>

### Import of timber harvested on the basis of fraudulent forest inventories<sup>48 49</sup>

Investigations by Greenpeace found that 11 EU countries imported 9,775m<sup>3</sup> of Ipé timber from forest management plans with indications of fraud between March 2016 and September 2017. Belgium imported 1,754m<sup>3</sup> and at least 5 Belgian companies purchased imported timber from these forest concessions where numerous illegalities were detected including:

- **inventories documents overestimating the volumes of valuable trees;**
- **misidentification of undesirable trees as commercially valuable species;**
- **listing non-occurring specimens.**

**The main objective of such methods is to enable the issuance of credits for the harvesting of this non-existent/misidentified timber.** These credits are issued by state agencies, and once fraudulent forest management plans are approved, these credits are used to launder alleged illegal timber, which becomes indistinguishable from timber that has been harvested legally.

Import of timber from a Brazilian company (Madeireira Cedroarana) linked to the murder of environmental activists/villagers and/or as a result of a land dispute. Belgian companies listed as importers are: Delfin Germany GmbH Global Timber A S Vandecasteele Houtimport Vogel Import & Export Nv.<sup>50</sup>

**Import from suppliers/sawmills whose timber came from forest concessions where numerous illegalities were detected including:**

<sup>41</sup> <https://eia-global.org/blog-posts/20190522-raw-intelligence-wcts-blog>

<sup>42</sup> <https://eia-global.org/reports/20190325-toxic-trade>

<sup>43</sup> [Musing L., Norwicz M., Klodaand J., Keese-nagy K. 2018. Wildlife Trade in Belgium. An analysis of CITES trade and seizure data. 64 pages](#)

<sup>44</sup> [Greenpeace Belgium., 2015. Importing timber from the Democratic Republic of Congo: A high-risk business for Europe. Case study III: DRC Afroormosia from La Forestière exported to Belgium. 8 pages](#)

<sup>45</sup> Greenpeace International., 2013. Import of timber from the DRC: high risk business for Europe. A case study in the port of Antwerp: the blocking, investigation and subsequent release of illegal Afroormosia wood for Belgian timber traders

<sup>46</sup> [Greenpeace., 2015. Trading in Chaos, the impact at home and abroad of illegal logging in the DRC. 15 pages](#)

<sup>47</sup> <https://www.illegal-logging.info/sites/files/chlogging/uploads/GreenpeaceJuly2013.pdf>

<sup>48</sup> <https://www.greenpeace.org/international/publication/15432/imaginary-trees-real-destruction/>

<sup>49</sup> <https://www.greenpeace.org/eu-unit/issues/nature-food/1170/greenpeace-investigation-eu-imports-of-amazon-timber-tainted-by-widespread-fraud-in-brazil/>

<sup>50</sup> [Greenpeace., 2017. Blood stained timber. Rural violence and the theft of the amazon timber. 14 pages](#)

- Logging authorised in area already harvested or deforested;
- Authorised area with no signs of timber extraction;
- Credits issued for more timber than the logging authorisation grants;
- Credits issued without a logging authorisation or Sustainable Forest Management Plan<sup>51 52</sup>

Import of timber from a company (called Norsudtimber) operating in breaching the DRC's laws including by:

- **operating on concessions without a 25-year management plan five years after the signature of the concession contract.** All of these concessions, according to Democratic Republic of Congo (DRC) law, should be returned to the state, and all timber being harvested in these concessions is currently alleged to be illegal;
- **logging activity outside of authorised perimeters;**
- **logging within the same annual harvest area for four consecutive years.**

According to the investigation by Global Witness, timber harvested in 90% of concessions owned by Norsudtimber subsidiaries is allegedly illegal.<sup>53</sup>

Import of timber exported in excess of the Congolese log export quota between 2013 and 2016<sup>54</sup>. Instead of the 15 percent maximum allowed by Congolese law, Deji Group has exported on average over 87 percent of its production as unprocessed round logs from the Republic of Congo.

<sup>51</sup> <https://www.greenpeace.org/usa/wp-content/uploads/legacy/Global/usa/planet3/PDFs/SilentCrisisTimberReport.pdf>

<sup>52</sup> [Greenpeace., WWF., 2015. Deuxième anniversaire du Règlement Bois de l'Union européenne \(RBUE\) : aucune raison de faire la fête. 15 pages.](#)

<sup>53</sup> <https://www.globalwitness.org/en-gb/campaigns/forests/total-systems-failure/>

<sup>54</sup> <https://eia-global.org/reports/20190325-toxic-trade>



**Annex 2:  
Comprehensive list of modus operandi identified by respondents (in  
black colour)**

--> Percentages indicate the proportion of respondents who selected specific modus operandi when replying to the questionnaire.

Modus Operandi to conduct illegal logging and forestry crimes (methods used)	Additional comments (please add any information/detailed references to public reports linked to the methods you selected)
<b>BOUNDARY</b>	
<b>Logging activity outside of authorised perimeters</b>	<p><b>3 respondents</b></p> <ul style="list-style-type: none"> <li>• With the import of Afrormosia, we've had cases where there was doubt whether or not the export was in line with the CITES convention.</li> <li>• Related to WCTS case in Gabon and IFCO case in DRC.</li> <li>• Yes – illegal logging outside concession boundaries and illegal logging inside concessions but not respecting the annual cutblocks.</li> </ul>
<b>Others</b>	<ul style="list-style-type: none"> <li>• Sometimes cutting permits are illegally relocated. (for example ventes de coupe in Cameroon). I have already seen such wood on the Belgian market in the past.</li> </ul>
<b>CONDITIONS FOR LOGGING</b>	
<b>Logging of unauthorised trees in forest stands earmarked for felling</b>	<p><b>1 respondent</b></p> <ul style="list-style-type: none"> <li>• Yes, it happens a lot but when forest law enforcement agents are not in the field and it can be hard to detect as it is covered up later by paperwork for example.</li> </ul>
<b>Manipulations in calculating the volume of trees marked for felling/ fraudulent forest inventories</b>	<p><b>2 respondents</b></p> <ul style="list-style-type: none"> <li>• Yes, of course this is a common practice. I have seen it with my own eyes in several countries (DRC, Cameroon, ...). Local officials lack the training to detect such offences and if they detect it, they receive a bribe.</li> </ul>
<b>Base timber harvesting activities on incorrect wood stock data listed in Forestry Management Plans</b>	<p><b>2 respondents</b></p> <ul style="list-style-type: none"> <li>• Yes, such as with the Ipé logging in the Brazilian Amazon or problems with DRC inventories for Afrormosia logging (pericopsis elata) – a CITES listed specy.</li> </ul>
<b>Logging in protected areas, on steep slopes, river system buffer areas, protected tree species etc.</b>	<p><b>1 respondent</b></p>
<b>Logging in excess of permit or concessions quotas</b>	<p><b>3 respondents</b></p> <ul style="list-style-type: none"> <li>• With the import of Afrormosia, we've had cases where there was doubt whether or not the export was in line with the CITES convention. We've had one case where the wood (Afrormosia) was superficially transformed, so it would fall outside the scope of CITES (due to the</li> </ul>

	<p>annotation for this species, which only covered logs, sawn wood and veneer at that time). The origin of the wood was from a period when excessive wood was harvested and which thus fell outside the acceptable quota. It was demonstrated however that the transformation was not functional, so the wood was considered to be within the scope of CITES. As no acceptable export permit could be issued, the shipment was seized. (CITES)</p> <ul style="list-style-type: none"> <li>• Yes, with the WCTS case in Gabon, and pre-2017 timber from Myanmar.</li> </ul>
<b>Logging with forged or re-used permits</b>	<p><b>2 respondents</b></p> <ul style="list-style-type: none"> <li>• Yes, for example in Cameroon for several years industrial logging where using and reusing documents from community forestry to forge exports of illegally logged wood from all sorts of operations.</li> </ul>
<b>Obtaining permits through bribes</b>	<p><b>2 respondents</b></p> <ul style="list-style-type: none"> <li>• yes, such as with the vente coupe logging permit system in Cameroon where public auctions are rigged. On some occasions, I knew beforehand who would be the « winners » of the auctions.</li> </ul>
<b>Concealing and laundering illegally harvested wood through the establishment or expansion of plantations</b>	<p><b>1 respondent</b></p>
<b>Loggers declare fake tree locations in official documents and illegally cut trees elsewhere</b>	<p><b>2 respondents</b></p>
<b>Credits issued for more timber than the logging authorisation grants</b>	<p><b>1 respondent</b></p>
<b>Others (please specify)</b>	<ul style="list-style-type: none"> <li>• The list goes on. Whenever there are new rules imposed/enforced – illegal logger find new tricks. And because of the collusion and bribery with government officials in the producer countries – they get away with it.</li> </ul> <p>I would like to draw attention to two important issues :</p> <ol style="list-style-type: none"> <li>(1) <b>Poor enforcement of CITES.</b> Cites approved wood can enter the EU under a « green lane » since the EUTR legislation. Enforcement of CITES can also be highly problematic so this green lane can become a loophole in EUTR when CITES is not better enforced. I have documented clear cases of illegal afrormosia trade entering Europe with CITES certificates.</li> <li>(2) <b>Certification should not be accepted as proof of legality</b> There are too many examples (in Africa, Amazon, but also Europe) that show that the certification systems (FSC and other) are not robust/watertight enough to root out illegal practices.</li> </ol>
<b>TRANSPORTATION</b>	
<b>Transport of the illegal harvest from the forest with a paper transport ticket, and not an</b>	<p><b>1 respondent</b></p> <ul style="list-style-type: none"> <li>• Yes Timber from African countries always with paper transport tickets</li> </ul>

electronic one, increasing the chance of fraud	
Others (please specify)	<ul style="list-style-type: none"> <li>• There is a lot of fraud with the transport documents (lettres de voitures) in Cameroon.</li> </ul>
<b>TAXES, FEES AND ROYALTIES</b>	
Manipulations in grading of marked trees	<p><b>2 respondents</b></p> <ul style="list-style-type: none"> <li>• Yes with Myanmar timber.</li> </ul>
Others (please specify)	<ul style="list-style-type: none"> <li>• Probably - Export companies based in Africa do not directly accept payments. Instead payments go to for example Dubai to evade taxes on payments in Gabon (but based on hear-say).</li> </ul>
<b>LABOUR</b>	
Operating in violation of labour laws at any steps of the supply chain, from harvest to export.	<p><b>1 respondent</b></p>
<b>TRADE</b>	
Importation of timber with forged legality documents	<p><b>1 respondent</b></p>
Importation of CITES listed timber species without or with forged CITES permits	<p><b>4 respondents</b></p>
Importation of timber without proper documents (such as licence/permit of company involved in import and export, fees)	<p><b>2 respondents</b></p> <ul style="list-style-type: none"> <li>• We have an ongoing court case, linked to import of P. elata without proper CITES documents. The importing firm was acquitted but we are now appealing this decision.</li> </ul>
Importation of falsely-labeled timber across EU borders (obfuscating species/source of timber)	<p><b>3 respondents</b></p> <ul style="list-style-type: none"> <li>• I documented one case of afrormosia wood (cites) which was imported as dibétou.</li> </ul>
Imports from suppliers who are unable to provide documentation of legal harvest/transportation/payment of taxes etc.	<p><b>2 respondents</b></p>
Import of tree species whose harvest is prohibited in the country of origin	<p><b>1 respondent</b></p>
False declaration on products types to bypass/violate export	<p><b>2 respondents</b></p>

**bans**

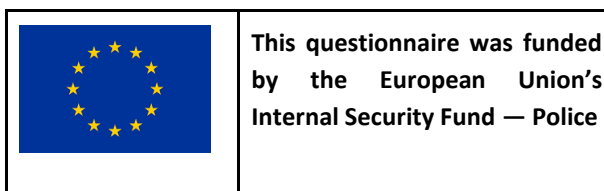
- False information on the wood, in warehouse stored under the right name
- Yes, through the use of escape points.

**Annex 3:**  
**Comprehensive list of gaps and recommendations identified by respondents (in black colour)**

	Key gaps	Recommendations for improvement
<b>Customs/ Borders</b>	<ul style="list-style-type: none"> <li>● Risk analysis on timber imports is largely based on customs data. Customs data are insufficiently reliable and additional data (consigner, timber species,..) could help to detect suspicious imports.</li> <li>● Lack of controlling officers.</li> <li>● Lack of knowledge</li> <li>● Difficulties in taking samples and cost of lab testing to identify timber species.</li> <li>● EUTR provisions are difficult to control by customs.</li> </ul>	<ul style="list-style-type: none"> <li>● Better checks of the quality of the customs data and impose that certain information is stated on the customs declaration.</li> <li>● More political will.</li> <li>● Provide more officers.</li> <li>● Create a special team for this subject</li> <li>● More trainings on the subject: Law, Taking samples, Risk indicators, How to write a report (which information is necessary) Provide practical checklist (and decision tree) Raise awareness</li> <li>● Provide a clear budget.</li> </ul>
	Key gaps	Recommendations for improvement
<b>Forest</b>	<ul style="list-style-type: none"> <li>● Lack of knowledge.</li> <li>● Lack of direct contacts at the country of origin</li> <li>● Lack of possibilities to exchange information on a legally basis (so the info can be used in court)</li> <li>● Difficulties to track the wood till point of origin / extraction.</li> </ul>	<ul style="list-style-type: none"> <li>● Increase capacity on the field.</li> </ul>
	Key gaps	Recommendations for improvement
<b>Police/ Investigation</b>	<ul style="list-style-type: none"> <li>● Environmental crime is not a priority for the police.</li> <li>● Lack of staff and knowledge</li> <li>● As it is very difficult to check whether or not wood is legally obtained, the legislation has impact on paperwork. As each providing country has its own legislation on forestry crime, it is very difficult to check on the origin of the timber and to check the legality. It is relatively easy to check on the species, but the exact origin is a major problem.</li> <li>● Priorities of law enforcement changes yearly.</li> <li>● Lack of direct contacts and direct access to information at the country of origin.</li> </ul>	<ul style="list-style-type: none"> <li>● Increase staff capacity.</li> <li>● A possible improvement could be to establish a European digital library through which all relevant, publicly available information can be disseminated among CA's, NGO's,... Allowing to set up lists of "to be monitored" companies along with lines of evidence for the legality of their activities.</li> </ul>
	Key gaps	Recommendations for improvement
<b>Justice/ Prosecution</b>	<ul style="list-style-type: none"> <li>● Malicious intent is difficult to prove under the EUTR.</li> <li>● Not enough interest from judicial authorities.</li> <li>● Regarding imported timber: because of the vague legislation (due diligence) many importers take a wait and see approach. Due to the increasing implementation (awareness raising/ checks followed by sanctions), more and more companies seem to take</li> </ul>	<ul style="list-style-type: none"> <li>● Raise awareness and encourage capacity building.</li> </ul>

	<p>action, but progress is slow.</p> <ul style="list-style-type: none"> <li>• EUTR offers poor ground for prosecution. The “due diligence system” offers too much space for interpretation and discussions before court.</li> <li>• Legal exchange of information with countries of origin is sometimes difficult.</li> <li>• The commercial aspects of CITES-related crime should be highlighted more, and taken into account more by the justice department, both during the investigation as during the trials.</li> </ul>	
	<b>Key gaps</b>	<b>Recommendations for improvement</b>
<b>Anti-corruption</b> <b>Anti-fraud</b> <b>Money laundering</b>	<ul style="list-style-type: none"> <li>• Lack of officers and knowledge on the techniques used.</li> </ul>	

## Annex 4: Questionnaire for the national enforcement chain



### Questionnaire: national enforcement chain

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#### Definition of forestry crime

According to INTERPOL, “Forestry crime” is an umbrella term to describe criminal activity (carried out in contravention of national or international law) in the forestry sector covering the entire supply chain, from harvest and transportation to processing, selling, trading, importing and exporting. It also refers to those criminal offences that facilitate such activity, including document fraud, corruption, and money laundering<sup>55</sup>.

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#### A. General knowledge about forestry crimes, illegal logging and trade on a national level:

1) How important is the fight against forestry crime for you and your respective unit/agency/authority?

Not important	Neutral	Important	Very important
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2) How would you grade your knowledge on forestry crime? Please explain.

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------

.....  
 .....  
 .....

3) Is forestry crime a growing problem in your country (both for domestic and imported timber) and what information/data do you have about the current trends related to it?

.....  
 .....  
 .....

4) Based on the information at your disposal and using existing data/figures if possible, please rank how important do you consider forestry crime to be compared to other crimes, concerning:

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<sup>55</sup> <https://www.interpol.int/content/download/5149/file/Global%20Forestry%20Enforcement%20Prospectus%202019-web.pdf>

	<b>Please select between:</b> <ul style="list-style-type: none"> <li>● Not at all important</li> <li>● Moderately important</li> <li>● Important</li> <li>● Very important</li> </ul>	<b>Comments</b>
<b>Damage to the environment</b>		
<b>Tax evasion and loss of revenues</b>		
<b>Other (please specify)</b>		
<b>Other (please specify)</b>		

5) Who are relevant agencies/actors/institutions in your country involved in fighting forestry crime?

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.....  
.....

6) How would you define the capacity of your/the above mentioned organizations in dealing with forestry crime? Please explain.

Poor	Fair	Good	Very good	Excellent
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.....  
.....  
.....

7) What are the types of illegal logging and forestry crime that you are aware of or that you had worked on personally? (this also includes the import and export of illegal timber)

*You can choose from the examples provided by deleting/adding methods relevant to your national context. In case you're referring to publicly reported cases, please provide references. We also invite you to add any types/methods of illegal logging you are aware of which may not be listed in this table.*

**Please see annex 2**

8) Please provide additional information regarding your/your organization's experience in handling these cases or about cases which had been prosecuted? *(Please select one or more between those marked as Yes in the third column and specify under which legislation have prosecutions taken place)*

.....  
.....  
.....

9) Based on the information at your disposal, who are known actors involved in forestry crime at your country level? *(For example: poor citizens, corrupt officials and businesses, organized crime, small medium enterprises, multinational companies etc. )*

.....  
.....  
.....



10) According to the information provided above and/or based on actual data, what are the top 3 forestry crime issues that you see in your area of work? Please explain and if possible, classify by order of importance.

1.	
2.	
3.	

**B. General knowledge about EU Timber Regulation and other legislation in relation to forestry crime**

11) How important are national and international legislation to prevent and fight forestry crime for you and your respective unit/agency/authority ?

Not important	Neutral	Important	Very important
---------------	---------	-----------	----------------

12) How would you grade your knowledge on existing legislation on forestry crime?

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------

13) How effective are the legislations at discouraging forestry crime in your country? Please explain and provide additional details on the existing legislation, if needed.

Not important	Neutral	Important	Very important
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.....  
 .....  
 .....

**C. Cooperation along the enforcement chain**

14) How important is the cooperation along the enforcement chain to prevent and fight forestry crime for you and your respective unit/agency/authority?

Not important	Neutral	Important	Very important
---------------	---------	-----------	----------------

15) Based on your experience, what type of cooperation exists between police, the Competent Authority, prosecutors and judges? (*Collaboration/ arrangements, regular exchange in-country, joint interforce training and with international networks/enforcement agencies*)

.....  
 .....  
 .....

16) How would you grade the existing level of cooperation on forestry crime?

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------

17) In your experience, please list the main obstacles for effective law enforcement / fighting forestry crime at the following levels as well as recommendations for improvement - *Please also list obstacles for better cooperation and explain how do you think cooperation could be improved at each level:*

	Main obstacles (please describe)		Recommendations for improvement (please describe)	
	At country level	At international level	At country level	At international level
Customs/Borders				
Forest (this includes the issuance of permits, preparation of management plans, timber harvesting, processing, transport etc. )				
Police/Investigation				
Justice/Prosecution (this includes the structure/design of relevant laws to fight forest crime)				
Anti-corruption/Anti-fraud/Money laundering				

18) How the information are shared along the enforcement chain (for example: intranet systems, secured communication channels, meetings etc.) and how do you think information sharing could be improved?

19) How do you assess your cooperation with Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs)? (*For example: are NGOs/CSOs more capable than before in identifying forest crimes, how often do they inform you about forest crimes etc.*)

20) How helpful are the substantiated concerns from NGOs in the frame of the EUTR?

21) Have you heard of, or participated in training about forestry crime/the relevant legislation to fight forestry crime? Please provide some information on your experience

22) Are the communication channels provided by INTERPOL (use of I-24/7) appropriate to share information on forestry related investigations?

If Yes, are you sharing forestry related information on a regular basis :

- with INTERPOL General Secretariat?
- with your National Central Bureau?

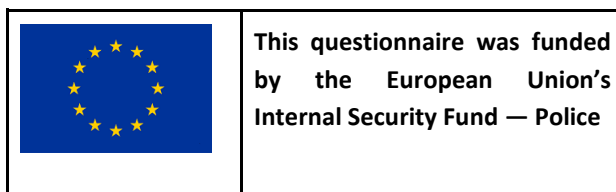
#### **D. Conclusion**

23) What are the challenges in relation to prosecution of forestry related crimes? (*For example: are results from checks by authorities structured in a way so that they could be used in court? are breaches/violations detected by relevant authorities systematically sanctioned in court - if no, why? are fines imposed in court below maximum fines defined in national laws - if yes, why?*)

24) What are the challenges in relation to prosecution of EUTR violations concerning imported timber? (*For example: is it clear what constitutes an acceptable burden of proof? is it difficult to prove in court that a company did not do everything within its reach to mitigate all risks in the frame of their Due Diligence System? Is it difficult to address the fact that operators determine their own thresholds on the level of corruption they accept or tolerate in the frame of their DDS?*)

25) Do you think that there would be a potential for more cases related to forestry crime to be prosecuted under the existing legislations? If yes, what do you think would be necessary to increase the number of cases prosecuted?

## Annex 5: Questionnaire for Non Governmental Organizations/Civil Society Organizations



### Questionnaire: NGOs/CSOs

#### Definition of forestry crime

According to INTERPOL, “Forestry crime” is an umbrella term to describe criminal activity (carried out in contravention of national or international law) in the forestry sector covering the entire supply chain, from harvest and transportation to processing, selling, trading, importing and exporting. It also refers to those criminal offences that facilitate such activity, including document fraud, corruption, and money laundering<sup>56</sup>.

#### **A. General knowledge about forestry crimes, illegal logging and trade on a national level:**

1) How would you grade your knowledge on forestry crime? Please explain.

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------

.....  
 .....  
 .....

2) Is forestry crime a growing problem in your country (both for domestic and imported timber) and what information/data do you have about the current trends related to it?

.....  
 .....  
 .....

3) Based on the information at your disposal and using existing data/figures if possible, please rank how important do you consider forestry crime to be compared to other crimes, concerning:

	<b>Please select between:</b> • Not at all important	<b>Comments</b>
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<sup>56</sup> <https://www.interpol.int/content/download/5149/file/Global%20Forestry%20Enforcement%20Prospectus%202019-web.pdf>

	<ul style="list-style-type: none"> <li>• Moderately important</li> <li>• Important</li> <li>• Very important</li> </ul>	
<b>Damage to the environment</b>		
<b>Tax evasion and loss of revenues</b>		
<b>Other (please specify)</b>		
<b>Other (please specify)</b>		

4) What are the types of illegal logging and forestry crime that you are aware of or that you had worked on as an NGO? (this also includes the import and export of illegal timber)

*You can choose from the examples provided by deleting/adding methods relevant to your national context. In case you're referring to publicly reported cases, please provide references. We also invite you to add any types/methods of illegal logging you are aware of which may not be listed in this table.*

**Please see annex 2**

5) Based on the information at your disposal, who are known actors involved in forestry crime at your country level? (For example: poor citizens, corrupt officials and businesses, organized crime, small medium enterprises, multinational companies etc. )

.....  
 .....  
 .....

6) According to the information provided above and/or based on actual data, what are the top 3 forestry crime issues that you see in your area of work? Please explain and if possible, classify by order of importance.

1.	
2.	
3.	

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**B. General knowledge about EU Timber Regulation and other legislation in relation to forestry crime**

7) How important are national and international legislation to prevent and fight forestry crime for your NGO?

Not important	Neutral	Important	Very important
---------------	---------	-----------	----------------

8) How would you grade your knowledge on existing legislation on forestry crime?

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------

9) How effective are the legislations at discouraging forestry crime in your country? Please explain and provide additional details on the existing legislation, if needed.

Not important	Neutral	Important	Very important
---------------	---------	-----------	----------------

.....  
 .....  
 .....

**C. Cooperation along the enforcement chain**

10) In your experience, please list the main obstacles for effective law enforcement / fighting forestry crime at the following levels as well as recommendations for improvement:

	Main obstacles (please describe)		Recommendations for improvement (please describe)	
	At country level	At international level	At country level	At international level
Customs/Borders				
Forest (this includes the issuance of permits, preparation of management plans, timber harvesting, processing, transport etc. )				
Police/Investigation				
Justice/Prosecution (this includes the structure/design of relevant laws to fight forest crime)				
Anti-corruption/Anti-fraud/Money laundering				

11) How do you assess your cooperation with relevant authorities/units fighting against forestry crimes? Please explain

12) In the frame of the EU Timber Regulation, have you already provided a substantiated concern to your national Competent Authority? If yes, how helpful was it? If no, why? Please explain

13) How often do you inform public authorities about forestry crimes? Please explain

14) Do you think your NGO is more capable than before in identifying forest crimes ? Please explain

## **D. Conclusion**

15) What are the challenges in relation to prosecution of forestry related crimes? (*For example: are results from checks by authorities structured in a way so that they could be used in court? are breaches/violations detected by relevant authorities systematically sanctioned in court - if no, why? are fines imposed in court below maximum fines defined in national laws - if yes, why?*)

16) What are the challenges in relation to prosecution of EUTR violations concerning imported timber? (*For example: is it clear what constitutes an acceptable burden of proof? is it difficult to prove in court that a company did not do everything within its reach to mitigate all risks in the frame of their Due Diligence System? Is it difficult to address the fact that operators determine their own thresholds on the level of corruption they accept or tolerate in the frame of their DDS?*)

17) Do you think that there would be a potential for more cases related to forestry crime to be prosecuted under the existing legislations? If yes, what do you think would be necessary to increase the number of cases prosecuted?

**WWF'S MISSION IS TO STOP  
THE DEGRADATION  
OF THE PLANET'S NATURAL  
ENVIRONMENT AND TO BUILD  
A FUTURE IN WHICH HUMANS LIVE  
IN HARMONY WITH NATURE**



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