



EU FOREST CRIME INITIATIVE

Gap Analysis: Bulgaria

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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 %¹ when laundering of illegal wood is included, with a growing involvement of organized crime. A significant proportion of illegal logging is now carried out by organized criminal networks utilising an international network of quasi-legitimate businesses and corporate structures to hide their illegal activities, which include creative accounting to launder criminal proceeds or collusion with senior government officials. Organized forest crime continues to evolve and develop new methods to conduct forestry crime operations and launder illegal timber.

In the Danube-Carpathian Region and Bulgaria, forestry crime is a recognised problem, damaging Europe's last primeval forests and undermining government policies to sustainably manage and protect forests. According to WWF Bulgaria, 2.5 million m³ of timber, or roughly a third of the total annual production, is lost annually to illegal logging² and generates nearly 150 million leva (approximately 77,7 million euros) for those implementing the illegal harvest.

Although the European Union Timber Regulation (EUTR) came into force in 2013 to stop illegal wood and paper products being placed on the European market, the EUTR and national laws in Bulgaria against illegal logging have up to now not been implemented with full effect due to different gaps and obstacles.

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. Part of the project is a comprehensive analysis to better understand forestry crime in the different countries by analyzing gaps, identifying challenges along the enforcement chain but also opportunities to identify more cases and support forest governance and enforcement frameworks necessary to combat forestry crime.

For the gap analysis in Bulgaria, a target group of key stakeholders was identified to fill in a survey and to attend a workshop in Sofia in November 2019. Their answers to the survey and outcomes of discussions during the workshop constitute the basis of this gap analysis, on top of which WWF made a complementary assessment.

¹ 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 - accessible [here](#)

² https://wwf.panda.org/wwf_news/?35571/WWF-BG-Forestry-Apps

KEY FINDINGS OF THE GAP ANALYSIS

Answers and inputs from respondents and participants to the workshop show that there are numerous challenges, gaps and obstacles that can jeopardize the proper enforcement of national laws meant to combat forestry crime in Bulgaria.

First of all, survey respondents expressed that **forestry crime is of major importance regarding damages to the environment, tax evasion and loss of revenues compared to other crimes**, and that the fight against it for their respective agency and authority is of crucial importance. **Participants to the workshop also recognized the existence of organized criminal groups dealing with forestry crimes in Bulgaria.**

The gap analysis in Bulgaria shows:

→ **Problems with resources and knowledge. The capacity of relevant authorities to fight forestry crime is insufficient at certain levels, showing a discrepancy between mission/ intention and reality on the ground.** Although forest staff have experience in enforcing the forest act, they lack knowledge and capacity on Environmental legislations or European Directives. **At the level of Regional Forest Directorates, human capacity is missing.**

The absence of trainings throughout the enforcement chain is likely to impact the awareness on forestry crime issues and willingness/motivation to combat those crimes by relevant authorities and **the (very) low average salary for forest staff and inspectors** does not stimulate the filling of vacant positions and the engagement of motivated and qualified specialists.

→ **A lack of agreed/shared figures on forestry crime at national level. The absence of a national forest inventory** makes it more difficult to provide independent control on the data regarding changes in forests as well as the lack of clear identified indicators to measure the effectiveness of control activities. **Bulgaria also still lacks a single electronic system** to process information on the planning, marking, use, certification, dispatching and processing of timber.

→ **Corruption is seen as a critical common denominator and aggravating factor for forestry crimes at all levels; highlighted for example by the lack of willingness to fight forestry offences perpetrated by or with the involvement of foresters.**

In addition, **there is a lack of protection for people uncovering offences, considering the risks they are exposed to.** Offenders may also happen not to be prosecuted because they are in most cases unemployed and not able to pay.

→ The **organization of the forest sector in Bulgaria can lead to conflicts of interest and political pressure** since the Executive Forest Agency is dependent from the Ministry of Agriculture, Food and Forests. **The lack of transparency and competition in the processes of contracting and implementing logging activities and trade of timber creates favourable conditions for illegal logging to thrive.**

→ **The legislative framework related to forestry crime is overall good but still has some loopholes, mainly implementation on the ground.** The level of penalties is too low to have deterrent effects, the

penal and administrative provisions in the forestry legislation are complex and plentiful, and there is obviously low awareness and experience with the EU Timber Regulation, including about the possibility to raise 3rd party concerns.

→ There are numerous **Modus operandi** to carry out forestry crime, offenders are finding numerous ways to contravene the law. **There is a wide variety of actors involved in illegal logging, with possible links to organized crime.** “Logging of unauthorised trees in forest stands earmarked for felling” is the most common modus operandi according to survey respondents, “logging activity outside of authorised perimeters” ranks in second position and “transport of the illegally harvested wood without a transport ticket” ranking in third.

→ **From a judicial perspective, efforts are being made to combat small offences but there is an obvious lack of success with more serious forestry crimes, possibly involving organized crime. The very low rate of recovery for penalties (currently 10-15%) shows that the enforcement and judicial system overall are not working as they should,** giving a sense of impunity to offenders and making the penal provisions of the Forestry Act practically meaningless.

Such cases are not detected due to lack of expertise/evidence or corruption and are not being considered by the courts (or given too little importance). Pre-trial proceedings are implemented for a very small part of the files sent to the Prosecutor’s Office and some cases can be dropped before making it to court.

→ **On investigation,** defining and attributing the illegal logging to organized crime can be challenging. **Pre-investigations are in general weak, insufficient and slow, while detection and reporting of crimes is usually late.** Procedures to build a case are long and complex and evidence collected during the field investigations may be unclear and not actionable. Forensic methods do not seem to be used in practice to support investigations.

Political pressure over the forestry system, and the possible link of politicians to organized crime, makes large cases of forestry crimes difficult to investigate and corruption and tax avoidance seem to be lacking from investigations.

→ **There is room for improvement regarding cooperation between NGOs/CSOs and authorities,** and along the enforcement chain, to increase effectiveness in the fight against forestry crime. **Also, the watchdog function of NGOs is too much dependent on the availability of funding, which has been decreasing lately. NGOs were nevertheless identified as playing an important role in detecting and reporting forestry crimes.**

The present report does not list specific recommendations, although some possible solutions were already identified in the table in annex 4.

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 offences that facilitate such activity, including document fraud, corruption, and money laundering³.

Organized crime

According to the United Nations Convention against Transnational Organized Crime (2004)⁴:

- 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.

Poverty-related forest crime

Organized crime is different than poverty-related forest crime⁵. The United Nation Office on Drugs and Crime defines that “although actions in the illegal activities are linked (for example, poor farmers that are employed as harvesters and suppliers by traffickers), it is still critical to differentiate between activities driven by need and poverty, and those driven by greed and the lure for high profit. In developing countries, poverty can be a factor that drives wildlife and forest offences (...). In this connection, formal criminalization can be harmful for people depending on wildlife and forest resources for their livelihoods.”

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 nepotism⁶.

³<https://www.interpol.int/content/download/5149/file/Global%20Forestry%20Enforcement%20Prospectus%202019-web.pdf>

⁴https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOL_S_THERE TO.pdf

⁵ https://www.unodc.org/documents/Wildlife/Toolkit_e.pdf

⁶ Uncovering the risks of corruption in the forestry sector, Interpol (2016) 20 pages.

Modus operandi

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

Offence

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

Acronyms

CSO: Civil Society Organization

EFA: Executive Forest Agency

EUTR: European Union Timber Regulation

NGO: Non Governmental Organization

RFD: Regional Forest Directorate

SME: Small & Medium Enterprise

A close-up photograph of a tree trunk, showing the intricate texture of the bark. The bark is a mix of grey and brown tones, with fine, horizontal lines and small, dark spots. The lighting is soft, highlighting the natural grain and imperfections of the wood. A black rectangular box is overlaid on the right side of the image, containing the text '1. METHODOLOGY' in white, bold, sans-serif font.

1. METHODOLOGY

DESCRIPTION OF THE PROJECT

Forestry crime is a growing problem with links to organised crime and corruption. In financial terms, environmental crime is the third largest crime sector in the world and amounted to 110-281 billion USD in 2018, in which forestry crime and illegal logging represented 51-152 billion USD⁷.

In 2013, the EU adopted new legislation, the European Timber Regulation, to address products derived from illegal logging on the EU market. However, loopholes in the EUTR and its enforcement, as well as implementation gaps of other national laws in Member States, have until now hindered real change.

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.

The project includes conducting a comprehensive gap analysis as well as the formulation of recommendations on how to address these gaps. The project is also meant to empower civil society to raise suspicions and to be a knowledgeable partner for authorities.

SCOPE OF THE PROJECT AND EXPECTED OUTCOMES

In Romania, Bulgaria, Slovakia and Ukraine the project focuses on forestry crime at domestic level as well as transboundary forestry crime.

In Belgium and France, the project focuses on high risk imported timber products and/or those with complex supply chains, aiming to motivate existing environmental anti-crime networks to independent investigations.

More specifically in Bulgaria, this project aims to provide a better understanding of forestry crime by analyzing gaps, challenges along the enforcement chain as well as opportunities to identify more cases that could be taken to court and support the forest governance and enforcement frameworks necessary to combat crime across the regional forest sector, thereby improving the transparency, governance and legality in forested target countries in Europe and motivate political will.

TARGET GROUP

The target group for the gap analysis in Bulgaria includes all stakeholders who are part of the enforcement chain from the forest to the judicial authorities.

Project partners’ approach was to target the most relevant stakeholders, based on their positions and experience to ensure the development of a relevant and informative gap analysis.

Following this rationale, WWF and INTERPOL did not try to select an extensive number/pool of persons, but rather to focus on the stakeholders who are formally accountable to combat forestry

⁷ 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. www.interpol.int

crime and that were believed to bring the most added value to the gap analysis (such as the EUTR Competent Authority, police, prosecutors, judges, forest guards etc.).

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 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.

You can access the complete survey for the enforcement chain **in annex 5**.

A separate version of the survey was also prepared for NGOs & CSOs. You can access it here **in annex 6**.

Workshop in Sofia

A national workshop about forestry crime took place on the 19th and 20th November 2019 in Sofia. Altogether, 19 stakeholders and representatives of relevant authorities involved in combating forestry crime attended the workshop.

The workshop was designed to bring together representatives of all key stakeholders and Competent Authorities fighting forestry crime to exchange and be informed, and to ensure a common understanding about existing crimes occurring in Bulgarian forests.

The objective was also to improve collaboration between law enforcement agencies, raise awareness and draw the attention of the institutions and the State on forestry crime.

Key information related to the workshop and the distribution/collection of the surveys.

SURVEYS			WORKSHOP IN SOFIA		
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 on October 1 2019.</p> <p>Feedbacks were received no later than November 16 2019.</p>	<ul style="list-style-type: none"> ● Executive Forestry Agency ● General directorate of national police ● National park directorate ● Regional forest directorate ● NGOs 	26	19 and 20 November 2019	19	<ul style="list-style-type: none"> ● Environmental NGOs ● Ministry of Interior ● Police officers ● Customs Agency ● Prosecutors ● Judge ● Executive Forestry Agency ● Regional forestry directorate



2. CONTEXT

Disclaimer: the information presented in part 2 on the context describes the situation until **April 30 2020**. Possible changes that came into effect after that date may not be reflected in this report.

2.1 FOREST CONTEXT AND THE NATIONAL COUNTRY SITUATION REGARDING FORESTRY CRIME

Forest context

Bulgaria's territory accounts for 11,1 millions of hectares in total, of which 4,14 millions are forests, 37,3% of the total land area of the country⁸⁹.

The main tree species in Bulgarian forests are oaks, beech, scotch pine, turkey oak, austrian pine and norway spruce¹⁰.

According to FAO, 572 000 hectares of forests are protected, approximately 15% of the total surface of forests¹¹, although stringent protection is only met in the most restricted protected areas as reserves and strict reserves, which represent 78 000 hectares.

In addition, the Ministry of Agriculture, Food and Forests designated 109 000 hectares as Old Growth Forests, which are now legally protected under the Natura 2000 network. Some of the forests under the ordinance of the Minister were proposed by WWF on the basis of field research of Natural forests over 100 years, with the characteristics of old-growth forests.

Forestry crime

Illegal logging is recognized by various stakeholders, including the government, NGOs and the media as a major environmental and economic problem in the Danube-Carpathian region¹².

According to WWF, **2.5 million m³ of timber, or roughly a third of total annual production, is lost annually to illegal logging¹³** and generates nearly 150 million leva (approximately 77,7 million euros) for those implementing the illegal harvest.

Illegal practices in forests now increasingly settle in as formally legal or kept off records, i.e. illegal logging takes place under authorized felling operations through a number of schemes that allow concealing the actual amount of felled and hauled timber and are easily applied¹⁴.

More recently, WWF Bulgaria has filed a lawsuit against the Bulgarian Ministry of Environment and Water for logging violations on the territory of Pirin National Park. Under the pretext that sanitary felling is being carried out, trees may be removed in the park in violation of the Protected Areas Act¹⁵.

⁸ <http://www.fao.org/countryprofiles/index/en/?iso3=BGR>

⁹ http://facesmap.boku.ac.at/library/FP1201_Country%20Report_BULGARIA.pdf

¹⁰ http://facesmap.boku.ac.at/library/FP1201_Country%20Report_BULGARIA.pdf

¹¹ <http://www.fao.org/countryprofiles/index/en/?iso3=BGR>

¹² Development of Common Integrated Management Measures for Key Natural Assets in the Carpathians. Appleton, M. R. and Meyer, H. Editors. s.l. : WWF Danube-Carpathian Programme, Vienna, 2014, Integrated Management of Biological and Landscape Diversity for Sustainable Regional Development and Ecological Connectivity in the Carpathians (Work Package 4).

¹³ https://wwf.panda.org/wwf_news/?355571/WWF-BG-Forestry-Apps

¹⁴ https://d2ouvy59podg6k.cloudfront.net/downloads/report_illegal_logging_wwf_2014_resume_en.pdf

¹⁵ <https://www.globalgiving.org/donate/54779/wwf-world-wide-fund-for-nature-danube-carpathian-progra/reports/>

Regarding recent and ongoing initiatives to combat illegal logging and forestry crime, WWF-Bulgaria is developing a mobile application for reporting illegal logging in Bulgarian forests¹⁶ and has also **developed a Forest Geographic Information System platform**¹⁷ with multiple layers of information, including old-growth forests, high conservation value forests, protected areas, and logging permits. Both WWF tools, the Forest Geographic Information System Platform and the mobile application, are meant to be used in the field by the general public and forest authorities and complement each other.

Meanwhile, the executive Forest Agency has taken several measures to better enforce forest laws and tackle illegal logging. This includes for example the possibility to send signals to an emergency phone number in case of fires and illegal forest activities.

In 2017, 8539 signals were sent thanks to this new tool/structure, of which 28% were related to illegal logging, 11% related to the transport of illegal wood and 6% to the storage of illegal wood. Other measures include: marking of the transported wood with tags with a unique number, the introduction of an electronic register with public access for enterprises and storehouses where the wood is being dispatched¹⁸. Also, all vehicles transporting timber must now be equipped with GPS so that timber trucks can be tracked online in real time by the Regional Forestry Directorate.

2.2 POLICY AND LEGAL FRAMEWORK ON FORESTS

Forest ownership

74% of forests are state owned, 12% are municipal forests, 11% are held by private owners, 2% are forests located on agricultural territories and 1% are owned by religious communities¹⁹.

According to Nepcon, State-owned forests are managed to a large extent (around 69%) by State Enterprises under Art. 163 of the Forest Act and approximately 4% are managed by the Ministry of Environment and Waters (including Rila National Park, Pirin National Park, Central Balkan National Park, and all Reserves)²⁰.

Under the Forest Act (2011), forest policy in Bulgaria is developed and carried out by the Ministry of Agriculture, Food and Forests and supported by the Executive Forest Agency (EFA). More information on the relevant legislation and policy can be found [here](#).

Organization of forest management

At national level, the EFA is responsible for controlling forest territories outside reserves and national parks. At the regional level, the EFA is represented by 16 Regional Forest Directorates. The Regional Forest Directorates have rights to exert control over the forest activities within their territorial range, impose sanctions and provide methodological guidance to forest owners²¹.

6 State owned forestry enterprises are also overlooked by the Ministry of Agriculture, Food and Forests.

¹⁶ https://wwf.panda.org/wwf_news/?355571/WWF-BG-Forestry-Apps

¹⁷ <https://gis.wwf.bg/mobilz/en/>

¹⁸ http://d2ouvy59podg6k.cloudfront.net/downloads/analysis_of_illegal_logging_in_bulgaria_2013_2017.pdf

¹⁹ http://facesmap.boku.ac.at/library/FP1201_Country%20Report_BULGARIA.pdf

²⁰ <https://www.nepcon.org/sites/default/files/library/2017-08/NEPCon-TIMBER-Bulgaria-Risk-Assessment-EN-V1.pdf>

²¹ <https://www.nepcon.org/sites/default/files/library/2017-08/NEPCon-TIMBER-Bulgaria-Risk-Assessment-EN-V1.pdf>

Each of the forestry management units has a 10 years harvesting plan. The territory of each forest management unit is separated into compartments and sub-compartments. Logging permits for each forest sub-compartment are issued and contain information about the type of the logging, the volume and intensity, tree species, the logging company and the period in which the logging must be held.

2.3 MAIN DRIVERS OF FORESTRY CRIME

According to WWF, several reasons or aggravating factors explain the past and current situation regarding forestry crime in Bulgaria.

In state-owned forests, the merge of control functions and business interests in one and the same state institution (ie: the Ministry of Agriculture, Food and Forests oversees the work of the Executive Forest Agency) can be identified as a main driver. Additional factors include corruption, political pressure, low qualification requirements for loggers, diffused responsibility in logging operations, unfavourable economic conditions (including poverty) or demographic structure²². A key precondition for malpractices in forests is the imperfect legislative framework that allows for inaccurate inventory of forests (e.g. concealing of actual forest stock), manipulations in determining the yields, and above all, ineffective control along the entire chain of planning, marking, felling and transport of harvested timber²³.

The economic situation has also a negative impact on the amount of illegal logging. From 2013 to 2017, the share of persistently poor households has increased in Bulgaria exacerbating the use of illegally harvested timber as firewood by the poorest households.

Several obstacles are also highlighted by WWF, such as the very low recovery rate for sanctions and fines (in 2017, only 14,3% of the fines and sanctions imposed by penalties decrees were actually collected) or the fact that the salary of some of the forest inspectors is 550 BGN (approximately 280€), which in no way stimulates the filling of vacant positions and the engagement of motivated and qualified specialists.

²² https://d2ouvy59podg6k.cloudfront.net/downloads/analysis_of_illegal_logging_in_bulgaria_2013_2017.pdf

²³ https://d2ouvy59podg6k.cloudfront.net/downloads/report_illegal_logging_wwf_2014_resume_en.pdf



3. MAIN RESULTS



3.1 RESULTS FROM THE 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.

Nature and number of respondents

The results below are based on 26 answers. 14 respondents are stakeholders belonging to the enforcement chain group and 12 respondents are members of NGOs.

The questionnaire intended for NGOs contains 17 questions instead of 25 for the enforcement chain (some questions irrelevant for them were taken off the list, and 4 questions were added).

For clarity purposes, we mentioned the profile of respondents before each question:

- Enforcement chain only.
- Enforcement chain + NGOs.
- NGOs only.

Please note that only results and outcomes from the questionnaires and workshop are presented under part 3. The complementary assessment and analysis by WWF can be found in part 4.

3.1.1.1 Current trends_(Enforcement chain + NGOs)

Respondents were asked if forestry crime is a growing problem in Bulgaria, both for domestic and imported timber, and to share any data available.

Respondents from NGOs and enforcement chain have the same view in general about the illegal logging situation in Bulgaria, also trends reflected are similar.

3 respondents see forestry crime has been intensifying in the last years at national level, while 5 consider it as decreasing, and 14 respondents view the situation to be stable.

It was outlined once that organized forest crime remains a serious problem whilst non-organized crime is shrinking and has no significant social consequences.

2 respondents from NGOs estimated it to be a growing problem, as forestry crime is getting better organized but also that forest crimes committed by minority groups/individuals, though involving small quantities of timber, remains widespread, making it a serious issue.

Another NGO respondent also regards forestry crime as an ongoing problem which, despite the administrative measures (such as control and enforcement) and legislative provisions getting stronger, is not diminishing, due to a constant political pressure over the forestry system.

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

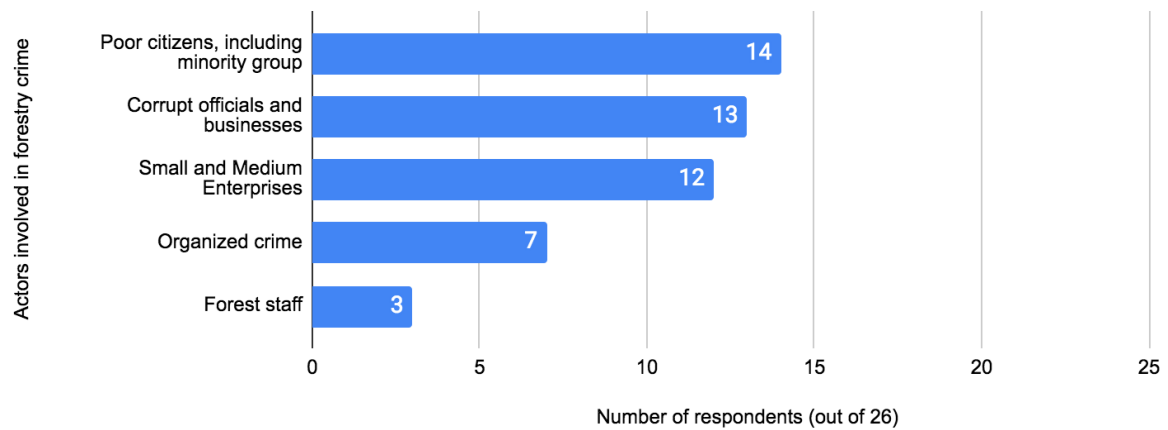
Respondents were asked to rank the importance of forestry crime compared to other crimes, concerning 1) Damages to the environment and 2) Tax evasion and loss of revenue.

<p>1) Damages to the environment</p>	<p>13 respondents consider forestry crime as being very important compared to other crimes regarding damages to the environment. 7 respondents classified it as important and 3 respondents as moderately important.</p> <p><u>Below are some examples listed by respondents to support their statement:</u></p> <ul style="list-style-type: none"> • Logging in excess of the acceptable limits and building of a dense road network for extraction - often unregulated - lead to erosion, pollution of watercourses and soil, as well as reduced surface water quality. Valuable habitats are being destroyed through clear cuts or high intensity logging. Logging in old forests is particularly bad. • Illegal logging may lead to breach of environmental norms (e.g. Natura 2000, Protected Areas Act, Biodiversity Act), thus leading to negative environmental impacts (e.g. from erosion, or direct loss of biodiversity).
<p>2) Tax evasion and loss of revenues</p>	<p>7 respondents see forestry crime as being very important compared to other crimes specifically in the context of tax evasion and loss of revenues. 14 respondents classified it as important and one as moderately important.</p> <p><u>Below are some examples listed by respondents to support their statement:</u></p> <ul style="list-style-type: none"> • Forestry crime leads to loss of revenues and renders the efforts of legitimate operators nonsensical. • Forests are one of the few remaining public resources (especially talking about state forests which prevail in Bulgaria) and any illegal activity results in tax evasion and loss of revenues, not only monetary but also in terms of environmental services.
<p>Others</p>	<ul style="list-style-type: none"> • Deformation of the value system of society: the lack of effective punitive measures and sense of impunity leads to negative consequences in public relations (mistrust, suspicions). • Forestry crime leads to land and resource conflicts and impacts local communities²⁴.

²⁴ Regarding impacts on local communities, this can be very diverse. From an ecological perspective, illegal logging can cause soil erosion, floods or aridity. Forestry crime usually causes fear for people at local level, possibly preventing them to take action and send signals. There are many cases in which people belonging to local communities have been threatened, beaten or their property have been damaged/burned. The raising of the prices of wood can also be an impact.

3.1.1.3 Key actors involved in illegal logging_(Enforcement chain + NGOs)

Known actors involved in forestry crime according to respondents:



It can be difficult to attribute forestry crime to organized crime, as it can encompass many different types of people/organizations, including the above mentioned (Small and Medium Enterprises, forest workers, corrupt officials etc.).

One respondent divided organized crime into two aspects:

- Total illegal harvesting and sale of timber, usually organized by individuals, small groups or larger groups, separated by socio-ethnic or other grounds.
- Harvesting of timber from legal logging sites, but beyond the specified quantities and quality. This type of crime has the most significant socio-economic consequences and is practiced in both publicly owned forests and private forest areas.

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):

7 respondents Very important	7 respondents Important
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How would you grade your knowledge on forestry crime (Enforcement chain + NGOs):

3 respondents Excellent	9 respondents Very good	9 respondents Good	4 respondents Fair	1 respondent Poor
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How would you define the capacity of your organization in dealing with forestry crime (Enforcement chain)?

3 respondents Very good	6 respondents Good	2 respondents Fair	2 respondents Poor
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2 respondents indicated the capacity of their organisation is poor partly because of the too voluminous, complex, unclear and contradictory legislative framework but also by duplication of functions of control and law enforcement agencies.

Corruption and the low level of interest by the employers in combating illegal logging are also mentioned as issues.

6 respondents have taken part at least once in a training session/program around law enforcement and better fighting forestry crime while 3 of them never did.

List of the relevant agencies/actors/institutions in Bulgaria involved in fighting forestry crime²⁵:

Commission for Anti-Corruption and Illegal Assets Forfeiture - Customs

State and municipal control bodies under the Forest Act - Executive Forest Agency - Regional forest directorate - Responsible at Forest management units and Hunting Management Units - Directorates of Natural/National Parks

Ministry of Interior - Ministry of Finance - Ministry of Agriculture, Food and Forests - Ministry of Environment and Water, including the National agency for Nature Protection - Ministry of internal affairs

Prosecutors' Offices - Courts

²⁵ This list is based only on answers by respondents

3.1.2.2 General knowledge about the 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)

16 respondents Very important	9 respondents Important	1 respondent Neutral
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How would you grade your knowledge on existing European legislation on forestry crime? (Enforcement chain + NGOs)

2 respondents Excellent	12 respondents Very good	9 respondents Good	3 respondents Neutral	1 respondent Poor
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How efficient are the legislations at discouraging forestry crime in your country? (Enforcement chain + NGOs)

8 respondents Very efficient	14 respondents Efficient	2 respondents Neutral
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The legislative framework is efficient at discouraging forestry crime for a high number of respondents, although answers also indicate that the legislation needs to be significantly better enforced.

6 respondents explained that the overall legislative framework in itself is strict enough and has good control mechanisms in place - in theory - but that they are not properly enforced. The lack of capacity and motivation of relevant staff is mentioned as a weakness regarding law enforcement. One respondent also highlights that **any changes to the regulatory framework to tackle forestry crime will take 1 to 2 years, and new doors and channels for illegal logging will be opened meanwhile.**

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) :

9 respondents Very important	4 respondents Important
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How would you grade the existing level of cooperation on forestry crime (Enforcement chain)?

7 respondents Very good	5 respondents Good	1 respondent Poor
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Some respondents mentioned joint trainings and seminars as a type of cooperation that already exists between police, the Competent Authority, prosecutors and judges.

In addition, the Commission for Anti-Corruption and Illegal Assets Forfeiture cooperates with the General Prosecutors, the Ministry of Interior, the State Agency for National Security, the Revenue

Authorities, Customs, the Chief Inspectorate of the Council of Ministers, the Supreme Judicial Council as well as with authorities from other States and with different international networks and channels such as EUROPOL SIENA Channel and INTERPOL.

3.1.2.4 Cooperation with Non-Governmental Organizations (NGOs) (Enforcement chain)

Respondents were asked to assess their cooperation with Non-Governmental Organizations (NGOs). 6 respondents consider the cooperation to be good and perceiving the expertise of NGOs as very valuable in overcoming the problems of proving and prosecuting. NGOs are considered as being more capable than before in assessing situations related to illegal logging, identifying offences and sending relevant signals to the authorities. 2 respondents mentioned that they don't have information on cooperation with NGOs.

Respondents were also asked how helpful were substantiated concerns from NGOs. Out of the 8 respondents to this questions, 5 said concerns are helpful .

3.1.2.5 Cooperation between the NGOs and the enforcement chain (NGOs)

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



NGO representatives provide different views on this specific question. One respondent describes the interaction with the relevant control authorities and their regional structures at expert and case-specific level to be very good. Another one points out the good cooperation with certain Regional Forest Directorates related to investigation of illegal felling and wood trade. However, according to others, cooperation depends on each individual working for authorities and is closely linked to possible corruption issues, in addition to being very slow.

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

No specific replies were received for this question. 3 respondents from NGOs said that they haven't provided any substantiated concerns, while the others either did not reply or said that they don't have such experiences.

How often do you inform public authorities about forestry crimes?

8 respondents inform authorities on a (relatively) frequent basis. One respondent outlined that he reports each offence he witnessed, while one only reports significant cases. One respondent reports 1 or 2 times per month, and 2 other respondents 1 or 2 times per year, highlighting that successfully submitting cases/information requires time. Another respondent said that he informs authorities less and less frequently as he could not see the effects of the signals he has sent.

Do you think your NGO is more capable than before in identifying forest crimes²⁶?



5 respondents outlined that they don't think the NGO they work for is more capable in identifying forest crimes than before. **One of them pointed out that access to funding is now more**

²⁶ Project partners did not define a specific time range for this question. The word "before" likely relates to the evolution over the last years

difficult, thus limiting the watchdog function of NGOs.

On the contrary, 3 respondents highlighted better capacity also due to the developments of forest/internet databases by WWF Bulgaria on forest logging and transport, which makes it easy to identify a specific location where illegal logging occurs, as well as tracing the validity of timber transport tickets.

In addition, a strong public response in the last 10 years and pressure through the media, social networks and signals to the forest administration and the prosecutor's office, were mentioned.

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

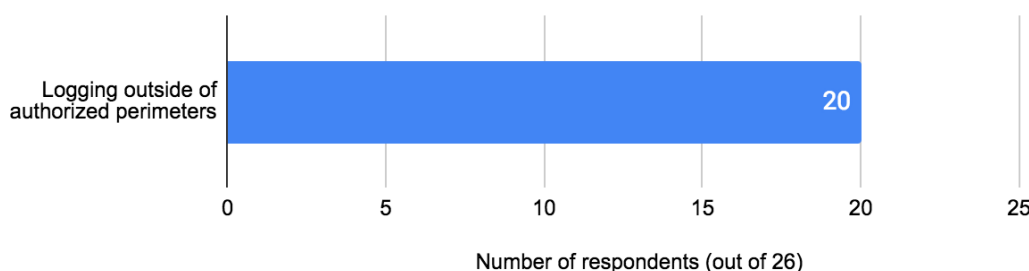
Respondents were asked to select modus operandi to carry forestry crime that they are aware of in Bulgaria.

A list of modus operandi based on a literature review and concrete cases is available in **annex 2**. Below is a summary of the modus operandi most commonly selected/chosen by respondents. Some examples reported by respondents are given to better illustrate some of these criminal methods.

According to the answers received the most common modus operandi are:

- 1. Logging of unauthorised trees in forest stands earmarked for felling.**
- 2. Logging activity outside of authorised perimeters” (not the perimeters described in the official documents).**
- 3. Transport of the illegally harvested wood without a transport ticket.**

Boundary

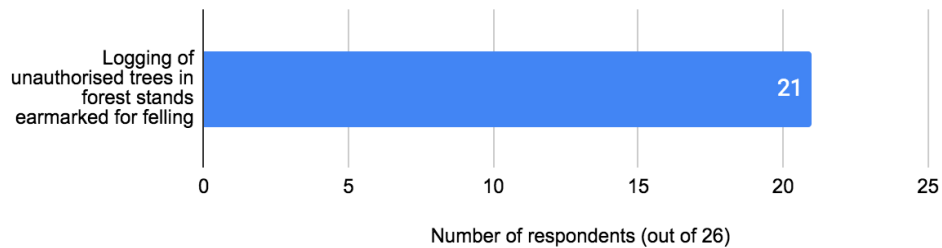


Example: This could happen by mistake (when boundaries of compartments are not overlapping with natural boundaries of the terrain such as slopes) or deliberately.

Example: This happens mostly near settlements when timber is harvested for own needs - i.e. heating by minorities. Sometimes it happens on the borders of forest sub-compartments²⁷ in which harvesting is allowed but workers also harvest in bordering sub-compartments.

²⁷ Each Forest Management Unit is usually separated into compartments which are also divided into smaller parts called “sub-compartments” (“подотдел” in Bulgarian). Sub-compartments are the smallest forest territorial unit.

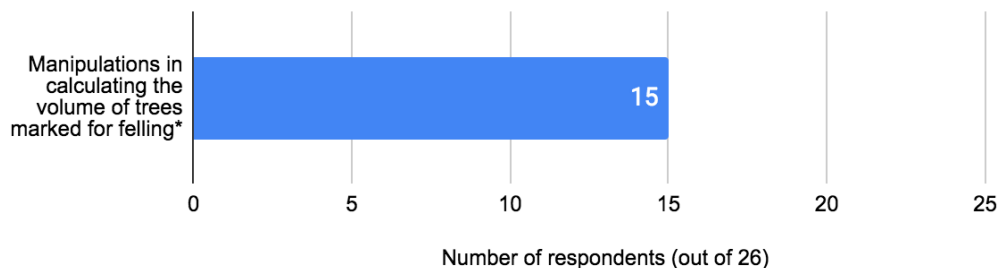
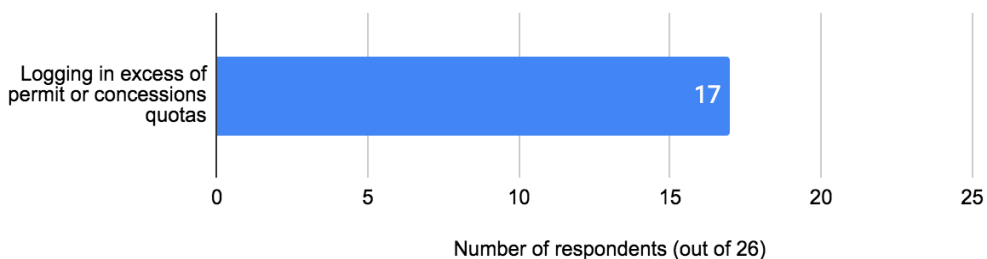
Conditions for logging



Example: Sometimes the forest stands are not regularly/properly marked and the harvest is at the discretion of the user. Often, the problem is the identification of regularly marked trees from those that were not marked or were marked but with fake marks.

Example: It is very common that the marking paint used or the quality of tree marking application (hammer) is very poor. Identification elements of the hammer mark are easily falsified or fade away very fast. This enables to cover illegally cut trees by applying a fake mark that resembles the original. In such cases, identification of illegal activities is very difficult.

Example: This is a common practice and could be done with or without the knowledge of the forestry officials. I witnessed a case where illegally felled trees were marked later on with a legal hammer.

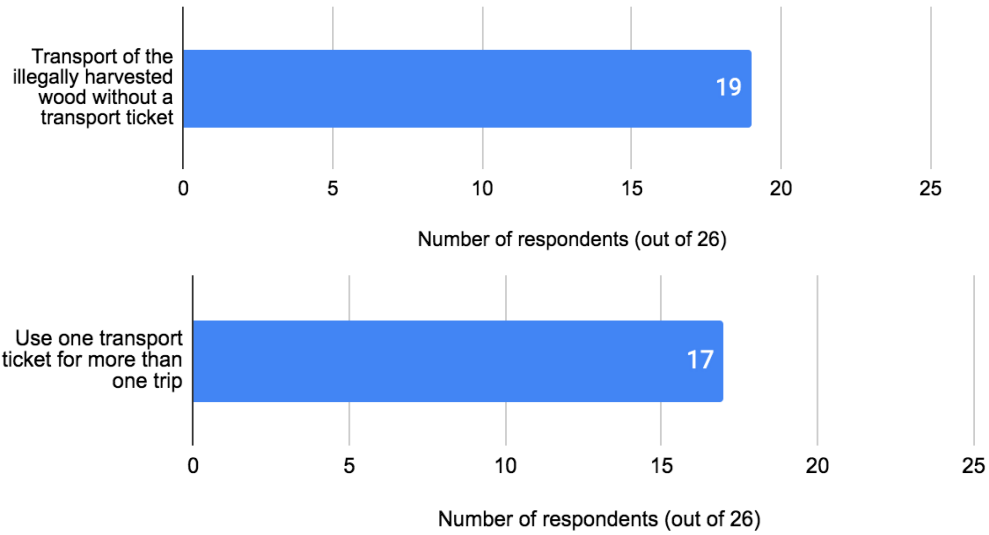


**Manipulations in calculating the volume of marked trees: the volume of trees marked for felling is calculated by a computer program which leads to an average mistake of 8.7% when defining the volume for felling. Felling documents therefore include lower values than the actual volume of marked trees. If the difference between documented and actual volume is successfully hidden during dispatch, this is sold as illegal timber.*

Example: The harvested volume is higher than the one stated in transport documents/sales invoices. This is done with or without (due to poor control or negligence) the knowledge of forest officials. Big timber processing plants (which are the main timber consumers in the country) accept timber at its actual volume and pay against these actual volumes. Rumours say that this extra

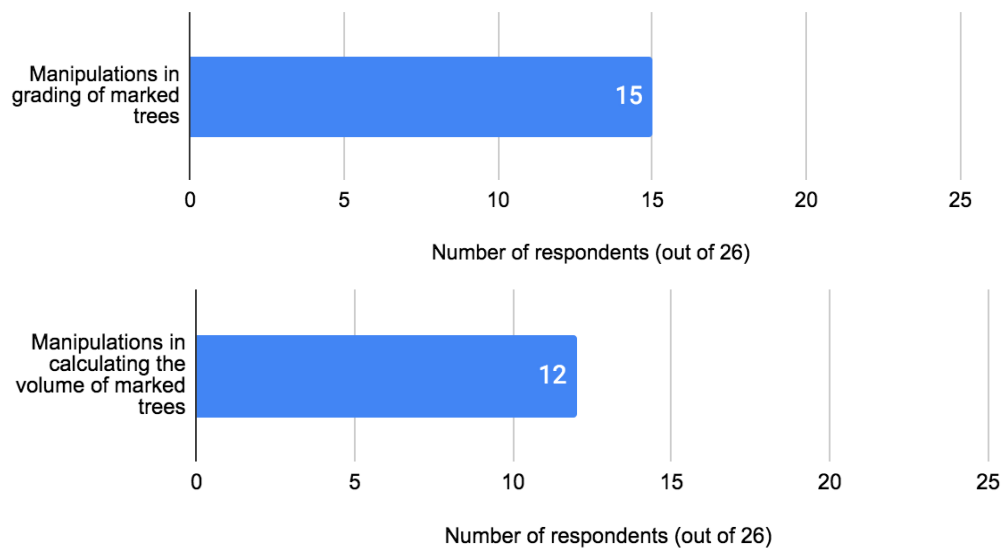
income generated by the companies (suppliers of the big consumers) is used to bribe foresters (to allow such practice) and fund politicians. This is a very common issue with big impacts.

Transportation

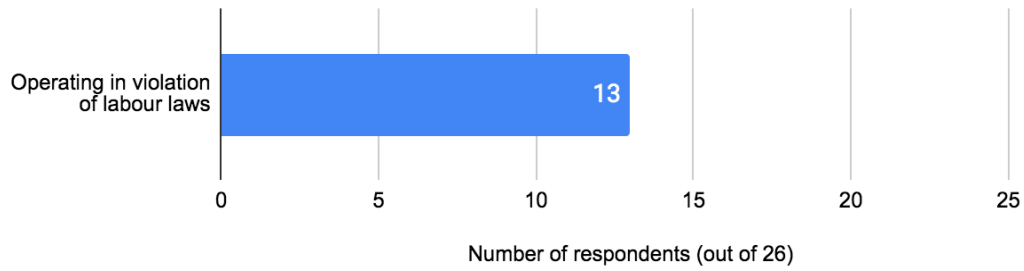


Comment from one respondent: Crime related to transportation of timber such as not having a transport ticket is difficult to identify and prove, except if the information from the GPS of the truck is printed.

Taxes, fees & royalties

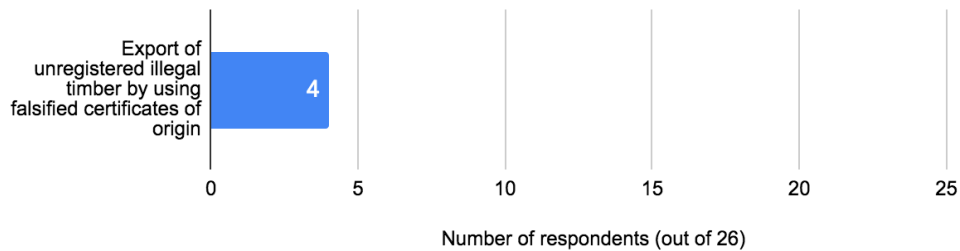
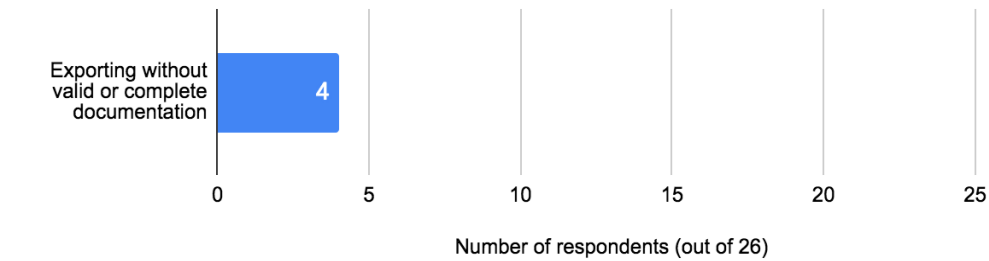


Labour



Example: Health and safety equipments are not provided to workers or not used. Tree felling techniques are not in line with health and safety requirements. Field controls by competent authorities (labour Inspection) are rare. Usually when checks are about to be performed, information quickly spreads among companies and workers are not sent to the field on the day of the inspection. This is a very common and important issue in Bulgaria.

Trade



3.1.4. Main obstacles for effective law enforcement (Enforcement chain + NGOs)

Participants in the survey were asked to list the main obstacles for effective law enforcement / fighting forestry crime along the enforcement chain. The full list of obstacles identified but also recommendations for improvements listed by respondents can be found in **annex 4**.

Below we present a summary of the main obstacles identified by respondents for each category of the enforcement chain.

<p>Customs/ Borders</p>	<ul style="list-style-type: none"> • Lack of capacity on CITES. • Staff lack trainings and is not qualified enough.
<p>Forests</p>	<ul style="list-style-type: none"> • Unclarities about the issuance of permits by the mayors of municipalities for logging on agricultural lands. • Lack of a national forest inventory. • The low remuneration of staff from all controlling bodies/authorities, not in accordance with the degree of risk they are exposed to. • Poor material and technical support. • Lack of qualified staff (low qualification for loggers) and lack of motivation. • Intransparent and competitive procurement system for the development of Forest Management Plans. • Political pressure on the forestry sector such as on controlling bodies (to generate more income, grant access to forest lands etc.) • Ineffective marking system for the trees stipulated for felling. • Lack of sufficient capacity for collecting evidence for forestry crimes, drafting evidence protocols and issuing convincing/reliable punitive acts. • Logging operations in remote forest areas often lack access to digital networks, making the issuance of transport tickets for timber trucks (which is linked to an online system) problematic. • Weak controls of actual harvesting rates and volumes, of transported and sold quantities and qualities of timber./
<p>Police/ Investigation</p>	<ul style="list-style-type: none"> • Slow investigations, late detection and reporting of crimes. • People in charge of investigations lack competence and trainings on official regulations and forestry management. • Very often evidence collected during the field investigations is unclear/not actionable upon. The evidence/ punitive documents contain mistakes or are not filled properly, a loophole that is used in courts by offenders to get charges being dropped. • Police and investigative bodies have no interest in investigating forest crimes.
<p>Justice/ Prosecution</p>	<ul style="list-style-type: none"> • Very often only the people caught on site are sanctioned but not the ones who organize criminal activities. • Regulatory delineation of offences and crimes is needed by law but remains challenging. • Huge efforts are being made to combat small offences (for examples illegal logging linked to subsistence reasons) and there is no success with more serious or larger cases, possibly involving organized crime. • The main challenges concerning prosecution of forest crimes are related to the discovery of sufficient and strong enough evidence.

	<ul style="list-style-type: none"> • Systemic violators are not sanctioned by courts, as each infringement is considered only for itself and usually the damage is below the threshold at which the infringement is considered to be a crime. At the same time, the imposed administrative punishment is not enforced since the offender is in most cases unemployed, socially weak and does not own any property . • The low levels of collection of penalties in force, which varies between 12% and 15% annually, creates a sense of impunity for offenders. This is directly relevant to the fact that a report is generated from the electronic filing system that shows the presence of more than 1000 systemic offenders - the "professional offenders". • Few convictions have been issued for forest law offences (offenders are not sanctioned in courts), although in many cases there were grounds for indictment. • Fines imposed are minimal and insufficient. • Insufficient competence and/or training on forestry crime issues. • Corruption. <p>Minority groups remain unpunished.</p>
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<p>Anti-corruption</p> <p>Anti-fraud</p> <p>Money</p> <p>laundering</p>	<ul style="list-style-type: none"> • Pervasive corruption. • No adequate and effective measures in case of proven corruption practices.
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Besides the gaps listed by stakeholders along the supply chain, corruption was mentioned several times as being an underlying (critical) issue that allows many of the forestry crimes to happen as they currently do.

Cooperation along the enforcement chain is also identified as an area requiring improvement, through better institutional cooperation between the actors involved in combating the criminal phenomenon including through joint specialization activities and the use of secure direct communication channels.

3.2 MAIN OUTCOMES FROM THE WORKSHOP

During the national workshop with representatives from authorities along the enforcement chain, that took place in Sofia on November 19-21 2019, participants identified additional obstacles and issues. They are presented below:

3.2.1 Additional obstacles were identified during the workshop on:

- Participants admitted that organized crime is an existing problem, and despite the difficulty to prove it (as this is not always visible), the need for better investigation and prosecution was expressed.
- It was also highlighted that organized crime hires poor people to do the job, because they can't be punished.
- Due to the fact that the calculation of volume is done when the trees are still standing, this can lead to errors of 20% to 25%.
- Participants considered that collaboration between most of them is good. The example of a successful collaboration was given between the Executive Forestry Agency and the Police. It was also mentioned that in the past years, WWF have had a very good collaboration with the forestry Authorities. After the national workshop in Sofia and on initiative of the Executive Forestry Agency, a new joint working group was established, with the aim to prepare a new analysis to define/estimate the amount of illegal logging in Bulgaria.
- It came out that all authorities need more trainings , to better understand legal provisions or other aspects of the work of the different institutions.
- Authorities stated that the participation of civil society is crucial for sending signals and improving control in forests. Usually, the educational work on these topics is done by NGOs, but involvement and collaboration with State Authorities is needed too.
- As a modus operandi, manipulating the volume of timber, more than the one declared for the truck/transportation.



4. ANALYSIS

4.1 PUBLICLY AVAILABLE INFORMATION AND DATA

4.1.1 What are available information and data

Regarding the context described in part 2, we explored the different sources made available in English for: forest context and the national country situation regarding illegal logging in Bulgaria, policy and legal framework on forests and main drivers of illegal logging. 2 international organizations (Food and Agriculture Organization of the United Nations) and the European Forest Institute were used to reference general/background elements on the situation of forests in the country and the situation about policy and legal framework.

Regarding estimates on illegal logging, forestry crimes and associated risks, NGOs, and WWF more specifically, remain the main source of information, through the publications of different reports as well as press releases. This information is recent in general, and new developments are usually addressed on a regular basis.

To a lesser extent, Nepcon was also used regarding the national risk assessment in Bulgaria.

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

The literature review provided one estimate, calculated by WWF, on the volume of possible illegal logging per year in Bulgaria, a figure that was mentioned only once by respondents to the survey. The review also helped to enrich our knowledge about the current and developing initiatives, such as the existence of an emergency phone number to report fires and illegal forest activities, or the mobile application developed by WWF to report illegal logging in Bulgarian forests.

Certain modus operandi on specific commodities, such as manipulations in calculating the volume of firewood and pulpwood, were also not mentioned by respondents.

Besides that, answers and inputs from both respondents and participants of the national workshop reflect the situation on forestry crime in Bulgaria depicted in the literature, recognizing the problem of forestry crime as a major one, while reflecting the main identified drivers causing illegal logging, as well as the main modus operandi.

4.2 WWF'S ANALYSIS

General context

Results show that respondents have different views and impressions depending on sources, and possibly position along the enforcement chain about trends in forestry crimes (either decreasing/increasing or remaining stable).

Only 2 respondents provided data/figures, one on the number of offences detected yearly, and another one made reference to WWF's estimate of illegal logging. This shows a possible lack of agreed/shared figures on forestry crime at national level, answers being based on observations and perceptions, rather than on the "reality". Nevertheless, results highlight forestry crimes is clearly perceived as a major issue by respondents when it comes to damages to the environment and tax evasion/loss of revenues.

Actors involved in forestry crimes and organized crime

Respondents listed a wide variety of actors as being involved in forestry crimes with different profiles, showing that forestry crime is not limited to certain groups of people/organizations, and can occur in multiple forms.

The fact that 14 respondents (54%) mentioned citizens/locals to be involved in illegal logging, should not be interpreted as if crimes/illegal logging carried out by those are representing 54% of the "damages" to forests. This figure should be regarded as indicative, plus the scale and extent of the damages (both regarding forest destruction and tax evasion) is much more likely to be important in the case of organized crime, as one respondent highlighted.

Nevertheless, small scale illegalities and poverty related forestry crimes seem to be quite common and widespread, thus making it an important problem at national level.

In addition, some "poor" offenders may also be linked or work for an organized crime structure, showing that attributing the illegal logging to organized crime can be a challenge. There is also a risk for those (repeated) offenders not to be prosecuted because they are in most cases unemployed, socially weak and not able to pay.

Knowledge and capacity of the enforcement chain

Though the fight against forestry crime is important for all respondents, **answers indicate that the capacity to fight forestry crime is insufficient at certain levels, showing a discrepancy between mission/ intention and reality on the ground.** Although forest staff have experience in enforcing the forest act, **they lack knowledge and capacity on Environmental legislations or European Directives. At the level of Regional Forest Directorates, human capacity is missing.**

Less than half of the respondents consider the existing capacity to be only fair or poor and **several important shortcomings were pointed out, including lack of resources, limits of the legal framework and corruption.**

6 respondents have taken part at least once in a training session/program around law enforcement and better fighting forestry crime, **a positive but still insufficient trend, as more trainings**

could help respondents gain more expertise as well as personal motivation, something that was mentioned several times as an obstacle. The absence of trainings may be one of the reasons why the awareness on forestry crime issues and willingness/motivation to combat those crimes is said to be low amongst authorities, such as the police, prosecutors and judges.

The (very) low average salary for forest staff and inspectors does not stimulates the filling of vacant positions and the engagement of motivated and qualified specialists.

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

13 out of 14 respondents from the enforcement chain indicate that cooperation is important to very important to prevent and fight forestry crime, and 12 of them assessed the level of cooperation as good to very good, showing consistency between both aspects, which can be interpreted as a positive signal. On cooperation between the enforcement chain and NGOs, most respondents expressed the added value for them to work with NGOs including their valuable expertise in proving evidence on forestry crime that stands in court, and that they are more capable than before to assess situations, identify offences and send relevant signals.

Along the same lines, 3rd party concerns are considered to be helpful by most participants.

This shows overall the recognition of the important role NGOs are playing as well as their high level of credibility. Nevertheless, there is still room for improvement regarding communication between NGOs and CSOs and authorities for increased effectiveness in the fight against forestry crime.

NGOs have a more mixed assessment on their cooperation with the enforcement chain: two third assessed their cooperation as good to very good, and one third as poor to fair.

No specific information was received on whether NGOs have already filled a substantiated concern under the EUTR, not many replies were received and there seems to be an overall lack of experience. This might be due to lack of awareness about this mechanism or that other ways to provide information to the authorities are more successful and effective - which could make sense by crimes that are time sensitive such as an ongoing logging operations.

Finally, the watchdog function of NGOs is too much dependent on the availability of funding, which has been decreasing lately.

The legislative framework & EU Timber Regulation

22 respondents believe the legislative framework is effective in tackling forestry crime, which is relatively high. This tendency may be explained by recent evolutions, such as the online tracking of trucks and real time transportation meant to better tackle forestry crime. The legislative framework as it is, although not perfect according to respondents, still offers mechanisms to effectively tackle forest crimes if used to its full potential, which however is one of the big challenges.

In practice, the legislative framework is overall good but still has some loopholes, mainly implementation on the ground. The current absence of a national forest inventory makes it more difficult to provide independent control on the data regarding changes in forests.

The fact that the Executive Forest Agency is dependent from the Ministry of Agriculture, Food and Forests which is responsible for economic activity in state-owned forests, **leads to conflicts of interests, while increasing the likelihood of political pressure over the entire forest system.**

Although not mentioned clearly by respondents to the survey, WWF believes that **the lack of transparency and competition in the processes of contracting and implementing logging activities and trade of timber creates favourable conditions for illegal logging to thrive**. Since last year, electronic auctions have started taking place. The information related to these auctions is available on relevant authorities' websites, which greatly improve transparency. The problem tends to come more from unfair competition and collusion between companies to undercut prices, for example.

The very low rate of recovery for penalties (currently 10-15%) shows that the enforcement and judicial system overall are not working as they should, giving a sense of impunity to offenders and making the penal provisions of the Forestry Act practically meaningless.

Finally, **Bulgaria still lacks a single electronic system** to process information on the planning, marking, use, certification, dispatching and processing of timber.

Judicial system

One crucial aspect that needs to be really addressed is the obvious lack of success with serious forestry crimes cases, where cases of illegal logging are not detected due to lack of expertise or corruption, investigation/evidence by the relevant forest staff are not being considered by the courts or given too little importance, leading to the issuance of low penalties, which sends a wrong signal to stakeholders who do not take forestry crime seriously.

Very often evidence collected during the field investigations is unclear and not actionable upon. **Relevant documents contain mistakes which may lead to cases being dropped in courts because of these shortcomings.**

In the meantime, pre-trial proceedings are implemented for a very small part of the files sent to the Prosecutor's Office. Sending files forward and backwards causes administrative burden for both the Regional Forest Directorates and prosecutors' office, one of the possible reasons explaining why some respondents explained that cases can be dropped before making it to court.

Investigations and controls

Forensic methods do not seem to be used in practice to support investigations and the possible involvement of organised crime, corruption and tax avoidance also seem to be lacking from investigations. Political pressure over the forestry system, and the possible link of politicians to organized crime, makes large cases of forestry crimes difficult to investigate. In addition, there is too little know how transfer to investigators, prosecutors and judges on forestry crime.

As of today, **there are no clear identified indicators to measure the effectiveness of control activities**, and according to some figures, the number of offences officially reported by inspectors is lower than the number of offences they witness in reality²⁸. Overall, the country had not yet reached satisfactory progress in the area of judiciary reform, fight with corruption and organized crime.

²⁸ https://d2ouvy59podg6k.cloudfront.net/downloads/analysis_of_illegal_logging_in_bulgaria_2013_2017.pdf

Modus operandi to carry out forestry crimes

Modus operandi to carry out forestry crimes are complex, happening along the entire supply chain in various forms.

The length of the table in **annex 3** shows on one hand that **the techniques used to carry out illegal logging and related trade are plentiful and that offenders are “creative” in finding ways to contravene the law**, but they are known and therefore could be tackled more effectively, although they are constantly evolving.

In terms of proportion, only few respondents selected modus operandi belonging to the trade part, showing possibly that modus operandi for forestry crime related to trade are lesser known, or that timber, at that point, has already been made legal and can be exported as such. This could also show that networking and cross borders investigations are not strong and frequent enough on the ground.

Beyond that, corruption is seen as a critical common denominator and aggravating factor for all of the modus operandi and obstacles identified, highlighted for example by the lack of willingness to fight forestry offences perpetrated by or with the involvement of foresters.

Corruption is predetermined to some extent in the legislation itself, because forestry is entrusted with many public functions that the state does not support financially. Funding and running these structures therefore depends on the timber yield, which creates preconditions for corruption.

Corruption can take various forms, such as:

- At forest level, when employees turn a blind eye to offences so that logging can be completed and the FMU can receive its money. This can also be explained if employees have received an order "from above", which may be originating in corruption or political pressure.
- When employees are pursuing personal benefits, for example when the logging company bribe them to turn a blind eye and exceed the yield or commit other types of offences.
- The reluctance to firmly apply the law following offences committed by state forestry units, because both them and the Regional Forest Directorate are under the umbrella of the the Ministry of Agriculture, Food and Forests, and are perceived as colleagues working in the same sector.

Bribes, as well as offering a job to relatives/family members, are also in general very common forms of corruption.

ANNEXES

Annex 1: Overview and summary of the main gaps identified

Based on the answers gathered from the questionnaire, outcomes of discussions from the workshop in Sofia and analysis by WWF, we listed below the main gaps identified that prevent from properly and effectively combating forestry crime. These gaps were organized in different categories for more clarity.

Resources and knowledge

- The capacity to fight forestry crime for relevant authorities is insufficient at certain levels, showing a discrepancy between mission/ intention and reality on the ground such as the lack of knowledge on Environmental legislations or European Directives or the missing human capacity at the level of regional Forest Directorates.
- There is a lack of proper material to carry out investigations.
- The absence of trainings may be one of the reasons why the awareness on forestry crime issues and willingness/motivation to combat those crimes is said to be low amongst authorities, such as the police, prosecutors and judges.
- The (very) low average salary for forest staff and inspectors does not stimulate the filling of vacant positions and the engagement of motivated and qualified specialists.

Methodology

- There is a lack of agreed/shared figures on forestry crime at national level
- Absence of a national forest inventory makes it more difficult to provide independent control on the data regarding changes in forests
- Lack of or improper forest inventories, inconsistencies for volumes calculated in forest stands
- There are no clear identified indicators to measure the effectiveness of control activities.
- Bulgaria still lacks a single electronic system to process information on the planning, marking, use, certification, dispatching and processing of timber.

Social

- Corruption is seen as a critical common denominator and aggravating factor for forestry crimes at all levels.
- There is no sufficient protection for people uncovering offences, considering the risks they are exposed to.
- Poverty is a key factor for the use of firewood, which is the largest expenditure item in the balance of round wood in Bulgaria. The increasing number of people under the poverty line may lead to more small scale crimes related to the illegal harvest of firewood²⁹.

Organization of the forest sector

- The fact that the Executive Forest Agency is dependent from the Ministry of Agriculture, Food and Forests which is responsible for economic activity in state-owned forests, leads to conflicts of interests, while increasing the likelihood of political pressure over the entire forest system.
- The lack of transparency and competition in the processes of contracting and implementing logging activities and trade of timber (such as with the absence of electronic auctions) creates favourable conditions for illegal logging to thrive.

²⁹ http://d2ouvy59podg6k.cloudfront.net/downloads/analysis_of_illegal_logging_in_bulgaria_2013_2017.pdf

Legislative framework

- The legislative framework is overall good but still has some loopholes, mainly implementation on the ground.
- The level of penalties is too low to have deterrent effects.
- Complex and extensive number of penal and administrative provisions in the forestry legislation.
- Unclearities and loopholes about the threshold to distinguish a forest crime in court.
- Lack of awareness and experience with the EUTR, including about the possibility to raise 3rd party concerns.

Modus operandi

- The techniques used to carry out illegal logging and related trade are plentiful and offenders are “creative” in finding ways to contravene the law.

Judicial

- Offenders may happen not to be prosecuted because they are in most cases unemployed, socially weak and not able to pay.
- The very low rate of recovery for penalties (currently 10-15%) shows that the enforcement and judicial system overall are not working as they should, giving a sense of impunity to offenders and making the penal provisions of the Forestry Act practically meaningless.
- In cases where courts issue decisions, people caught on site are sanctioned but not the ones who organize criminal activities.
- Efforts are being made to combat small offences (for examples linked to subsistence reasons) but there is an obvious lack of success with more serious forestry crimes, possibly involving organized crime. Such cases are not detected due to lack of expertise/evidence or corruption and are not being considered by the courts (or given too little importance), which sends a wrong signal to stakeholders who do not take forestry crime seriously.
- Pre-trial proceedings are implemented for a very small part of the files sent to the Prosecutor’s Office. Sending files forward and backwards causes administrative burden for both the Regional Forest Directorates and prosecutors’ office, one of the possible reasons explaining why some cases can be dropped before making it to court.

Cooperation, investigation and controls

- Defining and attributing the illegal logging to organized crime can be challenging. For example, some “poor” offenders may be linked or work for an organized crime structure, although there is no obvious links in the first place.
- Pre-investigations are weak, insufficient and slow and detection and reporting of crimes is usually late.
- There is still room for improvement regarding communication between NGOs and CSOs and authorities for increased effectiveness in the fight against forestry crime.
- Procedures to build a case are long and complex.
- Evidence collected during the field investigations may be unclear and not actionable. Relevant documents contain mistakes which may lead to cases being dropped in courts because of these shortcomings.
- Forensic methods do not seem to be used in practice to support investigations and the possible involvement of organised crime.
- Corruption and tax avoidance seem to be lacking from investigations.
- Political pressure over the forestry system, and the possible link of politicians to organized crime, makes large cases of forestry crimes difficult to investigate.

Annex 2: Literature review - modus operandi to carry out forestry crime in Bulgaria

Modus Operandi to conduct illegal logging and forestry crimes (methods used)
BOUNDARY
Logging occurs outside the boundaries of permitted sites (Nepcon, 2017)
CONDITIONS FOR LOGGING
Harvesting of unmarked trees from stands intended for logging. This can happen either for trees with a diameter of less than 14 cm, for which there are no legal requirements requiring a control forest mark (CFM) to certify the legality of the felling or when illegally harvested trees are marked after felling by the forest expert responsible for the site or are marked with a fake stamp by the offenders themselves (WWF, 2018)
Manipulations in calculating the volume of trees marked for felling. In the documentation for the intended felling, lower values are calculated compared to the actual volume of marked trees, a loophole used to harvest/sell illegal timber (WWF, 2018)
Using incorrect wood stock data listed in forestry management plans. Underestimation of the actual forest stock and respectively the quantity designated for felling calculated by a software. However, all the marked trees are subject to measuring and grading. In case the volume of trees marked for felling is found by the forest inventory to exceed considerably the quantity for felling designated in the Forestry Plan (calculation of the software), this difference (between 10% and 18% by expert assessment at national level) is most often used to conceal illegal logging and hidden revenues (WWF, 2018)
Harvesting permits are issued and logging takes place without having - Forest Management Plan (Nepcon, 2017); Approved by the Regional Forestry Directorate additional specific plan to forestry management plan, related to the changes in type and amount of fellings; or prescriptions for salvage and sanitary felling issued by the Regional Forestry Directorate or Forest Health Protection Station
Harvesting permits are issued in violation of specific law and administrative requirements for loggings – logging in Old Growth Forests, Natura 2000 zones and other territories under specific regimes. (WWF)
TRANSPORTATION
Transport of the illegally harvested wood without a transport ticket (WWF, 2018)
Use one transport ticket (including electronic) issued for a specific trip with validity of 12 hours, for more than one trip (WWF, 2018)
Transport of the illegal harvest from the forest with a paper transport ticket, and not an electronic one, increasing the chance of fraud (WWF, 2018)
Have two different trucks (one with the illegally harvested wood) travelling with one electronic transport ticket at the same time in the same direction but along different roads (WWF, 2018)
Transport tickets are used to accompany timber with another origin than indicated in the documents (Nepcon, 2017)
TAXES, FEES AND ROYALTIES
Manipulations in calculating the volume of firewood and pulpwood The legislative framework requires that the same good to be measured, paid and accounted for in three different measurement units. Errors occur in these recalculations (for example because of the application of incorrect

conversion coefficients).

As a result, while recalculating the volume of firewood and pulpwood from spatial to solid cubic meters, a difference of about 30-40% is generated. This difference is not accounted in the payment of yield or in determining the amount of tariff fees. This difference can also hide the volumes of illegal harvest that exceed the allowed quantities. Thus, for harvest and official sale of about 4-5 million solid cubic meters of firewood and pulpwood per year, the legislation is allowing hidden dispatch (i.e. without payment to the forest owner) of over 1.5 million cubic meters of wood. (WWF, 2018)

Manipulations in grading of marked trees (misclassification of the type of timber) resulting in reduction of the actual monetary value of harvested wood to the detriment of the owner (WWF, 2018)

Wood from private forests (mainly firewood) is sold without invoices or receipts, leading to evasion of VAT (Nepcon, 2017)

LABOUR

Lack of contracts, training, insurance, and unjustified dismissals (Nepcon, 2017)

Others (please specify)

TRADE

/

[Belev T., Staevska V., 2013. Analysis of illegal logging and effectiveness of control measures in forest territories in Bulgaria. 40 pages](#)

[Nepcon., 2017. Timber Legality Assessment Bulgaria. 72 pages](#)

Annex 3: 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)
BOUNDARY	
Logging activity outside of authorised perimeters	<p>20 respondents - 77%</p> <ul style="list-style-type: none"> ● This could be done either by mistake (when boundaries of compartments are not overlapping the natural boundaries of the terrain) or deliberately. ● Often seen –in both protected territories and managed forests – private and public. ● Happens mostly near settlements when timber is harvested for own needs - i.e. heating by minorities. Sometimes happens on the borders of forest sub-compartment in which harvesting is allowed but workers also harvest in bordering sub-compartment.
Others	<ul style="list-style-type: none"> ● Logging in forestry sub-compartment, which are not intended to be used at all: During conducting audits in forest units these discrepancies has been found.
CONDITIONS FOR LOGGING	
Logging of unauthorised trees in forest stands earmarked for felling	<p>21 respondents - 81%</p> <ul style="list-style-type: none"> ● Sometimes the forest stands are not regularly marked and the harvest is at the discretion of the user. In many cases the problem is the identification of regularly marked trees from those that were not marked or were marked but with fake marks. ● It is very common that the paint used or the quality of tree marking application is very poor – identification elements of the hammer mark are easily readable or fade away very fast. This is used to cover illegally cut trees by applying a fake mark that resembles the original. In these cases identification of illegal activities is very difficult. ● This is a common practice and could be done with or without the knowledge of the forestry officials. I witnessed a case where illegally felled trees were marked later on with a legal hammer. ● Often seen – everywhere – forest workers take not only mark trees but others as well. ● Some examples are reported here. ● Yes. Very often false marks are being stamped, after the trees have been logged.
Logging in excess of permit or concessions quotas	<p>17 respondents - 65%</p> <ul style="list-style-type: none"> ● Together with representatives of Executive Forest Agency, activities for ascertainment of similar cases were done ● This may be common but not necessarily illegal e.g. regulatory framework allows certain deviations between volumes stated in harvested permits and actually harvested volumes. In some cases (e.g. in salvage fellings) it is difficult to calculate exactly the volume to be harvested. (NGO AB) ● Some examples are reported here. ● One of the most common offences.

	<ul style="list-style-type: none"> • Yes, more often, this practice is carried out by logging companies when there is not control over loggers.
Manipulations in calculating the volume of trees marked for felling/ fraudulent forest inventories	<p>15 respondents - 58%</p> <ul style="list-style-type: none"> • This is a very common issue with big impact. Usually the harvested volume is higher than the one stated in transport documents/ sales invoices. This is done with or without (due to poor control or negligence) the knowledge of forest officials. Big timber processing plants (which are the main timber consumers in the country) accept timber at its actual volume and pay against these actual volumes. Rumours say that this extra income generated by the companies (suppliers of the big consumers) is used to bribe foresters (to allow such practice) and fund politicians. • Indeed incorrectly measured growing stocks are leading to many mistakes and abuse. • Some examples are reported here.
Logging in protected areas, on steep slopes, river system buffer areas, protected tree species etc.	<p>12 respondents - 46%</p> <ul style="list-style-type: none"> • There is public information on such practices but in my view cases are isolated. Note that logging in protected areas, steep slopes is not prohibited per se e.g. it may be envisaged in the PA management plan, suitable technologies may be used for steep slopes (cable lines, animals etc.) Logging of protected tree species is not common. • Unfortunately, quite common, e.g. protected areas close to villages and small towns are most likely impacted. • In my work practice, I have identified the following illegal activities within the forests: <ul style="list-style-type: none"> - Illegal logging (poaching) within OGF (for personal use of timber). - Illegal logging within river system buffer areas, for personal use of timber (marginal groups) and under the pretext of cleaning the vegetation against flooding. - Marking and logging within key sites and habitats of forest dwelling bird species (e.g. Capercaillie lekking grounds and daytime areas). - Illegal logging of nest trees of protected raptor species. - Marking and logging of nest trees of protected raptor species. • Logging of river system is widely used and described as improving run-off of rivers to avoid floods in settlements. Almost exclusively made by municipalities. (NGO GB) • Such cases are registered but not considered a major issue. • Yes, it is a common practice. Especially in Protected areas and Old Growth Forests.
Using incorrect wood stock data listed in forestry management plans.	<p>11 respondents - 42%</p> <ul style="list-style-type: none"> • It is common that stock data differs to the one stated in the Forest Management Plans but this is not an issue as these volumes are indicative. Harvesting plans are prepared on the basis of the actual conditions and stocks and a diligent forester may adapt marking to actual situation. (NGO AB) • Some examples are reported here. • Not considered a serious issue as FMP wood stock data projections are indicative anyway • Yes, the wood stocks in the Forestry Management plan are often lowered, and this is made on purpose, so bigger quantities can be harvested; or not on purpose, when the volume tables are not made correctly.
Credits issued for more timber than the logging authorisation grants	<p>9 respondents - 35%</p> <ul style="list-style-type: none"> • It is possible on the basis of the actual established difference at the field checks, that diverges with the Forest Management Plan
Obtaining permits through bribes	<p>5 respondents - 19%</p>

	<ul style="list-style-type: none"> • This is not a common offence as harvesting operations for state/ municipal forests are awarded on the basis of public tenders. However, there are cases, where harvesting companies have understanding among each other to keep the prices at the tenders more favourable for them (this process may be facilitated by forest managers). • Pre-arranged procedures and bribes are no exception.
The logging permits are issued without approved: Forestry Management Plan; without approved by the Regional Forest Directorate (RFD) plan statement to change the type or intensity of logging, or a prescriptive statement issued by the RFD	4 respondents - 15% <ul style="list-style-type: none"> • The main issue with FMP is the lack of appropriate assessment required for Natura 2000, a decision that should/could be made by environmental authorities.
Logging with forged or re-used permits	1 respondent - 4%
Harvesting permits are issued in violation of specific law and administrative requirements for loggings – logging in Old Growth Forests, Natura 2000 zones and other territories under specific regimes.	1 respondent - 4%
Loggers declare fake tree locations in official documents and illegally cut trees elsewhere	1 respondent - 4%
Logging without or with fake permits.	1 respondent - 4% <p>There are public known cases where organized groups (by minorities in some hot spots Ihtiman, Samokov) carry out timber harvesting without any permission. An this is not done to cover basic needs but as a business. Such cases are difficult or impossible to control by the state authorities.</p>
False documents by the owner, showing his agreement for the forest to be logged.	1 respondent - 4%
TRANSPORTATION	
Transport of the illegally harvested	19 respondents - 73%

wood without a transport ticket	<ul style="list-style-type: none"> Such offences occur in the cases of unorganized thefts or group raids. These types of offences are decreasing and are substantially limited.
Use one transport ticket (including electronic) issued for a specific trip with validity of X hours, for more than one trip	<p>17 respondents - 65%</p> <ul style="list-style-type: none"> It is difficult to be identified and proved, except if the information from the GPS of the truck is printed.
Transport tickets are used to accompany timber with another origin than indicated in the documents	<p>10 respondents - 38%</p> <ul style="list-style-type: none"> This happens when transportation tickets with incorrect content are issued: issuing of a “follow-up” transportation tickets on the basis of a regular one for wood that was illegally harvested from unregulated logging site. Another case is the issuing of a transportation ticket under Art. 206 of the Forestry Act (warehouses) for illegally logged wood.
Have two different trucks (one with the illegally harvested wood) travelling with one electronic transport ticket at the same time in the same direction but along different roads.	<p>6 respondents - 23%</p>
Others (please specify)	<p>Preparation of protocols for logging site termination on the basis of transportation tickets while in fact logging was not never carried out on these specific sites. In such cases, the wood was illegally harvested elsewhere.</p>
	<p>Issuing of transportation tickets with false content by private self-employed foresters.</p>
TAXES, FEES AND ROYALTIES	
Manipulations in grading of marked trees	<p>15 respondents - 58%</p> <ul style="list-style-type: none"> This is the biggest issue and is very common. Information I have from big processing factors is that actual volumes are always higher than those specified in transport and sales documentation.
Manipulations in calculating the volume of marked trees	<p>12 respondents - 46%</p> <ul style="list-style-type: none"> The volume of the marked trees may vary from the actual volume of harvested timber. This is common and not necessarily illegal. Usually marking is done a year before harvesting and I doubt the deliberate manipulations are made at the marking process, although some marks may be applied at a later stage to hidden illegally harvested timber.
Wood from private forests (mainly firewood) is sold without invoices or receipts, leading to evasion of VAT	<p>9 respondents - 35%</p> <ul style="list-style-type: none"> Hiding of income and taxes, respectively, from property owners, as well as from others along the chain. Hiding of VAT is not the basic problem. (WWF - executive forestry agency)

Others (please specify)	Semi-legal method for extraction of timber by the local population - usually all extraction and transport activities are carried out without financial documents and therefore without taxes.
LABOUR	
Operating in violation of labour laws at any steps of the supply chain, from harvest to export.	<p>13 respondents - 50%</p> <ul style="list-style-type: none"> This is very common and a big issue for Bulgaria – health and safety equipments are not provided to workers or not used. Tree felling techniques are not in line with H&S requirements. Field controls by competent authority (labour Inspection) are rare. Usually when checks are about to be performed, information quickly spreads among companies and workers are not send to the field on the day of the inspection.
Work without labor contracts; lack of trainings an insurances; unjustified dismissals	<p>12 respondents - 46%</p> <ul style="list-style-type: none"> Due to the limited workforce, companies are forced to hire unqualified staff very often without labour contracts. In some cases, workers refuse to sign such contracts as they are to lose other forms of social support and/or their wages will be upheld by banks. Quite common! I even met few forest workers that never had an ID card – they do not officially exist.
TRADE	
Importation of timber with forged legality documents	<p>2 respondents - 8%</p> <ul style="list-style-type: none"> Not very common although I have heard of such imports from Ukraine.
Importation of CITES listed timber species without or with forged CITES permits	
Importation of timber without proper documents (such as licence/permit of company involved in import and export, fees)	<p>1 respondent - 4%</p>
Importation of falsely-labeled timber across EU borders (obfuscating species/source of timber)	
Imports from suppliers who are unable to provide documentation of legal harvest/transportation/payment of taxes etc.	<p>INTERPOL 6 I'm not aware of such cases but this may be common. (NGO AB) yes (NGO TB)</p>

Import of tree species whose harvest is prohibited in the country of origin	1 respondent - 4%
Import of timber under a form which is banned in the country of origin (such as bans on logs exports).	1 respondent - 4%
Exporting without valid or complete documentation	4 respondents - 15%
Export of unregistered illegal timber by using falsified certificates of origin.	4 respondents - 15%
False declaration on products types to bypass/violate export bans	2 respondents - 8%
OTHERS (please specify)	
	<p>Export of « legalized » illegally harvested timber</p> <p>Most often by issuing transport ticket with incorrect information ; multiple use of regular transport tickets ; use of transport tickets which are object under Art.206 by the Forest Law ; lowering the density</p>

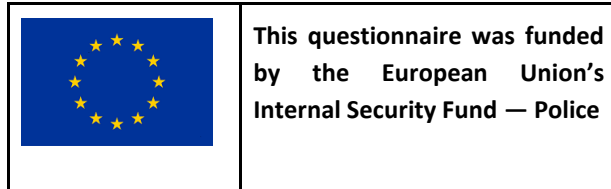
Annex 4:
Comprehensive list of gaps and recommendations identified by respondents (in black colour)

	Key gaps	Recommendations for improvement
Customs/ Borders	<ul style="list-style-type: none"> ● Lack of capacity on CITES. ● Corruption and lack of trainings. ● Qualification of staff low. ● Weak controls. 	<ul style="list-style-type: none"> ● In general, enhancing the collaboration between the competent authorities at national and international level in the field of fighting forestry crime. ● Specialized trainings. ● Hiring of new staff . ● Better salaries.
	Key gaps	Recommendations for improvement
Forest	<ul style="list-style-type: none"> ● Unclarities about the issuance of permits by the mayors of municipalities for logging on agricultural lands. ● Lack of a national forest inventory. ● The low remuneration of staff from the controlling bodies, not in accordance with the degree of risk they are exposed to. ● Poor material and technical support. ● Lack of qualified staff (low qualification for loggers) and lack of motivation. ● Intransparent and competitive procurement system for the development of Forest Management Plans. ● Political pressure on the forestry sector, such as on controlling bodies. ● Ineffective marking system for the trees stipulated for felling. ● Lack of sufficient capacity for collecting evidence for forestry crimes, drafting evidence protocols and issuing convincing/reliable punitive acts. ● Logging operations in remote forest areas often lack access to digital networks, making the issuance of transport tickets for timber trucks(which is linked to an online system) problematic. ● Weak controls of actual harvesting rates and volumes, of transported and sold quantities and qualities of timber. 	<ul style="list-style-type: none"> ● Start working on a national forest inventory. ● Setting up an independent control body (including expert independent control over the inventory in FMPs). ● Improvement of the traceability of subsequent transportation tickets (by software). ● Improvement of the software for the sites according to Art. 206 of the Forestry Act. ● Introduction of mandatory use of plastic plates as control forest marks (CFM) for marking of certain types of fellings and certain forest stands. ● Better management planning. ● Better education of foresters. ● Have stricter penalties in place. ● More frequent and stringent controls ● Strengthening requirements for the issuance of forest stamps ● Strengthening the sanctions on mis-marking and misuse when frauds are detected (incl. cancelling of licenses / permits). ● Training and qualifying forestry staff and law enforcement officials on how to write acts that are legally enforceable, so that they can be a basis for effective administrative and criminal action. ● Limiting political influence on the sector and basing forest management on current scientific evidence and expertise. ● Ensuring adequate remuneration, modern technical facilities and equipment, support and protection of the control officers/inspectors.

		<ul style="list-style-type: none"> • Equalization of the standard of remuneration between EFA/RFD employees with those of State forestry enterprises. • Providing of additional financial incentives for results achieved. • Providing public access to the forest inventory database. • Encourage the participation of citizens and their organizations in the process of control and prevention against forestry crime. • Use of mechanisms for example some satellites to provide direct online recording, so that the process is transparent and traceable.
	Key gaps	Recommendations for improvement
Police/ Investigation	<ul style="list-style-type: none"> • Slow investigations, late detection and reporting of crimes. • Function duplication and poor equipment. • People in charge of investigations lack competence on official regulations and forestry management. • Lack of awareness on forestry issues. Very often evidence collected during the field investigations is unclear/not actionable. The evidence/ punitive documents contain mistakes or are not filled properly, a loophole that is used in courts by offenders to get charges being dropped. • Lack of specialized staff and structures. • Corruption and lack of training. • Police and investigative bodies have no interest in investigating forest crimes. • Lack of closer cooperation between forest guards and law enforcement. 	<ul style="list-style-type: none"> • Dedicated and more frequent trainings. • Creation of a specialized structure. • When helping to establish the guilt of the offender, employees have financial paybacks. • Police staff should be regularly trained and informed about changes in forest legislation, regarding forestry crimes and about how to write efficient reports. • Use/set up intranet systems to help information exchange throughout the enforcement chain.
	Key gaps	Recommendations for improvement
Justice/ Prosecution	<ul style="list-style-type: none"> • Very often only the people caught on site are sanctioned but not the ones who organize criminal activities. • Regulatory delineation of offences and crimes is needed by law but remains challenging. • Huge efforts are being made to combat small offences (for examples linked to subsistence reasons) and there is no success with more serious or larger cases, possibly involving organized crime. • The collection rate of fines is low. • The main challenges concerning prosecution of forest crimes are related to the discovery of sufficient and strong enough evidence. • Systemic violators are not sanctioned by courts, as each infringement is considered only for itself and usually the damage is below the threshold at which the infringement is considered to be a crime. At the same time, the imposed administrative punishment is not enforced since the offender is in most cases unemployed, socially weak and does not own any property . 	<ul style="list-style-type: none"> • Find ways to increase the collection rate for fines. • Admission of the evidence collected in administrative proceedings in criminal procedures. • It is necessary to cumulate the offences committed by one person, especially the so-called systemic offenders. • Acceptance of the proposed amendments to the Criminal Code concerning forest crimes (to make more forest offences relevant to the criminal code). • Minor crimes shall be punished by lighter procedures, rather than going through the prosecutor's office and the court • Judiciary as a whole should be paying more attention to forest crime cases, rather than neglecting them and

	<ul style="list-style-type: none"> • The low levels of collection of penalties in force, which varies between 12% and 15% annually, creates a sense of impunity for offenders. This is directly relevant to the fact that a report is generated from the electronic filing system that shows the presence of more than 1000 systemic violators - the "professional offenders". • Few convictions have been issued for forest law offences (offenders are not sanctioned in courts), although in many cases there were grounds for indictment. • Fines imposed are minimal and insufficient. • Insufficient competence and/or training on forestry crime issues. • Corruption. • Obstacles preventing to use the criminal code more easily. • Minority groups remain unpunished. • Many crimes are neglected by the prosecution and do not go to court. 	treating them as insignificant.
	Key gaps	Recommendations for improvement
Anti-corruption Anti-fraud Money laundering	<ul style="list-style-type: none"> • Pervasive corruption. • No adequate and effective measures in case of proven corruption practices. 	<ul style="list-style-type: none"> • Implement more controls and not making compromises when offences are identified.

Annex 5: Questionnaire for the national enforcement chain



Questionnaire: national enforcement chain

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 laundering³⁰.

In this questionnaire, forestry crime refers to this definition, with a specific focus on timber (other wildlife crimes involving wild fauna and flora, except for timber, are out of the project scope).

NB: Please keep in mind that otherwise stipulated, all questions refer to forestry crime in a broad sense, thus including the import and export of illegal timber to/from other countries.

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
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.....

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?

³⁰ <https://www.interpol.int/content/download/5149/file/Global%20Forestry%20Enforcement%20Prospectus%202019-web.pdf>

.....

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:

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

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

.....

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
------	------	------	-----------	-----------

.....

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 3***

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
---------------	---------	-----------	----------------

.....

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?

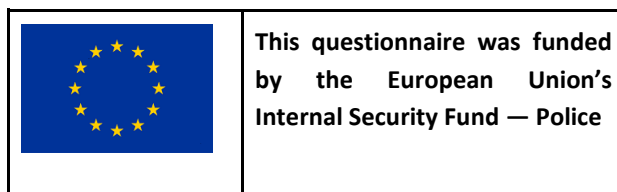
D. Conclusion

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 6: 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 laundering³¹.

In this questionnaire, forestry crime refers to this definition, with a specific focus on timber (other wildlife crimes involving wild fauna and flora, except for timber, are out of the project scope).

NB: Please keep in mind that otherwise stipulated, all questions refer to forestry crime in a broad sense, thus including the import and export of illegal timber to/from other countries.

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?

.....

³¹ <https://www.interpol.int/content/download/5149/file/Global%20Forestry%20Enforcement%20Prospectus%202019-web.pdf>

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:

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

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 3

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.	

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

Poor	Fair	Good	Very good	Excellent
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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
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.....

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?

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ENVIRONMENT AND TO BUILD
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IN HARMONY WITH NATURE**



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