

III.II Penalties

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

III. EUTR Enforcement - context and implementation

III.II Penalties (ref. EUTR Article 19)

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

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

	Administrative fines in cases of breaches of:	Criminal fines in cases of breaches of:	Seizure of timber or timber products as a penalty in cases of breaches of:	Suspension of the authorisation to trade/ do business as a penalty in cases of breaches of:	Imprisonment in cases of breaches of:	Other penalties in cases of breaches of:
* Prohibition (operators)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
* DD obligation (operators and monitoring organisations)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
* Traceability obligation (operators/traders)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* Reporting obligation (monitoring organisations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*2 Does the same legislation apply for infringements relating to domestic timber and for imported timber?

Yes No

4 Which legislation provides for **penalties** for infringements of the EUTR?

Please select all that apply.

	EUTR-specific legislation	Forest (management) law	General Administrative sanctions law	Penal code	Other
* Domestic timber	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
* Imported timber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5 Please specify other:

Law on Accounting
 Law on Inventory of Trees and Round Timber in Transactions
 Law on Administrative Penalties for Offences in the Field of Administration, Public Order, and Use of the Official Language

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

Forest Law
 Criminal Law
 EUTR
 Law on Administrative Liability
 Law on Accounting
 Law on Inventory of Trees and Round Timber in Transactions
 Law on Administrative Penalties for Offences in the Field of Administration, Public Order, and Use of the Official Language

Penalties in cases of breaches of prohibition

Administrative fines in cases of breaches of prohibition

*7 Fine is expressed as:

specific monetary value

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

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

20000

*10 Which authority can impose this penalty?

Please select all that apply.

- Competent authority/ies
- Police
- Court
- Fine imposing agency
- Other

Criminal fines in cases of breaches of prohibition

*12 Fine is expressed as:

other unit (e.g. percentage of income)

*14 What is the maximum fine?

760000 EUR, plus 'damages done to the nature'

*15 Which authority can impose this penalty?

Please select all that apply.

- Competent authority/ies
- Police
- Court
- Fine imposing agency
- Other

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

*17 Which authority can impose this penalty?

Please select all that apply.

- Competent authority/ies
- Prosecutor
- Police
- Court
- Seizure imposing agency
- Other

*19 Which authority/ies is/are responsible for disposal of confiscated timber/timber products?

- Competent authority/ies
- Customs
- Police
- Court
- Other

20 Please specify other:

Special authority

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

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

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

2y

*22 Which authority can impose this penalty?

Please select all that apply.

- Competent authority/ies
- Customs
- Police

- Court
- Business inspectorate
- Other

Imprisonment in cases of breaches of prohibition

***24** What is the maximum duration of imprisonment?

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

8y

***25** Which authority can impose this penalty?

Please select all that apply.

- Competent authority/ies
- Police
- Court
- Other

Penalties in cases of breaches of DD obligation

Administrative fines in cases of breaches of DD obligation

***31** Fine is expressed as:

specific monetary value

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

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

14000

***34** Which authority can impose this penalty?

Please select all that apply.

- Competent authority/ies
- Police
- Court
- Fine imposing agency
- Other

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

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

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

1y

***46** Which authority can impose this penalty?

Please select all that apply.

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

Other penalties in cases of breaches of DD obligation

51 Please describe the penalty:

Administrative warning

52 What is the maximum level of this penalty?

53 Which authority can impose this penalty?

Please select all that apply.

- Competent authority/ies
- Police
- Court
- Business inspectorate
- Other

Penalties in cases of breaches of traceability obligation

Administrative fines in cases of breaches of traceability obligation

*55 Fine is expressed as:

specific monetary value

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

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

2000

*58 Which authority can impose this penalty?

Please select all that apply.

- Competent authority/ies
- Police
- Court
- Fine imposing agency
- Other

59 Please specify other:

State Revenue Service

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

Other penalties in cases of breaches of reporting obligation

95 Please describe the penalty:

Penalties for MOs are not foreseen in the EUTR.

96 What is the maximum level of this penalty?

Penalties for MOs are not foreseen in the EUTR.

97 Which authority can impose this penalty?

Please select all that apply.

- Competent authority/ies
- Police
- Court
- Business inspectorate
- Other

Comments

99 Comments:

Question 1:

Penalties for MOs are not foreseen in the EUTR.

'DD obligation' is not for MOs

'Traceability obligation' is considered as traders' obligation and 'traceability' for operators is within 'DD obligation' (Latvia answers like this in all questions where applicable.)

Criminal fines are foreseen only for domestic timber cases.

Seizure as penalty is only for domestic timber. (For imported timber it can be a procedural sanction and can be maintained also after administrative sanction is imposed.)

Imprisonment only for cases on domestic timber.

Question 2:

Answer is both 'yes' and 'no'

Domestic timber operators, as needed, can be sanctioned by both EUTR-specific sanctions as well as sanctions envisaged for illegal/unwarranted logging.

Questions 55-59:

Reply applies only to traders.

Contact

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