



# **Study on Illegal Logging and Timber Trade Flows**

**Legal and administrative aspects, implementation  
and enforcement**

September 2021



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# Executive Summary

The forestry sector has significant potential to contribute to the social and economic development of countries, especially in the context of European Green Deal, a new growth strategy aiming at making Europe climate neutral by 2050. In order to do so, protection of forest ecosystems from deforestation and further degradation must be key objectives of forest management strategies.

In this context, it is important to identify trends, such as illegal logging and related trade, that contribute to deforestation and forest degradation and prevent the realisation of the full potential of forestry in the EPPA beneficiaries (Western Balkan countries and Turkey). The forest ecosystems in the Western Balkans and Turkey are under pressure. Substantial forest areas are lost due to fires and clear cutting. Furthermore, many people rely on forests to supplement their income, especially in rural areas, where wood theft is common and usually poverty driven. Illegal harvesting in such rural and remote areas is considered as a traditional phenomenon. Thus, in some countries the poverty-driven illegal logging is dominant. However, market driven illegal logging is also an important factor due to its profitability and low risk for the perpetrators.

The main types of illegal logging common in the beneficiaries are:

- Logging without permission or concession from public forests.
- Wood theft or illegal logging from both public and private forests.
- False declaration of volumes, species, values or origins of harvested wood.
- Logging in non-marked or prohibited areas.
- Obtaining logging permits through bribery.

Illegal logging has been recognized by most of the analysed countries as a serious problem, and tackled in their policy documents on forest management. The issue is rarely addressed in a clear and systematic way.

All of the analysed countries have established the legal framework for regulating forestry activities, mainly in the form of a forestry act. However, not all aspects of forestry are regulated therein. Regulation of forestry is also embedded in other sectoral legislation, such as environmental protection law, nature protection law, and the criminal code. Such fragmentation creates coordination problems and weakens overall implementation and enforcement. One of the obstacles in implementation is also a lack of reliable and aggregated data on forests and forest management.

Common to most is the overall lack of coordination between the various institutional and administrative frameworks. An additional problem is the insufficient amount of human resources in competent authorities, their inefficiency, as well as widespread corruption practices. The Corruption Perceptions Index (CPI) 2019 reveals that all EPPA countries are scored between 35 and 39 points, showing a relatively high corruption index.

Forest law enforcement has been found mainly ineffective in most of the EPPA beneficiaries. Lack of equipment and dedicated, and specialized, personnel have been identified as a major obstacle in tackling illegal logging. The criminal justice system has not been used effectively in EPPA beneficiaries to fight illegal logging. The types and range of penalties prescribed and imposed do not usually create a real deterrent effect. Another important aspect that is missing in all countries subject to this analysis is the monitoring of cases through all stages of the criminal justice system from detection to conviction. Thus, the main causes of illegal logging in EPPA countries may be summarised as follows:

- Incoherent, fragmented and unenforceable policy and legal framework.
- Limited enforcement capacity.
- Lack of information about the forest resources and illegal harvesting.
- Corruption in the timber supply chain.
- High demand for cheap timber (fuelwood).

EU policy instruments to combat the illegal logging, the Regulation (EU) No 995/2010 laying down the obligations of operators who place timber and timber products on the market (EUTR) and the Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community are not implemented. In addition, the bilateral processes, including joint actions in controlling cross-border traffic with neighbouring countries to combat illegal trade in timber are not sufficiently implemented. Furthermore, EUTR alone is unlikely to solve the problem of illegal logging in the EPPA beneficiaries as the volume of exported timber in all countries, except Bosnia and Herzegovina, is insignificant compared to domestic consumption. Other country-specific measures have to be further developed and applied in order to achieve the ambitious goals of the fight against illegal logging.

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# Introduction

## Context

The project EU Environment Partnership Programme for Accession (EPPA) in the Western Balkans and Turkey seeks to be a major driver of reform and development in environmental governance through compliance with the EU environmental acquis. The programme builds on the results of the RENA and ECRAN programmes by furthering the regional cooperation and strengthening the administrative capacities of the beneficiaries. Regional cooperation provides the framework for sharing knowledge, expertise and good practices, and for addressing common environmental problems in a more sustainable and efficient way. It is also a way to encourage beneficiaries to look towards more sustainable consumption and production patterns, more resource efficiency, and the implementation of circular economy principles.

## Objectives of the Study

The specific objective of this study, carried out under project activities 5.2.1 and 5.2.2, is to facilitate regional cooperation to combat illegal logging and related trade. Thus, the study seeks to provide a comprehensive country and regional analysis on the current state of play and challenges experienced in the application of the EUTR and FLEGT Regulations in the beneficiaries and assess their needs to strengthen capacities, in particular as regards to the obligations of competent authorities.

The findings of the study will contribute to achieve the overall objective of the project,

i.e. strengthening the implementation of the EU environmental acquis in the Western Balkans and Turkey in areas relevant for addressing trans-boundary environmental issues and to provide recommendations, where relevant, for improvements of the functioning of the national systems to combat illegal logging.

The study was authored by Jasmina Kostelac Bjegović, and edited by Bruno Mesquita, with the support of local experts: Abdula Diku (covering Albania and Kosovo\*), Anela Stavrevska-Panajatova (North Macedonia), Azra Vuković (Montenegro), Jelena Vasić (Serbia), Ajla Dorfner (Bosnia and Herzegovina) and Bulent Kadioglu (Turkey).

\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

## Background information

Geographically, most the beneficiary countries (Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro, Serbia) are located in a region of the Western Balkans, a part of the South East Europe region. Forests cover on average 40 percent of the SEE countries while the EU average is 43 percent. Looking at the forest area as a proportion of a country's total land area, Turkey and Serbia, with 29%, have the smallest share among the EPPA countries. In the Western Balkan countries the share ranges from 38 % in Albania to 55% in Bosnia and Herzegovina, with the highest share of 70% in Montenegro. (Source, except for Serbia: *Key figures on enlargement countries – 2019 edition*<sup>2</sup>; Eurostat (online data codes: *for\_area\_efa* and *for\_area*))

1 Source: Directorate for Forestry, Ministry of Agriculture, Forestry and Water Management

2 Key figures on enlargement countries – 2019 edition PDF: ISBN 978-92-76-03413-1 ISSN 2315-1943 doi:10.2785/080458 Cat. No: KS-GO-19-001-EN-N, p. 95 <https://ec.europa.eu/eurostat/documents/3217494/9799207/KS-GO-19-001-EN-N.pdf/e8fbd16c-c342-41f7-aaed-6ca38e6f709e>

The Turkish economy is by far the largest among the EPPA countries, as its GDP was valued at EUR 754 billion in 2017. Serbia with its EUR 39 billion was the second largest economy among the analysed countries. The level of GDP in the remaining countries ranged from EUR 15.3 billion in Bosnia and Herzegovina down to EUR 4.3 billion in Montenegro. By using the GDP per capita as a measure of comparison between the countries, Turkey recorded the highest GDP per capita in 2017 (EUR 9400) followed by Montenegro (EUR 6900). The level of GDP per capita in other EPPA countries ranged from EUR 5600 EUR in Serbia down to EUR 3600 in Kosovo. For comparison, GDP per capita stood at EUR 30 000 in the EU-28 in 2017.

The forestry sector plays an important role in the socio-economic development of the EPPA beneficiaries. The agriculture, forestry and fishing accounts for a considerably high share of economic output. In 2017 agriculture, forestry and fishing contributed 21.7% of the Albania's total value added, while its share among the remaining EPPA countries ranged from 11.4% in Kosovo to 6.9% in Turkey<sup>3</sup>. Due to the large forest areas in the Western Balkan region, the wood industry should be an important contributor to the development of national economies. Nevertheless, contribution of the forestry sector into the economic development of the Western Balkan countries and Turkey remains limited and it ranges between 0.3 and 1.4 percent respectively (Turkey 0.3%, Serbia 1.4%). In some countries the importance and value of the forestry sector is well recognized and efforts are being made to ensure that protective measures are implemented and enforced, whereas in other countries with predominately rural population (Albania and Kosovo) the protection of forests is hampered with traditional exploitation of forest resources for fuel and lack of awareness of forest protection among inhabitants.

All the countries recognize the problem of illegal logging. However, the very nature of illegal

**TABLE 1** Total forest coverage

Country	Forest area (thousand hectares)	Forest area as a share of land area (%)
Albania	1 052	38.4
Bosnia and Herzegovina	2 813	55.2
Kosovo	483	44.8
Montenegro	964	70.8
North Macedonia	1 001	40.2
Turkey	22 343	29.1
Serbia	2 376	29.1

activities makes their scale and value difficult to estimate. Obviously, illegal logging represents a major loss of revenues to countries and contributes to extensive environmental damage. However, precise data or estimates on the scale and volume of illegal logging are not available in most of the countries covered by this analysis.

As already said the problem of illegal logging is widespread and should be treated as a global problem. However, the regional socio-economic conditions and distinctiveness of the region of Western Balkan and Turkey require context specific measures to combat illegal logging and related trade. As far as the Western Balkans countries are concerned, implementation of the EU forestry policy and related regulation are not sufficient to address the issue of the illegal logging in the region as most of the illegal harvested wood are intended for the domestic market and not for export.

## EU context

The degradation of forests has been recognized as one of the main environmental-related challenges by the European Green Deal, together with the warming of atmosphere and climate change, biodiversity loss and pollution and degradation of oceans. The European Green Deal acts as a response to these challenges. It is a new growth strategy that aims to transform the EU into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse

3 Source: Key figures on enlargement countries - 2019 edition PDF: ISBN 978-92-76-03413-1 ISSN 2315-1943 doi:10.2785/080458 Cat. No: KS-GO-19-001-EN-N, p.70 <https://ec.europa.eu/eurostat/documents/3217494/9799207/KS-GO-19-001-EN-N.pdf/e8fbd16c-c342-41f7-aaed-6ca38e6f709e>

gases by 2050 and where economic growth is decoupled from resource use<sup>4</sup>. The Green Deal Communication underlines the problem of forest ecosystems being under increasing pressure, as a result of climate change. Thus, the Communication set the general objective that the EU's forested area needs to improve, both in quality and quantity, for the EU to reach climate neutrality and a healthy environment. Sustainable re- and afforestation and the restoration of degraded forests increase absorption of CO<sub>2</sub>, while improving the resilience of forests and promoting a circular bio-economy. The Communication announced the new EU Forest Strategy that will have as its key objective effective afforestation, and forest preservation and restoration in Europe, to help increase the absorption of CO<sub>2</sub>, reduce the incidence and extent of forest fires, and promote the bio-economy, in full respect for ecological principles favourable to biodiversity. This new EU Forest Strategy will cover the whole forest cycle and promote the many services that forests provide. In this context, the Commission will also take measures, both regulatory and otherwise, to promote imported products and value chains that do not involve deforestation and forest degradation.

The issue of illegal logging and related trade has been recognized as a global problem with severe social, economic and environmental consequences. The illegal logging activities include the harvest, transportation, purchase, or sale of timber in violation of national laws. Illegal logging may take different forms (e.g. logging outside a concession area, logging in a protected area, or in excess of established quota, without appropriate permits, etc.) depending on the country specific situation, i.e., the strength of the governance structures and existing national legal frameworks, enforcement, existence or non-existence of effective, proportionate and dissuasive sanctions. In addition, illegal logging is usually closely related to corruption and money laundering, which makes combating illegal logging, and related trade, challenging tasks.

To overcome this problem the European Union (EU) adopted in 2010 the Regulation (EU) No 995/2010 laying down the obligations of operators who place timber and timber products

on the market (hereinafter the EUTR), as part of the implementation of the Action Plan on Forest Law Enforcement, Governance and Trade (hereinafter FLEGT action plan) which is the EU policy instrument to combat the illegal logging in the world's forests. Another key element of the FLEGT action plan are the Voluntary Partnership Agreements (hereinafter VPAs), legally binding trade agreements between the EU and timber producing countries outside the EU that aim to improve forest governance and law enforcement, and to ensure that only verified timber and timber products are exported to the EU. The EUTR is the key instrument to address the problem from the demand side, whereas FLEGT VPAs address the supply side.

4 COM(2019) 640 final, page 1

# 1 Approach and Methodology

## 1.1 General approach

The general approach of the study was determined by the following principles:

- Based on existing methodologies and results from recent projects with similar objectives;
- Predominant use of available and published data due to the limited time and resources;
- Combination of information provided by the governments of the target countries;
- Coordination of the results with the beneficiary countries and the EC.

## 1.2 Geographical focus

The geographical scope of the study covers all EPPA beneficiary countries: Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey.

## 1.3 Methodology

The study's implementation has been made up of 4 main tasks:

- Task 1: A desktop literature search study of existing relevant studies on illegal logging and timber trade, reports and analyses completed since 2010;
- Task 2: Review of specific country data collected by local consultants – including relevant legislation and the institutional set up related to illegal logging and forest management in the beneficiaries, as well as the actual application and implementation of the EUTR and FLEGT (designation of competent authorities, enforcement, penalties and infringements of EUTR, checks on operators);
- Task 3: Cross-country analysis;
- Task 4: Compiling data and analysis in a regional study, with conclusions and recommendations for the forest governance and timber sector.

### 1.3.1 Sources of information

The primary source of information is country specific information collected for the purpose of this study and produced by local consultants.

The information and opinions expressed in the country specific information are those of the local consultants and do not necessarily reflect the views of the beneficiaries or of the Commission.

Another key information source was a comprehensive literature review identifying the main, horizontal issues of illegal logging.

Finally, national legal documents and guidelines have been explored for the purpose of further assessing how the EUTR has been applied in the beneficiaries and for the purpose of identifying good practices.

Where necessary, sources of information are clearly identified and distinguished in the report. In addition, all sources are listed in chapter 10 "References".

### 1.3.2 Challenges and limitations of the analysis and results

As described in this section, significant efforts have been made to ensure that this study was based on a transparent examination of the available evidence. However, some challenges and limitations must be recognised with respect to the research, analysis methods and results. In many cases, there were no reliable and comparable data that would allow clear conclusions on the administrative capacities for the implementation of EU requirements on timber trade.

## 2 Overview of illegal logging in the beneficiary countries

Illegal logging is already identified as a major global problem, enabled by numerous factors including lack of robust legal frameworks, insufficient administrative capacity of enforcement authorities, in terms of human and financial resources, and inefficient judicial and sanctioning systems. Furthermore, these weaknesses allow corruption to exist in all stages of timber harvesting and trade.

Illegal logging is understood as the process of harvesting forest resources in disregard of the relevant national legislation and may take different forms depending on the country's socio-economic conditions. Thus, the following practices may be covered by the definition of illegal logging: logging outside a concession area; logging in excess of quota; logging in a protected area; logging without appropriate permits; logging without complying with bidding regulations; logging without submission of required management plans; logging in prohibited areas such as steep slopes, river banks, and water catchments. Such illegal activities are usually accompanied with bribes to obtain logging concessions and/or licences, illegal transport and trade of timber, illegal accounting practices distorting prices, volumes, cash flows and creating tax evasion.

The extent of illegal logging is difficult to estimate since deforestation and forest degradation originating from illegal activities are hard to measure.

The problem of illegal logging is a traditional phenomenon in the EPPA beneficiaries and not always perceived by the authorities and general public as a significant problem. This is reflected in the lengthy court proceedings, soft penalty policy, and often complete absence of adequate penalties for perpetrators of illegal actions. An additional problem is the insufficient amount of human resources in competent authorities, their inefficiency, as well as, in some countries, large scale corruption in all involved actors.

There is a wide range of causes, preconditions, drivers and effects linked to the issue of illegal logging that affect its form, extent, control and prevention. Thus, it is important to provide an appropriate introduction and background information before focusing specifically on illegal logging in the beneficiaries.

Formulating effective forest policies depends on clear ownership of and management rights to forests.

The FAO Global Forest Resources Assessment 2020- Terms and Definitions defines forest ownership as "the legal right to freely and exclusively use, control, transfer, or otherwise benefit from a forest. Ownership can be acquired through transfers such as sales, donations, and inheritance" (FAO, 2020<sup>5</sup>).

The forest ownership structure in the beneficiaries is divided into two categories: private ownership and public ownership, where public ownership is clearly dominant. Most of the forest area is publicly owned, i.e., state property, managed by state-owned national companies. The highest proportion of state-owned forest are in Albania and Turkey, with some 99% in state ownership, followed by North Macedonia (89%), Bosnia and Herzegovina (80%), Kosovo (62%) and Montenegro (52%). Overall forest ownership in Serbia is balanced, where 43% of forest is public, and 57% is under private ownership. As far as private forest ownership is concerned, most of the forest land is owned by individuals and families.

The ratio between publicly and privately-owned forest areas changed in some of the EPPA beneficiaries since the early 1990s, with an overall increase in forest areas that are privately owned.

5 FAO. 2020. Global Forest Resources Assessment 2020: Terms and Definitions. Forest Resources Assessment Working Paper 188. Rome. <http://www.fao.org/3/I8661EN/i8661en.pdf>

This is a result of the process of land restitution and privatization, aiming to reverse the nationalization of forests which took place during, and after, the Second World War, as most of the beneficiary countries are former socialist countries with centrally planned economies. The patterns of forest ownership are important in the context of illegal logging and the ways in which governance influences forest management. The scale of illegal harvesting is more severe and complex in privately-owned forests. Usually, there is no organised security service for private forests resulting in wood theft as the most common type of illegal logging in privately-owned forests. In addition, the owners themselves harvest extensively their forests in order to obtain additional income. The extent of illegal logging in private forests largely depends on the capacity of the national authority to carry out regulatory control (marking trees to be logged, issuing appropriate documentation, etc.), level of awareness of forestry issues, including the level of development of private forest owners associations.

The overall institutional and administrative framework does not differ significantly between the beneficiaries, even though the economic and social contexts may vary. The general features are, except in case of Bosnia and Herzegovina where there is no common forest management policy on state (federal) level:

- A single strong central authority and the delegation of certain tasks to local authorities (municipalities);

**TABLE 2** Forest ownership structure

Country	Publicly owned	Privately owned
Albania	97%	3%
Bosnia and Herzegovina	80%	20%
Kosovo	62%	38%
Montenegro	52%	48%
North Macedonia	89%	11%
Turkey	99.9%	0.1%
Serbia	43%	57%

- Different organisational and management structures for public and privately-owned forests;
- Forests in protected areas managed by different authorities;
- Insufficient capacities of forest management authorities, especially on the local level;
- Lack of horizontal and vertical coordination between authorities responsible for forest management and combating illegal logging.

**TABLE 3** Competent authorities – publicly owned forests

Country	Competent Authority
Albania	Local government (municipalities) National Agency for Protected Areas
Bosnia and Herzegovina	<i>FBiH:</i> Ministry of Agriculture, Water Management and Forestry – Forestry Department (legal issues) Forest Office of the FBiH (forestry development and support, monitoring) Relevant Cantonal Ministries (10)/Cantonal Forest Office/ Cantonal Public Forest Management Companies (8)
	<i>RS</i> Ministry of Agriculture, Forestry and Water Management of RS – Forestry Department Forestry Council Forest and Hunting Inspection Public forest company 'Šume RS'
	<i>Brčko district</i> Department for Agriculture, Forestry and Water Management – Sub-Department for Forestry and Water Management
Kosovo	Kosovo Forestry Agency Local government (municipalities)
Montenegro	Ministry of Agriculture and Rural Development- Directorate for the Forestry, Hunting and Wood Industry PE National parks of Montenegro Forest Administration
North Macedonia	Ministry of Agriculture, Forestry and Water Economy <ul style="list-style-type: none"> <li>• Department of Forest Protection</li> <li>• Department for regulation and use of forests</li> </ul> Ministry of Environment and Physical Planning State Inspectorate for Forestry and Hunting Forestry Police Public Enterprise 'National Forests'
Turkey	Ministry of Agriculture and Forestry- General Directorate of Forestry
Serbia	Ministry of Agriculture, Forestry and Water Management <ul style="list-style-type: none"> <li>• Directorate for Forestry</li> </ul> Public company JP 'Srbijašume' Competent authority of the Vojvodina Autonomous Province Public company JP 'Vojvodinašume' Forests within five national parks (NP) are managed by the public companies managing these NP: 'JP Nacionalni Park Fruška Gora', 'JP Nacionalni Park Đerdap', 'JP Nacionalni Park Tara', 'JP Nacionalni Park Kopaonik' and public company managing Šar Mountain National Park (note: Šar Mountain National Park is under dispute between Serbia and Kosovo)

The legal and policy frameworks on forest management, and the applicable authorisation procedures, as well as the effective monitoring and enforcement systems, are crucial in the effective control and combating of illegal logging and, consequently, deforestation.

Almost all of the beneficiaries have adopted some type of strategic, or planning, document on forest related activities and recognized the role of forests in sustainable development. However, only few beneficiaries recognize the full scale of illegal logging and its socio-economic and environmental impacts. Most of these policy documents cover the period until 2021–2023 (Bosnia and

Herzegovina- Republika Srpska, Kosovo, Montenegro and Turkey respectively) and will soon be replaced. This should be used as an opportunity to strengthen the measures aimed at combating illegal logging and to align the national policy documents with the upcoming EU forest strategy recognizing full potential of forests and the multiple benefits forests can provide to society. This includes also exploring and promoting the benefits which forest-based bioindustry could offer to a more sustainable and climate-neutral society, as determined by the Green Deal. Synergies between national forest strategy and other sectoral policies, e.g. biodiversity policy, climate policy, energy policy, industrial policy should be ensured.

**TABLE 4** Forest management policy documents

Country	Existing policy documents on forest management	Does it cover illegal logging?
	<i>Title and reference</i>	<i>YES/NO</i>
Albania	The Forest Policy Document for 2019–2030 of 31.12.2018. (DCM No. 814)	YES
Bosnia and Herzegovina	<i>FBiH</i> None	
	<i>RS</i> • The Development Strategy for forestry of RS 2011–2021	YES
	<i>Brčko district</i> None	
Kosovo	<ul style="list-style-type: none"> <li>• Kosovo National Development Strategy (2016–2021)</li> <li>• Policy and Strategy paper on forestry sector development 2010–2020 in Kosovo</li> </ul>	NO
Montenegro	<ul style="list-style-type: none"> <li>• National Forest Policy – Forests for the future of Montenegro, National Forest and Forest Land Management Policy (2008)</li> <li>• Strategy with plan of development of forests and forestry for the period 2014–2023 – National forestry strategy (2014)</li> <li>• National Action Plan for the Suppression of illegal forestry activities for the period 2019–2021</li> </ul>	YES
North Macedonia	<ul style="list-style-type: none"> <li>• Strategy for Sustainable Forestry Development in the Republic of Macedonia 2006–2026</li> </ul>	YES
Turkey	<ul style="list-style-type: none"> <li>• The National Forestry Program (2004–2023)</li> <li>• Strategic Plan 2019–2023</li> </ul>	YES
Serbia	<ul style="list-style-type: none"> <li>• Forestry Development Strategy of the Republic of Serbia (Official gazette of RS, br. 59/06", No. 59/06)</li> </ul>	YES

All beneficiaries have established some kind of legal framework on forest protection regulating the procedures for permitting, marking, logging and monitoring, as well as strategic and/or planning measures in the interests of sustainable forest management. The forestry legislation is mainly adopted after 2010 and it is partially in line with EU and international forestry definitions and standards.

However, it is not only forest acts that are relevant for the management of forest resources. There is a wide range of other sectoral laws (e.g. environmental protection law, law on

agricultural land, criminal code, law on spatial planning, nature protection legislation, hunting legislation, tourism legislation, administrative regulations, etc.) that need to be considered in the process of forest protection. Such fragmentation of legislative measures creates overall coordination problems affecting implementation and enforcement.

**TABLE 5** Legislation on forest management

Country	Legal measures in place relevant for forest management and combating illegal logging
	<i>Title and reference</i>
Albania	<ul style="list-style-type: none"> <li>• Law no. 9385, dated 04.05.2005 on 'Forestry and forestry service in Albania' as amended</li> <li>• Moratorium on Forests (Decision No 5 of 05.02. 2016)</li> <li>• Instruction No. 2, dated 03.03.2017 on 'Technical requirements for marking, groupings and forest economies recognition cutting treatments, rules for collecting wooden materials for firewood'</li> </ul>
Bosnia and Herzegovina	<i>FBiH</i> None Law on Forest in FBiH from 2002 (Official Gazette of FBiH No. 20/2002) has been annulled by the Constitutional Court as of 2009.
	<i>RS</i> <ul style="list-style-type: none"> <li>• Law on Forest (Official Gazette of RS No. 75/2008 and 60/2013)</li> </ul>
	<i>Brčko district</i> <ul style="list-style-type: none"> <li>• Law on Forests for Brčko District (Official Gazette of BD no. 14/10 and 126/16)</li> </ul>
Kosovo	Law no. 2003/3 on Forests as amended by the Law no. 2004/29 dated on 14 October 2004 and the Law no. 03/L-153, dated 25 February 2010
Montenegro	<ul style="list-style-type: none"> <li>• Law on Forests (Official Gazette of MNE No. 074/10, 040/11 and 047/15)</li> </ul>
North Macedonia	<ul style="list-style-type: none"> <li>• Law on Forests (Official Gazette of the Republic of North Macedonia no. 64/09, 24/11, 53/11, 25/13, 79/13, 147/13, 43/14, 160/14, 33/15, 44/15, 147/15, 7/16 and 39/16)</li> <li>• Law on Environment (Official Gazette of North Macedonia no. 53/05, 81/05, 24/07, 159/08, 83/09, 48/10, 124/10, 51/11, 123/12, 93/13, 187/13, 42/14, 44/15, 39/16)</li> <li>• Law on Forestry and Hunting Inspection (Official Gazette of the Republic of North Macedonia)</li> </ul>
Turkey	<ul style="list-style-type: none"> <li>• Turkish Constitution of 1982</li> <li>• Forest Code No: 6831</li> </ul>
Serbia	<ul style="list-style-type: none"> <li>• Law on Forests (Official gazette of RS No. 30/2010, 93/2012, 89/2015 and 95/2018)</li> <li>• Law on Environmental Protection (Official gazette of RS No. 135/2004, 36/2009, 36/2009 – other law, 72/2009 – other law, 43/2011 – Decision US, 14/2016, 76/2018, 95/2018 and 95/2018)</li> <li>• Law on Nature Protection (Official gazette of RS No. 36/2009, 88/2010, 91/2010 – ed., 14/2016 and 95/2018)</li> <li>• Law on National Parks (Official gazette of RS No. 84/2015 and 95/2018)</li> <li>• Law on Reproductive Material of Forest Trees (Official gazette of RS No. 135/2004, 8/2005 – corr. 41/2009)</li> <li>• Rulebook on the manner and time of remittance, allotment, form and content of the remittance mark and the forest guilt stamp, the form of the remittance book or the forest guilt book, as well as on the conditions and manner of cutting in forests (Official gazette of RS No. 65/2011, 47/2012, 8/2017)</li> <li>• Rulebook on the form and content of the forest stamp, the form of the accompanying note or dispatch note, the conditions and method of stamping the cut tree, the manner of keeping records and the method of stamping, or marking conifers, intended for New Year's and other holidays (Official gazette of RS No. 93/16).</li> <li>• Rulebook on the form and method of external control of inspection in the field of forestry and hunting ("Official gazette of RS No., No. 56/2018)</li> </ul>

A robust legal framework, especially in monitoring of illegal activities and establishing effective, proportionate and dissuasive sanctions together with clear identification of authorities and their powers, is crucial in ensuring sustainable forest management and combating illegal logging and trade.

Forest monitoring is an important tool to measure and collect information on the status and trends related to sustainable forest

management. Reliable and up-to-date information is the foundation of forest management and investment in forests and forestry by governments or the private sector.

Not all the beneficiaries have effective and reliable monitoring and control systems, with data duly registered in the national forestry inventories.

The effective enforcement of forestry laws and regulations is crucial for proper sustainable forest management. The essential part of enforcement efforts to tackle illegal logging is prevention. However, prevention should be reinforced with an effective criminal justice system. The efficiency of the criminal justice system in combating illegal logging largely depends on development of a robust system of investigation, prosecution, and conviction of cases.

Forest law enforcement has been found mainly ineffective in most of the EPPA beneficiaries. The reason for that is lack of financial resources allocated in the forest law enforcement. Lack of equipment and dedicated, and specialized, personnel have been identified as a major obstacle in tackling illegal logging.

The criminal justice system has not been used effectively in EPPA beneficiaries to fight illegal logging. All of the beneficiaries have criminal provisions in place related to illegal logging. However, the mere existence of laws on forest management, criminal codes, laws against corruption, etc., is not enough to successfully combat and eradicate forest-related criminal activities.

The types and range of penalties prescribed and imposed do not usually create a real deterrent effect. Furthermore, the financial aspects related to illegal logging are not investigated, anti-money laundering measures are not applied, and confiscation of assets and illegal proceeds of forest crimes happens sporadically.

**TABLE 6** Competent authorities for monitoring and control

Country	Competent authority – monitoring and control
Albania	<ul style="list-style-type: none"> <li>• State Inspectorate of Environment and Forests</li> <li>• Forest Police</li> </ul>
Bosnia and Herzegovina	FBiH <ul style="list-style-type: none"> <li>• Forest Office of the FBiH</li> <li>• FBiH Forest Inspection</li> <li>• Cantonal Forest Office</li> <li>• Cantonal Forest Inspection</li> </ul> RS <ul style="list-style-type: none"> <li>• Forest and Hunting Inspection</li> </ul>
Kosovo	<ul style="list-style-type: none"> <li>• Forest Inspection within KFA</li> <li>• Forest guards (municipal level)</li> </ul>
Montenegro	<ul style="list-style-type: none"> <li>• Inspection division for forestry, hunting and plant protection (Forest inspection)</li> </ul>
North Macedonia	<ul style="list-style-type: none"> <li>• State Inspectorate for Forestry and Hunting</li> </ul>
Turkey	<ul style="list-style-type: none"> <li>• Forest rangers</li> </ul>
Serbia	<ul style="list-style-type: none"> <li>• Forest and Hunting Inspectorate</li> <li>• Ministry of Internal Affairs</li> <li>• Forest Guards</li> </ul>

TABLE 7 Penalties for illegal logging

Country	Type and range of penalties	
Albania	The infringement of provisions of Law no. 5/2016 proclaiming the moratorium on forests are punishable with the fine of 40 500 EUR, unless the infringement constitutes a criminal offence.	
Bosnia and Herzegovina	<b>Misdemeanour offences</b> <i>FBiH</i> : Data not available	<b>Criminal offences</b> <i>FBiH</i> : <ul style="list-style-type: none"> <li>• Imprisonment not exceeding one year for the offence of devastation of forest</li> <li>• Imprisonment of up to 3 years if the offence is committed in protected area (e.g. national park)</li> <li>• Up to 3 years of imprisonment for forest theft (&gt;2m<sup>3</sup>)</li> <li>• Imprisonment for a term of 1 to 5 years for illegal sale of non-negligible quantity of timber (&gt;5m<sup>3</sup>) and for illegal harvesting in protected areas.</li> </ul>
	<i>RS</i> Fines: <ul style="list-style-type: none"> <li>• minimum and maximum fine range between 2 500–7 500 EUR for legal persons</li> <li>• minimum and maximum fine range between 250–750 EUR for natural persons</li> </ul>	<i>RS</i> <ul style="list-style-type: none"> <li>• Imprisonment for a term of 6 months to 3 years for devastation of forest.</li> <li>• Imprisonment for a term of 1 to 5 years if the offence is committed in protected area.</li> <li>• Imprisonment for a term of 6 months to 3 years for theft of non-negligible quantity of timber (&gt;5 m<sup>3</sup>).</li> <li>• Imprisonment for a term of 1 to 5 years for illegal sale of non-negligible quantity of timber (&gt;5 m<sup>3</sup>), or quantity of harvested timber exceeds 15 m<sup>3</sup> or for illegal harvesting in protected areas.</li> <li>• Imprisonment for a term of 3 to 10 years and fine for offence of illegal sale of timber exceeding 100 m<sup>3</sup>.</li> <li>• Confiscation of timber and equipment used for perpetration of the offence.</li> </ul>
Kosovo	<ul style="list-style-type: none"> <li>• Fines ranging from 2 000–25 000 EUR</li> <li>• Confiscation of timber and equipment used for perpetration of the offence</li> </ul>	
Montenegro	<b>Misdemeanour offences</b> Fines: <ul style="list-style-type: none"> <li>• minimum and maximum fine range between 2 500–15 000 EUR</li> <li>• Confiscation of timber and equipment used for perpetration of the offence</li> </ul>	<b>Criminal offences</b> <ul style="list-style-type: none"> <li>• Imprisonment not exceeding one year for the offence of forest theft and of devastation of forest</li> <li>• Imprisonment for a term of 3 months up to 3 years if the offence is committed in protected area (e.g. national park)</li> <li>• Fines</li> </ul>
North Macedonia	<b>Misdemeanour offences</b> Natural persons: <ul style="list-style-type: none"> <li>• minimum and maximum fine range between 1 500–6 000 EUR</li> <li>• Confiscation of the items and equipment used for perpetration of the offence</li> </ul> Legal persons: <ul style="list-style-type: none"> <li>• minimum and maximum fine range between 12 000–30 000 EUR</li> <li>• Responsible person is also fined with penalty ranging from 2 000–12 000</li> <li>• For responsible person prohibition to engage in a profession, activity or duty in the period from 2 to 5 years</li> </ul>	<b>Criminal offences</b> Natural persons: <ul style="list-style-type: none"> <li>• Imprisonment of minimum 3 years for forest theft</li> <li>• Imprisonment of minimum 5 years for illegal sale of non-negligible quantity of timber (&gt;1 m<sup>3</sup>)</li> <li>• Confiscation of the items and equipment used for perpetration of the offence</li> </ul> Legal persons: <ul style="list-style-type: none"> <li>• Fines</li> </ul>

**TABLE 7** Penalties for illegal logging (cont.)

Country	Type and range of penalties
Turkey	<ul style="list-style-type: none"> <li>Imprisonment from 3 months to 5 years and a judicial fine up to a thousand days for forest theft</li> </ul>
Serbia	<p><b>Economic offences (legal persons)</b></p> <ul style="list-style-type: none"> <li>minimum and maximum fine range between 2 500–25 500 EUR</li> <li>Responsible person is also fined with penalty ranging from 850–1 700 EUR</li> </ul> <p><b>Misdemeanour offences</b></p> <p>Natural persons:</p> <ul style="list-style-type: none"> <li>minimum and maximum fine range between 85–850 EUR</li> <li>Confiscation of the items and equipment used for perpetration of the offence</li> </ul> <p>Legal persons:</p> <ul style="list-style-type: none"> <li>minimum and maximum fine range between 850–8 500 EUR</li> <li>Responsible person is also fined with penalty ranging from 850–1 700 EUR</li> <li>Confiscation of the items and equipment used for perpetration of the offence</li> </ul> <p>Entrepreneurs:</p> <ul style="list-style-type: none"> <li>minimum and maximum fine range between 850–4 250 EUR</li> <li>Confiscation of the items and equipment used for perpetration of the offence</li> </ul> <p><b>Criminal offences</b></p> <ul style="list-style-type: none"> <li>Imprisonment not exceeding one year for the offence of forest theft and of devastation of forest</li> <li>Imprisonment not exceeding 3 years if the offence is committed in protected area (e.g. national park) or if quantity of harvested timber exceeds 5 m<sup>3</sup></li> </ul>

The lack of consequences and punishment for illegal logging in the judicial system is common among the EPPA beneficiaries. In many instances, illegal logging is not even uncovered and if/when cases are reported the courts do not prioritize the cases. In practice, the cases are rarely brought to trial, and even if they are, they are usually dismissed. The conviction rate is low. The crimes that are eventually penalized are poverty driven forest theft.

Another important aspect that is missing in all countries subject to this analysis is the monitoring of cases through all stages of the criminal justice system from detection to conviction. There is no database showing number of prosecutions and convictions, solved and unsolved crimes ratio, etc.

Corruption goes side-by-side with large scale illegal operations which are usually not investigated and prosecuted. However, only a few beneficiaries have reported the existence of anti-corruption measures embedded in their legislation (e.g. Montenegro, North Macedonia).

The Corruption Perceptions Index<sup>6</sup> (CPI) 2019 reveals the fact that all EPPA countries are scored between 35 and 39 points showing a relatively high corruption index. Only Montenegro stands out and scores above the global average with 45 points.

**TABLE 8** Corruption Perception Index

Country	CPI 2019	
	Score (0–100)	Rank (as of 198)
Albania	35	106
Bosnia and Herzegovina	36	101
Kosovo	36	101
Montenegro	45	66
North Macedonia	35	106
Turkey	39	91
Serbia	39	91

6 The CPI scores 180 countries and territories by their perceived levels of public sector corruption, according to experts and business people. The CPI uses a scale from 0–100, where 100 is very clean and 0 is highly corrupt.

To be successful, forestry officials should be able to use all tools available in the criminal justice system. Judiciary officials (prosecutors, judges) should be made aware of the detrimental effect of illegal logging and the importance of addressing illegal logging through the criminal justice system. Another important issue is the lack of coordination between different authorities in some countries (Kosovo, North Macedonia). Training of prosecutors, investigators, and judges to obtain the knowledge and skills necessary to combat illegal logging should be treated as a priority.

The success in halting illegal logging is highly dependent on whether companies and individuals believe that the risks of being prosecuted outweigh the financial gains from sourcing lower cost illegal timber. Without an effective criminal justice system, prevention efforts will have no effect on crime or corruption in the forestry sector.

## 3 Illegal logging analysis per beneficiary

### 3.1 Albania

#### 3.1.1 Types and scale of illegal logging

Illegal logging is a persistent problem already recognized decades ago in the beginning of the social and economic transition of the 1990's, although the levels at which it was occurring were much lower than nowadays. The seriousness of the phenomenon has increased turning it into one of the crucial issues for forest administration.

All over Albania, especially in the mountainous zones, forest serves as a source of livelihood, goods and income. Firewood is an important commodity for Albania because it is used for heating by a majority of households, and in rural areas it is also used for cooking. This means that firewood is still an important energy source. Two recent studies have analysed firewood consumption and the related pressure on forests. The study 'Wood Fuel Consumption in Albania' (FAO, 2017) evidenced that the level of use fuel wood in Albania is about 2.4 million m<sup>3</sup>, or two times more than the annual increment of the wood stock. Another study, 'Albania Fuel Wood Demand Assessment And Analysis Report' (World Bank 2018) states that the annual, total gross demand for fuel wood supply from the forests in 2016 was 3 035 million m<sup>3</sup> wood consisting of 2 176 million m<sup>3</sup> of household demand, 100 295 m<sup>3</sup> of large user demand, and 758 765 m<sup>3</sup> of harvesting loss. Thus, the high demand for firewood is a main driver of illegal logging,

The wood stock is further damaged by forest fires. Continuous grazing in forests affects the growth rate and wood volume per unit. Consequentially, a large majority of the country's forests are at a young age, where wood stock volume is low. The lack of significant investments in the forestry sector and current energy policies put additional pressure on the forests.

Therefore, the resource base has been declining significantly for years, not only in terms of

quantitative aspects, but also in terms of even more widespread forest degradation. The growing stock/increment per ha is seriously affected.

The main activities regarding the illegal use of forest products are related to:

- Logging without permission or concession in public forests;
- False declaration of volumes, species, values or origins of harvested wood;
- Logging in non-marked or prohibited areas;
- Obtaining logging authorization through bribes;
- Killing or burning trees so that they can be logged, or changes in land use;
- Logging in prohibited or protected areas (PAs) such as national parks and other PAs;
- Logging outside a concession area;
- Logging in excess of quota;
- Logging without appropriate permits;
- logging without complying with bidding regulations;
- logging without submission of required management plans;
- logging in prohibited areas such as steep slopes, river banks and water catchments.

#### 3.1.2 Institutional framework

Until 2015, the forestry sector was under the administration of the Ministry of Environment. In the past years, Albania has transferred the ownership and the responsibility of the management of its forest area from the central government to local governments. The process was part of a wide decentralization reform aiming to tackle the challenges related to illegal logging activities, weak institutions and capacities, unclear laws and regulations, frequent reforms in forest administration, high sector informality, etc.

In 2016, the Government delegated forest management to 61 municipalities through the Council of Ministers Decision No. 433, dated 8.6.2016, 'For transferring of public forests and pastures in ownership of municipalities'.

While placing forest management under the control of municipalities it should be noted that there is no legal framework for the management of forests and pastures by the 61 municipalities. The Albanian Government has approved certain amendments dealing with duties and responsibilities of municipalities related to forest and pasture management. Under the decision, the national government retained the responsibility to manage Nature Protected Areas (NPAs) through the National Agency of Protected Areas (NAPA) established by the Council of Ministers, Decision No. 102, dated 04.02.2015. NAPA oversees the management, protection, development, expansion and operation of the protected areas in Albania, which today account for about 16% of the territory. NAPA implements the management plans of the network of protected areas, and other natural networks such as Natura 2000.

The restructure of the forestry sector is still not complete. Now, because of decentralisation, the 61 municipalities manage app. 85% of the forestry sector, providing local incentives to improving management and protection of forests, land and water resources. However, as stated above, the implementation of this decentralized model lacks a clear and precise framework on forest management in terms of responsibilities and authorization of municipalities in implementing measures aimed at sustainable forest management. The problems related to allocation of funds, weak administrative structures, monitoring, and inspection capacities remain.

### 3.1.3 Policy framework on illegal logging

Due to the uncontrolled harvesting (clearing for agriculture, overgrazing, and woodcutting for fuel and building) accompanied with weak enforcement, Albania shows high rates of deforestation in the last decades. During that time, many legal and institutional changes have been introduced in the forestry sector but without significant improvement, as the forest cover continues to decrease.

The former National Strategy for Development of Forests and Pastures in Albania had been developed and approved by Decision of the Council of Ministers (DCM) No 247, dated 23.04.2004. This strategy comprised five strategic goals to

achieve sustainable forest management, which were:

- providing the territorial, ecologic and biodiversity integrity of forests and pastures
- promotion and supporting of the sustainable forest and pasture's resource management
- improvement and strengthening of relationship with wood and non-wood market
- inclusion of stakeholders and local users in the forest resource safeguarding and development
- institutional and legal reform at the local and national scale of forest service

This strategy is not updated and a new strategy for forest and forest sector in Albania is urgently required. Priority areas of new strategy must conform to the new principles of EU Green Deal and the EU Forest Strategy.

The most recent efforts in combating illegal logging took place at the end of 2018 through the adoption of the Decision of the Council of Ministers (DCM) No 814 dated 31.12.2018. Document for Forest Policy in Albania covering period from 2019–2030. The Document sets out the main strategic goals and policies for the development of the forest sector. The DCM No. 814 builds upon the general objectives envisaged in the National Strategy for Development and Integration (NSDI – II) for the period 2015–2020, which calls for:

- Establishing more efficient management of the forest and pasture fund in order to guarantee sustainable forest management;
- Establishing an information system for the National Forest and Pasture Fund, including integration into the national cadastral system;
- Strengthening the management and conservation of forest and pasture resources through:
  - reducing illegal logging by 2020;
  - drafting of management plans for all forest economies in the country;
  - rehabilitation of degraded areas.

Thus, the DCM No. 814 Document for Forest Policy in Albania aims at protecting the forests and making them more resilient to climate change, safeguarding multiple functions of forests, including the provision of environmental services, as well as supporting investments, innovation and training to the benefit of the rural economy.

The Document focuses its attention on four long-term goals:

- sustainable management and administration of forest and pasture resources to mitigate climate change effects;
- setting up a well-defined functional organization;
- sustainable use of forest and pasture resources;
- providing qualitative services for rural and urban communities.

### 3.1.4 Legal framework

The framework law governing the forestry sector in Albania is Law no. 9385, dated 4.5.2005 on 'Forestry and Forestry Service in Albania'. The objective of this law is to lay down rules on duties, rights and responsibilities of state institutions, local governments, non-profit organizations, private and business owners in the context of preservation, management and use of the national forest fund, of forest land and their natural and biological resources. The Law, in its Article 38 defines certain prohibitions (e.g. unauthorized occupation and use of forest land, falsifying hammer marks, removal of some parts of plants or species, the damaging of forestry enterprises and instalments, etc.). Since 2005, the law was amended six times. But in light of the country's new decentralized approach, and the institutional reform where responsibilities in forest management are shifted to municipalities, many legal provisions do not fit in the current situation. Thus, a new framework law on forestry is currently being developed in order to follow up on the institutional changes in forest management.

Several other laws, decisions and regulations are relevant for the sustainable forest management and combating illegal logging and deforestation:

- Law no. 5/2016 proclaiming the moratorium on forests in the Republic of Albania.

In order to halt uncontrolled logging for commercial purposes and to prevent illegal cuttings of forests, the Albanian Government adopted in February 2016 the Law no. 5 proclaiming the moratorium on forests in the Republic of Albania. The above law prohibits exploitation activities in the public and private forest fund throughout

the Republic of Albania, as well as the trade in forest products, timber exports, construction logs, firewood, and wood coal. Exceptions to the Law include exploitation of firewood for local populations and exploitation for purposes of regeneration and debris cleaning. The existing exploitation rights are suspended and will be renegotiated only to allow for activities that fall within the scope of exceptions. The Law will remain into effect for ten years from its entry into force.

- Regulation no. 215 dated 16.03.2016 establishing the Green Guard task force.

Implementation of the Law 5/2016 on moratorium on forests is ensured through the 'Green Guard task force' established by Regulation no. 215, dated 16.03.2016, establishing the Green Guard task force as a temporary body in charge of issuing emergency measures for the prevention, reduction and remedying damages in private and public forests in line with Law 5/2016 on the moratorium on forests. The operational structure is composed of police units from the state police, military police and other armed forces, the state inspectorate of Environment and Forests, and the tax inspection services. Detailed duties and rules of procedure for technical, logistical, and financial issues are yet to be determined by a joint order of the Ministry of Environment, Ministry of Interior, Ministry of Defence and Ministry of Finance.

- Regulation No 438 of 8 June 2016 and No 808 of 12 December 2016 on the criteria and rules of forest exploitation and sale of timber and other forestry and non-forestry products.

Provisions of this Regulation set forth criteria and rules for forest exploitation and trade of timber and other forestry and non-forestry products in line with the rules laid down by Law 5/2016 on the moratorium on forests in the republic of Albania in order to meet the demand of local populations for firewood.

### 3.1.5 Monitoring and control framework

Currently, the State Inspectorate of Environment and Forests has no effective system for monitoring and recording illegal activities in every region of the Republic of Albania. The Electronic Monitoring System of Forests (AL0059) has been introduced in 2016. However, the monitoring

system is not fully operational yet. Once fully operational the Electronic Monitoring System of Forests will provide an integrated system that will enable monitoring of illegal activities and the timely identification of forest fires. It will include real-time detection of fires, monitoring cameras, real-time information exchange with monitoring and enforcement authorities.

The establishment of the Electronic Monitoring System of Forests will contribute significantly to prevent and combat illegal forest-related activities. Continuous monitoring will allow the prevention and control of transports of illegally harvested timber from forests to urban centres, where it is collected and marketed. It is expected that exchange of information in real time with other authorities responsible for monitoring and enforcement will have a deterrent effect and consequently reduce corruption in the forestry sector.

### 3.1.6 Enforcement

The scale of illegal logging and the absence of integrated monitoring implies that the enforcement of provisions on combating illegal logging is weak.

The offences against forests are sanctioned as crimes, whereas less serious violations are sanctioned as administrative offences. Administrative offences for illegal logging and trade are determined in the Law no. 9385, dated 04.05.2005, on 'Forestry and Forestry Service in Albania'. The sanctions envisaged by the Law on 'Forestry and Forestry Service' are fines and seizure of timber and timber products. The maximum amount of fine that may be imposed is 400 000 ALL (app. 3 200 EUR). For more serious offences, the envisaged sanction is prohibition of marketing of timber and timber products and criminal prosecution. The following violations regarding illegal harvesting and transport of wood and non-wood products, when not constituting a criminal offense, are punishable as described:

- Destruction or use of the check mark and the mark by unauthorized persons and from one forest area to another, without the permission of the forest service authorities, is punishable by a fine of up to 200 000 ALL (1 600 EUR);
- Felling in the national forest fund without the mark of the forest service organs, unless

significant damage is caused is punishable by a fine of up to 200 000 ALL (1 600 EUR);

- Unauthorized cutting or wilful damaging of forests, forest land, new forests, seedlings, and nurseries, unless significant damage is caused is punishable by a fine of 300,000ALL (2 400 EUR);
- Unauthorized cutting or damaging in privately owned forests by the owners or others, unless significant damage is caused is punishable by a fine of 400 000 ALL (3 200 EUR);
- The transport of wood material from the forest and from the storage sites to the processing and sales centres, accompanied by the standard transport permit, as well as the transport of other forest and non-forest products, without a certificate of origin, shall be punishable by a fine in the amount of 150 000 ALL (1,200EUR);
- Transport of timber or other products, forestry and non-forestry from the private forest fund, without the certificate of origin, issued by the owner, is punishable by a fine of up to 20 000 ALL (160 EUR);
- Transport of timber and non-timber materials, processed or semi-processed (boards, elements, charcoal and oak, medicinal plants, leaves, fruits, flowers and flowers, roots, peas, etc) without permit and certificate of origin, issued by licensed legal entities, shall be punishable by a fine in the amount of 100 000 ALL (800 EUR);
- The sale or alienation of timber and non-wood forest products and products made by the National Forest Fund, without the permission of the forest service authorities, is punishable by a fine of 150 000 ALL (1 200 EUR);
- The sale of timber and other forest products infected by diseases, weeds or parasites or affected by insects shall be punished by a fine of 100 000 ALL (800 EUR).

In the context of decentralization and the transfer of administrative functions to the local government units, an additional problem has been identified concerning the fact that the local governments have no authority to take administrative measures and to impose administrative sanctions for offences regulated under the Law on 'Forestry and Forestry Service'. Instead, they must notify the Forestry Police about the offence and the administrative measures to be imposed. However, due to delays in the process and the

lack of coordination between these two authorities administrative measures are often not imposed.

The infringement of provisions of Law no. 5/2016 proclaiming the moratorium on forests are punishable with the fine of 5 000 000 AL (app. 40 500.00 EUR), unless the infringement constitutes a criminal offence. Despite the high amount of prescribed fine, there is a persistent problem with the execution of these penalties by the state administration and the relevant courts.

Furthermore, there are no consolidated data that would allow tracking the specific case through the stages of criminal procedure, i.e., detection-investigation-prosecution and, finally, conviction of perpetrators of forest crimes.

In summary, the problem of executing and collecting penalties in the forest sector has been and remains a major challenge over the last 30 years.

There are no effective measures in place to address corruption, specifically those dealing with the standards of conduct to address corruption for institutions' staff and investigation of forest corruptions.

## 3.2 Bosnia and Herzegovina

### 3.2.1 Types and scale of illegal logging

Illegal logging has been recognized as a serious problem for the forestry sector in Bosnia and Herzegovina (BiH). Some international organizations (e.g. WWF<sup>7</sup>) claim that BiH (together with other Eastern European countries) represent a major source of illegal or suspicious wood in the EU market. According to the WWF, the amount of illegally harvested wood from BiH has been estimated to be 1.2 million m<sup>3</sup> (WWF, 2008)<sup>8</sup>. On the other side, official data from domestic statistical institutes suggest much lower

7 World Wide Fund for Nature (2008): Illegal wood for the European market – An analysis of the EU import and export of illegal wood and related products

8 FAO, 2015., The Forest sector in Bosnia and Herzegovina, p. 114

**TABLE 9** Volume of illegally harvested timber in BiH 2014–2018 (m<sup>3</sup>)

	2014	2015	2016	2017	2018
RS	25 624	28 928	23 962	24 280	33 540
FBiH	70 199	65 322	74 093	63 837	55 102
BiH	95 823	94 250	98 055	88 117	88 642

Source: FBiH – Statistical bulletin 208: Forestry, 2019;  
RS – Statistical bulletin: Forestry, 2019

figures. For instance, the official statistics of the Federation of Bosnia and Herzegovina (FBiH) and Republic of Srpska (RS) reported that on average 92 977 m<sup>3</sup>/annually of timber was illegally harvested in the period from 2014–2018 (Institute for statistics of FBiH, 2019; RS Institute of Statistics, 2019).

The available data on illegal logging usually refers to violations which involve material removal of trees i.e., theft and unauthorized harvesting. Another aspect of illegal activities involves corruption and nepotism in the forestry sector. The fact that there are no consolidated data that would allow tracking the specific case of illegal logging through the stages of criminal or administrative procedure, i.e., detection-investigation-prosecution and, finally, conviction suggests a lack of strong enforcement.

In general, Bosnia and Herzegovina lacks implementation measures aimed at combating corruption in the forest sector. So far, corruption is being tackled through internal programmes at the cantonal level in FBiH. The measures are primarily focussed on formal company commitments and the development of internal structures within companies to prevent and combat corruption and continued efforts to educate and disseminate information on the importance of tackling corruption.

### 3.2.2 Institutional framework

The territory of Bosnia and Herzegovina has three administrative areas (units): The Federation of Bosnia and Herzegovina (FBiH), the Republic of Srpska (RS) and the Brčko District. The competences for the forestry sector are under the jurisdiction of the entities and the district.

## FEDERATION OF BOSNIA AND HERZEGOVINA (FBiH)

The decentralized administrative system of management of forests within the FBiH is quite complex. The management rights of the state-owned forest resources rests with FBiH, which transfers them to the ten Cantons. At the entity administrative level of the FBiH, there is a Forestry Department within the Ministry of Agriculture, Water Management and Forestry with a unit responsible for legal matters (all aspects relating to forest law and related legislation) and a Forest Office, which deals with forestry development and support and has an overall monitoring role.

At the Cantonal level, responsibility for forestry rests with the relevant Ministry and a Cantonal Forest Office (CFO). The main function of CFO is to control the activities of the Cantonal Public Forest Management Company (CPFMC), provide advice and support to private forest owners, as well as implementing activities aimed at the protection of forests from all naturally or human induced threats (including the illegal logging). Management of the forest related activities is transferred from cantonal ministries to the CPFMCs (one per canton), which are established in compliance with the Law on Forests from 2002. In seven cantons these CPFMCs are established as public companies owned by the Canton. The exception is Canton 3 (Tuzla Canton), where the Cantonal Forest Management Company has been established as a joint-stock company. CPFMC are not established in two cantons, in Canton 2 (Posavina Canton) – lowland area where forestry plays a minor role and Canton 7 (Herzegovina-Neretva Canton) where several municipal companies exist but they are not integrated into a CPFMC.

## REPUBLIKA SRPSKA (RS)

In RS there is the Forestry Department within the Ministry of Agriculture, Forestry and Water Management of RS, which has legal responsibility over the forest resources. The public forest company 'Šume RS' manages the state-owned forests in RS.

## BRČKO DISTRICT

In Brčko district forestry is of less importance to the economy. That is reflected in the organization of the sector. Accordingly, there is the Department for Agriculture, Forestry and Water management, which has the Sub-Department for Forestry and Water management that deals with the implementation of forest and game-management legislation, forest management planning and executing projects, forest protection and other public administrative issues. As most of the forests are owned by private forest owners, there is no public forest company established in Brčko District.

### 3.2.3 Policy framework on illegal logging

#### FEDERATION OF BOSNIA AND HERZEGOVINA (FBiH)

The strategic framework for the forestry sector of FBiH is still not adopted, thus it is not clear how it will address the issue of illegal logging. However, in the officially adopted General Part of the Forest Program of FBiH<sup>9</sup>, illegal logging is addressed in the section related to the establishment of an Integral Forest Protection Program, as well as the establishment of a strategic communication process with all stakeholders.

However, the most important effort to address the issue of illegalities in the forestry sector was the 2005 Federal Action Plan to Combat Illegal Activities in Forestry and Wood-Processing Sectors<sup>10</sup>. The Action Plan aimed to include all types of illegal activities in the forest sector, including theft and corruption-related crime.

The Action Plan consisted of three main pillars:

- 1) Improving external control (e.g. strengthening forestry inspection, independent assessment of type and volume of illegal logging, etc.);

9 The Forest program of FBiH – general part [available at: <https://fmpvs.gov.ba>].

10 Federation of Bosnia and Herzegovina & Republika Srpska. Action plan to combat illegal activities in the forest and wood processing sectors in Bosnia and Herzegovina. (Governments of the Federation of Bosnia and Herzegovina and Republika Srpska, 2005).

- 2) Internal development of public forestry companies (e.g. human resource development, application of market-oriented mechanisms for forming wood prices, etc.), and;
  - 3) Parallel and supporting activities (e.g. formulation of the National Forest Program, promoting forest certification, etc.).
- Establish procedures for the creation and dissemination of relevant information on forest management activities and sale of forest products;
  - Ensure participation of civil society in the prevention and combat against illegal logging in the forestry sector.

#### BRČKO DISTRICT

While significant improvements have been achieved in some aspects (e.g. forest certification), the majority of activities prescribed by the Action Plan are not yet implemented, especially as regards to measures and actions to combat corruption-related crimes.

There is no strategic policy document on forestry in Brčko district.

#### 3.2.4 Legal framework

The complicated constitutional system is reflected in the legal framework regulating forest management in BiH. As previously mentioned, the forestry sector is organized on the entity level. Thus, the legal framework of forestry sector in BiH, consists of:

#### REPUBLIKA SRPSKA (RS)

The problem of illegal logging is addressed in the 'Development Strategy for forestry of RS 2011–2021'<sup>11</sup>. The following measures are envisaged to prevent and combat illegal logging and related activities:

- Improvement of human capacities in accordance with their mandates and responsibilities;
  - Provision of monitoring related to the timber transport and wood-processing timber supply;
  - Enhance the cooperation with police forces to combat illegal logging in the forests and forestry sector;
  - Enhance the cooperation with customs services in relation to the identification of illegal export and import of forest products and strengthening of phytosanitary inspection control;
  - Enhance the cooperation between the public forest company, forest owners and the justice system;
  - Conduct an independent assessment of the types and extent of illegal logging in the forestry sector and assess financial losses;
  - Conduct an independent performance assessment of governance mechanisms in the forestry sector, including prosecution and the judiciary;
- Law on Forest in RS from 2008 (Official Gazette of RS No. 75/08 and 60/13);
  - Law on Forest in FBiH from 2002 (Official Gazette of FBiH No. 20/02) – annulled by the Constitutional Court as of 2009, and;
  - 9 pieces of Cantonal forest legislation currently implemented in the FBiH:
    - Law on Forests of a Una-Sana Canton (Official Gazette of USK No: 23/12),
    - Law on Forests in Tuzla Canton (Official Gazette TK No: 09/12 and 17/13),
    - Law on Forests of the Central Bosnia Canton (Official Gazette SBK No: 05/14),
    - Law on Forest of Bosnian Podrinje Canton (Official Gazette of BPK No: 07/14),
    - Law on Forest of Canton 10 (Official Gazette of HBC No: 04/14),
    - Law on Forests of West Herzegovina Canton (Official Gazette No. 08/13 and 11/17),
    - Law on Forest of Sarajevo Canton (Official Gazette KS No: 05/13),
    - Law on the forests of Zenica-Doboj Canton (Official Gazette of ZDK No: 08/13 and 1/15) and
    - Law on Forests of the Posavina Canton (Official Gazette of Posavina Canton No: 09/13).

The decentralised administration of the country and the fact that there is no framework law on forestry on the state level hinders implementation of sustainable forest management, as well

11 'Development Strategy for forestry of RS 2011–2021', available at: <https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mps/министарство/Documents/Strategija%20razvoja%20sumarstva.pdf>

as measures aimed at preventing illegal forest-related activities.

#### **FEDERATION OF BOSNIA AND HERZEGOVINA (FBiH)**

Besides the lack of a strategic framework on forest management, the forestry sector in FBiH is further burdened with the lack of a legislative framework. The complicated constitutional system and the complex issue of distribution of competencies between different levels of government has resulted in a proceeding before the Constitutional Court. To preserve the rights of local communities to be involved in decisions related to forest management, the Association of Municipalities and Cities in FBiH requested the Constitutional Court of the FBiH to decide whether the Law on Forests, from 2002, was harmonized with the European Charter of Local Self-Government. The Court identified serious discrepancies between the Law on Forests and the Charter in terms of respecting the rights and vital interests of local communities and ordered necessary alignments of the relevant Law. Since these alignments have not been ensured in due time, by the Decision of the Constitutional Court of the FBiH (Official Gazette of the FBiH no. 36/09) the Law on Forests (Official Gazette of the FBiH no. 20/02, 29/03 and 37/04) was proclaimed invalid and no longer in force as of 27 November 2009. To bridge the gap until a new law on forestry is adopted, the Government of FBiH adopted the Regulation on Forests (Official Gazette of the FBiH no. 83/09, 26/10, 33/10 and 38/10). However, the Regulation is no longer in force as of 6 December 2011, based on the Decision of the Constitutional Court of the FBiH (Official Gazette of the FBiH no. 34/11) leaving the forest sector on the entity level of FBiH unregulated.

As the Government of FBiH shares (and delegates) some of its competencies with the Cantonal administrations, both administrative units (the Government of FBiH and the Cantons) have the right to determine forest policy. Cantonal forest legislation was adopted in 9 cantons in FBiH.

#### **REPUBLIKA SRPSKA (RS)**

The framework law governing the forestry sector in Republika Srpska is Law on Forest in RS from 2008 (Official Gazette of RS No. 75/08 and 60/13). The Law regulates policy and planning issues, ownership and determines responsibilities of administration on forest management, as well as forestry information system. The law is accompanied with vast number of secondary legislation (32) regulating in more detail timber trade and technical norms on forest management.

#### **BRČKO DISTRICT**

The Law on Forests for Brčko District has been adopted in 2010 (Official Gazette of BD no. 14/10) and amended in 2016 (Official Gazette of BD no. 126/16). The Law mandates the adoption of the forest management plans for both the public and private forests. The annual management plans are adopted by the Government of the Brčko District and contain measures related to harvesting, silviculture forest protection and monitoring.

#### **3.2.5 Monitoring and control framework**

The organisation of the inspection system reflects the country's constitutional set up, where entities have sole responsibility over the forest management. Thus, there is no state-level forest inspection nor uniform system of monitoring of illegal activities in forestry, or unique records, based on which all information about illegal activities in forestry could be monitored.

#### **FEDERATION OF BOSNIA AND HERZEGOVINA (FBiH)**

In the FBiH, the monitoring and enforcement framework on combating illegal logging relates to the inspection service and forest offices at cantonal level. The monitoring is burdened with the partial absence of policy and legal framework. The FBiH Forest Inspection (FFI) performs overall inspection services safeguarding the implementation of all activities relating to the Law on Forests<sup>12</sup> within FBiH. It operates with a relatively low number of staff based in Sarajevo. The FFI has no formal link with the Cantonal Forest

<sup>12</sup> See the remarks above about the Law on Forests

Inspection, although they do co-operate and communicate on a regular basis to avoid the possibility of duplicate inspections and to exchange information on particular aspects / problem areas related to their work.

The monitoring system at the cantonal level is implemented by a Cantonal Forest Office (CFO) whose main function is to control the activities of the PCFMC and provide advice and support to private forest owners. Typically, it has a headquarters and a number of regionally based units encompassing one or two municipalities depending on area and extent of forest cover. The CFO also has a major role in relation to the guarding and protection of forest resources and this work is undertaken by the forest guards. Each guard has their own area and is responsible for checking illegal forest activities, as well as guarding the forest from other biotic and abiotic threats. Once an illegal activity, or evidence of such, is discovered, the forest guard attempts to identify who is responsible (in most cases, they are successful). They inform the CFO and the Forestry Inspection thereof.

The Cantonal Forest Inspection (CFI) forms part of the Cantonal Inspection Service. Their role is essentially the same as that of the FFI. The CFI has one to three employees which are centrally based. There is no cross-cantonal monitoring, information system or database on offenders or court judgements, etc., although they do communicate and exchange information but on a purely informal basis (WB, 2012)<sup>13</sup>.

The human resources within the various units of the forest administration is currently low, and the need for more staff, especially the forest guards, is emphasized.

#### REPUBLIKA SRPSKA (RS)

In RS the monitoring and enforcement framework in combating illegal logging falls within the responsibility of the Forest and Hunting Inspection (FHI), which is a part of General Inspection Service that has a total of twelve Inspectorates. The FHI has six territorial divisions with a total

of 17 inspectors. It is competent for forest control measures for both state and private forests, based on a ten-year plan and on annual forest management plans (WB, 2012)<sup>14</sup>. The areas of control of the RS Forest Inspectorate are as follows:

- Forest works, facilities, devices and equipment;
- Felling;
- Storing, processing, marketing and export of forest products;
- Implementation of forestry plans, annual management plans and projects;
- Prescribed business documents;
- Application and implementation of forestry standards;
- Marking of trees planned for felling;
- Use of special purpose funds;
- Use of beneficial functions of forests;
- Protection of forests from biotic and abiotic factors;
- Enforcing measures and acts proposed by forest managers;
- Legality of forestry and timber at facilities for primary conversion of wood;
- Forestry cultivation, nursery production, seed-stands and plantations;
- Production of and trade in forest seeds and seedlings; and
- Protection of the health of forest seeds and plants.

#### BRČKO DISTRICT

Public forests are managed by the Sub-Department for Forestry and Water Management, within the Department of Agriculture, Forestry and Water Management of Brčko District. The Government of the Brčko district adopts annual management plans, which include measures on harvesting, silviculture and forest protection. Overall, forestry issues are of less importance in the District due to the small area covered by forests and thus small amount of harvesting operations taking place.

13 World Bank (2012): Public Expenditure and Institutional Review of Forestry Sector Bosnia and Herzegovina

14 World Bank (2012): Public Expenditure and Institutional Review of Forestry Sector Bosnia and Herzegovina

### 3.2.6 Enforcement

One of the biggest challenges of the competent inspection, police and judicial institutions in BiH is the problem of forest theft and illegal logging. The complex legal and institutional infrastructure for forest management and protection, with the non-functioning of monitoring and control mechanisms, make forest resources very exposed to many forms of illegal activities.

Illegal logging in the legislation of Bosnia and Herzegovina is defined by misdemeanour and criminal law provisions. Thus, the main instruments for forest protection in Bosnia and Herzegovina are defined by the provisions of criminal legislation as well as the laws on forests of the entities. The most common forest related illegal activity is the forest theft. This offence is prescribed not only by criminal laws, but there is also a misdemeanour legal provision. In FBiH offence shall be prosecuted as misdemeanour if the amount of felled wood is less than 2m<sup>3</sup>. In Republika Srpska the benchmark is 5m<sup>3</sup>. The criminal law provision in the Brčko district is similar to the definition of a criminal offense in the FBiH.

Overall, levels of detection, reporting and sanctioning for illegal logging are considered low<sup>15</sup>. This is partly due to lack of public awareness on seriousness and severity of such offences and their negative long-term impact on environment and consequently on human health. The criminal sanctions that may be imposed for forest related crimes are imprisonment and fines. However, the epilogue of criminal proceedings, i.e. court decisions show that suspended sentence is the most common sanction imposed by courts. Imprisonment and fines are rarely imposed.<sup>16</sup>

Improving the system of combating illegal activities resulting in degradation and destruction of forest resources, including both repressive and preventive measures implemented on different levels of government, should be set as

a priority in Bosnia and Herzegovina. It should be noted that the enforcement in FBiH is further hampered with the lack of forestry framework law since 2009.

## 3.3 Kosovo

### 3.3.1 Types and scale of illegal logging

Relatively large areas of forest, easy access, poor inspection control, lack of human resources and expertise, as well as a slow judiciary system make forests attractive for illegal activities. The main driver of illegal logging is the socio-economic status of the population of Kosovo. There are two main types of illegal logging: the illegal harvesting of the firewood for personal profit or need from both private and public forest, and the illegal harvesting from public forests as a part of organized crime.

Illegal logging comes in many forms in Kosovo, including logging from public forests without permission, logging in protected areas (national parks), false declaration of origin of wood and/or volume of harvested wood, and illegal logging from private forests. Smuggling and illegal accounting practices extend the list further<sup>17</sup>. According to an inventory carried out by the Norwegian Forestry Group, uncontrolled logging occurs in 35% of forest areas. In terms of the volume of wood lost through illegal practices, the Norwegian Forestry Group estimate that 100,000m<sup>3</sup> is lost per year<sup>18</sup>.

### 3.3.2 Institutional framework

The Forestry Department within the Ministry of Agriculture, Forestry and Rural Development (MAFRD) is responsible for developing and implementing Kosovo's\* forest policy including the protection, reforestation, prevention and protection from fire, and inspection.

The main implementing institution responsible for forestry issues is the Kosovo Forestry Agency (KFA). KFA was established based on an UNMIK

15 Budimlić, M. and Žigić, E. Some of the characteristics of the system for suspension of illegal logging in the canton Sarajevo. in XVII Dani Kriminalističkih Nauka 51–80 (2017).

16 As above.

17 Source: <https://www.eulex-kosovo.eu/en/news/000383.php>

18 Same as above.

(United Nations Mission in Kosovo) regulation of 2000 as Kosovo's\* Forestry Authority and it was transformed into Kosovo's\* Forestry Agency in 2003 by the Administrative Instruction number 07/2003. KFA, according to Article 7 on Law of Forest 2003/03, is responsible for the management and administration of public forests, national parks and public forest land, as well as the regulation of private forests in Kosovo.

The KFA is responsible for all aspects related to the regulation and management of forests and forest lands. Thus, its main responsibilities are:

- Implement forest legislation and all other administrative and management aspects related to the management of forests and forest lands;
- Monitor the development of forest resources in Kosovo through inventory;
- Issue logging permits, selects and marks logging logs;
- Issue permits for harvesting of non-wood products;
- Control logging, storage, processing and transport of timber;
- Supervise and monitor logging and silviculture activities to ensure compliance with contract requirements under permits, annual forest management operational plans, and labour standards.

The Ministry of Environmental Protection and Spatial Planning (MEPSP) also plays an important role in forest management. The Kosovo Environmental Protection Agency (KEPA), which operates under the umbrella of MEPSP, also has a department for management of national parks in accordance with the environment laws.

In 2010, a decentralisation process in forestry took place through delegating the competencies to protect forests from the KFA to the municipalities (Amendments to the forest law no. 03/L-153, dated 25 February 2010). The competences delegated are the following:

- protection of forests and the granting of licenses for logging in the territory of the municipality (delegated competence under Article 18 of the Law on Local Self-Government);
- Forest protection service (Forest Guards) as defined in Article 29.1, 29.2, and 29.3 of Chapter VIII of the Kosovo Forestry Law;

- Sequestration of timber by the forest protection service in the municipalities is a municipal entry and proceeds in accordance with the provisions of the Kosovo Public Procurement Law;
- Permissions to use timber are delegated to municipalities.

By comparing the responsibilities of the KFA and the municipalities it appears that there is no clear distinction in jurisdiction of responsibilities between these two levels of governance. The overlapping responsibilities results in a complicated structure of forest management and present a barrier in ensuring sustainable forest management. Furthermore, a clearer distribution of responsibilities would be required with regard to the management of protected areas between the MAFRD and MEPSP.

The amount of funds from the central budget allocated to the forestry department is relatively small (10% of the total MAFRD's budget). In order to support the forestry sector, the Government of Kosovo also allocates a part of the funds collected from the sales of public forests and collected taxes. The 2003 Law on Forests envisaged the establishment of the Fund for Forest Renewal within MAFRD. The main purpose of the Forest Fund was to encourage investments in the forestry sector. However, the Fund for Forest Renewal has not been established yet. Non-compliance with special conditions prescribed by the Law on Management and Responsibilities for Work in Public Finance no. 03/L-048 hamper establishment of a separate Fund within MAFRD, as an independent body. However, there is no doubt that more significant investments are needed to improve the protection of forests.

### 3.3.3 Policy framework on illegal logging

The Government of Kosovo has adopted the National Development Strategy (2016–2021)<sup>19</sup>. This national multi sectoral strategy aims to address key obstacles to sustainable economic development of Kosovo through ensuring coordination of development policies but also through improving coordination and better communication of various institutions on all level of governance.

<sup>19</sup> National Development Strategy (2016–2021) (available at: [www.kryeministri-ks.net](http://www.kryeministri-ks.net))

The forestry objectives in the National Development Strategy are defined towards prevention of deforestation in Kosovo, and supporting afforestation and sustainable use, for the benefit of consumers and industrial sector.

The activities and measures defined in the Strategy are determined as follows:

- Forestation of degraded forest areas, recovery of fire-damaged forests and implementation of preventive protective measures;
- Enforcement through stricter sanctions against illegal loggers, which requires a better institutional setup, legal amendments and strengthening capacities of Kosovo Forest Agency (KFA) and introduction of a forest information system for integrated protection;
- Development of forest management plans for all public forest areas by 2020.

The key document shaping the national forestry policy is the Policy and Strategy Paper on Forestry Sector Development 2010–2020<sup>20</sup>. The main aim of the Policy and Strategy Paper on Forestry Sector Development is to set a path for establishing an effective system for multipurpose management of the forest resources, and development of a forest industry in harmony with the available forest resources. The overall objective formulated therein is to increase the contribution of the forest sector to the national economy through sustainable use of forest resources, taking into consideration the multi-functional role of forestry. To comply with this overall objective the Government will maintain and enhance the viability of the sector through providing a supportive regulatory and institutional framework, and ensuring permanent financial mechanisms to increase the status of the sector. However, the Policy and Strategy Paper on Forestry Sector Development does not deal specifically with policy instruments directly combating illegal logging.

### 3.3.4 Legal framework

The framework law governing the forestry sector in Kosovo is Law no. 2003/3 on Forests. The

Law on Forests has been amended twice by the law no. 2004/29, dated 14 October 2004, and by the law no. 03/L-153, dated 25 February 2010. The Law on Forests regulates the management of forests and forest land in public and private ownership. According to the Law on Forests, the forests of Kosovo are a national resource which shall be managed in accordance with the following principles: principle of conservation of biodiversity, the precautionary principle, principle of inter-governmental equality and sustainable development.

The Law on Forests No.2003/03 also regulates and addresses measures against illegal logging. It requires a mandatory approval of logging operations by the competent authority. Logging permits are issued by the municipalities, and stamping or marking the wood for legal cutting is necessary in order to carry out the transport. The Law on Forests stipulates administrative sanctions- fines for illegal logging, which amount up to 25 000 EUR. The Law on Forests No.2003/03 is the most important regulatory document. However, there are a number of other regulations regarding the structure of the forest administration and administrative instructions regarding timber trade, forest management plans and licensing, majority of which adopted during 2005–2006. List of Administrative Instructions accompanying Law on Forests No.2003/03:

- Administrative Instruction No. 12/2005 – establishment of prices and taxes for the use of the wood products, non-wood products and professional technical services;
- Administrative Instruction No.23/ 2005 – about the issue of professional licenses;
- Administrative Instruction No.25/ 2005 – for selling of forests trunks and woods assortment;
- Administrative Instruction No.02/ 2005 – on responsibilities and tasks of the foresters;
- Administrative Instruction No.03/2006 – on the authorizations and competences of forests inspections and procedures of issuing decisions;
- Administrative Instruction No.12/ 2006 – on the content and compilation of management plans for the forests in Kosovo;
- Administrative Instruction No.15/ 2006 about standards and conditions for licensing of the wood processors;

<sup>20</sup> Policy and Strategy Paper on Forestry Sector Development 2010–2020 (available at: [http://www.kryeministri-ks.net/repository/docs/Policy\\_and\\_Strategy\\_for\\_Forestry\\_in\\_Kosovo\\_\\_2010\\_-\\_2020.pdf](http://www.kryeministri-ks.net/repository/docs/Policy_and_Strategy_for_Forestry_in_Kosovo__2010_-_2020.pdf))

- Administrative instruction No.5/2010- on forest protection, forest guard responsibilities and obligations
- Administrative Instruction No. 06/2010 on the way and procedures of selling of forests trunks and woods assortments from public forests, as amended by the Administrative Instruction No. 04/2011
- Administrative Instruction no. 07/2010- on procedures of given of licenses for cutting
- Administrative Instruction no. 09/2013- on uniforms, coat of arms, identification cards and official weapons possession (for forest sector employees)<sup>21</sup>
- Checking the documentation on origin of forest products;
- Perform other activities within the scope of the inspection.

The municipalities are responsible for fighting illegal logging through the forest guard competence. Thus, the forest guards are responsible for monitoring and combating illegal activities in the forests.

### 3.3.6 Enforcement

The scale of illegal logging and the absence of integrated monitoring implies that the enforcement of provisions on combating illegal logging is weak.

Offences for illegal logging and trade are determined in the Law on Forests no. 2003/3. The sanctions envisaged by the Law on Forest are fines and confiscation of timber and timber products.

For offences such as felling, transport, processing of timber and non-timber forest products without a permit, or without being preliminary marked and without transport permit, in addition to the prescribed fine, a protective measure may be imposed (confiscation of the items and equipment used for perpetration of the offence) by the forest guard, the forest inspector, police or other authorized persons. Although the Law on Forests stipulates relatively high penalties for illegal logging, which amount up to 25 000 EUR, due to lack of resources (human and financial) most cases are not even detected, investigated or prosecuted. Another important issue is the role of the judicial system. Even when the case of illegal logging is investigated and reported, the courts do not prioritize the case. Compensation for the damages (fine) is rarely collected and the perpetrators often get away as the judicial system is incapable or unwilling to follow through. Illegal logging thus remains a lucrative option. The low number of unarmed forest guards is not a substantial deterrence.

The decentralisation process in forestry has resulted in a complicated division of competences between KFA and municipalities. The existing institutional set-up is further complicated with the division of competences between KFA and the Kosovo Environmental Agency regarding national parks. Thus, the regulatory framework needs an overall review and overhaul in order to reflect and facilitate decentralization in forestry sector. The harmonized legal framework and coherence with other sectoral legislation are essential for utilizing forest sector's full potential to fulfil its social, economic and environmental role.

### 3.3.5 Monitoring and control framework

There are no proper measures in place to monitor and control illegal logging. The monitoring and enforcement framework on combating illegal logging relates to the inspection service, i.e., the forest inspection. The powers of the forest inspector are set out by the Law on Forests. The forest inspection tasks include:

- Control over all management activities carried out in forests, workplaces, and all places where the storage, processing and circulation of forest products takes place;
- Control over the implementation of management plans, projects and other programs and their compliance with the law;
- Checking business books and other documentation for the purpose of verifying law enforcement and other provisions on forests;

21 Secondary legislation-Administrative Instructions available at: <https://www.mbpzhr-ks.net/en/administrative-instructions>

## 3.4 Montenegro

### 3.4.1 Types and scale of illegal logging

In Montenegro, the illegal activities are mainly related to the existing system of granting and control of concessions. Thus, the most common illegal activity is logging in excess of quota or logging outside a concession area. This type of illegal activity is intricately linked to the corruption in the forestry sector. In addition, illegal logging is also present in protected areas (national parks).

According to the Forest Administration, the most common type of illegal activity in Montenegrin forests, after illegal logging, is the usurpation of state forests or forest land (usually for construction).

According to the Annual report of the Forest Administration for 2019<sup>22</sup> there has been 6 037.50 m<sup>3</sup> of illegally logged wood in state forests and 436.08 m<sup>3</sup> in private forests. The volume of illegally harvested wood in 2019 has not significantly changed compared to the volume reported in 2018.

### 3.4.2 Institutional framework

The Directorate for Forestry, Hunting and Wood Industry, within the Ministry of Agriculture and Rural Development, has the leading role in the management of forest resources and in the creation of economic and other sectoral policies.

Forests that are inside national parks in Montenegro are managed and administrated by PE National Parks of Montenegro.

The Forest Administration is the implementing authority for forest management. In particular, it is responsible for: preparing forest management plans, implementation of the National Forest Inventory, mapping, protection of forests against biotic and abiotic factors, fires and illegal logging, monitoring of forest-related illegal activities, tree remittance, assortments stamping and intersections receiving, maintaining information

system on forests, providing professional assistance to private forest owners regarding the use and the protection of forests, etc.

The Forest Administration is divided in 17 organisational units with central administration in Pljevlja.

Forest related inspections are carried out by the Inspection Division for Forestry, Hunting and Plant Protection within the Department for Inspection.

Inspection Division for Forestry, Hunting and Plant Protection is responsible for inspection supervision over the implementation of laws in the field of forestry, hunting and forest plants; executing administrative and other measures in order to address infringements; preparation of analysis reports and reporting and establishing cooperation with other administrative bodies, institutions and economic entities.

The Ministry of Sustainable Development and Tourism is responsible for nature protection, including the establishment of the Natura 2000 Network.

The Government of Montenegro in 2017<sup>23</sup> proposed the reform of the forestry administration in order to establish a more efficient institutional and legal framework. The main elements of the proposed reform are identified as follows: establishment of a state company that will manage the forests, while the current Forest Administration remains responsible for regulatory framework on forest management and abandonment of the current model of concessions for use of state forests. However, there have been no activities launched so far towards the implementation of the new regulatory and organisational set up of forest management.

### 3.4.3 Policy framework on illegal logging

The key documents in the policy framework for sustainable forest management are:

23 Reorganization program on forest use concession system (Program reorganizacije koncesionog korišćenja šuma), Ministry of Agriculture and Rural Development Podgorica, September 2017 (available at: [www.gov.me](http://www.gov.me))

22 Annual report of the Forest Administration for 2019 (Table 9), available at: [http://www.upravazasume.me/razni\\_fajlovi/1582544841.pdf](http://www.upravazasume.me/razni_fajlovi/1582544841.pdf)

- *National Forest Policy – Forests for the future of Montenegro, National Forest and Forest Land Management Policy (2008)*<sup>24</sup>;
- *Strategy and the Plan of Development of Forests and Forestry for the Period 2014–2023 – National Forestry Strategy (2014)*<sup>25</sup>, and;
- *National Action Plan for the Suppression of illegal forestry activities (2019)*<sup>26</sup>.

The *National Forest Policy – Forests for the future of Montenegro, National Forest and Forest Land Management Policy* define policy goals for sustainable management of the forests. The *National Forest Policy* sets five main general goals:

- Ensure and improve the long-term resilience and productivity of forests and other ecosystems, as well as the maintenance of plant and animal species;
- Management of forests and forest resources to ensure the sustainable fulfilment of the social economic and environmental function of forests;
- Forests as contributors to the sustainable social and economic development of rural areas;
- Ensure the long-term development and competitiveness of the timber industry;
- Long term development of forestry and forestry activities.

The *Strategy and the Plan of Development of Forests and Forestry for the Period 2014–2023 – National Forestry Strategy (2014)* defines the goals and guidelines for the development of forests and forestry according to the National Forest Policy. It was adopted by Government for a period of 10 years. It has two main principles:

- Improvement of forests and their sustainable management by increasing timber stocks available for use from 104 to 115 million m<sup>3</sup> of gross timber, and;

- Increase share of GDP for the forestry sector, timber and other forest dependent sectors from 2% to 4%.

The *National Action Plan* for combating illegal forestry activities for the period 2019–2021 was adopted by the Government aiming to combat all forms of illegal forest-related activities including forest thefts, trade in illegally harvested timber, illegal usurpation of forest land, intentional forest fires, destruction of boundary lines between state and private forests, corruption in forestry, etc.

The main strategic goals defined by the *Action Plan* are:

- Developing capacities to prevent illegal activities in forestry;
- Implementation of active measures for monitoring and detection of illegal activities in forestry as well as the implementation of effective criminal policy measures for sanctioning perpetrators;
- Establishing effective monitoring of illegal activities;
- Establishment of a system of detection of illegal activities in forestry and implementation of control actions in the field;
- Increasing the effectiveness of the judicial system in implementing criminal law thus resulting in an adequate punishment of the perpetrators of illegal activities.

#### 3.4.4 Legal framework

The framework law governing the forestry sector in Montenegro is the Law on Forests (Official Gazette of Montenegro no. 74/10, 40/11 and 47/15) regulating the cultivation, protection, preservation and improvement of forests, planning, manner and conditions of forest use, construction and maintenance of forest roads, forest monitoring, as well as other issues of importance for forests, forest land and forestry. The main purpose of this Law is to protect the forest land as a value of public interest that enjoys special protection. The rules establish permanent preservation and improvement procedures; sustainable and multifunctional forest management; preservation and enhancement of biological and landscape/soil diversity of forests. The law also applies to the protection, conservation and use of trees located outside forests

24 National Forest Policy – Forests for the future of Montenegro, National Forest and Forest Land Management Policy adopted by the Government of Montenegro (Nr:03–3982) 24<sup>th</sup> of April 2008, available at: [http://www.upravazasume.me/razni\\_fajlovi/1316593609.pdf](http://www.upravazasume.me/razni_fajlovi/1316593609.pdf)

25 Strategy with plan of development of forests and forestry for the period 2014–2023 – National forestry strategy from 3<sup>rd</sup> of April 2014, available at: [http://www.upravazasume.me/razni\\_fajlovi/1538035743.pdf](http://www.upravazasume.me/razni_fajlovi/1538035743.pdf)

26 National Action Plan for the Suppression of illegal forestry activities for period 2019–2021, available at: <http://www.gov.me>

and forest land. Privately-owned forests are administered and managed by their owners in line with the law, whilst forests in public land are administered and managed by the Forest Administration. The Law defines the obligation of the Forest Administration to prepare a National Forest Inventory every 10 years.

Forests in national parks are managed by PE National Parks of Montenegro in accordance with the Law on National Parks (Official Gazette of Montenegro no. 28/14 and 39/16). According to the Spatial plans for the areas of national parks, only sanitary felling is allowed. Consequently, there is no planning in the frame of national parks in the terms of cultivation and use of forests in the line with Law on Forests.

Several other laws and regulations are relevant for sustainable forest management in Montenegro:

- Law on Nature Protection (Official Gazette of Montenegro no. 54/16) regulating the conditions and manner of nature protection and conservation. Among other things, nature protection includes, establishing guidelines and conditions for nature protection in spatial planning documentation, at all levels of development and regulatory plans, concession documents, development programs and nature resources management programs (mining, energy, transport, water management, agriculture, forestry, hunting, fishing, tourism and other activities affecting nature);
- Wildlife and Hunting Law (Official Gazette of Montenegro no. 52/08, 40/11 and 48/15) regulating wildlife management and hunting in Montenegro. Forest management must include provisions that respect the vital requirements of the wildlife, taken from the hunting development programs;
- Regulation on the criteria and indicators for the management of forests and forest land in a sustainable and multifunctional manner (Official Gazette of Montenegro no. 63/12) setting the rules and procedures for the forest and forest land management. The rules must be set and implemented in a sustainable and multifunctional manner. Regulation provides a list of several forest management rules and criteria for forests in state and/or private ownership. These criteria, and related specific technical and administrative

indicators for management and maintenance of forests and forest land, are listed in the Annex of the Regulation;

- Regulation on the methods of marking trees for cutting, receiving and marking of wood assortments (Official Gazette of Montenegro no. 37/2019). The Regulation prescribes the manner, conditions and related methods for marking of trees for cutting timber, including marking of stumps that are illegally harvested, including the methods for marking and registration of wood assortments and data delivery or reporting on performed logging or similar. The Regulation sets rules concerning the certification procedure and related certificate of origin for wood assortments from private and public forests.

### 3.4.5 Monitoring and control framework

A fully functional uniform system of monitoring of illegal activities in forestry has not been established yet. Establishing effective monitoring of illegal activities is one of the strategic aims of the National Action Plan for Combating Illegal Forestry Activities. The National Action Plan envisages measures to be taken in the period 2019–2021 to establish an effective system of monitoring and detection of illegal activities. The activities include:

- Strengthening inter-sectoral cooperation to establish an adequate monitoring system (collecting and exchanging information, coordinating implementation of activities, etc.);
- Implementing international legislation, standards and forest certification schemes;
- Defining zones/areas sensitive to illegal logging and other illegal forest related activities;
- Combating corruption in forestry and implementing *ad hoc* coordinated controls involving police, inspection services and forest protection services.

Currently, the existing inspection activities are performed through the state administration authority responsible for inspection (the forest inspectors). The forest inspectors have the following competences:

- Review of development plans, forest management programmes, plans for private forests, annual management programmes and projects; review of their implementation;

- Inspect all forest works, infrastructure, objects, devices, and all places where a tree is cut, stored or exported from the forest to the processing site, inspect timber and the means by which timbers is transferred to the buyer, or the processing site;
- Inspect the trees marked for felling;
- Control whether the plants, at which primary wood processing is carried out, process only stamped timber and timber supplied with a certificate of origin;
- Inspect the execution of all work foreseen in the annual management program, other plans and projects;
- Supervise how fire protection measures are implemented and order the implementation of certain measures if it determines that forest owners and users do not comply with regulations or measures for forest fire protection;
- Supervise how measures are being implemented to protect forest and forest lands from illegal usurpation and use for illegal construction;
- Supervise the implementation of other measures for the protection of forests;
- Control the status of forests and measures taken to control harmful organisms. Order necessary measures in case of non-compliance;
- Control the process of deforestation;
- Controls the documentation of legal entities or entrepreneurs licenced to perform professional forestry activities

In terms of enforcement, the forest inspector can take, in addition to the administrative measures and actions prescribed by the law governing inspection control, the following measures and actions:

- Order the execution of planned and other necessary works in order to prevent harmful consequences;
- Order the suspension of clear cutting, high intensity felling and other illegal tree felling, deforestation, grazing, branching and leaf picking, vehicle traffic outside forest roads, illegal harvesting of forest products;
- Order the restoration and remediation of areas where pure felling or high intensity felling have been carried out;
- Temporarily seize illegally harvested timber, timber illegally placed on the market and other unlawfully acquired or produced forest

- products, as well as the means and objects used to carry out these unlawful activities;
- In urgent cases, in which damage would affect vital public interest, order measures to prevent damage;
- Order the removal of waste and other debris from the forest and forest land;
- Prohibit the execution of forestry works by legal and natural persons not complying with the technical, technological and other conditions stipulated by the law;
- Take measures to prevent the unlawful usurpation of forests and the illegal construction of facilities;
- Take measures to eliminate identified irregularities with regard to the implementation of concession, and other, contracts on forest use, as well as proposing the withdrawal of state-owned forest use rights.

#### 3.4.6 Enforcement

According to the Annual report of the Forest Administration for 2019<sup>27</sup> there has been 6 037.50 m<sup>3</sup> of illegally logged wood in state forests and 436.08 m<sup>3</sup> in private forests. The volume of illegally harvested wood in 2019 has not significantly changed compared to the volume of illegally harvested wood reported in 2018. In 2019, 269 criminal charges and 10 misdemeanour charges were filed; 447.63 m<sup>3</sup> were confiscated.

In 2019, the Forestry inspection issued 11 certificates for temporary confiscation of wood assortments with the amount of 225.27 m<sup>3</sup> of wood.

The police filed 8 criminal charges to the relevant prosecutor's office against 8 Forest Administration officials on reasonable suspicion that they had committed a criminal offence of malpractice in the service. Also, the police filed 26 criminal complaint against 31 persons on reasonable suspicion that they had committed a criminal offence of forest theft. However, the information on the actual number of convictions and sanctions imposed are not available.

According to Montenegrin legislation, more serious offences are sanctioned as crimes, while less

<sup>27</sup> Annual report of the Forest Administration for 2019 (Table 9), available at: [http://www.upravazasume.me/razni\\_fajlovi/1582544841.pdf](http://www.upravazasume.me/razni_fajlovi/1582544841.pdf)

**TABLE 10** illegally harvested timber in Montenegro (publicly owned forests)**Illegally harvested timber in state forests**

<b>Unit</b>	<b>Number of criminal charges</b>	<b>Number of misdemeanour charges</b>	<b>Harvested wood volume</b>	<b>Seized wood</b>
Pljevlja	13	1	490.26	37.82
Rožaje	18	4	117.76	29.06
Berane	33	0	377.22	40.80
Plav	3	0	257.41	3.03
Bijelo polje	27	0	359.22	0
Žabljak	0	0	0	0
Kolašin	95	0	802.75	143.00
Andrijevica	5	0	2949.12	13.32
Plužine	2	0	9.82	0
Šavnik	3	0	9.63	4.17
Danilovgrad	0	0	0	0
Podgorica	26	5	233.39	44.28
Nikšić	11	0	67.27	32.09
Mojkovac	12	0	175.00	0
Kotor	1	0	19.13	0
Gusinje	1	0	3.99	3.99
Petnjica	19	0	165.53	96.07
<b>TOTAL</b>	<b>269</b>	<b>10</b>	<b>6 037.50</b>	<b>447.63</b>

Source: Annual report of the Forest Administration for 2019

serious ones are sanctioned as misdemeanours. Misdemeanour offences for illegal logging and trade are determined in the Law on Forests (Official Gazette of Montenegro No. 74/10, 40/11 and 47/15). For such misdemeanour offences, only fines may be imposed.

The Montenegrin Criminal Code (Official Gazette of R. Montenegro, No. 70/03, 13/04 and 47/06 and Official Gazette of Montenegro no. 40/08, 25/10, 32/11, 64/11, 40/13, 56/13, 14/15, 42/15, 58/15, 44/17, 49/18 and 3/20) recognizes the devastation of forests and forest theft as criminal offences. These offences against forests are punishable either by a fine or imprisonment not exceeding one year. If the criminal offence is conducted in a protected forest (national parks, etc.) a more severe punishment is prescribed, i.e., imprisonment for a term of three months up to three years.

The infringement of provisions regulating conditions for transport and trade of wood assortments in the Law on Forests is punishable by fine ranging from 2 500 up to 15 000 EUR.

Montenegrin Law on Forests also envisages sanctions for the responsible persons within the state administrative authority (civil servants) for misconduct within the service. The civil servants may be punished with a fine ranging between 300 and 1 200 EUR.

Another effective measure to combat illegal logging envisaged by the national legislation is the temporary seizure/confiscation, by forest inspectors, of illegally harvested timber, timber illegally placed on the market, illegally acquired forest products, as well as the tools, equipment and transportation means used in these illegal activities.

### 3.5 North Macedonia

#### 3.5.1 Types and scale of illegal logging

Illegal logging in the Republic of North Macedonia is recognized as a major problem. The origin of illegal logging is either poor social and economic conditions or commercial gain, which is more serious as it involves organized crime.

**TABLE 11** illegally harvested timber in Montenegro (private forests)

Illegally harvested timber in state forests		
Unit	Number of misdemeanour charges	Harvested wood volume
Pljevlja	3	29.29
Rožaje	8	238.75
Berane	0	0
Plav	0	0
Bijelo polje	0	0
Žabljak	0	0
Kolašin	3	21.79
Andrijevisa	2	48.75
Plužine	0	0
Šavnik	2	14.95
Danilovgrad	0	0
Podgorica	1	45.39
Nikšić	0	0
Mojkovac	0	0
Kotor	0	0
Gusinje	0	0
Petnjica	1	37.16
<b>TOTAL</b>	<b>20</b>	<b>436.08</b>

*Source: Annual report of the Forest Administration for 2019*

The most of illegal forest related activity in rural areas are poverty driven and conducted by local communities cutting low quality forests to supply their needs (usually for firewood). Often, these are small quantities of wood transported by animals. Even though it is illegal, such practice is tradition in rural areas. However, forests are also being harvested by organized crime groups operating on different methods. The first one concerns the forest theft. The groups that illegally log forests in state or private ownership without any permission operate mainly during the night. They are well equipped with modern vehicles, chainsaws and carry weapons. These groups have never been caught and one can only see the "effects" of their work. The second type of organised forest crime involves authorities and consists of obtaining, usually through

bribes, false declaration of volumes, species, values or origins of harvested wood. Another elaborate type of illegal logging involves licensed companies, hired through a tendering procedure for logging, pulling, loading and transport. These companies give unrealistically low prices (10 times less than the estimated amount set by PENF) but the procurement rules are such that PENF must select the lowest bid. The difference in price is then compensated with illegally harvested wood.

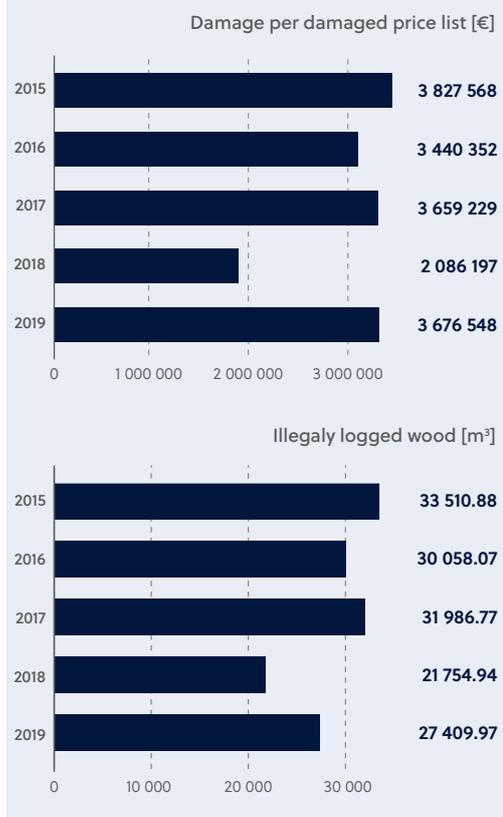
The other types of illegal forest activities are:

- Deliberately caused forest fires is as common practice, that creates the possibility for illegal forest activities and lowers the price of fuel wood. In areas where, according to the management plan, logging is not allowed, most of the forest fires tend to be man-made. After the forest fire, the Forestry Inspector is obliged to order a clear cut. The wood becomes much cheaper and its use is less controlled;
- There are also fraudulent declarations to customs, illegal processing of documents and export declarations, avoidance of taxes and fees.

The estimated amount of illegal logging and its damage aggregated from the 2015–2019 PENF's Forest Protection Service annual reports are shown below. The amount of illegally logged wood, and its damages, changed during the past 5 years. Nevertheless, the registered damages from illegal logging are massive. The slight decrease in amounts of illegally logged wood in 2018 is mainly due to the increased amount of rainfalls in the year making the field conditions to enter the forest (mud and damaged roads) hostile for the organized groups.

In 2015, a detailed survey was conducted on the wood-based fuel consumption in the Republic of North Macedonia covering not only households using solid fuels for heating, but also public and commercial buildings. According to this study, the total consumption of wood fuel for energy purposes in 2015 was 2.2 million m<sup>3</sup>. The survey was conducted within the framework of the project 'Using wood energy to improve the sustainable economic development of rural areas and fulfil the 2020 renewable energy targets for the Western Balkans' (FAO Project: 'Technical

**TABLE 12** Illegally logged wood and damage in North Macedonia (2015–2019)



assistance for using wood energy to improve sustainable economic rural development and meet the 2020 renewable energy targets for the Western Balkans' (TCP/RER/3502). Based on the data presented in this study there is a deficit of over 1.4 million m<sup>3</sup> of legal firewood on the market. With an average price of 50 euros, the income from illegal logging could be roughly estimated at 70 million EUR a year, making it a highly profitable, low-risk industry.

However, the estimate of the total fuelwood consumption by households (based on 10 spatial meters on average) within the above survey was considered as much too high by the national Forestry sector and, consequently, the results of the survey were not officially recognised. A more realistic estimate of the fuelwood consumption and the corresponding deficit in legal fuelwood, indirectly implying the amount of its illegal harvesting (in 2015), is given within the recent "Analysis of forestry sector developments and institutional set-up in North Macedonia with recommendations for improvement and identification of needs for future assistance" under the EU FWC "Review of forestry sector in North Macedonia and preparation of 2019 IPA project for forestry" (July 2020).

The estimation was based on 50 to 67% of the average FAO value of fuelwood consumption by households (i.e., 5 – 6.7 spatial meters), giving the total fuelwood consumption of 1.1 to 1.5 million m<sup>3</sup>, which resulted in 400 to 770 thousand cubic meters of illegally harvested fuelwood – apart of 720 thousand cubic meters of legally harvested fuelwood. It could be concluded from that FWC project estimates that a third to a half of the total fuelwood amount in North Macedonia was harvested illegally (in 2015). In comparison to registered figure of illegal harvesting (in 2015), the total illegal harvesting was even more than 10 to 20-times higher. In 2018–2019, the amount of illegal harvesting has somewhat declined, which might be a good sign of increased controlling efficiency of competent state institutions.

### 3.5.2 Institutional framework

The key institution, responsible for forest management, is the Ministry of Agriculture, Forestry and Water Economy (MAFWE). It performs activities related to forests, forest lands and their use according to the Law on Forests (Official Gazette of the Republic of North Macedonia no. 64/09, 24/11, 53/11, 25/13, 79/13, 147/13, 43/14, 160/14, 33/15, 44/15, 147/15, 7/16 and 39/16). MAFWE is responsible for development of policy and regulatory framework, supervision and control of the Public Enterprise 'National Forests' (PENF), keeping a registry on forest marks for logging, forest marks for wood and wood stamping assortments.

Within the MAFWE, the Forestry Sector operates through several departments, i.e., the Department of Forest Protection and the Department for Regulation and Use of Forests, the State Inspectorate for Forestry and Hunting and the Forestry Police, which is responsible for protection of state-owned and privately-owned forests.

State-owned and privately-owned forests of economic interest are managed by PENF, while the state-owned forests in protected areas are managed by national parks, or the local self-government units.

The Public Enterprise 'National Forests', a self-financed publicly owned enterprise for forest management in the Republic of North Macedonia, is responsible for the implementation and enforcement of forest management. PENF

reports directly to the Macedonian Government, but it is controlled by MAFWE. The forests are divided in 186 commercial forest units in order to have a more efficient, rational and continuous management. Each forest unit operates under a 10-year plan, previously subject to revision and approval by the MAFWE. The natural conditions of the commercial forest unit, geographical features, types of trees, etc., determine the activities, goals and measures for management. Hence, the 10-year plan determines the volume of logging, areas to be restored with new crops, processing of the terrain, tree species and quality of seedlings, measures to protect the seedlings, supervision, inspection, and examination of plants, etc. Forest use is in line with the allocation and ensures the maintenance of the forest's value. The forests management must include protective measures to prevent illegal logging activities, including measures preventing forest fire, disasters, floral diseases, harmful insects, illegal grazing, etc.

The PENF has exclusive management rights which are granted due to the many ecosystem services forests provide that are of public interest (clean water, soil, air). It would be expected that PENF is the main driver of the wood market, however none of the forests they manage are certified and their main production is limited to fuel and industrial wood only. By not producing chips, briquettes, pellets, etc., they are limiting the income possibilities and, at the same time, these exclusive rights can impede the creation of a genuine internal market in these sectors.

The protected areas<sup>28</sup> are under the jurisdiction of the Ministry of Environment and Physical Planning (MEPP).

The public institutions, natural parks and national reserve "Jasen" are self-financed institutions,

<sup>28</sup> 8.9% of the country's territory is listed as protected areas including: three national parks with an area of 112 988 ha (NP Mavrovo with 73 088 ha, NP Galicica with 22 750 ha, NP Pelister with 17 150 ha), 2 strict natural reserves (7 787 ha), 67 nature monuments (78 968 ha), 12 nature parks (3 045 ha), three areas with exceptional characteristics (2 388 ha), 14 reserves with special plant and animal species (2 709 ha), 1 protected area (108 ha) and 1 multi-purpose area (Nature Protection Strategy 2017–2027, 2018, MEPP)

with their main income coming from logging. They manage their forest resources according to forest management plans, however these management plans allow high amounts of sanitary cut to be performed. The approximated annual amount of firewood coming from protected areas is between 120 000–150 000 m<sup>3</sup>.

### 3.5.3 Policy framework on illegal logging

In the Republic of North Macedonia forests are proclaimed as a part of the national value and heritage. In order to improve the status of forestry, the country has adopted several national policy documents. The Strategy for Sustainable Forestry Development in the Republic of Macedonia 2006–2026<sup>29</sup> identifies illegal logging as a serious and long-term problem jeopardizing sustainable forest management, as well as forest value in a broader perspective. The Strategy defines the following measures:

- Harmonizing Macedonian forestry legislation with the appropriate international and EU regulations;
- Strengthening cross-sectoral cooperation on forestry issues through appropriate regulations;
- Strengthening administrative and technical capacity of the State Forestry and Hunting Inspectorate and the Forestry Police in order to improve the effectiveness of their control functions in public and private forests by increasing the number of staff in the Forestry Police and ensuring the technical equipment of the Forestry Police through increased financial allocations;
- Implementing a system of measures (economic, financial, and legal) to eliminate corruption, illegal use and trade of forest products and other illegal activities in forests and forest resources;
- Increasing the level of sanctions and their efficiency in order to eliminate illegal activities in the forests;
- Ensuring transparency in forest management, decision making, planning and implementation of forest activities.

The Strategy was accompanied by an ambitious Action plan to be implemented by 2019. However,

the main objectives were not met due to insufficient human and technical capacities in the forestry sector, resulting in the continuous increase of illegal logging.

Two Strategies prepared by the MEPP, the National Strategy for Nature Protection 2017–2027 and the National Biodiversity Strategy and Action Plan 2018–2023, identify illegal activities in the forests as one of the major causes of biodiversity loss.

The Republic of North Macedonia is a signatory to many international agreements and conventions on forests and environmental protection, which influence the forestry sector especially in regard to illegal logging issues. The country's commitment to EU integration process implies the necessity to harmonize the current forestry policy with the EU standards. In this context, the country's efforts to implement the current policies need to be significantly improved. Political and economic changes in the country, in accordance with the EU integration processes, require prioritizing and focusing on the multifunctional use of forests and their management, integrating much wider aspects where protection, biodiversity and the care of nature and the environment are of primary importance. The Republic of North Macedonia has accepted and introduced the sustainable forest management concept in its forest policy documents, however further steps are necessary to address all of the country's responsibilities under the Convention on Biological Diversity, with a specific focus on the approximation with the EU Habitats and Birds Directives, as well as with the EU Timber Regulation.

### 3.5.4 Legal framework

The framework law regulating forest management in North Macedonia is the Law on Forests (Official Gazette of the Republic of North Macedonia no. 64/09, 24/11, 53/11, 25/13, 79/13, 147/13, 43/14, 160/14, 33/15, 44/15, 147/15, 7/16 and 39/16). The Law regulates all activities in the forestry sector: planning, general management and forest management, forest and forest land protection, the rights and forest use obligations, financing, and other issues of importance to forests and forestry land on the principle of

<sup>29</sup> Strategy for Sustainable Development of Forestry in The Republic of Macedonia

biological, economic, social and environmental sustainability.

The Forest Law contains specific measures aimed at combating illegal logging. Thus, every cut that is not in line with the management plans, and clear cut that is not planned and approved in the management plans as a regular forestry measure, is prohibited together with buying, processing and trading wood that is not marked/stamped and supplied with proper documentation. The Law has established a system of electronic tracking of logged wood both from state and privately-owned forests, which became operational in 2015. Special provisions of the Law on Forests relevant for combating illegal logging are summarized as follows:

- Provisions on supervision and control: Supervision is carried out by the State Inspectorate for Forestry and Hunting through state forestry inspectors acting under the Law for Forestry and Hunting Inspection. The Law regulates inspector's obligations and duties during supervision of markings for logging. Specific provisions are provided with regard to forest protection and the Forest Police (administrative and organizational set-up, i.e., internal affairs, job descriptions, disciplinary measures, etc.);
- Enforcement: The Forest Law defines different conducts which constitute either a misdemeanour or a criminal offence and corresponding sanctions (imprisonment or fines);
- Communication and coordination: The Law envisages establishment of a special inter-agency/inter-sectoral coordinating body, i.e. the National Forestry Council. The Council should act as an advisory body to the Minister managing the body of public administration responsible for forestry affairs, for the purposes of monitoring the sustainable management and preservation of forests and forest land in a manner that permanently maintains and promotes their productive capacity, biodiversity, restoration capacity and vitality in the interest of the economic, ecological and social functions of forests.

With relevance to sustainable forest management are the provisions of the Law on Environment (Official Gazette of Republic of North Macedonia no. 53/05, 81/05, 24/07, 159/08, 83/09,

48/10, 124/10, 51/11, 123/12, 93/13, 187/13, 42/14, 44/15, 39/16), in particular the provisions on the responsibility for damages caused to the environment; provisions on transfer of the responsibility to the Law on Forests and provisions on environmental audit foreseen in the law. However, such has never been conducted in the work of the PENF.

The Law on Forestry and Hunting Inspection regulates the principles of inspection and supervision, competencies, organization, rights and duties of the inspectors, procedures, fines and other issues related to the inspection and supervision.

In terms of criminal law, two types of conducts, i.e., devastation of forests and causing forest fires, are recognized as criminal offences by the Macedonian Criminal Code.

Several pieces of secondary legislation (rulebooks and decisions) have been adopted in order to facilitate implementation of forest management. Below is a non-exhaustive list of the most relevant documents:

- Rulebook for the type and method, transport document, trade and allowance amount for issuing transport documents;
- MAFWE Rulebook for logging, pulling and transport monthly reporting;
- 5669: Rulebook on the type of mark for logging, the type of forest mark for logging, the way of performing logging mark, form and contents of the log book of the marking made for state owned forest felling, book about records of executed tag for privately owned forest logging and a log book for forest damage done in state owned forests;
- 5670: Rulebook on the form and contents of the Certified Register forest marks for logging, forest stamps for stamping wood and wood products, forest imported markings wood and wood stamps to mark the timber in the event of forest damage;
- 5671: Rulebook on minimum technical means and human resources that the private entity should comply with to be engaged in forest activities related to cutting and pulling;
- 5672: Rulebook on the form and content of the request for issuing licenses for forest operations and activities such as logging and pulling;

- 5673: Rulebook on the form, content of the license form and how to maintain the registry for issued licenses for forest operations and activities such as logging and pulling;
- 5674. Rulebook on the manner of providing firewood for individual needs of physical entities from state owned forests, the form and content of the forest stamp-mark for stamping of wood cut by physical entities and the colour to be used while stamping, as well the form and content of the data register for records of cut wood amounts in state owned low forest by individuals for their own needs and the manner of keeping records;
- 5675. Rulebook on the type and manner of stamping, the type of forest stamp for stumping cut wood and wood assortments, the method of issuing the travel document, release of cut wood for the market, the form and the content of the register of issued and registered travel documents, the form and content of the travel document, the form and the content of the request for issuance of a travel document and the amount of compensation for issued travel documents;
- 5676. Rulebook on the form and content of the application for trade registration of wood and wood assortments, the form and content of the decision for trade in wood and wood assortments, the form and content of the notification to the State Inspectorate for Forestry and Hunting as well as the form, content and the manner of keeping a register of legal entities engaged in trade with wood and wood assortments, as well required documentation;
- 2426. Rulebook on criteria for management of forests in private ownership without a special plan or program, as well the form and content of the private forest record card for each cadastral parcel separately;
- PENF Decision for defining prices of main forest products;
- PENF Rulebook for sale of main forest products;
- PENF Price List of main forest products prices for technical wood and firewood;
- Rulebook regulating procedures and performance of the Forest Police;
- Manual for Forest Police.

Environmental Engineering “Hans Em”, Skopje University “Ss. Cyril and Methodius”, in Skopje, carries out forest monitoring activities. It provides an annual report on the state of forest resources in the country to the Ministry’s Department for Protection of Forest and Wood, but there are issues with continuity and the quality of reports for some forest plots. These annual reports have been produced annually during the period 2011–2018. FAO developed in 2019 a state-of-the-art forest monitoring system tailored to the country’s needs<sup>30</sup>. However, system is not yet fully operational. It is expected that this monitoring system will provide reliable data for the state of forest in the country in the future. The system, however, does not include any data on illegal activities in the forests. Cooperation between MEPP and MAFWE in regard to the data sharing is not well established.

### 3.5.5 Monitoring and control framework

The Republic of North Macedonia has not yet established coherent monitoring, nor does it have appropriate tools that would facilitate productive decision-making and the implementation of sustainable forest management practices. The efforts on implementation of national forest monitoring and information system continues.

The country lacks a modern monitoring system (with remote sensing). Most of the crimes and illegal activities are related to the false and counterfeited documentation. In order to combat such illegal activities, an electronic system for logged wood tracking in each phase of the operations – from marking to delivering the wood in the warehouse, was introduced in 2015. However, it is not yet fully operational due to the reluctance of the forestry engineers in many of the branch offices of Public Enterprise ‘National Forests’, but also in national parks to use the electronic system.

The existing monitoring system falls short in tracking the implementation of national policies and measures. Due to the forest structure and current forest management practices it is important to mention that the country is one of the last in the Western Balkan that still apply

Under an annual contract with the MAFWE, the Faculty of Forestry, Landscape Architecture and

30 <http://www.fao.org/europe/news/detail-news/en/c/1194305/>

clear cutting as a forest management practice. Legal clear-cut logging is destructive for nature and very often these operations can be linked to the illegal logging.

Illegal logging activities are recorded in special books and, based on these records, monthly examinations are made to determine forest damages. The monthly reports are submitted to the Public Enterprise 'National Forests' Directorate and the State Inspectorate for Forestry and Hunting. The Public Enterprise 'National Forests' prepares an annual report recording the works for each of the branch units. The Forest Inspectors control if all logging activities are in line with the ten-year management plan. The State Inspectorate for Forestry and Hunting controls if everything marked for felling by the Public Enterprise 'National Forests' is in accordance with the special plans and gives the approval for felling. However, the inspection procedure should be better coordinated with the Forest Police which has a key role in the prevention of illegal forest-related activities. Thus, logging, pulling and transport is carried out by companies contracted by the Public Enterprise 'National Forests', where forestry inspectors control their activities and check for compliance. This is done at least once during logging, pulling or transport. For each wood assortment transported, contracted companies must have a transport document from the Public Enterprise 'National Forests' which the forestry engineers and forest technicians are obliged to check and sign on site close to the place of loading, but not outside of the forest. These transport documents are numerological issued and checked by the State Inspectorate for Forestry and Hunting inspectors. The companies only report to the forest inspector, and not the Forest Police, in which zone the logging is carried out. As a result, the Forest Police have trouble protecting and controlling the forest. During the control of felling, the Forest Police checks the consignment note for transport and a stamp. The Forest Police identifies people who transport timber and, if they do not have the appropriate documents for felling, they can temporarily confiscate their vehicle, whereas the permanent confiscation is decided by the court.

Furthermore, there are parts of the country, mainly in the border area with Kosovo, where due to the severity of the illegal activities it is

difficult to obtain accurate estimations. This is the case in the northeast region where only symbolic amounts are registered in the statistical data report, despite the massive loss of forest above the village of Lipkovo, that is visible with the time lapse tool from the remote sensing system.

Regarding the forest inventory, the Republic of North Macedonia has not yet been covered by a national forest inventory (the last one was done in 1979) resulting in non-consistent and inaccurate data. During 2018 and 2019, an assessment of the methodology for the implementation of a National Forest Inventory has been carried out as a baseline for designing a National Forest Inventory and, subsequently, an up-to-date national forest monitoring system. Despite this, the Republic of North Macedonia has remained among the few countries in the region where forest inventory and certification have not been implemented by the concepts of internationally recognized standards for sustainable forest management.

### 3.5.6 Enforcement

The offences against forests are sanctioned either as crimes, whereas less serious violations are sanctioned as misdemeanours. Prior to 2013, penalties envisaged for illegal logging were only fines. Amendments to the Law on Forest in 2013 strengthened the penal system and introduced imprisonment as a sanction for illegal logging. Furthermore, until 2014, illegal logging was treated only as misdemeanour offence.

The legal changes made allowed the prosecutors to charge the perpetrators with criminal charges. Penalties that may be imposed include fines, imprisonment, and confiscation of timber and items used in perpetration of the offence.

The applicable criminal sanctions for offences of forest theft corresponding to conducts described in Article 100 of the Law on Forest are the following:

- Unlawful appropriation of one or more logs in state or privately-owned forests: minimum 3 years of imprisonment;
- Transporting one or more non-stamped logs, or transporting without appropriate documents for logging, pulling or transport: minimum 3 years of imprisonment;

**TABLE 13** Sanctions for illegally logged wood

Illegally logged wood	2018			2019		
	m <sup>3</sup>	reported charges		m <sup>3</sup>	reported charges	
		misdemeanour charges	criminal charges		misdemeanour charges	criminal charges
Known perpetrators	2 024.22	542	104	680.42	497	75
Unknown perpetrators	19 730.72	32	23	26 729.55	21	9
<b>Total</b>	<b>21 754.94</b>	<b>574</b>	<b>127</b>	<b>27 409.97</b>	<b>518</b>	<b>84</b>

Source: PENF

- Unlawfully acquired tree trunks intended for sale when volume of the trunks exceeds 1m<sup>3</sup>, or if logged in protected forests: minimum 5 years imprisonment.

Intent is also punishable. Sanctions that may be imposed to legal person are fines. Confiscation of the items and equipment used for perpetration of the criminal offence is also envisaged.

Sanctions to be imposed for misdemeanour offences described in the Law on Forests are fines. The maximum amount of the fine that may be imposed for misdemeanour offences, if committed by a legal person, is 30 000 EUR. The same misdemeanour fine shall also be imposed on a responsible person within the legal person. The maximum amount of the fine that may be imposed for misdemeanour offences, if committed by a natural person, is 4 000 EUR. Moreover, in cases of illegal logging, the following provisions of the Criminal Code may apply:

- Article 248 (Defrauding buyers) – fine or up to 3 years of imprisonment and fine for legal entities;
- Article 253 (Unauthorized acceptance of gifts) – fine or imprisonment of up to 5 years, fine for legal entities, and confiscation of gifts;
- Article 253a (Unauthorized giving of gifts) – fine or imprisonment from one to 5 years, fine for legal entities, and confiscation of gifts;
- Article 272 (Counterfeiting marks for marking goods, measures and weights) – fine or imprisonment of 3 months to 5 years and confiscation of all items;
- Article 278 (Smuggling) – fine or imprisonment up to 10 years, fine for legal entities, and confiscation of all items and means used in perpetration of the offence;

- Article 280 (Counterfeiting or destructing of business books) – fine or imprisonment of up to 3 years and fine for legal entities.

The statistic shows that courts do not prioritize cases of illegal logging. According to the data received from the Themis project in 2015<sup>31</sup> there were 33 reported cases of forest devastation, out of which 21 conducted by known perpetrators and 12 from unknown perpetrators. For all the reported cases there have been only 6 indictments. Even, when the offence of illegal logging results in the death of one, or more official persons, the case is not treated as a priority.

After 2013, measures and penalties have become stricter, but this did not affect the illegal logging trends.

Even when criminal charges are brought, the courts either release the perpetrators or settle with probation, misdemeanour, or fines. Statistical data from the Minister of Internal Affairs shows that in the past 5 years, they have filed 105 charges against 264 officials, 7 of which are police officials, and the rest are working in FP, MAFWE, NPs and other institutions related to forests. In the past 5 years, PENF filed 695 criminal charges against illegal loggers. From those criminal charges, the Criminal Court has processed 53 cases, against 69 perpetrators, out of which the Court imposed 57 suspended sentences, 3 imprisonment sentences and in 9 cases fines were imposed. Usually, these are the cases of repeated perpetrators that are caught in

31 THEMIS, 2016. *Macedonian National Training*, 2016. Available at: <https://bit.ly/2zgROXH>, accessed: 19.04.2020.

the act and registered by the Forest Police or by the PENF forest guard service. The Forest Police keeps records of issued misdemeanours, payment orders and the outcome of the proceedings. According to the Forest Protection Service report for 2019, for example, almost half of the total amount of illegally logged wood by an unknown perpetrator is done in Karadzica (Skopje branch) and for those crimes no criminal or misdemeanour charges were brought.

### 3.6 Serbia

#### 3.6.1 Types and scale of illegal logging

The problem of illegal logging is a traditional phenomenon which is much more pronounced in private forests. According to the data provided by the Directorate for Forestry, the annual growth in the state forests is 4.5 million m<sup>3</sup>/year, while logging by management planning is 2.8 million m<sup>3</sup>/year. In private forests, about 4.5 million m<sup>3</sup>/year out of 5 million m<sup>3</sup>/year of private forest growth is being logged, which is about 90% of annual growth. Of that number, registered logging is estimated to be around 1.5 million m<sup>3</sup>/year, while about 3 million m<sup>3</sup> is unregistered logging in private forests. The problem of illegal harvesting in state forests is less severe and does not constitute a threat to sustainability of forest management.

However, reliable data on the quantities of the illegally harvested wood by type of illegal forest activity (felling of trees in protected areas, such as national parks; false statement on the origin of the tree; false statement on the volume of trees cut; obtaining permits for logging through bribes) are not available.

The fact that illegal logging is more pronounced in privately owned forests raises some concerns as regards management of privately-owned forests and their impact on sustainable forest management (57% of Serbian forests are privately owned).

#### 3.6.2 Institutional framework

The Republic of Serbia manages its forests through the Directorate for Forestry within the Ministry of Agriculture, Forestry and Water Management. On the territory of the Autonomous Province of Vojvodina, forests are managed by the competent authority of the Autonomous Province, as well as through legal entities managing state-owned forests and legal entities managing privately-owned forests.

Publicly owned forests are managed by the public companies JP "Srbijašume", JP "Vojvodinašume", in addition to public companies that manage national parks.

**TABLE 14** Damage in state-owned forests (Serbia, 2013–2018)

Year	2013	2014	2015	2016	2017	2018
Average gross volume of harvested wood (m <sup>3</sup> , total)	2 679 573	2 679 268	2 953 825	3 159 469	3 217 343	3 268 857
Illegally logged (m <sup>3</sup> )	17 601	26 086	22 892	20 169	25 131	22 833
Damage by humans* (m <sup>3</sup> )	17 859	26 524	24 393	21 760	26 327	26 685
Damage by insects (m <sup>3</sup> )	13 056	29 861	32 680	40 520	27 303	2 193
Damage from natural disasters (m <sup>3</sup> )	29 960	41 107	11 6431	86 826	44 074	74 495
Damage from plant diseases (m <sup>3</sup> )	17 556	14 769	13 218	37 249	17 504	16 798
Damage from fires (m <sup>3</sup> )	7 178	9 606	2 479	36 600	6 065	185

\*Includes: forest theft, illegal grazing, illegal occupation of land, ecological poisoning, and other human damage

Source: Republic Statistical Office of the Republic of Serbia.

The Directorate for Forestry is the administrative body within the Ministry of Agriculture, Forestry and Water Management, which performs the tasks of state administration and professional tasks related to forestry policy, forest conservation; improvement and use of forests and wildlife; implementation of forest and game protection measures; control of seeds and planting material in forestry; inspection in the field of forestry and hunting, as well as other activities. The internal organization of the Directorate for Forestry includes the following organizational units: Department of Planning and Sustainable Development in Forestry; Department for Forest Policy and Implementation of Forest Improvement Measures; the Planning and Sustainable Development Division for Hunting, and the Forest and Hunting Inspection Division.

The Public company JP 'Srbijašume' is entrusted with the protection, promotion, use and management of state-owned forests, forest land and other forest potentials, as well as providing professional and technical support to private forest owners in Central Serbia. The organization of JP 'Srbijašume' includes three levels:

- The General Directorate of the Belgrade-based public company JP Srbijašume, which is engaged in strategic affairs, covering the development of the company's policy, as well as the preparation of the Annual Business Program, the Annual Forest Management Plan and the Company's Final Account.
- 17 forest holdings managed by directors. The holdings are formed in the forest areas and represent profit centres, and their organizational structure consists of different offices.
- Work Units: 67 forest administrations (basic units for planning and organizing forest management operations) and 15 other work units. The lowest organizational units are the forest counties which are further divided into the forest areas.

In addition to the forestry holdings within the Company, there are the Bureau of Forestry Planning and Design and the Protective Workshop.

Public company JP 'Vojvodinašume', in the territory of the Autonomous Province of Vojvodina has the similar three levels organisational structure :

- The company directorate has a development and coordinating function, deals with strategy, development, coordinates the work and supervises the branches of the company.
- Branches of the company – forestry holdings (4) formed at the level of forest areas, these are profit centres, their organizational structure consists of offices and part of the company Vojvodinašume – Lovoturs 'Petrovaradin' (1).
- Work Units – Forest Administrations are the basic units of planning and organizing forest management operations and other work units.

The management of the company are the Director and the Supervisory Board appointed by the Government of AP Vojvodina.

National parks in Serbia are managed by separate public companies. Their structure and administration is similar to public companies in charge of forest management. According to the Law on National Parks (Official Gazette of RS no. 84/15 and 95/18), national parks are responsible for protecting and enhancing the national parks natural values, which include state-owned forest management and forest management in the national park.

There are five national parks in Serbia: NP Fruška Gora (managed by the public company 'JP Nacionalni Park Fruška Gora'), NP Đerdap (managed by the public company 'JP Nacionalni Park Đerdap'), NP Tara (managed by the 'JP Nacionalni Park Tara'), NP Kopaonik (managed by the 'JP Nacionalni Park Kopaonik') and NP Šar Mountain (Šar Mountain National Park is under dispute between Serbia and Kosovo).

### 3.6.3 Policy framework on illegal logging

The main policy document on forest related activities is the *Forestry Development Strategy of the Republic of Serbia* (Official gazette of RS, no. 59/06), which defines the general development goals of the Serbian forestry sector. The role of sustainable forest management in combating climate change is recognized in the *National Strategy for the Inclusion of the Republic of Serbia in the Kyoto Protocol's Clean Development Mechanism for Waste, Agriculture and Forestry Sectors Serbia* (Official gazette of RS, no. 8/10).

The *2011–2018 Biodiversity Strategy of the Republic of Serbia* (Official gazette of RS, no. 13/11) promotes the conservation of forest biodiversity, including genetic diversity, through the development of forest certification programs and best practices for sustainable forestry. The *National Strategy for the Sustainable Use of Natural Resources and Goods* (Official gazette of RS, no. 33/12) aims at directing and providing conditions for the sustainable use of natural resources and goods.

### 3.6.4 Legal framework

The framework law governing the forestry sector in Serbia is the Law on Forests (Official gazette of RS, No. 30/10, 93/12, 89/15 and 95/18). The law provides the conditions for sustainable management of forests and forest land in order to permanently maintain and enhance their productive capacity, biodiversity and enhance their potential for climate change mitigation, as well as their economic, environmental and social function. Forests are proclaimed as an asset of general interest.

The concept of illegal harvesting exists in the Law on Forests, but its definition is not explicitly given. The Law on Forests recognizes illegal logging and other illegal forest related activities and prescribes a range of measures intended for prevention and suppression of such illegal activities.

Thus, the Law on Forests prohibits the following activities: forest devastation and grubbing; clear cutting, if not allowed as a regular regeneration; cutting in contravene of the forest management plans; cutting of rare species; tree thickening; pasture and browse by cattle; collection of forest fruits, medicinal herbs and moss; utilization of stone, gravel, sand, humus, soil and other; forest usurpation; destruction or ruining of plantations, marks and cut blocks; disposal of waste and other dangerous substances; forest pollution and other acts that endanger forest functions.

According to the Forest Law forest devastation refers to all illegal activities that deter land fertility and endanger forest production or survival of forests and their multiple benefit functions (wide range cutting close to forest grubbing, too intensive selection cutting, tree thickening, etc).

In terms of enforcement, the forestry inspectors have the authorization to seize illegally logged timber or other forest products, as well as tools, equipment and transportation means used in perpetration of unlawful activities.

Besides the framework law on management and protection of forests several other sectoral laws contain provisions relevant for the implementation of sustainable forest management:

- Law on Environmental Protection (Official Gazette of RS no. 135/04, 36/09, 36/09 – other law, 72/09 – other law, 43/11 – decision US, 14/16, 76/18 and 95/18) points out that state authorities, forest owners and users are obliged to take the necessary measures to protect and enhance forest ecosystems, and to manage forests so as to ensure rational forest management, conservation of the genetic fund, improvement of the structure of the forests and achieving primary forest functions;
- Law on Nature Protection (Official Gazette of RS no. 36/09, 88/10, 91/10 – ed., 14/16 and 95/18) emphasizes that forest management must be based on the principles of sustainable development and conservation of biodiversity, conservation of natural composition, structure and function of forest ecosystems;
- Law on National Parks (Official Gazette of RS no. 84/15 and 95/18) defines the measures for the protection of the national park and the manner of its use. In performing the activities of protection and development of the national park, the Manager implements the protection regimes in the national park and adopts the Management Plan; manages state-owned forests and manages forests in the national park;
- Law on Public Companies (Official Gazette of RS no. 15/16 and 88/19) regulates the legal format of public companies and other forms of organization that perform activities of public interest, which include forest management and in particular establishment, management, property rights and other matters of importance to their role;
- Law on Reproductive Material of Forest Trees (Official Gazette of RS no. 135/04, 8/05 -corr. and 41/09) regulates the conditions and method of recognition of starting material for the production of reproductive material of forest trees, production, production control,

quality, circulation and use of forest tree reproductive material.

With relevance are also provisions of secondary legislation adopted pursuant to the Law on Forests:

- Rulebook on balance of forest reproductive material (Official Gazette of RS no. 46/11). This rulebook sets out the content, the manner of keeping and producing the balance of forest reproductive material;
- Rulebook on forest order (Official Gazette of RS no. 38/11 and 75/16) setting the manner of implementation of forest order;
- Rulebook on the manner and time of remittance, allotment, form and content of the remittance mark and the forest guilt stamp, the form of the remittance book or the forest guilt book, as well as on the conditions and manner of cutting in forests (Official Gazette of RS no. 65/11, 47/12, 8/17) The rulebook prescribes the manner and timing of marking trees for felling, the allocation of the mark, the manner of marking the stumps of illegally cut trees, the manner of recording those trees and stumps in the books, as well as the conditions and manner of logging in forests;
- Rulebook on the form and content of the forest stamp, the form of the accompanying note or dispatch note, the conditions and method of stamping the cut tree, the manner of keeping records and the method of stamping, or marking conifers, intended for New Year's and other holidays (Official Gazette of RS no. 93/16). This rulebook prescribes the form and contents of the forest stamp, the form of the cover, or the dispatch note accompanying the tree during transport, the conditions and the method of stamping the cut trees, the manner of keeping records and the method of stamping or marking, as well as the appearance and contents of the cover, or the dispatch note of conifer trees intended for New Year's and other holidays;
- Rulebook on special elements, or criteria for risk assessment, frequency of inspection based on risk assessment, and special elements of inspection plan in forestry and hunting (Official Gazette of RS no. 56/18), prescribes specific elements and criteria for risk assessment, frequency of inspection based on risk assessment and specific

elements of the inspection plan in the field of forestry and hunting inspection;

- Rulebook on the form and method of external control of inspection in the field of forestry and hunting (Official Gazette of RS no. 56/18) prescribes in more detail the form and manner of conducting the internal control of the inspector and civil servant authorized to carry out inspection control in the field of forestry and hunting, in order to eliminate any unlawful, corruptive and unprofessional work of the subject of control.

### 3.6.5 Monitoring and control framework

In Serbia, there is no uniform system of monitoring of illegal activities in forestry, and there are no coherent records, based on which all information about illegal activities in forestry could be monitored.

The main body responsible for the control of legal regulations implementation in the field of forestry, and therefore illegal logging, is the forest inspection service (i.e. the Forest and Hunting Inspectorate). Specific provisions concerning the scope, authorization and responsibilities of the forest inspection are determined by the Law on Forests (Official gazette of RS, No. 30/10, 93/12, 89/15 and 95/18) and the Law on Inspection Supervision (Official Gazette of RS no. 36/15, 44/18 – other law and 95/18). With relevance are also the provisions of the Rulebook on special elements, or criteria for risk assessment, frequency of inspection based on risk assessment, and special elements of inspection plan in forestry and hunting (Official Gazette of RS no. 56/18) and the Rulebook on the manner and time of remittance, allotment, form and content of the remittance mark and the forest guilt stamp, the form of the remittance book or the forest guilt book, as well as on the conditions and manner of cutting in forests (Official Gazette of RS no. 65/11, 47/12 and 8/17).

Routine inspection is carried out according to the annual inspection plan, which must contain planned measures and activities to prevent illegal forest related activities. According to the Law on Forests, measures for the conservation of forests, selecting and marking trees for felling, use of forests, control of logging, transport and sawmills are instances related to the control

**TABLE 15** Volume of confiscated wood

Year	Number of controls	Number of decisions	Number of testimonials issued	Number of claims for misdemeanour	Number of claims for violation (legal entities)	Number of criminal charges filed	Temporarily confiscated wood in m <sup>3</sup>	Permanently confiscated wood in m <sup>3</sup>
2016	5 590	228	5	1 519	29	174	2 988	597
2017	4 803	140	1	1 946	14	66	9 448	2 047
2018	4 308	120	0	1 972	12	45	13 728	5 897
2019	3 406	98	0	1 416	5	60	8 277	5 389

Source: Directorate for Forestry of the Republic of Serbia

of the legality of logging and timber trade. In this context, the forestry inspector has the duty to determine and check whether the selection, marking, recording of logging trees as well as their harvesting are carried out in accordance with the law. In addition, the inspector also determines whether the traffic, stamping of logs and the issuance of a cover or dispatch note, as well as whether the processing, storage and recording of timber in traffic are carried out in accordance with the regulations. The forest inspectors have the authority to confiscate illegally obtained wood, which proved to be a particularly effective measure.

Problems encountered by the control services are mainly related to the lack of human and financial resources (lack of equipment, vehicles, etc.). However, the Government of the Republic of Serbia adopted an Action Plan for the increase in the number of inspectors, which foresees that additional 30 forestry and hunting inspectors should be employed by the end of 2021.

The Forestry Inspectorate has established cooperation with the Ministry of Internal Affairs and forest guards in the control of timber traffic.

### 3.6.6 Enforcement

According to Serbian legislation, more serious offences are sanctioned as crimes, while less serious violations are sanctioned as misdemeanours. Misdemeanour offences for illegal logging and trade are determined in the Law on Forests. For misdemeanour offences only fine may be imposed.

Another effective measure in combating illegal logging is temporary seizure of illegally logged wood, tools, equipment and transportation means used in illegal activities by forest inspectors. According to the annual report of the Forestry and Hunting Inspection, in 2017, 9 448m<sup>3</sup> of timber was temporarily confiscated, which represents a significant increase compared to volume reported in 2016. Reversed trend is however noted in 2019, where the amount of wood confiscated decreased compared to 2018 data. Data refer to both state-owned and privately-owned forests.

According to the data provided by the Statistical Office of the Republic of Serbia the wood theft is the most common offence in comparison to all other offences against the environment. However, the conviction rate is low, and the sanctions imposed are usually suspended sentences, while the number of imposed imprisonment sentences is minimal.

**TABLE 16** Reported and convicted adults by the offence

Year	Reported adults (total crimes)		Convicted adults by crime	
	Forest theft	Forest destruction	Forest theft	Forest destruction
2016	2007	114	382	31
2017	1707	93	443	27
2018	2058	95	407	25

Source: Office of statistics of the Republic of Serbia

## 3.7 Turkey

### 3.7.1 Types and scale of illegal logging

In Turkey, illegal logging activities include excessive and illegal exploit of the forests, harvesting without a permit or contract (mainly happens in the case of firewood collection), extended clear cutting, illegal transport of forest products (transport without appropriate trading documentation). The second most prominent type of illegal forest related activities involves usurpation of forest and forest land for agricultural and residential purposes, but also uncontrolled and excessive animal pasturing.

The total number of crimes reported in 2018 is around 11 000 and approximately 26 000 m<sup>3</sup> trees were cut illegally.

### 3.7.2 Institutional framework

The responsible authority for forest management is the General Directorate for Forestry (GDF) under the Ministry Agriculture and Forestry (MAF). According to the Article 6 of the Forest Law No.6831 the General Directorate for Forestry has been authorized to manage, administer, and supervise all state forests in the country. Inspection of privately-owned forests also falls under the competency of the GDF. Some of the tasks of the GDF are:

- To ensure the development of forests, protection against illegal interventions, natural disasters, fires, various pests and performance of necessary controls;
- To manage and operate the forests in accordance with technical and economical requirements in order to ensure their continuity, manage the main and secondary forest products; to carry out its production, transportation, storage, work and operations, to market these products at domestic and international market, to supply and supply the necessary tools and equipment related to forestry services;
- Reconstruction and improvement of forests, ensuring silvicultural care and rejuvenation;
- To carry out works related to the forest cadastre and property, permits, usufruct and easement in the forests in accordance with its special legislation.

The General Directorate of Forestry has central departments, regional and local branches. The central administration consists of the Inspection Board, the Internal Audit Office and 19 different Departments and 118 divisions under these departments.

At the regional scale, 28 regional directorates implement forest management plans, national forestry programs and national forest policy in state forests. In addition, 12 Research Institute Directorates (RID) have been situated throughout the country to conduct research on forests and forestry. Three of them are focused on specific topics (Poplar and Fast-Growing Forest RID, Forest Trees and Seed Breeding RID, Soil Forest and Ecology RID) whereas other nine are working nationwide.

### 3.7.3 Legal and policy framework on illegal logging

The Turkish framework for forestry and the forest-based sector is formulated in three policy documents: the 11<sup>th</sup> National Development Plan, the National Forestry Program and the General Directorate of Forestry's Strategic Plan.

The 11<sup>th</sup> *Development Plan* was adopted by the Ministry of Development and defines the general policy of the country. Article 415 sets the target in the forest sector as '*The contribution of forests to the economy will be increased through sustainable forest management.*' Four strategic goals are defined as follow:

- The National Forest Inventory study will be completed (Art. 415.1)
- Capacity to fight diseases and pests and fires in forestry will be strengthened (Art. 415.2)
- Support to forest depended communities (forest villagers), within certain programs, will continue, and professionalization will be enhanced through training activities to increase the quality of production and labour productivity in forestry (Art. 415.3)
- To meet the raw wood needs, it will be possible to establish industrial plantations with fast growing species (Art. 415.4)
- The use of wood will be expanded and standards will be determined (Art. 415.5)

The main policy approach for forestry in the *National Forestry Programme 2014–2023* is the

protection, exploitation and increase of forest areas in a sustainable manner. The National Forestry Program (2014–2023) consists of two main sections. In the first part, there is an overview of the current situation of forestry. The second part describes national forestry principles, objectives, policies and strategies to be followed. The objectives of the National Forestry Program can be summarized as below:

- Establishment of appropriate institutional capacities and mechanisms to deal with forestry subjects in a broader perspective through sustainable development;
- Strengthening support for the rehabilitation of multiple-use forests by improving the multi-functional and participative forest resources management, and improvement of the living standards in the forest villages in or in the vicinity of the forests where poverty and dependency on the forests are the reality;
- Improvement of awareness, interest, participation, support and contributions of community and stakeholders regarding the importance of stable and sustainable development of the country;
- Improvement of adaptation and linkages between forestry and other sectors;
- Strengthening financial support (both national and international) for forestry activities.

The *Strategic Plan 2019–2023* was prepared by the General Directorate for Forestry and defines four strategic objectives:

- Protecting forest and forest resources against any kind of biotic and abiotic pests;
- Developing the existing forests, increasing their efficiency, and expanding forested areas;
- Providing social benefits from the goods and services produced by forests;
- Improving institutional capacities for providing the sustainable forest management.

Under each strategic objective, the plan sets out in detail the basic strategies to be undertaken together with specific targets and performance indicators for each year.

### 3.7.4 Legal framework

The legal framework on forest management is provided by the Turkish Constitution, the Forest

Law No. 6831 and the secondary legislation adopted thereof.

Forest ownership and protection of forests are determined by the Turkish Constitution. The Constitution explicitly states that all forests shall be under the care and supervision of the State, irrespective of the ownership. The ownership of state forests shall not be transferred and forest borders cannot be reduced except in special circumstances. Acts and actions that might damage forests shall not be permitted. No political propaganda that might lead to the destruction of forests shall be made; no amnesties or pardons specifically for offences against forests shall be granted. Offences committed with the intention of burning or destroying forests or reducing forest areas shall not be included within the scope of amnesties or pardons.

The Forest Law No. 6831 was enacted in 1956 to protect, improve, and expand forests. The scope of the Forest Law is wide and addresses forest definition, categories of forest, forest management and protection, forest improvement, development of forest villages, forest fires, in-forest pastures and penalties. However, the Law lacks provisions concerning the national forest inventory and sustainable forest management. Implementation of Forest Law is ensured through a large number of secondary legislation where the *Regulation on Forest Planning*, the *Regulation on Forest Product Harvesting* and the *Regulation on Forest Afforestation* are the most prominent ones.

### 3.7.5 Monitoring and control framework

The General Directorate of Forestry manages the forest rangers, who are in charge of detecting illegal activities in forest areas. Four types of forest rangers are in place in the Regional Directorates of Forestry: collective protection, regional protection, sensitive areas protection and emergency action protection teams. GDF fights against illegal logging by:

- determining the areas where forest crimes are intense and establishing protection rangers in these sensitive areas;
- demolishing illegal buildings and facilities in forest areas;
- increasing the awareness of forest depended people (forest villagers) by cooperating with

the village legal entities via protocols and financial supports, and ensuring that villagers are also taking responsibilities in combating illegal logging.

### 3.7.6 Enforcement

The Forest Law no. 6831 contains several articles related to the protection of forests and their sustainable use. Article 14 includes provisions regarding protection measures and criminal actions. According to this Article, cutting or lifting living or dead trees, natural or artificial plants or seedlings, carrying bent or fallen trees or producing charcoal from them, and collecting and transporting flowers, all types of forest underbrush, medicinal plants or forest tree seeds is prohibited. Article 17 regulates leasing and other permits for building purposes and prohibits forestland encroachment. Article 108 prohibits intentional possession of wood that has been illegally cut, collected, or transported. The penalty for such offences is imprisonment and fine.

The sanctions for illegally felled trees, provided in Article 91, are imprisonment and a fine, which is calculated based on cubic meter of illegally harvested wood. Thus, the perpetrators may be punished by imprisonment ranging from three months to five years and with a judicial fine up to a thousand days.

If the offence is committed against seedlings, the punishment is multiplied by five. However, when illegal harvesting took place for the purpose of firewood supply, the penalty to be imposed is reduced by half.

However, there are no official data obtained on actual enforcement of Turkish forestry law.

## 4 Overview of the existing EUTR administrative and legislative aspects in the beneficiary countries

Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (commonly referred to as EU Timber Regulation or EUTR) aims to combat the problem of illegal logging, which generates significant negative economic, environmental, and social impacts. The EUTR aims at creating a level playing field by setting equal requirements for legality on both domestically harvested timber and imported timber products and introduces an additional control layer applicable to all operators across the EU. The Regulation prohibits illegally harvested timber from being placed on the EU market by mandating timber product importers to take adequate measures to minimize the risk of importing illegal timber products. Operators are held accountable for the products they bring into the EU and are required to have a due diligence system, which seeks to ensure the legal provenance of imported timber products. The key obligations arising from this Regulation may be summarized as follows:

- **Prohibition:** The Regulation prohibits placing illegally harvested timber (both domestic and imported) or timber products on the EU market;
- **Due Diligence System:** EU operators must exercise due diligence when placing timber or timber products on the market by implementing procedures to minimize the risk of illegal timber in their supply chain. Operators can apply due diligence by themselves or through the assistance of Monitoring Organizations (MO). Operators need to provide access to information on the timber product (country of harvest, logging concession, species, sizes, quantities), implement risk assessment (evaluate the risk of occurrence of illegally harvested products), and implement risk mitigation measures and procedures to minimize the likelihood of illegality;

- **Traceability:** After placing timber products on the market for the first time, as part of their due diligence system, traders must keep records with information from whom they bought and to whom they sold the timber product.

The EUTR covers a wide range of timber products listed in the Annex, where the products are structured according to the trade classification of the Combined Nomenclature (CN). The main focus is laid on wood and articles of wood (chapter 44 of the CN), on pulp of wood (chapter 47) and on paper and paperboard and articles made thereof (chapter 48). In addition, commodity codes for furniture and one code for prefabricated buildings are listed in the Annex. The EUTR, however, does not cover recycled products, as well as printed papers such as books, magazines and newspapers, etc.

The EUTR defines illegal timber as any product that is not produced in accordance with all applicable national legislation. 'Applicable' legislation is defined as including laws relating to rights to harvest, payments for harvest rights and timber, forest management and biodiversity conservation, third parties' use and tenure rights, trade and customs. According to the EUTR two categories of timber are automatically considered as legally harvested. The first one consists of timber embedded in the timber products covered by Voluntary Partnership Agreements (VPAs) established under the FLEGT Regulation (EC) 2173/2005<sup>32</sup>. The second category consists of timber of tree species listed in Annex A, B and C of the CITES Regulation (EC) 338/97<sup>33</sup>. For these two categories, EUTR due diligence procedures need not be applied.

32 Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community

33 Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein

The EUTR requires Member States to designate competent authorities; to adopt effective, proportionate, and dissuasive penalties for infringements; to elaborate plans for checks, and to conduct consistent checks on operators and monitoring organisations. In addition, the Regulation provides for technical assistance and guidance to operators by the Member States, assisted by the Commission, as well as for exchange of information among the relevant stakeholders.

Countries implementing the EUTR are required to establish a national legal framework that provides for implementation and enforcement of the EUTR requirements. The competent authorities designated to monitor if operators implement the EUTR requirements in compliance with the Regulation should be sufficiently resourced and equipped. When adopting effective, proportionate, and dissuasive penalties for infringements the countries should identify boundaries of what would constitute illegal practices that result in the production of 'illegally harvested timber'. The EUTR provides for such boundaries when defining 'applicable' legislation. Thus, the following conducts should be sanctioned:

- Violation of the rights to harvest timber within legally gazetted boundaries;
- Failure to make any legally required payments for harvest rights and timber, including duties
- related to timber harvesting;
- Violation of any provisions of national forestry or environmental protection laws, where the violation is directly related to the harvesting of timber;
- Violation of third parties legal rights relating to resource access, use and tenure arrangements, where the rights involved are affected by timber harvesting;
- Violation of any trade or customs related laws that are related to the forest sector<sup>34</sup>.

The consistent application of the EUTR largely depends on the well-established cooperation between the competent authorities established on the national level, but also on the cooperation

with competent authorities of third/neighbouring countries and the European Commission. In addition, countries should provide guidance and technical assistance to operators, especially in the context of due diligence, to facilitate application of the EUTR.

Most of the EPPA beneficiaries have not yet fully implemented the EUTR requirements and all of them reported that the FLEGT VPAs are not being implemented. The implementation efforts differ between the countries depending of the country's trading balance in timber and timber products. Thus, countries that are net importers of timber and timber products, such as Albania and Kosovo are less interested in complying with the EUTR, whereas the EUTR is very important for the national forest and wood processing sector in for example Bosnia and Herzegovina and Serbia, which are net exporters of primary and secondary forest products. However, there are several issues hampering effective implementation of the relevant EU regulations common to all countries analysed: lack of political will to tackle sustainable forest management, and to address corruption in forestry more effectively, as well as insufficient funding and lack of administrative capacity and technical skills of forestry and customs officials.

Illegal logging and placing illegal timber on the market have been found to be a significant problem in Albania, Kosovo and Bosnia and Herzegovina resulting in high rates of deforestation. In Albania and Kosovo, problem of illegal logging is closely linked to the increased use of forests for fuelwood, poor forest management and weak law enforcement. Estimates of illegal logging in Bosnia and Herzegovina vary significantly. Several studies carried out in the period 2006–2010 have provided some estimates, which differ from the numbers provided by the BiH competent authorities. Thus, according to the WWF, the amount of illegally harvested wood from BiH has been estimated to be 1.2 million m<sup>3</sup> (WWF, 2008<sup>35</sup>). On the other side, official data from national statistical institutes suggests much lower figures. For instance, the official statistics of the FBiH and

34 List of possible infringements is reproduced from: European trade flows and risk, Final Draft, January 2013 Forest Trends, Washington DC, Forest Industries Intelligence Limited, UK, p. 5

35 World Wide Fund for Nature (2008): Illegal wood for the European market – An analysis of the EU import and export of illegal wood and related products

RS reported that on average 92 977 m<sup>3</sup>/annually of timber was illegally harvested in the period from 2014–2018 (Institute for statistics of FBiH, 2019; RS Institute of Statistics, 2019)<sup>36</sup>. The implementation of the EUTR in BiH is further hampered by a complicated administration and a lack of funding and knowledge. Although illegal logging is not a significant problem in Montenegro there is a potential for improvement of forest management. In Turkey, Illegal logging is not perceived as a significant problem, thus the EUTR and FLEGT are not implemented. However, the NEPCo Timber Legality Risk Assessment for Turkey<sup>37</sup> has evaluated the risk of illegality in Turkey and reported that the timber risk score for Turkey is 43 out of 100. The key legality risks identified in the cited report concern timber harvesting activities related to legal rights to harvest, taxes and fees, timber harvesting activities, third parties rights and transport and trade. Also, there are no applicable laws and regulations requiring due diligence system procedures in Turkey. In North Macedonia and Serbia the importance of the EUTR regulating the trade in timber and timber products is well acknowledged within the EU accession process, but the implementation remains at an early stage.

Due to the fact that implementation of the EU policy in combating illegal logging and illegal trade in timber and timber products is at an early stage, countries should significantly step up their efforts in the following areas:

- developing clear and enforceable legal framework,
- developing institutional structures for implementation and enforcement of the EUTR requirements, developing mechanisms for cooperation on implementation and enforcement of the EUTR
- developing tools for providing technical assistance and guidance to operators
- developing communication methods to disseminate information about the EUTR implementation to stakeholders.

In addition, more tailored regional approach is required as the data on trade flows show that timber originating from the Western Balkan countries are exported to mainly to neighbouring countries.

**TABLE 17** EPPA Trading partners

Country	Top 5 import partner countries	Top 5 export partner countries
Albania	Italy, Greece, Turkey, China and Serbia	Italy, Greece, Serbia, North Macedonia and Germany
Bosnia and Herzegovina	Serbia, Croatia, Italy, Austria and Germany	Croatia, Italy, Serbia, Slovenia and Germany
Kosovo	No available data	No available data
Montenegro	Serbia, Slovenia, Italy, Bosnia and Herzegovina and China	Unspecified, Serbia, Albania North Macedonia and Italy
North Macedonia	Serbia, Turkey, Bulgaria, Germany and Italy	Serbia, Greece, Albania, Bulgaria and Switzerland
Serbia	Germany, Finland, Italy, Bosnia and Herzegovina and Austria	Russian Federation, Bosnia and Herzegovina, Italy, Germany and Croatia
Turkey	United States, Germany, Finland, Sweden and China	Iraq, Iran, Islamic Rep., United Kingdom, Israel and Georgia

Source: *Wood import/export by country 2018, WITS*, <https://wits.worldbank.org/>

36 Institute for statistics of Federation of Bosnia and Herzegovina 2019: Statistical bulletin Forestry 2018/ Republika Srpska Institute of Statistics 2019: Statistical bulletin Forestry 2019

37 Timber Legality Risk Assessment Turkey Version 1.0 | September 2018. Available at: [www.nepcon.org/sourcinghub](http://www.nepcon.org/sourcinghub)

## 5 EUTR administrative and legislative aspects analysis per beneficiary

### 5.1 Albania

#### 5.1.1 Legal framework on timber harvesting and timber trade

Timber harvesting and trade in Albania is regulated by the Regulation No. 438, of 8 June 2016, on the criteria and rules of forest exploitation and sale of timber and other forestry and non-forestry products. This Regulation sets forth criteria and rules for forest exploitation and trade of timber and other forestry and non-forestry products in order to meet the demand of the local population for fuel wood while not violating the rules laid down by Law 5/2016 on the moratorium on forests in the Republic of Albania.

As already mentioned, a clear and precise legal framework on forest management has not been established yet. This concerns especially the process of decentralization where the existing forest legislation does not include clear ways for municipalities to share or obtain management authority over some public forests but also to secure financial resources to enforce new responsibilities in forest management.

#### 5.1.2 Competent authority for the implementation of EUTR

Albania has not yet identified the competent authority/-ies to implement the requirements of the EUTR. Since 2016 the forestry service is under the responsibility of local municipalities in Albania. The government delegated the management of forests to the 61 municipalities by the Decision of the Minister Council No. 433, dated on 8.6.2016, 'for transferring of public forests and pastures in ownership of municipalities'. Only forests which are part of protected areas are managed by the central government, i.e., by the National Agency of Protected Areas.

#### 5.1.3 Administrative capacities

Human and financial resources in forestry are insufficient in Albania. There are no records on the number of forestry staff. The central government has been supporting local municipalities in financing the forest staff. Only a few municipalities are able to finance development and implementation of management plans meaning that the management system is inefficient.

#### 5.1.4 Timber production and timber trade-state of play

Being a post-communist country, the transition era was marked by overuse and poor management of forests resulting in the decrease in production and increase of imports of different forest products from. The tables below show the amount of the wood products imported/exported in recent years.

High demand for firewood in both rural and urban areas is the focus of forest management in Albania. Alternative energy sources are either unavailable or unaffordable for a large portion of the urban population, who are still dependent on firewood as their main source of energy supply. As it was shown from the reported data, the current rate between imports to export is 5:1 (total in m<sup>3</sup>). It means that Albania is importing much more wood products than it is exporting. In addition, the fuelwood exported is two times the imported amount, contributing even more to the degradation of national forest fund.

To regulate the supply side for firewood, the Albanian Government adopted two decisions which came into effect on 1 January 2017: Decisions No 438, of 8 June 2016, and Decision No. 808, of 12 December 2016, making municipalities responsible for the firewood supply from municipality forests to households and public institutions within their area of jurisdiction.

**TABLE 18** Wood products exported, 2012–2018, Albania

Description	2012	2013	2014	2015	2016	2017	2018
1 Total (m <sup>3</sup> )	107 974	102 587	94 784	96 502	55 044	78 039	76 660
2 Total (Tons)	95 929	88 595	82 613	92 834	52 486	58 874	68 067
3 Total 000/ALL	1 213 677	1 007 571	1 226 214	1 385 294	1 110 942	1 025 143	1 436 201
4 Wood for burning (m <sup>3</sup> )	84 434	80 801	68 523	88 143	46 693	73 557	60 215
5 Wood for burning (Tons)	81 975	78 448	66 527	85 575	45 333	53 302	58 461
6 Wood for burning 000/ALL	612 488.5	564 449.7	577 836.2	866 444.1	529 941.9	701 926.2	711 434

**TABLE 19** Wood products imported, 2012–2018, Albania

Description	2012	2013	2014	2015	2016	2017	2018
1 Total (m <sup>3</sup> )	180 631	162 169	223 217	214 210	309 654	311 243	309 452
2 Total (Tons)	138 201	127 811	177 090	172 774	260 054	206 937	251 474
3 Total 000/ALL	5 763 323	5 370 481	6 829 800	6 344 325	7 934 689	6 714 486	8 263 421
4 Wood for burning (m <sup>3</sup> )	817	5 513	8 706	4	20 305	37 822	30 189
5 Wood for burning (Tons)	794	5 352	8 453	3 597	19 713	27 407	29 310
6 Wood for burning 000/ALL	14 069	39 326	77 603	32 578	175 352	217 613	248 353

The supply chain procedure differs in the cases of providing fuelwood to households or to public institutions.

In forests under municipal management, households pay a fee to the municipality for harvesting of fuelwood. The manner of calculating fees vary from municipality to municipality. In most of the municipalities, the fee is 500 ALL per m<sup>3</sup> and the volume of harvested fuelwood is limited to 5–10 m<sup>3</sup> per household in rural areas, per year. In some municipalities, households are charged a fixed annual fee for harvesting fuelwood without volume limitation.

To illustrate the importance of timber in rural areas, the income collected from forestry (e.g. annual fees for fuelwood, fees for collecting medicinal plants, etc.) constitutes a major share of the total income of municipalities.

The demand for fuelwood is determined by conducting need assessments in villages. In each village, the head of village prepares a list of households along with the amount of fuelwood

requested per household. The lists of household demands are confirmed and signed by the Administrator of the Administrative Unit and sent to the municipality. Based on the lists provided by villages, the municipality determines the total demand and approves the amount of fuelwood to be provided for households. Households pay the fee and the forestry staff at the municipality determine which forest parcels should be used for fuelwood. The forest parcels should be approved in advance by the Ministry of Environment. Usually, the villagers produce fuelwood by themselves. If the villagers transport their fuelwood through roads, the forestry staff of the municipality provide them with transport permissions.

The municipalities also assess the fuelwood needs of institutions and determine the forest parcels to be used for producing it.

In providing fuelwood to public institutions, municipalities are given two options: either to set up their own structures and implement all activities from firewood collection to marketing

or to contract (using a tender process) a forestry company to do the thinning operations. The contracted forest companies must leave the extracted firewood at the roadside. Municipalities are then responsible for the transport and marketing of the firewood. Most municipalities contract logging companies to produce fuel wood.

Only a few municipalities, like Mati and Fushe Arrez, have set up their own structures (forestry team) to produce and transport fuel wood from forests to public institutions. By harvesting and distributing their own fuelwood, municipalities may be able to reduce some costs.

Municipalities face a great challenge in fulfilling the new mandate of supplying fuelwood from forest cleaning operations to citizens and institutions within their area. Municipalities often lack the capacities and funds to set up a functional forest management structure with qualified staff, infrastructure and required equipment and, in general, give a low priority to forestry activities. Furthermore, most municipalities face a much higher demand for fuelwood than can be supplied through forest cleaning operations. The situation of inefficient governance and insufficient legal supply of fuelwood will inevitably lead to illegal logging.

In protected areas, the National Agency of Protected Areas, allows people to harvest fuelwood and considers those timber cutting interventions as a silvicultural treatment (thinning process). As a result, people do not pay a fuelwood fee for harvesting from forests located in protected areas.

### **5.1.5 Procedures related to timber harvest and trade**

This paragraph should be viewed in the context of the moratorium on exploitation of forests and the export of unprocessed timber introduced by the Law no. 5/2016, dated 5.2.2016.

Timber harvest is regulated by the law no.9385 "On Forestry and Forestry Service". Article 26 describes in detail the treatment and utilization of the national wood stock. The use of wood material and other forest and non-forest products is allowed in state, local or private forest fund, for the purpose of economic gain and only through

the performance of works provided for in the breeding plans. Natural and legal persons may exercise their activity in the National Forest Fund only with the relevant permit issued in accordance with the provisions of this Law.

Harvesting of forest products is organized by the General Directorate of Forest Service and local government units. It is carried out by specialized private entities, which are paid for the work done, while sale auctions are organized on the street.

The regional directorates of the forestry service draft and submit each year, for approval of the General Directorate of the Forestry Service, the plan for the utilization of forests and non-forest products. The General Directorate controls the implementation of this plan.

The utilization of the national forest fund is organized on an annual basis ("forest year") which starts on October 1.

The cutting of the forest trees in the national forest fund is done after their marking with special marks by the forest service bodies. The Director General of the Forest Service in specific guidance, determines the method of use, the size and shape of the check mark.

The use of parcels shall be permitted only when technically required, in the event of final logging or logging in forests damaged by natural disasters or fires, under the strict control of the forest service authorities.

The use of standards for permissible annual logging, logging cycles, utilization techniques and infrastructure shall be mandatory in the handling and utilization of the public forest fund.

The areas of high forests are crossed by cultural cuts, according to the stage of development in which they are found, and to the requirements of silviculture.

Harvesting of forest products in private forests shall be carried out in accordance with the law, without prejudice to the protection of land and climate, ecological and social elements. The owner, in advance, must obtain the appropriate permit and stamping of trees from the forest service authorities.

As for the trade in forest and non-forest products the Law no. 9385 "On Forestry and Forestry Service" applies. It is forbidden to sell untreated timber in public forests.

Wood material from public forests, whether processed or unprocessed, can only be transported from points of collection and from processing centres to the final destination if accompanied by a transport permit and a certificate of origin issued by the forest service authorities certifying their production in accordance with the provisions of the Law no. 9385 "On Forestry and Forestry Service", while other forestry and non-timber products shipping will be accompanied by a certificate of origin.

Transport of timber or other forestry and non-forest products from the private forest fund shall be permitted only if accompanied by a certificate of origin issued by the private owner and signed by the forest service authorities.

The format of the transport permit and the certificate of origin shall be determined by the Director of the Directorate of the General Forest Service.

Wood materials and any other products of forest origin, sequestered in processing centres or in storage and trading sites, shall be kept by the subjects to whom they are sequestered until their sale by the Forest Service.

### 5.1.6 Estimated number of operators

Companies operating in forest harvesting and trade of forest products must be registered based on the national legislation requirements. However, since forestry services are under municipality management, there is no uniform national database or register that would provide correct figures on the number of entities engaged in forest harvesting and/or trade.

In the period 2013–2015, the Ministry of Environment signed concession agreements for forest harvesting with ten logging companies.

### 5.1.7 Procedures in place for checks of domestic operators and on importers

Plans for checks on traders are not yet in place. Specific provisions concerning the competent

authority to carry out checks on FLEGT licensed shipments and the relevant procedure shall be decided by the new law on Forest and Pasture Fund.

### 5.1.8 Penalties applicable to infringements of the national provisions on timber trade

In Albania, penalties for potential breaches of national provisions on timber trade can be both criminal and administrative. Seizure of timber and suspension of authorization to trade are also envisaged as potential penalties. However, the possible offences do not concern violations related to due diligence and traceability requirements.

The largest fines reported are those related to the infringement of provisions of Law no. 5/2016, proclaiming the moratorium on forests, punishable with the fine of 5 000 000 ALL<sup>38</sup> (app. 40 000.00 EUR), unless the infringement constitutes a criminal offence.

The following conducts are described in the Law 9385 'on forestry and forestry service' and punishable by fines ranging between 10 000 ALL (app 80 EUR) up to 400 000 ALL (app 3 200 EUR):

- Destruction or use of the check mark by unauthorized persons and transport from one forest area to another, without the permission of the forest service authorities, is punishable by a fine of up to 200 000 ALL (app 1600 EUR);
- Felling in the national forest fund without the mark of the forest service, provided that significant damage is not caused, shall be punished by a fine of 200 000 ALL (app 1600 EUR);
- Unauthorized cutting or damaging of forests, privately owned, by the owners or by the subjects who are given to use or rent, provided that significant damage is not caused, shall be punished with a fine of 400 000 ALL (app 3200 EUR);
- The transport of wood material from the forest and from the storage sites to the processing and sales centres, accompanied by the standard transport permit, as well as the transport of other forest and non-forest products, without a certificate of origin,

<sup>38</sup> Based on the average exchange rate valid in June 2020 where 1 ALL0.0080 EUR

shall be punishable by a fine in the amount of 150 000 ALL (app 1200 EUR);

- Transport of timber or other products, forestry and non-forestry, from the private forest fund, without the certificate of origin, issued by the owner, is punishable by a fine of up to 20 000 ALL (app. 160 EUR);
- Transport of timber and non-timber materials, processed or semi-processed (boards, elements, charcoal and oak, medicinal plants, resins, leaves, fruits, flowers and flowers, roots, peas, etc.), without permit and certificate of origin, issued by licensed legal (processing) entities, shall be punishable by a fine in the amount of 100. 000 ALL (app 800 EUR);
- Transport of firewood (by animals) from the forest, without appropriate permission, shall be punishable by a fine of 10 000 ALL (app 80 EUR);
- Failure by entities to store seized timber and any other forestry products, located in processing centres or on storage and trading sites, is punishable with a fine of 50 000 ALL (app 400 EUR);
- The sale or alienation of timber and non-wood forest products and products made by the National Forest Fund, without the permission of the forest service authorities, is punishable by a fine of 150 000 ALL (app 1200 EUR);
- The sale of timber and other forest products infected with diseases, weeds or parasites or affected by insects shall be punished by a fine of 100 000 ALL (app 800 EUR).

### 5.1.9 Timber and timber products covered and how do they compare with the EUTR

The Albanian national legislation does not include all wood and timber-based products covered by the EU regulation.

## 5.2 Bosnia and Herzegovina

### 5.2.1 Legal framework on timber harvesting and timber trade

The regulation of forest management in Bosnia and Herzegovina is complex. There is no forestry law on the central level nor a forestry police that would enforce it. The state of Bosnia and

Herzegovina comprises of two autonomous entities: the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska. FBiH is further divided into 10 cantons. A third administrative unit is the Brčko District, which functions as a local self-government area. Management of forest resources is devolved to entity level and thus differently regulated in the different entities.

Overall, the legal framework on timber trade is provided by forestry legislation at entity or cantonal level, including the internal procedures of public companies that are managing state-owned forests and other general legal documents regulating the trade of goods and services in Bosnia and Herzegovina. The import and export of wood and wood products is regulated by the customs service and is in line with EU customs nomenclature.

Besides the legal framework on timber trade, the Forest Stewardship Council (FSC) certification process is present in BiH. In 2019, FSC certified areas occupy more than 1.8 million hectares containing the FSC SFM (sustainable forest management) certificates. The FSC CoC certificates are also present in the wood-processing industry and, in 2019, 307 FSC CoC certificates and 2 PEFC CoC certificates are present.

### LEGAL FRAMEWORK IN FBiH

A Law on Forests was introduced in FBiH in 2002 but was proclaimed invalid by the Constitutional Court in 2008 after the law was found to have discrepancies with the European Charter of Local Self-Government. A new draft Law on Forests was adopted by the Government of FBiH in 2017, which, inter alia, provided for stricter penalties for non-compliance and prescribed the FBiH Forestry Program as the main strategic planning document. However, the law has not been passed by the Parliament yet. As the administration in FBiH is decentralized in smaller cantonal divisions, responsible for local forest resources, and considering the lack of an overall law on forestry at entity level, the assemblies of cantons adopted forest laws in all cantons where forestry activities are carried out. This legislation regulates forest management, transport, preservation and protection of forests.

## LEGAL FRAMEWORK IN RS

The framework law governing the forestry sector in Republika Srpska is the Law on Forests from 2008 (Official Gazette of RS No. 75/2008 and 60/2013). The Law regulates ownership and determines responsibilities of administration on forest management. The law is accompanied with the secondary legislation regulating in more detail timber trade and technical norms of forest management. The sale of wood from forests owned by Republika Srpska is done according to the Decision on establishing the criteria for the distribution of forest wood assortments for wood harvesters (Official Gazette of RS, no 103/16).

## LEGAL FRAMEWORK IN BRČKO DISTRICT

The Law on Forests for Brčko District has been adopted in 2010 (Official Gazette of BD no. 14/10) and further amended in 2016 (Official Gazette of BD no. 126/16). The Law envisages adoption of forest management plans for both public and private forests. The annual management plans are adopted by the Government of the Brčko district and contain measures related to harvesting, silviculture forest protection and monitoring.

### 5.2.2 Competent authority for the implementation of EUTR

The organizational and institutional arrangements of the forestry sector are held at the level of entities (FBiH and RS) and Brčko District. The institutions at these levels are responsible for forest policy making and for creating and implementing forest legislation, while the institutions on federation level have just a coordinating role.

At the Federation of Bosnia and Herzegovina level the Forestry Department, within the Ministry of Agriculture, Water Management and Forestry, has a unit responsible for all aspects relating to forest law and related legislation, and a Forest Office which deals with forestry development and support and has an overall monitoring role. The FBiH Forestry Inspection unit performs overall inspection services relating to the Law on forests within FBiH. However, in the absence of the Law on Forests on the entity level, the inspection operates under the Law on Inspection.

At the cantonal level, the competent ministry (i.e., usually the Ministry with the Agriculture, Water Management and Forestry portfolio) holds responsibility for forestry, within which there is a Cantonal Forest Office to control the activities of the cantonal forest management companies and to provide advice and support to private forest owners. It has a major role in guarding and protecting forest resources, including combating illegal logging. The Cantonal Forest Inspection forms part of the Cantonal Inspection Service and performs overall inspection services related to the forestry sector.

At the level of RS, the Forestry Department within the Ministry of Agriculture, Forestry and Water Management is responsible for forestry sector. The overall governance and management activities are implemented by the following bodies: The Forestry Council, a high level forum for discussion on forestry and related issues; the Forest and Hunting Inspection, operating under the General Inspection Service, and; the Public forest company "Šume RS".

Besides the institutions described above, the Indirect Taxation Authority of BiH, Customs and the Foreign Trade Chamber of BiH are also important for timber trade.

### 5.2.3 Administrative capacities

During 2017, the forestry sector (without the wood-processing industry) of FBiH employed 5131 people. At the same time, 4734 worked in the forestry sector of RS. The total number of people employed in the forestry sector (public forest management companies and public forest administration) in both of BiH's entities, in 2017, was 9 865. This number does not include people employed by private companies engaged as contractors, forestry inspectors at different administrative levels, as well as forestry professionals employed in education and research institutions.

In general, there is an indication that public forest companies might be overstaffed, mainly due to social reasons, as public forest enterprises are often the main employers in rural areas. According to FBiH's Office of Statistics (Statistical yearbook for 2018), more than 22 000 people (4.3 percent of total workforce) are employed in

forestry and the wood-processing industry in the FBiH (source: Statistical bulletin – Employment, unemployment and salaries for 2018 in the FBiH)

Nevertheless, in FBiH implementation is hampered by the lack of robust and comprehensive policies, legislative framework, and institutional capacities necessary for sustainable forest management, including lack of knowledge and skills related to the implementation of the EUTR. Moreover, lack of coordination and cooperation between the different policy actors on entity level, and between entities, impede implementation.

#### 5.2.4 Timber production and timber trade-state of play

The wood-processing industry in BiH is export oriented and there is a significant surplus in wood trade. The wood processing sector has a positive trade balance and participates with 11.4% in BiH's total exports – making it the highest surplus of foreign trade in BiH (Foreign Trade Chamber, 2018). Depending on the types of wood products (primary, processed or final wood products) most exports from the wood processing sector in BiH is oriented towards regional

and EU markets such as Croatia, Serbia, Italy, Germany, Slovenia, Austria, France and Belgium.

In 2018, exports of EUTR-regulated products (timber and timber products to which the EUTR applies) from Bosnia and Herzegovina totalled USD 826 million, of which 75% was exported to the EU-28, according to data from the UN Comtrade Database.

Overall, over the ten-year period 2009–2018, Bosnia and Herzegovina reported an increase in the total value of EUTR-regulated products exported from Bosnia and Herzegovina to the EU. In 2015 the wood-processing industry of the FBiH exported more than 625 million BAM (app. 319 mil EUR<sup>39</sup>). In the same time, the import of timber products amounted on 177 million BAM (app. 90 mil EUR). (source: Chamber of Commerce of FBiH, 2018).

#### 5.2.5 Procedures related to timber harvest and trade

The selection system is the main silvicultural system and clear-felling is prohibited except in

<sup>39</sup> 1 BAM=0.51 EUR

**TABLE 20** The official volume timber products in BiH (2012–2017)

Timber product	2012	2013	2014	2015	2016	2017
Logs, coniferous	1 176.5	1 256.2	1 254.5	1 275.7	1 335.8	1 275.9
Mining wood, coniferous	122.9	136.5	115.9	119.6	122.5	106.4
Other long wood, coniferous	74.8	14.4	17.2	12.8	18.6	15.3
Cordwood, coniferous	388.1	536.3	596.7	564.1	599.9	475.2
Fuelwood, coniferous	1.6	1.1	1.8	2.4	1.8	1.3
Logs, broadleaf	613.4	643.3	596.8	654.9	655.7	669.2
Mining wood, broadleaf	4.9	3.7	3.8	3.4	2.8	3.5
Other long wood, broadleaf	17.3	15.9	18.0	17.2	18.9	19.9
Cordwood, broadleaf	130.7	82.0	79.9	86.1	87.1	91.4
Fuelwood, broadleaf	1 266.3	1 334.4	1 255.9	1 303.6	1 325.6	1 309.3
Other wood, roughly worked	0.1	0.4	0.4	0.2	0.2	0.2
<b>Total</b>	<b>3 796.4</b>	<b>4 024.2</b>	<b>3 941.0</b>	<b>4 040.0</b>	<b>4 169.1</b>	<b>3 967.6</b>

Source: The Agency for Statistics of BiH, 2019

special circumstances, e.g. the forest is so degraded that it is not possible to promote natural regeneration or, for sanitary reasons, to prevent disease. The management of forests must be carried out according to national norms and technical parameters regardless of the type, size, or type of ownership. The forest management plans (FMP) which are valid for a 10-year period include management prescriptions for each forest stand.

Within the FBiH, FMPs for state-owned forests are prepared by specialized forest management planning companies. The Cantonal Forest Offices prepare the FMPs on behalf of private owners.

Within the RS, the Research and Development and Project Centre which forms part of "Šume RS" prepares the FMPs for state-owned forests and for private forests. Plans are approved by the Entity forest authority and their implementation is mandatory.

After the timber is marked and cutting activities are finished a Bill of Lading and Dispatch Note ('otpremni iskaz') are issued by the public forest company. This documentation is used as a proof for timber origin and contains the information required for identification of volume, types and other aspects of shipment that is transported on public roads. Any shipment that does not contain the described document can be considered as illegal timber trade. If the timber is further traded on the market it must be accompanied by adequate documentation that contains the information on seller, buyer, quantities, types of products, identification of transportation mean, diameter, length, volume, etc.

It is prohibited to place illegally harvested timber and timber products on the market, and all actors involved in the chain of custody have to possess adequate documents as a proof for timber origin.

In 2018, both entities introduced restrictions to timber trade. The Federation of Bosnia and Herzegovina issued a temporary ban on the export of logs on 14 December 2017, that was in force until 4 April 2018. Harvesting of endangered species is prohibited in FBiH under the repealed 2002 Law on Forests, unless for breeding or sanitary purposes. Endangered species

are specified as Serbian spruce (*Picea omorika*), English yew (*Taxus baccata*), Bosnian pine (*Pinus heldreichii*), Dalmatian laburnum (*Petteria ramentacea*), Turkish hazel (*Corylus colurna*), Balkan maple (*Acer heldreichii*), dwarf mountain pine (*Pinus mugo*) and *Alnus viridis*. According to the FBiH 2017 draft Law on Forests, not yet adopted, the list of endangered species shall be broadened to encompass additional species whose harvesting is prohibited.

In Republika Srpska, the ban on the export of logs from the territory was enacted on 14 September 2017, and was in force for six months. The harvest of 21 species is prohibited in Republika Srpska under the 2008 Forest law, including Serbian spruce (*Picea omorika*), dwarf mountain pine (*Pinus mugo*), holly, downy birch (*Betula pubescens*), grey poplar (*Populus x canescens*) and Macedonian oak (*Quercus trojana*).

The harvest of five species is prohibited in Brčko District under the 2010 Forest Law: Balkan maple (*Acer heldreichii*), *Alnus viridis*, Turkish hazel (*Corylus colurna*), Dalmatian laburnum (*Petteria ramentacea*) and elm (*Ulmus spp.*)

In 2019, a state-level task force led by the Ministry of Foreign Trade and Economic Relations, with the support of the Governments of Republika Srpska and the Federation of Bosnia and Herzegovina, was formed to consider the possibility of banning the export of logs from the whole country.

### 5.2.6 Estimated number of operators

In recent decades, the wood-processing industry was privatized. Before the 1990s, more than 200 wood processing companies were operating. According to the Assessment of the Sawlog Market (FIRMA, 2011<sup>40</sup>) there are around 1500–1700 sawmills, as compared to 61 before the war. Most of the bigger sawmills are from the 1970s and 1980s, with mostly obsolete technology after 30–40 years of operation. The smaller sawmills are typically not able to produce high quality lumber for export, but are mainly for the local market, with little possibilities to generate export

40 FIRMA (2011): Main performance indicators of the wood processing industry in 2011 – BiH industry outlook Wood & Metal Processing Sectors

**TABLE 21** Production and trade flows of main timber products in Bosnia and Herzegovina in 2015 (in m<sup>3</sup>, based on FAOSTAT data).

	Production	Imports	Domestic consumption	Exports
Logs (industrial roundwood)	3 122 100	44 070	2 935 090	68 420
Sawn wood	1 060 000	110 810	234 720	936 090
Wood-based panels	58 440	224 080	539 160	25 880
Fibreboard	2 000	75 470	76 870	600

\* Calculated from reported data

Source: Country overview to aid implementation of the EUTR developed by UNEP-WCMC for the European Commission, April 2020

revenues or to be competitive (FAO, 2015)<sup>41</sup>. According to the official data presented in the Strategy for Development of Wood-Processing Industry of FBiH (2016–2025)<sup>42</sup>, there are 1 174 registered companies in this sector, in FBiH. Data for RS are not available.

### 5.2.7 Procedures in place for checks of domestic operators and on importers

In general, wood-processing companies in BiH do not have specific due diligence system in place. Several companies, mainly those export-oriented have the FSC CoC certificates. Nevertheless, their operations have to be in line with domestic legislation and they are under the control of various inspection services.

### 5.2.8 Penalties applicable to infringements of the national provisions on timber trade

There is no official data covering this issue.

### 5.2.9 Timber and timber products covered and how do they compare with the EUTR

In 2015, BiH exported EUTR-regulated products (timber and timber products to which the EUTR applies) to 90 countries and territories, out of which 75% was exported to the EU-28 by weight

and 83% by value. Exports mainly consisted of fuel wood (HS4401) by weight, while sawn wood (HS4407) was the largest single value product exported and was the second highest exported by weight. While sawn wood (HS4407) accounted for the highest proportion of value exported globally, fuel wood (HS4401) accounted for a higher value of EUTR products (UNEP-WCMC, 2019). BiH consumed most of the wood materials produced and imported in 2015, with the exception of sawn wood (table 21 above).

## 5.3 Kosovo

### 5.3.1 Legal framework on timber harvesting and timber trade

The legal framework on management of public and private forests is determined by the Law no. 2003/3 on Forests, amended with the law no. 2004/29 dated on 14 October 2004 and the law no. 03/L-153, dated 25 February 2010, which stipulates a mandatory approval of logging operations by the competent authority. Logging permits are issued by the municipalities, and stamping or marking the wood for legal cutting is necessary in order to carry out transport. Another important piece of legislation regulating timber trade from public forests is the Administrative instruction no. 06/2010 dated on 28.06.2010 on the manner and procedures of sale of forest trunks and timber assortments from public forests. The legislation promotes principles of free and open market, competition, and transparency. The trade, which is done through auctions is organised according

41 Food and Agriculture Organization of the United Nations 2015: The Forest Sector in Bosnia and Herzegovina

42 Strategy for Development of Wood-Processing Industry of FBiH (2016–2025), available at: <https://fmeri.gov.ba/media/1475/strategija-razvoja-drvne-industrije.pdf>

to annual management plans. Administrative instructions set the criteria for the companies that can operate in forestry sector.

The laws and regulations of the forest sector are generally in place and harmonized with the EU timber regulation, but the implementation and enforcement of the laws and regulations is far from meeting the EU standards.

The capacity for law enforcement is limited since there is no effective cooperation between institutions dealing with the protection of forests and other institutions, especially the judiciary system and the police.

### 5.3.2 Competent authority for the implementation of EUTR

The main institution responsible for forestry issues is the Kosovo Forestry Agency, which is responsible for the management and administration of forests and public forest lands and forests in national parks.

2010 amendments to the Forest law (law no. 03/L-153, dated 25 February 2010) stated that protection of forests as a competence is delegated to municipalities. Thus, the protection of forests and the granting of licenses for logging in the territory of the municipality is defined as a delegated competence under the Law on Local Self-Government. The forest protection service is also transferred as a municipal competence.

### 5.3.3 Administrative capacities

Forestry is not in the focus of the Government as a high priority issue. As a result, the forestry sector lacks resources and funds. One of the main problems is the lack of human capacity, i.e., absence of forestry education and training, as well as shortage of qualified forest workers.

### 5.3.4 Timber production and timber trade-state of play

The report "Value Chain Analysis of the Wood Building Material Subsector"<sup>43</sup> states:

43 Wolfgang Wiegel and Agon Nixha "Value chain analysis of the wood building material sub sector", March 2018

**TABLE 22** Raw material and its origin (Kosovo)

Raw material	Local Purchase	Direct Import	Country of Origin
Sawn timber Solid wood boards	41%	35%	Austria, Germany, Other
Veneer – Sliced or rotary cut	29%	18%	Germany, Croatia, Other
Plywood and Oriented Strand Board	18%	12%	Germany, Austria
Particle board, MDF and HDF	29%	35%	Germany, Other

Source: Wolfgang Wiegel and Agon Nixha "Value chain analysis of the wood building material sub sector", March 2018

"In 2016, exports of the building material sub-sector amounted to 1.3 million EUR. From 2007 to 2013, the average stood at around 0.45 million EUR. A rather significant rise (83%) occurred in 2016 compared to the previous year. Further analysis revealed that this rise in export sales is mostly due to the success of one company only. Without the increase in exports of this particular company, the sub-sector's export turnover would have remained roughly at the level of 2014.

"Kosovo Customs indicates that there are around 93 firms in Kosovo that export wooden building material products. The majority of these enterprises (approximately 76%) export less than 10 thousand EUR annually. On the other hand, five production companies make up 59% of all building material exports. This highly uneven distribution of exports indicates that the majority of companies are still facing struggles to expand their exports".

The same report stated that almost all wood and non-wood raw material and accessories are sourced from outside of Kosovo. The more significant share is imported by local retailers and wholesalers and later sold on to manufacturers. Part of the imported raw material is further refined before it reaches the manufacturers. It is unknown to the consultants to what extent the refining takes place and how much value is added to the products. A smaller portion of raw material is imported directly by manufacturers. The raw material and its origin is presented in the table 22 above.

### 5.3.5 Procedures related to timber harvest and trade

As stated earlier, the management of public and private forests is regulated by the Law on Forests, which stipulates a mandatory approval of logging operations by the competent authority. Logging permits are issued by the municipalities, and stamping or marking the wood for legal cutting is necessary in order to carry out transport. The weak implementation and enforcement of legislation on timber harvest and trade remains an issue. Thus, it is estimated that majority of annual logging is not carried out in accordance with the law.

### 5.3.6 Estimated number of operators

There is no official data covering this issue. The report quoted above indicates that, according to the information provided by the Kosovo Customs, there are around 93 companies in Kosovo that export wooden building material products.

### 5.3.7 Procedures in place for checks of domestic operators and on importers

There is no official data covering this issue.

### 5.3.8 Penalties applicable to infringements of the national provisions on timber trade

The penalties applicable to infringements of the national provisions on timber trade are provided in the Law no 2003/3 on Forestry. Fines up to 10 000 EUR are envisaged for the following offences:

- Illegal transport of cut trees;
- Sale or purchase of trees without necessary permits and marks;
- Tax evasion;
- Cutting or damaging one or more trees in the forest for the purpose of stealing or embezzling cut timber when the quantity of timber does not exceed 2m<sup>3</sup>.

### 5.3.9 Timber and timber products covered and how do they compare with the EUTR

Since the provisions of the EUTR and FLEGT regulations are not implemented in Kosovo, the market is based on national legislation. The responsibility to comply with the EU regulations,

in this case, lays with importing countries: Germany, Switzerland, Italy, Belgium, Austria, France, Slovenia, Sweden, etc.

## 5.4 Montenegro

### 5.4.1 Legal framework on timber harvesting and timber trade

The legal regime of forest is provided in the Law on Forests (Official Gazette of Montenegro No. 74/10, 40/11 and 47/15). Forests and forest land in private ownership are administered and managed by their owners in accordance with the law. Forest and forest land in state ownership are administered managed by competent administrative authority in accordance to the law. Forest administration includes cutting, marking, pulling, export as well as transport and sale of forest products.

According to the Law on Forests (Official Gazette of Montenegro No. 74/10, 40/11 and 47/15), trees can be harvested only after their selection, marking and remittance in accordance with forest management program and management plan for a privately-owned forest. The markings lasts for a maximum of three years after which the competent administrative authority is obliged to remove marks from the selected trees.

Conditions for transport and trade of wood assortments are also regulated by the Law on Forests. Forest assortments of technical and spatial wood can be exported from the site, only after their receipt. Receipt involves measurement, recording and marking of wood assortments.

The owner or user of the forest is obliged to inform the competent administrative body about the logging within three days from the date of logging.

Receipt is made by the competent administrative authority through a receipt book. Extract from the receipt book represents the certificate of origin of forest or wood assortments. Forest or wood assortments must be accompanied by a certificate of origin.

The sale, processing and storage of forest assortments that are not properly labelled and which do not have a certificate of origin is prohibited.

#### 5.4.2 Competent authority for the implementation of EUTR

The Ministry of Agriculture and Rural Development is responsible for the development of economic and other sector policies. The Forest administration is responsible for reception and issuing certificates of the origin of forest and wood assortments. The Tax administration checks the conformity of operations of forest users. The Customs Bureau checks the conformity of operations of forest users when exporting and importing.

#### 5.4.3 Administrative capacities

The forestry sector lacks formally educated personnel. This applies to the Forest Administration as well as the forest owners and contractors. The average age of employees within the Forest Administration is above 50. There is lack of interest in promoting education in the forest sector.

In general, the timber industry lacks skilled experts and workers in the field of wood processing, product design and sales. At the moment, there are 22 engineers working in the wood industry companies in Montenegro, of which 14 are engineers of wood industry and the rest are engineers of forestry, electrical engineers, mechanical and other professions. Most owners of existing private companies are without any professional education and not able to recognize the problems of logging in their businesses.

#### 5.4.4 Timber production and timber trade-state of play

Annually, 804 821m<sup>3</sup> of timber are cut. The share of forestry and wood processing in the GDP is less than 1%.

It is calculated that for the upcoming period, with the sustainable management of logging (0,97m<sup>3</sup>/ha – which is less than logged in the moment) gross income from the sale of the wood assortments could be around 26.5 million EUR per year. However, to achieve this goal it is necessary to annually invest in forests around 11 million EUR.

In March 2017, the Government issued a Decision on the temporary restriction of the export of wood assortments (Official Gazette of Montenegro, no.23/2017, 63/17, 33/18 and 24/19) to prevent shortages of wood assortments and to mitigate the effects of shortages of wood assortments. Export of wood assortments from state owned forests was prohibited. One of the main reasons for such prohibition is to prevent export of wood raw materials to neighbouring countries (Kosovo, Albania, North Macedonia, Italy and Serbia) and to protect the domestic wood processing industry, which has a potential for growth but is limited by the lack of raw materials.

During 2019, the Decision on the temporary restriction of the export of wood assortments was extended until 1 May 2021, the result of which was the complete cessation of the export of logs and firewood, but also a significant increase in the export of sawn timber and wood pellets.

Statistical information on Montenegrin timber trade has been provided only for fuelwood.

**TABLE 23** Import and export of wood fuels in Montenegro in 2018

Complex Energy Balance for Montenegro, 2018 (EUROSTAT form)	Drvna goriva / Wood fuels (p)				
	Firewood (m <sup>3</sup> )	Wood residue (m <sup>3</sup> )	Wood chips (t)	Wood pellets (t)	Charcoal (t)
Primary production	705 406	46 228	2 334	66 413	
Imports	2	53	23	1 292	383
Exports	9 680	5 459	2 357	47 409	4

Source: Monstat

#### 5.4.5 Procedures related to timber harvest and trade

Documentation related to legal timber harvest is defined in the Law on Forests and the secondary legislation adopted thereof, i.e., the Rulebook on Remittance and Felling of Trees, Manner of Reception and Marking Wood Assortments.

Besides this, the import of timber harvested outside of the country is regulated by Law on Customs Administration (Official Gazette of Montenegro, No. 7/2002, 38/2002, 72/2002, 21/2003, 31/2003 – Decision, 29/2005 and 66/2006 and Official Gazette”, No. 21/2008, 40/2011 – Law, 39/2011 – Law, 28/2012 – Law, 62/2013 and 71/2017). The Law on Customs Administration regulates the customs procedure, rights and obligations of persons participating in the customs procedure, as well as the authorities competent for customs clearance, their rights and obligations.

#### 5.4.6 Estimated number of operators

At the beginning of 2019, there was 476 active companies dealing with wood cutting, processing and production of furniture. 202 of them had only one employee. At the end of 2019, there were 478 active companies with 2896 employees. In that period, the number of employees in the sector increased by 307.

#### 5.4.7 Procedures in place for checks of domestic operators and on importers

According to the *Report on the Implementation of National Action Plan for the Suppression of Illegal Forestry Activities for the period 2019–2021*, during 2019, the monitoring of the forest resources was implemented continuously in order to support preventive measures. Monitoring was based on the quality of implemented works and recording of all implemented activities. Special focus was put in the monitoring of construction and maintenance of the roads which was one of the main problems from the previous period. A special challenge in implementation was to control operation of concessioners, especially in respect to signed concession contracts with the Forest Administration.

#### 5.4.8 Penalties applicable to infringements of the national provisions on timber trade

There is no official data covering this issue.

#### 5.4.9 Timber and timber products covered and how do they compare with the EUTR

In the strategic document *Montenegro Development Directions 2018–2021* the application of EUTR standards is one of the defined activities for the sector of forestry.

In the terms of categorisation of timber and timber products, the Decision of the Government of Montenegro on prices for the purchase of wood assortments for own needs in rural areas recognizes different categories of timber products, classes and its prices.

The Regulation (EC) 2173/2005 (FLEGT) and Regulation (EC) 995/2010 defining the obligations of operators who place timber and timber products on the market are not fully implemented yet.

### 5.5 North Macedonia

#### 5.5.1 Legal framework on timber harvesting and timber trade

The level of harmonization of the Republic of North Macedonia timber trade legal framework with the EUTR is satisfactory, but it lacks proper implementation and enforcement considering the extent of illegal forest activities.

Despite the fact that none of the forests in the Republic of North Macedonia are certified, so far EU timber importing companies have not issued any official complaint related to the timber coming from the Republic of North Macedonia.

Placing illegally harvested timber or timber products on the market is prohibited and the main principles governing the timber trade are regulated by the Law on Forests (Official Gazette of the Republic of North Macedonia no. 64/09, 24/11, 53/11, 25/13, 79/13, 147/13, 43/14, 160/14, 33/15, 44/15, 147/15, 7/16 and 39/16). Thus, “it is forbidden to buy, process and trade wood that is not marked and does not have proper transport

documentation" (article 70 of the Law on Forests). Permits are issued by the Public Enterprise 'National Forests' (PENF) for the national market, and for export by the Ministry of Agriculture, Forestry and Water Economy (MAFWE). Since 2010, the sorting method from the Law on Forests has been fully harmonized with the EU recommendations.

### 5.5.2 Competent authority for the implementation of EUTR

The Ministry of Environment and Physical Planning (MEPP) is the responsible institution for negotiation with the EU concerning Chapter 27 and setting the policy framework for the EUTR, whereas the Ministry of Agriculture, Forestry and Water Economy is the responsible institution for implementation and enforcement. The Ministry of Agriculture, Forestry and Water Economy is responsible for issuing permits for international timber trade and keeps the Registry of all companies that are engaged with export of wood.

The Public Enterprise 'National Forests' keeps a Registry of all entities engaged in forestry processing industry, i.e. legal entities which supply wood and wood products, including all sawmills and warehouses. The Registry, however, does not include private forest owners. In relation to the national timber trade, the State Inspectorate for Forestry and Hunting (SIFH) is authorized to check relevant documentation on timber trade.

The State Market Inspectorate, within the Ministry of Economy, operating under the Law on Trade, conducts inspection and supervision on the laws, rules and regulations implementation by trade companies, legal entities and natural persons on the territory of Republic of North Macedonia regarding trade, consumer protection, etc. The import of wood and wood products is regulated under the Law on Trade.

The Association of Wood Processing Industry and Furniture Manufacturing comprises the 170 economic entities in the field of wood processing – sawmills, manufacturers of wood packaging, sawn-wood, wooden elements, and furniture manufacturing. To address the specific interests of the members, two groups are established as special forms of activity within the Association: the Wood-processing Group, and the Furniture

Manufacturers Group. The main activities are lobbying, advocacy and negotiation with the relevant institutions, and representing the interests of the wood processing industry.

### 5.5.3 Administrative capacities

The Public Enterprise 'National Forests' services related to trade are delayed due to a lack of human and financial resources. Furthermore, the PENF does not have sufficient human and financial capacities and skills to fulfil the endorsement requirements according to forest certification schemes, especially in relation to forest protection and responsible management.

### 5.5.4 Timber production and timber trade-state of play

The share of the forest industry (primary and secondary wood processing, furniture, paper and pulp) to the GDP is estimated to 2.5 and 3%. The logged wood in the Republic of North Macedonia is divided in three main categories, technical, fuelwood and residue and registered in the official state data in m<sup>3</sup>. The average quantities logged per each category are: technical wood 130 000 m<sup>3</sup>, fuelwood 600 000 m<sup>3</sup> and residue in the amount of 50 000 m<sup>3</sup>.

The State Statistical Office data for import and export of wood and wood products for the period from 2013–2019 shows an increase of both export and import amounts. The Republic of North Macedonia is importing much more wood and wood products than exporting, still there is a trend of lowering the negative balance from 11.33% in 2013 to 9.96% in 2019. Data for 2019 shows that the export amounts 8 508 908 EUR, while the amount of import is 84 782 190 EUR. The main trading partners are Switzerland, Serbia, Turkey and Bulgaria.

The type of products most exported products are construction carpentry (coniferous), flat pallets and pallet holders, beech wood processed lengthwise, etc. The imports consist of wood pellets (14.6%), planks, sawn wood or chipped lengthwise, MDF, etc.

### 5.5.5 Procedures related to timber harvest and trade

The legal framework regulating the harvest of fire wood and timber are determined by the Law on Forests (Official Gazette of the Republic of North Macedonia" no. 64/09, 24/11, 53/11, 25/13, 79/13, 147/13, 43/14, 160/14, 33/15, 44/15, 147/15, 7/16 and 39/16), namely in Articles 70, 70a and 71.

Rules on the form and content of the application for registration for trade of wood and wood assortments, the form and content of the notification for each executive turnover of wood and wood assortments, and the form, content and manner of keeping the register of legal entities engaged in the trade of wood and wood assortments are defined in the rulebook issued by Public Enterprise 'National Forests'.

PENF issues a price list for the main forest products. Furthermore, every year, the PENF issues a call for buyers and traders of industrial wood. While contracting the wood traders, for technical wood, the PENF requests information about what kind of product they will use it for. The contracting procedure is followed by a set of documents containing detailed data of the entity, type of tree, tree class, name of sawmill where the timber will be processed or confirmation for own processing capacities, purpose for which the timber will be used. The Law on Trade regulates the retail trade of sliced and pressed lumber and firewood at specially organised markets.

The Custom Tariff tables are the key instrument used for proper classification of goods subject to import or export. The Nomenclature of the Customs Tariff for wood and wood products is 44XX, which is incorporated in the Customs Tariff, and is in line with the Harmonized System and Combined Nomenclature of the European Community. Even though the quantity measuring units used in the forestry sector are still in m<sup>3</sup>, and not in weight (kg), the PENF rulebook for wood trade foresees a conversion tool for the currently used measures. Due to lack of harmonization of quantities and weight value, the amounts of exported and imported wood and wood articles are shown in an EUR monetary value.

### 5.5.6 Estimated number of operators

According to the data provided by the State Statistical Office, in 2017 there were 1040 active business entities trading with wood and wood products. All entities that are engaged with trade of wood and wood products are registered in the Central Registry of the Republic of North Macedonia and the Public Revenue Office.

### 5.5.7 Procedures in place for checks of domestic operators and on importers

Reselling of logs is prohibited. To contract buyers and traders the PENF offers 3 types of contracts: framework agreements for business cooperation; annual agreement without a framework agreement; cash sales for small quantities. The framework agreements can be concluded for a period of 10 years, regardless of the time of conclusion, for amounts up to 70% of the planned annual production of logs, firewood and biomass.

For companies to trade with timber they have to register in the single counter system for import, export and transit of goods and Tariff quota – EXIM. EXIM is an electronic system used by 16 institutions that have competencies in the field of foreign trade. The EXIM system enables electronic submission of applications for issuance of import and export licenses by an economic operator to the MAFWE and electronic issuance of licenses by the MAFWE. By fulfilling the conditions and rules for registration that are posted on the website<sup>44</sup>, the economic operators can electronically submit a request for permits under the jurisdiction of the MAFWE. Below is the required information from operators per type of license requested:

- E002 – approvals for export of walnut, chestnut and cherry logs. Requesting documents:
  1. Name of the legal entity;
  2. Tax number of the legal entity;
  3. ID number of the legal entity;
  4. Ten-digit tariff code;
  5. Appointment of goods by customs nomenclature;
  6. Trade name of the goods;

44 [www.exim.gov.mk](http://www.exim.gov.mk)

7. Quantity of the goods for which it is submitted the request, expressed in a single measure (m<sup>3</sup>);
  8. Approval for felling (if the tree originates from a private forest).
- Eo17 approval for export of logs, firewood and other wood products:
    1. Name of the legal entity;
    2. Tax number of the legal entity;
    3. ID number of the legal entity;
    4. Ten-digit tariff code;
    5. Appointment of goods by customs nomenclature;
    6. Trade name of the goods;
    7. Quantity of the goods for which it is submitted the request, expressed in a single measure (CG);
    8. Name and address of the foreigner exporter / importer;
    9. Name and address of the manufacturer.

In addition, the following documents are also necessary:

- Document of the origin of the product;
- Approval for sale;
- Purchase agreement;
- Approval for felling (if the tree originates from a private forest).

### 5.5.8 Penalties applicable to infringements of the national provisions on timber trade

According to national legislation, more serious offences are sanctioned as crimes, while less serious violations are sanctioned as misdemeanours. Misdemeanour offences for illegal logging and trade are determined in the Law on Forests. For such misdemeanour offences, only fine may be imposed. The Law on Forests prescribes following penalties for breach of the national provisions on timber trade:

- Article 101 – legal person
  - fine in the amount of 25 000 – 30 000 EUR for any legal entity that purchases wood contrary to provisions regulated in Article 70 (Purchase, processing and trade of wood and wood assortments).
  - fine ranging from 4 000 to 6 000 EUR for the legal entity's responsible person.
  - fine ranging from 8 000 to 12 000 EUR for the responsible person (offence is done for personal benefit or significant damage is caused)

- the responsible person within legal person shall be banned from conducting responsible duties from 2 to 5 years.
- Article 102 – legal person
  - fine ranging from 15 000 to 20 000 EUR for any legal entity that exports wood contrary to provisions regulated in Article 71 (1) (Export of technical wood, firewood and cellulose wood is possible only with approval from MAFWE and if the wood has a stamp, travel document, and approved by SIFH Inspector).
  - fine ranging from 3 000 to 5 000 EUR for the legal entity's responsible person.
  - fine ranging from 6 000 to 10 000 EUR for the responsible person (offence is done for personal benefit or significant damage is caused)
  - the person responsible will be banned from conducting responsible duties from 2 to 5 years.
- Article 103 – legal person
  - fine ranging from 12 000 to 15 000 EUR for any legal entity that exports wood contrary to provisions regulated in Article 71 (7) (PENF and all other entities managing protected areas are obliged to trade wood and wood assortments only in registered warehouses in their ownership).
  - fine ranging from 2 000 to 4 000 EUR for the legal entity's responsible person.
  - fine ranging from 5 000 to 7 000 EUR for the responsible person (offence is done for personal benefit or significant damage is caused)
  - the person responsible will be banned from conducting responsible duties from 2 to 5 years.
- Article 104 – natural persons
  - fine ranging from 3 500 to 4 000 EUR for any person which purchases non-stamped wood and wood without a travel document regulated in Article 70 (Purchase, processing and trade of wood and wood assortments).
  - fine ranging from 5 000 to 8 000 EUR if the offence is done for personal benefit or significant damage is caused.
  - confiscation of all means and items planned or used in the offence, as well as confiscation of all appropriated items during the offense.

The Macedonian Criminal Code recognizes criminal offences applicable to forest trade. These offences are punishable either by a fine or imprisonment. The following conducts are described:

- Article 248 (Defrauding buyers) – fine or imprisonment of up to three years and fine for legal entities.
- Article 253 (Unauthorized acceptance of gifts) – fine or imprisonment of up to five years, fine for legal entities, and seizure of gifts.
- Article 253a (Unauthorized giving of gifts) – fine or imprisonment of one to five years, fine for legal entities, and seizure of gifts.
- Article 272 (Counterfeiting marks for marking goods, measures and weights) – fine or imprisonment of three months to five years and seizure of all means.
- Article 278 (Smuggling) – fine or imprisonment up to ten years, fine for legal entities, and seizure of all means and goods.
- Article 280 (Counterfeiting or destructing of business books) – fine or imprisonment of up to three years and fine for legal entities.

#### **5.5.9 Timber and timber products covered and how do they compare with the EUTR**

The timber and timber products that are placed on the market in the Republic of North Macedonia are fully in line with the timber and timber products as classified in the Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87.

The following types of timber products are mentioned in the MAFWE and PENF documentation: technical wood, wood assortments, wood for the production of wood products (wood for processing) and firewood, wooden boards, plywood, pellets, briquettes, ready-made split firewood (palletized, packed in bags and boxes) and charcoal production. According to the customs tariffs for export, the Republic of North Macedonia exports 66 different groups of products, both from coniferous and deciduous trees.

## **5.6 Serbia**

### **5.6.1 Legal framework on timber harvesting and timber trade**

The mechanisms aimed at combating the trafficking of wood originating from illegal sources is provided in the Law on Forests (Official Gazette of RS", No. 30/2010, 93/2012, 89/2015 and 95/2018), which prescribes that the operator who places timber on the market, except the natural person who places it for his own use, is obliged to keep records. The manner of keeping records of timber placed on the market is prescribed by the Rulebook on the form and content of the forest stamp, the form of the accompanying note or dispatch note, the conditions and method of stamping the cut tree, the manner of keeping records and the method of stamping, or marking conifers, intended for New Year's and other holidays (Official Gazette of RS", No. 93/16).

Timber in transport, in addition to the stamp on the timber, must be accompanied by the appropriate documentation, accompanying note or dispatch note, proving the traceability, i.e., origin of goods in circulation. It is prohibited to put the timber on the market (buying, selling, give away as presents, store and transport it by means of transport), until it is stamped with a forest stamp and an accompanying note or dispatch note accompanying the tree in transport. Timber transported without proper documentation is considered to be illegally harvested and such timber is seized on site.

### **5.6.2 Competent authority for the implementation of EUTR**

In the Republic of Serbia, the public companies engaged in the trade of wood, that is, the wholesale and retail sale of wood assortments, are JP 'Srbijašume', JP 'Vojvodinašume' and four public companies that manage the National Parks in Serbia.

Until 2015, the control of timber transport was under the competence of the Market Inspection, which did not have sufficient capacity. The 2015 amendments to the Law on Forests (Official Gazette of RS, No., 89/2015) restored the inspection control to Forestry and Hunting Inspection. It controls compliance of transport, stamping

**TABLE 24** Serbia export and import of timber (in million USD)

	Export			Import		
	2015	2016	2017	2015	2016	2017
Forestry and logging	11	13	22	8	8	6
Wood processing and wood products (except furniture)	203	221	254	168	197	233
Manufacture of paper and paper products	337	353	433	574	612	666
Furniture production	342	399	472	138	147	171

Source: Office for Statistics of the Republic of Serbia, Statistical yearbook of the Republic of Serbia 2018.

of cut wood and issuance of a cover or dispatch note, as well as processing, storage and record of timber placed on the marked with the relevant law. The total number of forestry inspectors in Serbia is 34. By giving the status of officials to forest inspectors, a significant contribution has been made in controlling the timber trade.

Budget funds in the amount of RSD 54 416 000 (app. 463 790 EUR) were allocated to the forestry and hunting surveillance.

### 5.6.3 Administrative capacities

The capacity to implement this regulation is still insufficient. To improve the capacity to prepare the implementation of the EUTR Regulation, the Directorate for Forestry of the Republic of Serbia has prepared a twinning project for EUTR implementation, for which a tender should be launched during 2020.

### 5.6.4 Timber production and timber trade-state of play

The wood processing industry in Serbia is largely based on domestic raw materials. However, in the wood processing and wood production sector, a decrease of 18.7% was registered between January and August 2019, compared to the first eight months of 2018. The main reason for the decline in production in domestic companies is the lack of raw materials for processing. In addition to the fact that not enough raw materials can be procured from the domestic market, countries in the region have introduced measures to temporarily ban the export of raw materials.

Export to the neighbouring countries, but also to the EU market is the most significant. The export destinations of furniture and wood products from Serbia, with a share of 39% in total exports are: Italy, Bosnia and Herzegovina, Russian Federation, Germany and Montenegro. The trading partners (import sources of timber) of Serbia are the neighbouring countries: Bosnia and Herzegovina and Romania, but also Austria, Hungary and Germany.

The value of exports and imports by activity classification in the period 2015–2017 is shown in the following table. Serbia has a positive balance in timber trade, i.e., constant surplus in foreign trade, which has been steadily growing over the last few years. However, a significant deficit was recorded in paper production.

Serbia's total timber exports reached nearly 600 million USD in 2018, of which exports of timber products were approximately 350 million USD, while furniture exports totalled approximately 250 million USD.

### 5.6.5 Procedures related to timber harvest and trade

According to the Law on Forests, the Government of the Republic of Serbia adopts the Forestry Development Program, on the basis of which forest users adopt the Annual Forest Management Plans. The timing, manner and type of deforestation are determined by the development plan program.

Tree logging can only be done after selection, marking the tree with a stamp and recording the trees for logging (remittance). Stamping of

cut wood is done by forest stamp before placing the tree on the market, i.e., when wood assortments are numbered, measured, graded, accounted for, and recorded in the receipts book. Documentation proving the origin of the goods in transit – the accompanying notes, and the dispatch notes, shall be issued in writing on the prescribed forms or in electronic form. In practice, the dispatch note is written in four copies; the first copy is the original and it is further sent to the buyer with the invoice, the second copy is the copy and goes to the carrier, the third copy goes to the accountant, and the fourth copy remains in the book. The accompanying note is issued based on a form. The person issuing the accompanying document shall, in addition to the above, also enter the recapitulation by class, as well as the payment slip number for the fee paid for the felling of the tree from the respective remittance sheet. Dispatched timber originating from a forest managed in accordance with the program, from non-managed state forests and confiscated timber products sold on public auctions shall also be issued a dispatch note (referring to state forests).

The employee enters data to the dispatch note from the receipt book for the assortment, data on the origin of the assortment in question, calculates the volume by classes and subclasses, as well as the total cargo volume, enters the contract number, payment slip number, BI (cashier's report number) or other monetary document on the basis of which shipment is made. Particularly in the state-owned forests, mobile devices are being introduced to record the production of wood assortments, they are used for recording logging and production and recording the shipping of wood assortments. Shipment of wood assortments is also often done on a mobile computer by scanning the barcode of the assortment in question.

After scanning all the loaded pieces, the dispatcher prints a listing (slip) with the elements of the loaded pieces, as well as the total quantity loaded, the same prints in two copies on the mobile printer, one of which goes with a copy of the written dispatch note for the customer and one sent to the bookkeeper. The written dispatch note must state the number of the printed listing, as well as the recapitulation by subclass for the same. Upon completion, the

manager transfers the data to the central server, from which the person in charge of bookkeeping, retrieves the data.

When exporting/importing timber and timber products to the Republic of Serbia, import and export licenses issued by the competent authority are required. The certificates accompanying the goods on export and import are trade documents, transport documents, goods security documents and customs documents. Also, some buyers require certificates of quality of goods, while for the export of wood and wood products it is necessary to provide a certificate of origin and a phytosanitary certificate of goods.

#### **5.6.6 Estimated number of operators**

At the end of 2016, 4133 business entities were active in the industrial sector covering the wood processing industry, of which 2540 were companies, and out of which 1786 companies cover the wood processing sector, while 754 are in the furniture industry. In addition to them, there are 1593 entrepreneurs.

Data from the Republic Office of Statistics of Serbia show that in 2019, the wood industry, together with forestry, employed about 23 000 people. About 6 541 people are employed in forestry and logging, while about 16 863 are employed in the wood processing and wood production sector. In 2017, there were 13 246 employees in the production of furniture in 692 businesses. In the sector of paper and paper products manufacturing in 2017, there were 622 business entities with a total of 6 980 employees.

#### **5.6.7 Procedures in place for checks of domestic operators and on importers**

To ensure the legal trade of timber through the supply chain from the time of cutting to the moment of trade, monitoring of timber traffic is carried out with enhanced control of the forestry inspection.

The origin of the wood can also be traced when purchasing wood assortments through purchase contracts containing information on the sale, type and quantity of harvested wood. Models for the sale of wood assortments are: one-year and multi-year contracts, bids and retail. Companies

that manufacture and sell timber or timber products in Serbia, if they want to market their products to the EU market, must hold certificates for their products. Public companies that manage state forests (except public companies that manage national parks) have a FSC Sustainable Management Certificate and their timber is more sought after because of the traceability of the product required for export. It is mainly consumed by small and medium-sized enterprises engaged in the production of semi-final and final timber products, and their main market is the EU, the CEFTA countries. Private forests, on the other hand, are not certified by the FSC standard required by EU countries for export, and small-scale production entrepreneurs (which are mainly based on primary wood processing, and such production is oriented mainly to the domestic market) depend on timber from the privately-owned non-certified forests.

As of 2016, all state-owned forests, in a total area of 1 001 347 ha, have been certified in Serbia, which represents 45.5% of the total forest area, and in the case of wood and furniture companies, as of 2016, 243 of these companies have CoC certificates for their production.

The importance of certification in the Serbian wood and furniture industries has increased, as manufacturers do not want to jeopardize their position in the market by using raw materials for which they do not have certification. Using certified timber reduces the risk to a minimum, as a third party certifies that the timber is derived from responsibly managed forests. Also, when exporting goods, the entrepreneur is obliged to check whether EUTR applies to his products, otherwise he will be subject to certain sanctions in case of placing illegally harvested timber on the EU market. In accordance with foreign trade regulations, goods exported, imported, transited or under a customs procedure are also subject to compliance with phytosanitary regulations.

### **5.6.8 Penalties applicable to infringements of the national provisions on timber trade**

As the Law on Forests prohibits the marketing of the logged timber from the forest (buying, selling, giving, storing and transporting by means of transport) without the necessary documents,

i.e., without the dispatch note and the accompanying note, as evidence of legality, certain sanctions are foreseen for legal entities and for entrepreneurs. According to the Law on Forests, fines ranging from 300 000 (2 550 EUR) to 3 000 000 RSD (25 500 EUR) are foreseen for the economic offences. For the offence committed by legal entity, fines ranging from 100 000 (850 EUR) to 1 000 000 RSD (8 500 EUR) are envisaged. If an entrepreneur (natural person) commits a misdemeanour offence, he or she will be sanctioned with a fine ranging from 100 000 (850 EUR) and 500 000 RSD (4 250 EUR).

As for the criminal offenses, in 2019, according to the report of the Forestry Inspectorate, fines were imposed for three economic offenses totalling 20 000 RSD (170 EUR).

The Office of Statistics of the Republic of Serbia, in its annual bulletin, shows that in the field of forestry, 7 responsible persons were convicted for economic offense, 6 of which received fines in the amount of 5000 (42 EUR) to 50 000 RSD (425 EUR).

### **5.6.9 Timber and timber products covered and how do they compare with the EUTR**

The Government of the Republic of Serbia adopted the Decree on harmonization of the customs tariff nomenclature for 2020 (Official Gazette of RS No. 85/19) which covers timber products subject to EUTR regulation.

## **5.7 Turkey**

### **5.7.1 Legal framework on timber harvesting and timber trade**

The legal framework on timber harvesting and timber trade is provided in the Forest Law No. 6831 and the secondary legislation adopted thereof – the Regulation on Forest Product Harvesting published in Official Gazette no. 19231 of 24.09.1986, the Regulation on Forest Management Planning<sup>45</sup>, the Order of GDF, No. 6877/A,

<sup>45</sup> available at: <http://mevzuat.basbakanlik.gov.tr/Metin.aspx?MevzuatKod=7.5.11952&MevzuatIliski=0&sourceXmlSearch=orman>

Standing Tree Selling Guideline<sup>46</sup>, and the Technical Regulations of Silvicultural Applications: Regulatory Document No: 298. General Directorate of Forestry.

The legal requirements for harvesting techniques are provided in the Regulation on Forest Product Harvesting, Official Gazette no. 19231 of 24.09.1986. The Regulation contains provisions on how the timber shall be felled, regulation on high slopes/shallow soils, how to cut the logs, how to prevent seedlings from damage, how to transport the timber from the forest to the storage facility. The annual harvesting activities are planned one year before the actual harvesting occurs, along with specification of the annual allowable cut, tree species and harvesting site. Trees are classified with respect to their qualities and their volumes, species, qualities, total price, etc., and are recorded into dispatch notes (*irsaliye* in Turkish). Standardization of forest products and sales principles are defined in the GDF Circular 279. These requirements are valid for all public and private forests.

The legal requirements for transport and trade are provided in the Forest Law No. 6831 and the Regulation on Issuing Transportation License of Forest Products. Thus, the GDF has an authority to deal with how to prepare a transport document and the information in it. Sold forest products cannot be transported without the payment (or providing bank guarantee letter or treasury bond). Logs shall be marked and accompanied with the transportation certificate which includes quantity, species, quality, volumes, monetary values, transporting date, time and distance for arrival, traffic plate number of the vehicle. All information (volume, length, price etc.) is applied on each log and entered into the dispatch notes ('irsaliye'). The transportation certificates are issued for a certain period of time depending on the final destination stated by the owner and the transportation capabilities of the carrier. If there will be a multiple destination for delivery of the forest products, transportation certificate shall be renewed after each delivery. It is prohibited to transport any wood without payment bill or sales document issued by the local

forestry district. Thus, raw material shall always be accompanied by a transportation license and be sealed. Logs will be sealed with a black seal and sawn wood by a red seal.

When trade is not intended, it is not necessary to have transportation licence in case of transporting forest products from factories and companies in villages and cities. Such companies and factories are obliged to issue stamped invoices for such forest products.

### **5.7.2 Competent authority for the implementation of EUTR**

The Operation and Marketing Department under the General Directorate of Forestry is in charge of the organization, implementation and control of the works and processes of production, transportation, storage, manufacturing and marketing of wood-based forest products. The GDF is also responsible for determining the necessary facilities for these services and carrying out the procedures for the determination of warehouse locations.

### **5.7.3 Administrative capacities**

The capacity to implement this regulation is still insufficient. One of the main problems is the lack of human resources, i.e., absence of forestry education and training, as well as shortage of qualified forest workers.

### **5.7.4 Timber production and timber trade-state of play**

Turkey only exports a small amount of round wood and sawn wood as the majority is used for domestic, secondary processing. Export is allowed only with an export permit and customs declaration. Wood for export shall be classified according to Decision Number: 2016/9645, which is based on HS custom classification number.

Wood in the rough production of GDF between 2015 and 2018 is presented below. Log (coniferus) is the prominent type of product in Turkey.

<sup>46</sup> available at: <https://www.ogm.gov.tr/ekutuphane/Tamimler/6877A%20say%C4%B1%C4%B1%20Dikili%20S at%C4%B1%C5%9F%20Tamimi%20EK-2%20%C4%B0%C5%9Flenmi%C5%9F.pdf>, 2014c.

**TABLE 25** Wood in the Rough Production (2015–2018)

Description	Unit	2015	2016	2017	2018
<b>Turkey (Logs of wood)</b>	<b>m<sup>3</sup></b>	<b>16 637 598</b>	<b>17 009 998</b>	<b>15 521 622</b>	<b>19 080 137</b>
Logs of coniferous wood	m <sup>3</sup>	12 807 215	12 715 352	11 486 044	13 918 115
Log (coniferous)	m <sup>3</sup>	4 786 774	4 584 456	4 359 579	5 682 229
Telephone pole (coniferous)	m <sup>3</sup>	54 257	57 574	60 610	71 147
Mining pole (coniferous)	m <sup>3</sup>	619 556	586 683	523 266	662 983
Other Industrial wood (coniferous)	m <sup>3</sup>	548 661	573 573	498 823	545 704
Pulpwood (coniferous)	m <sup>3</sup>	2 147 495	2 188 926	1 897 041	2 514 824
Fibre-chip wood (coniferous)	m <sup>3</sup>	4 641 752	4 714 753	4 139 461	4 432 697
Thin pole (coniferous)	m <sup>3</sup>	8 720	9 387	7 264	8 531
Logs of non-coniferous wood, except tropical wood	m <sup>3</sup>	3 830 383	4 294 646	4 035 579	5 162 022
Log (non-coniferous)	m <sup>3</sup>	1 117 242	1 201 651	1 114 681	1 470 547
Telephone pole (non-coniferous)	m <sup>3</sup>	–	–	–	–
Mining pole (non-coniferous)	m <sup>3</sup>	44 134	45 485	38 701	68 621
Other Industrial wood (non-coniferous)	m <sup>3</sup>	215 349	261 584	253 430	329 699
Pulpwood (non-coniferous)	m <sup>3</sup>	227 677	297 669	272 018	360 058
Fibre-chip wood (non-coniferous)	m <sup>3</sup>	2 224 603	2 486 710	2 354 911	2 929 017
Thin pole (non-coniferous)	m <sup>3</sup>	1 378	1 548	1 838	4 080
Turkey (Fuel wood)	(Stere)	5 022 986	4 877 067	4 359 646	4 890 455
Fuel wood (coniferous)	(Stere)	2 176 826	2 203 385	1 926 629	2 442 696
Fuel wood (non-coniferous)	(Stere)	2 846 160	2 673 682	2 433 017	2 447 759

Source: GDF Forest Statistics, 2018

The table below shows the list of products, with their HS Codes, that Turkey imports. Ukraine, USA, Italy, Romaine, China, and Germany are the main countries that Turkey imports from.

<b>TABLE 26</b> Total import values of timber products according to the HS Codes		
<b>HS Code</b>	<b>HS Description</b>	<b>Total Amount of Import in EUR</b>
4401	Fuel wood, in logs, billets, twigs, faggots or similar forms; wood in chip or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms	31 819 838
4403	Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared	20 282 241
4406	Railway or tramway sleepers (cross-ties) of wood	52 281
4407	Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm	91 537 765
4408	Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, planed or not, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm	29 769 346
4409	Wood (including strips, friezes for parquet flooring, not assembled), continuously shaped (tongued, grooved, v-jointed, beaded or the like) along any edges, ends or faces, whether or not planed, sanded or end-jointed	8 569 528
4410	Particle board, oriented strand board (OSB) and similar board (e.g. waferboard) of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances	37 869 779
4411	Fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances	20 207 927
4412	Plywood, veneered panels and similar laminated wood	28 066 023
4413	Densified wood, in blocks, plates, strips or profile shapes	4 542 068
4414	Wooden frames; for paintings, photographs, mirrors or similar objects	4 279 700
4415	Packing cases, boxes, crates, drums and similar packings, of wood; cable-drums of wood; pallets, box pallets and other load boards, of wood; pallet collars of wood	6 471 547
4416	Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves	1 088 746
4418	Builders' joinery and carpentry of wood, including cellular wood panels, assembled flooring panels, shingles and shakes	16 803 789
9403	Furniture and parts	131 254 062
9406	Buildings; prefabricated	6 981 816

Source: TUIK Statistics Database, 2019

### **5.7.5 Procedures related to timber harvest and trade**

The General Directorate of Forestry is the competent authority regarding timber harvest in Turkey. Harvesting can be performed by forest villagers, forest village cooperatives or contractors, or GDF can open auctions for units of standing trees. In the case of harvesting of standing trees, a harvesting contract shall be signed with a registered company. In accordance with the Forest Law, a harvesting contract for public and private forests is issued by Regional Directorate of Forestry.

The harvesting contract document includes location information, tree species, volumes of log, number of logs, time period of contract, harvest conditions, measurement and classification and recording of logs into registry, rights and responsibilities of the parties, etc. (GDF Order No. 288, Principles of Harvesting).

GDF announces the parcels where there will be harvesting, and registered companies can enter the auction, which are monitored and inspected by the Inspection Board.

In order to place timber on the market, the timber will have to be registered in the dispatch note ('irsaliye'). The Regulation on Forest Product Harvesting, Official Gazette no. 19231 of 24.09.1986. regulates how to classify trees felled with respect to quality and record volumes, species, qualities, total price etc., into a special registry "irsaliye" and filled in by the accounting office of the local forestry enterprise after harvesting. The system is paper based, but the information is later entered into a computer system. The information is open for authorities, but not publicly available. The registrations are carried out by expert foresters hired by contractors/buyers. The Chief Forester of the forestry enterprise conducts internal controls of the registration and whether it reflects the actual situation.

When the trees are sold as standing trees, the contractors classify timber with respect to quality, and species. Species and quantity are controlled by the Chief Forester to meet the requirements of selling contracts and payments. There is no independent controlling mechanism to correct false classifications. Timber is divided into

quality of 1, 2 or 3 and price will be impacted by the grade of quality. The requirements are applicable for all state, private and public forest.

### **5.7.6 Estimated number of operators**

Based on the Union of Chambers and Commodity Exchanges of Turkey, there are 531 timber companies in Turkey. These facilities have to be registered at the Ministry of Industry and Technology and obtain relevant permits according to the several regulations.

### **5.7.7 Procedures in place for checks of domestic operators and on importers**

GDF started to have Forest Stewardship Council (FSC) certificates all around Turkey since 2011 and, as of 2020, around 6 million ha of forest areas are certificated. There is no due diligence mechanism in place. The establishment of a Forest Certification Association is still being carried out in Turkey.

### **5.7.8 Penalties applicable to infringements of the national provisions on timber trade**

When the actual timber load exceeds with respect to volume and quantity, all extra timber loads are considered as illegal and the owner is imposed with a fine. The forest rangers may control transportation on forest roads, and police and gendarme on country roads.

There are no official data on penalties applicable to violation of the national law on timber trade.

### **5.7.9 Timber and timber products covered and how do they compare with the EUTR**

The list of products together with their HS Codes comply with timber and timber products referred to in the Annex to the EUTR.

## 6 Conclusions

Overall, additional efforts are needed in order to ensure that the measures aimed at combating illegal logging are effectively implemented in the EPPA beneficiaries.

All the countries have established the legal base for regulating forestry activities, mainly in the form of a framework law, i.e., a forestry act accompanied with a significant number of secondary legislation regulating different aspects of forest management and timber trade. The existing national legislation partially adapted to the EU's forest instruments. However, these framework laws on forestry do not usually cover all the relevant aspects of forestry regulation and protection. Different aspects related to the protection and use of forests are regulated in other sectoral legislation, such as: environmental and nature protection laws, hunting legislation, tourism legislation, criminal code, legislation on regional and local administration, etc. In such cases, there is always a potential for inconsistencies between these sectoral laws. Moreover, legal fragmentation can result in an overall lack of coordination between the various institutions responsible for their implementation.

In terms of preparedness for EUTR implementation, further work is required on strengthening the legal and institutional framework. Institutional responsibilities, functions and activities should be harmonised both at central and/or local level. Thus, all roles, functions and responsibilities should be clearly defined in the relevant policy areas and at different government levels. Further efforts need to be made to implement decentralisation reforms in the forestry sector, where relevant. Cooperation between the key forestry public authorities, (forest related ministries and the central forest administration) and the municipalities needs to be improved.

Regardless of the importance of the timber industry and the forestry sector all of the analysed countries have reported insufficient human and financial resources available in the forestry sector. Thus, in terms of human capacities there is a lack of training, knowledge and skills, resulting

in a lack of professional staff in forestry sector. Insufficient funding is another persistent problem in the forestry sector.

Although the national legal framework on forest management is mostly in place, the implementation and enforcement are lagging behind due to weak administrative capacities in the forestry sector. The main problems are in the area of monitoring, inspection and enforcement through the criminal justice system. All of this creates a positive environment for growth of illegal logging but also corruption on all levels of government. The general lack of official information about the results of monitoring of such illegal activities and the lack of aggregated data about the enforcement through criminal justice imply that the problem of illegal logging is not recognised as significant by the competent authorities but also by the general public, and no appropriate measures have therefore been put in place. Thus, the efficiency of criminal justice in combating illegal logging, i.e., the investigation, prosecution, and conviction of cases, as well as the confiscation of the proceeds of criminal activity need to be improved.

It appears that the root of all problems lies in the absence of political will. Environmental issues, including protection of forests are not considered as priority in national politics. The perception of forests and their importance in improving human well-being and social equity, their role in significantly reducing environmental risks and ecological scarcities, should be rapidly and considerably changed across the beneficiaries, from the top government levels to local or regional administrations, and in civil society.

## 7 Recommendations

The recommendations given here seek to address the shortcomings highlighted in this study and apply to all the beneficiaries:

- **Development of national strategies and related action plans in line with the approach set by the EU Green Deal**

National strategies and action plans on illegal activities are instrumental in combating illegal logging. Responsibilities of all the relevant stakeholders (forestry services, enforcement authorities, ministries) need to be carefully assessed and divided in a clear and precise manner. The national strategies and plans should reflect the new EU approach formulated in the European Green Deal. New forest strategy should have its key objective effective afforestation, and forest preservation and restoration, to help increase the absorption of CO<sub>2</sub>, reduce the incidence and extent of forest fires, promote bio-economy, and cover the whole forest cycle as well as to promote the many services that forests provide (such as climate, biodiversity, bio-based circular economy, social and cultural services). Furthermore, the national strategies should promote imported products and value chains that do not involve deforestation and forest degradation.

- **Development of a clear legal framework on sustainable forest management and timber trade**

A clear legal framework for forestry, which includes the definition of illegal logging, is crucial. Sustainable forest management and its principles and tools should be defined in a comprehensive manner. In addition, synergies should be ensured with other relevant sectoral legislation regulating forestry (e.g. environmental protection, nature protection, hunting, spatial planning). Such coherence is important to ensure legal certainty and prevent overlaps of different rules. A clear and coherent legal framework is essential for ensuring effective implementation and enforcement. Provisions on penalties for forest crimes should be strengthened.

Furthermore, the countries should step up their efforts and ensure compliance with the EU policy instruments to combat illegal logging. In this context, the countries should determine effective, proportionate and dissuasive sanctions applicable to infringements of the EUTR provisions. The infringements of the EUTR include violations of provisions related to prohibition of placing illegally traded timber or products derived from such timber on the market, violations of provisions on due diligence and violations of provisions on traceability. The range of penalties applicable to infringements should include fines, imprisonment, seizure and destruction of timber, suspension of authorisation to trade. The legal framework on EUTR should also address the appropriate procedure for checking operators' due diligence requirements of the EUTR for domestic and imported timber.

- **Institutional strengthening**

All countries have reported insufficient human and financial resources available in the forestry sector.

Thus, institutional responsibilities, functions and activities should be strengthened both at central and/or local level. All the forestry public authorities on all levels of governance should be able to fulfil their responsibilities in forest management. Roles and responsibilities should be clearly defined in order to avoid overlapping competences. Communication and strong coordination between the central forest authorities and the municipalities needs to be established. This is particularly relevant for execution of tasks related to prevention, detection and combating forest-related crimes.

In the context of effective implementation of the EUTR it is necessary to identify competent authorities with clear roles and responsibilities. Mechanisms of cooperation and coordination between the competent authorities need to be established. Appropriate financial and human resources should be available to competent authorities for implementation and enforcement of EUTR.

- **Strengthening enforcement through capacity-building of the relevant enforcement institutions (inspection, police) and the judicial sector**

The effective enforcement of forestry laws and regulations is vital for proper sustainable forest management. Although the essential part of enforcement efforts to tackle illegal logging is prevention, it should be reinforced with an effective criminal justice system. The efficiency of the criminal justice system in combating illegal logging largely depends on development of a robust system of investigation, prosecution, and conviction of cases. Forest law enforcement has been found mainly ineffective in most of the EPPA beneficiaries. In many instances, illegal logging is not even detected and if/when cases are reported the courts do not prioritize them. In practice, the cases are rarely brought to trial, and even if they are, they are usually dismissed. The conviction rate is low. The crimes that are eventually penalized are poverty driven forest theft. To be successful, forestry officials should be able to use all tools available in the criminal justice system. Judiciary officials (prosecutors, judges) should be made aware of the detrimental effect of illegal logging and the importance of addressing illegal logging through the criminal justice system. Another important issue that needs to be tackled is the lack of coordination between different authorities. Clear rules to ensure the appropriate sanctions are being imposed in a consistent manner should be defined. Training of prosecutors, investigators, and judges to obtain the knowledge and skills necessary to combat illegal logging should be treated as a priority.

- **Addressing corruption in the supply chain**

Illegal activities, such as corruption, are directly linked to the harvesting of trees in an unlawful and consequently unsustainable manner. Corruption is present at every stage of the timber supply chain:

- Issuing logging permit: logging permits are obtained illegally through compromised bidding process;
- Harvesting: bribing of forest inspectors and/or police to allow illegal activities to continue;

- Transport: transport documentation is falsified. Inspectors and/or police are bribed to let the trucks through without the appropriate documentation
- Processing: Mixing illegal timber with legally harvested logs (laundering illegally sourced timber);
- Export/Import: Custom papers falsified;
- Sale: Market inspectors are bribed to cover up the sale of illegal timber.

It is essential to support and strengthen law enforcement through the entire timber supply chain. In different countries the corruptive activities are more dominant in different stages of the supply chain depending on the country's specific socio-economic situation. Thus, it is important to identify and recognize corruption in order to develop anti-corruption measures that are tailored to fit and target the roots of the problem of corruption in the forestry sector.

- **Increased awareness raising to the problem of illegal logging and its impacts on the environment and climate**

The perception of forests and their importance in improving human well-being and social equity, their role in significantly reducing environmental risks and ecological scarcities, should be rapidly and considerably changed across the beneficiaries. All the stakeholders in the forestry sector, from the top government levels to local or regional administrations, and in civil society, must understand that combating illegal logging needs their strong commitment. Education and raising awareness campaigns are important tools in stressing the need for forest protection and learning about the importance of forests in combating climate change.

- **Improve capacity development**

Address the lack of technical assistance to operators through appropriate trainings. Special focus should be placed on small and medium enterprises. Define and develop mechanisms for dissemination of information (e.g. regular seminars, lectures and information provided on websites). Establish communication channels (e.g. via e-mails, web sites, helpdesk, etc.) with the EUTR stakeholders (operators, traders, industry associations, NGOs and general public).

- **Ensuring bilateral and regional cooperation**  
Lack of international and bilateral relations, especially with neighbouring countries leaves room for the trafficking and trade of illegally harvested timber and timber products. Regional law enforcement cooperation should be established in order to improve national responses to combat trade in illegally harvested timber and other forest products. The beneficiaries should consider developing small, pilot cross-border cooperation initiatives in timber law enforcement. Such small initiatives, while being relatively easy to implement and requiring minimum resources, can open the way for more structured forms of cooperation.

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