



FSC UK

UK Timber Regulation (UKTR) FAQs

(published 1 December 2020)

UKTR and the European Timber Regulation (EUTR)

Q: When will the UK Timber Regulation be published?

A: Soon, available at gov.uk. Policy guidance is undergoing final approval and will accompany the UKTR legislation.

Q: Will the UKTR remain consistent with EUTR beyond January 2021?

A: With exception of the definitions of operators and traders, there is parity between UKTR and EUTR and requirements and thresholds for due diligence remain the same. The decision to make any changes to the UKTR will be made by DEFRA, as the policy owner, although there are no plans to make any changes at present.

Q: For exports to EU, what additional documentation may be required?

A: Information about the timber and transportation documents - things like harvesting licences, bills of lading etc, though this will be a matter for the EU competent authorities to regulate.

Q: Will many companies now find themselves moving from trader to operator for EUTR in addition to requirements for UKTR?

A: Yes.

Q: Is a UK FLEGT VPA with EU and vice versa being prepared?

A: That is not currently in the pipeline

Q: What happens when, for example, a wood product is delivered from a German company to a UK Company, in UK the goods are converted/transformed in wood sub-products and sold back to the same German company, how much due diligence must be performed and by who?



A: Much of the paperwork would be the same, you would just be adding extra steps, as appropriate, and be responsible for your own risk analysis against the legislation relevant to your location and activities.

UKTR – Operators and Traders

Q: We source from both the UK and EU. Would we only need to do due diligence on the EU portion on our supply chain?

A: You only need to perform due diligence for those supply chains where you are considered an operator.

Q: Customers are asking us how we will continue to be EUTR compliant. If we ensure we are UKTR compliant, then does the responsibility pass to our customers to ensure their compliance with EUTR?

A: EUTR covers the member states of the European Union plus Northern Ireland, under the Northern Ireland Protocol. If you are a company in Northern Ireland or an EU member state, placing timber or timber products on the EU market for the first time, you will be considered an operator and subject to EUTR. If you are in Great Britain (Scotland, England and Wales), and you are placing timber or timber products on the UK market for the first time, you will be considered an operator and subject to UKTR. If you purchase timber or timber products as a trader then you have the same traceability requirements, which have been, and continue to be, in place under EUTR. Private consumers are not subject to the legislation.

Q: We have a shipment coming from the EU. We are using a UK-based distributor, but the timber is being delivered direct to us. The delivery note created by the supplier states delivery is direct to us and the UK-based distributor is stated to be invoiced, but the transport documents do not include the UK distributor's name. Who is viewed as the Operator?

A: The operator is whoever places the product on the market for the first time.

Q: Are retailers also classified as traders?

A: A trader is anyone subsequent to an operator in a supply chain, those who have purchased from a trader (who are not private consumers) will also be traders.

Q: We are a printer who purchases from a UK operation, but the material comes from Europe. Are we still classed as a trader after 1 January 2021?



A: If you purchase from a GB-based company that has purchased from an EU company and already placed it on the GB market, you will be considered a trader. If you purchase direct from an EU company and are responsible for placing the product on the market, you will be considered an operator.

UKTR - Scope

Q: What products are covered by UKTR? Are product types currently exempt from EUTR also exempt from UKTR?

A: Any products within the scope of EUTR remain within scope of UKTR and any products excluded from the scope of EUTR remain excluded from the scope of UKTR.

Q: If the scope of the EUTR was expanded, would the scope of the UKTR also be expanded?

A: If the scope of EUTR was updated, DEFRA would decide whether to align with that or not.

Q: In future, could the UK be free to, for example, add products to scope the scope of legislation when EU may not?

A: The legislation is UK legislation and there is no requirement for the scope to stay the same as that of the EUTR, however, there are currently no plans for the scope to change.

Q: Does the UKTR apply to pallets?

A: If you import and transport goods on pallets then they are not subject to either EUTR or UKTR. If you import pallets themselves then they are subject to UKTR and EUTR, as appropriate.

Q: What are the due diligence requirements for a product made from recycled materials?

A: Products that have reached the end of their life cycle fall outside of both EUTR and UKTR. Due diligence must still be carried out on any components that are not recycled. However, second-hand products, which can be reused for their former use e.g. whiskey barrels, would be covered by EUTR and UKTR.



UKTR and FSC

Q: How can FSC certification be used in UKTR assessment and mitigation?

A: FSC is a useful tool for risk mitigation but is not an automatic green lane for either EUTR or UKTR. UKTR requirements remain the same as EUTR in this respect. FSC certification is a good way of demonstrating you have mitigated risks in your supply chain. However, if you simply submitted an FSC certificate in itself as a due diligence system then this would not be considered sufficient. But if you have all relevant information and evidence of where your timber comes from, an FSC certificate attached to that and evidence that the timber is FSC certified can be a way of demonstrating that risks have been mitigated. It should be noted that individual FSC certificates only cover one part of a supply chain and will only apply to the products and species within scope. Even if a product is within scope, it is still important to ensure that FSC certification has been requested, as companies may sell both FSC and non-FSC products, or even certified and uncertified versions of the same product.

Q: If FSC certification is not a green lane then what extra information is needed?

A: In addition to ensuring FSC certification, you would need to perform due diligence on your imports – to have all relevant information regarding the species and location of its harvest, and any documentation related to its transit and perform a risk analysis. If the risks are found to be non-negligible then you would need to demonstrate that the risk has been mitigated, which may include evidence of FSC certification. There is a requirement under the FSC chain of custody standard that obligates FSC certificate holders to provide information on species and country of harvest, where this is required in order to comply with legislation, such as UKTR.

Q: As an operator under UKTR, would full compliance with evaluating non-certified and certified timber via an FSC Controlled Wood Risk assessment, for example, be acceptable?

A: You would need to perform a risk assessment not only on the where the timber is harvested but also on those countries in which the product is traded or processed. If the risks are not negligible then you would need to mitigate these risks. Other processes, such as FSC certification, may assist in mitigating that risk to negligible.

Q: Does FSC have any plans for FSC certification to cover the whole supply chain and become a green lane to EUTR?

A: It is up to the relevant policy owners to decide how (FSC) certification can be used to meet timber legislation. FSC works to ensure it meets the requirements for certification schemes to be considered applicable to risk mitigation etc. under timber legislation.



Q: If all links in the supply chain are confirmed, and invoices are provided linking each supplier, and you obtain FSC certificates for each supplier, with scopes checked, would this be a good demonstration of mitigation and verification?

A: It would be a good demonstration of information gathering and risk analysis, whether anything else would be required to demonstrate negligible risk would be specific to the supply chain in question and the potential risks identified within it.

UKTR – Monitoring Organisations

Q: Can you explain the role of Monitoring Organisations under UKTR?

A: Monitoring organisations will have the same function under UKTR as they did under EUTR. Organisations registered in the UK and recognised by the EU Commission will continue to be recognised as monitoring organisations under UKTR. Organisations based in other EU member states will not be recognised as monitoring organisations under EUTR. Those wishing to apply to be monitoring organisations under UKTR can apply to DEFRA once the legislation comes into force.

UKTR – Enforcement

Q: Given the timescale for compliance, what will be the approach taken by the Office for Product Safety and Standards (OPSS) in assessing compliance in the first 6 months of next year?

A: The legislation comes into effect on 1 January 2021 and there is a legal requirement to comply from that date. However, OPSS will be working to inform and support companies in implementing the legislation and taking a tiered approach to its enforcement (e.g. looking at level of risk and breach).