

Summary

France has made little progress overall in its response to illegal logging and the related trade since the previous Chatham House forest policy assessment in 2013. Implementation of the EU Timber Regulation (EUTR) has been limited to date. Enforcement efforts are hampered by a lack of capacity on the part of officials. While penalties for the import of illegal timber are sufficiently dissuasive, just a few importers have faced penalties so far, and only in the form of administrative fines.

In terms of international engagement, France's efforts have improved since the previous assessment. The country has played a key role in the development of the FLEGT Voluntary Partnership Agreements (VPAs) in the Congo Basin, with a focus on sustainable forest management and forest certification. France has also been a major player in the Central African Forest Initiative (CAFI) – CAFI letters of intent signed with the Democratic Republic of the Congo (2016), Gabon (2017) and the Republic of Congo (2019) all include milestones on tackling illegal logging.

The National Strategy Against Imported Deforestation (SNDI), established in 2018 and currently under development, has the potential to significantly improve the country's response, including through new EU-level legislation, a new 'zero deforestation' public procurement policy and greater enforcement capacity. The strategy identifies illegal timber as one of the commodities to be considered as part of France's efforts to tackle imported deforestation. Multi-stakeholder participation on the issue of illegal logging remains strong in France, and the National Working Group for Tropical Forests (GNFT) continues to play a role in the development of policies. The group played a central role in consultations on the development of the SNDI, ensuring that the views of a broad range of stakeholders were taken on board.

Key Forest Policies and Resources

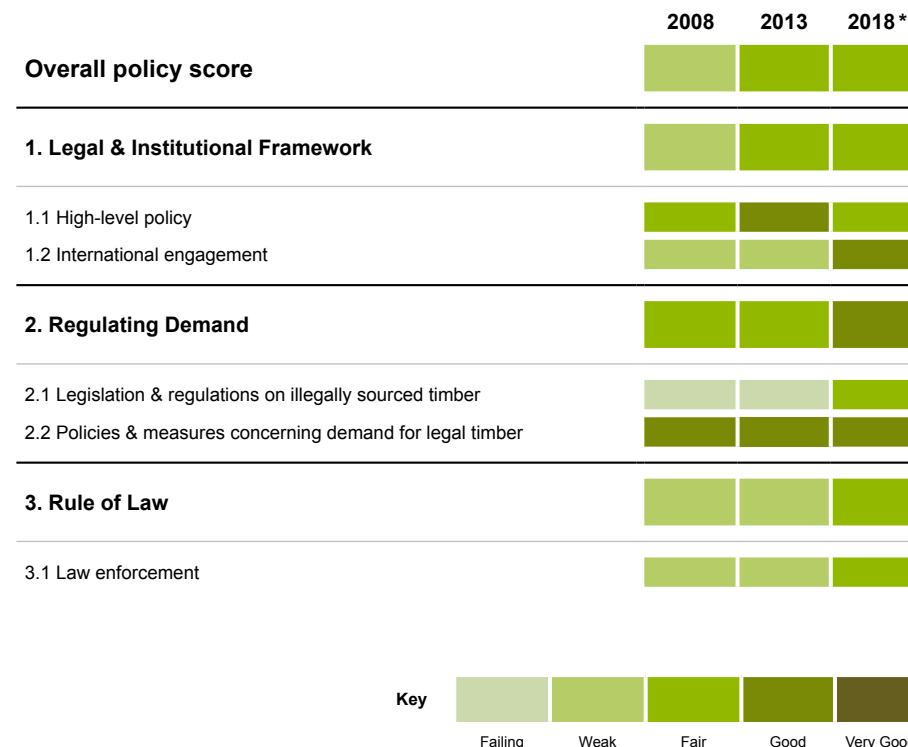
Ministry for Ecological and Inclusive Transition (2018), The National Strategy Against Imported Deforestation, 2018-2030, https://www.ecologique-solidaire.gouv.fr/sites/default/files/2018.11.14_SNDI_0.pdf and <https://www.gouvernement.fr/en/ending-deforestation-caused-by-importing-unsustainable-products>

Article 76 of Law no. 2014–1170 of 13 October 2014 for the future for agriculture, food and forestry, available at <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029573022&categorieLien=id>.

Ministry of Agriculture, Food and Forests, 2013. Entry into force of regulation (EU) No. 995/2010 known as the European Union Timber Regulation (EUTR), available at https://agriculture.gouv.fr/sites/minagri/files/documents//DGPAATC20133029Z_cle4c3143.pdf.

Ministry of Ecology, Sustainable Development and Energy (2015), National Action Plan for Sustainable Public Procurement 2015–2020, available at <https://www.actu-environnement.com/media/pdf/news-24434-pnaapd-2015-2020.pdf>.

Figure 1: Summary of France's forest policy assessment



* A number of questions were added to the assessment in 2018 (noted in the list of questions below and marked with '-' for 2008 and 2013 where applicable). Consequently, the overall scores for 2018 are not directly comparable with those from the previous assessments.

About

Chatham House is monitoring forest governance to assess the effectiveness of government and private sector efforts to tackle illegal logging and trade. An assessment was undertaken of France's forest policy framework to evaluate the government's response to illegal logging and the related trade. A standard list of questions was used in the policy assessment, and answers were scored against three criteria: existence (scoring between 1 and 2, whereby 1 indicates partial coverage or a policy under development, and 2 indicates a policy is in place); design (scoring between 1 and 5, whereby 5 indicates very well designed); and implementation (scoring between 1 and 5, whereby 5 indicates consistent and comprehensive implementation).

Timeframe for the research

This assessment is based on the situation at the end of 2018, and the scores refer to this date. However, where there have been significant developments in 2019–20, these have been noted in the text. The research was undertaken in 2018–19 and finalized in March 2020.

Acknowledgements

The 2018 policy assessment for France was carried out by Emeric Billiard. Oversight was provided by Alison Hoare (Chatham House). The final assessment was edited by Alison Hoare and the results were peer reviewed by independent experts. The editor is responsible for the final text and scores.

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Acronyms and Abbreviations

CAFI	Central African Forest Initiative
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
EUTR	European Union Timber Regulation
FLEGT	European Union Forest Law Enforcement, Governance and Trade
GNFT	National Working Group for Tropical Forests
GPEM-DDEN	Permanent Market Study Group for Sustainable Development and the Environment
NGO	non-governmental organization
SNDI	National Strategy Against Imported Deforestation
UNEP-WCMC	United Nations Environment Programme World Conservation Monitoring Centre
VPA	Voluntary Partnership Agreement

Table 1: France's Forest Policy Assessment

1. Legal and Institutional Framework

1.1 High-level policy	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
1.1.1 Does the country have high-level political and governmental mechanisms in place to tackle illegal logging?					
<i>a. Has a review been carried out which both assesses the impact of the country's market activities on the problem of illegal logging and related trade and also investigates the extent and sources of potential illegal imports?</i>	2008	2	Not applicable n/a	3	<p>In 2004, the French Agricultural Research Centre for International Development conducted a review of the importance of the French market as a consumer of tropical timber and the potential impact of a public procurement policy for timber products. As a result, the government introduced a public procurement policy later the same year requiring that all tropical timber and timber products be certified as legal and sustainable.</p> <p>No further review was undertaken until the National Strategy Against Imported Deforestation (SNDI)¹ was established in November 2018, under the 2017 Climate Plan. The strategy aims to put an end to deforestation caused by importing unsustainable forest and agricultural products by 2030, through a range of key measures including public procurement, development aid and new EU-level legislation.²</p> <p>Work on the strategy includes assessing the impact of the French market on drivers of deforestation and aims to inform further policy developments. Mapping of high-risk exporter countries or regions (the relevance of which has been assessed based on their relation to the French market) is currently being conducted by the Ministry of Foreign Affairs, with a view to developing country- or region-specific roadmaps. Timber is one of the commodities covered. As part of this process, consultations have been carried out with research institutes, development agencies and private sector actors, among other stakeholders.</p> <p>At the EU level, the Forest Law Enforcement, Governance and Trade (FLEGT) Independent Market Monitor (IMM)³ undertakes related work. The objective of the IMM is to assess the impact of the FLEGT Voluntary Partnership Agreements (VPA) in the EU and partner countries, and as part of this, the EU and wider international timber trade and market is monitored.</p> <p>Design: The scope and process of the review currently under way should warrant a score of at least 3, pending availability of further details on the contents of the country/region roadmaps. In the previous assessments, the review that had been implemented was not publicly available, so it was not possible to assess its design.</p> <p>Implementation: The review undertaken as part of the SNDI involved assessing the implementation of the European Union Timber Regulation (EUTR) in France, which has not met its targets so far. Allocating greater resources to the EUTR has been identified as a key element under the strategy. However, since the SNDI is yet to materialize, the score given in 2013 should remain unchanged for now. It should be noted that the EUTR competent authority, the Directorate-General for Economic and Environmental Performance of Enterprises, at the Ministry of Agriculture and Food, regularly undertakes statistical analysis of timber flows based on customs data and EUTR compliance checks and holds discussions with non-governmental organizations (NGOs) regarding high-risk timber flows. However, this does not amount to a standalone, government-endorsed and publicly available review.</p>
	2013	2	n/a	3	
	2018	2	3	3	

¹ Ministry for Ecological and Inclusive Transition (2018), The National Strategy Against Imported Deforestation, 2018-2030, https://www.ecologie-solidaire.gouv.fr/sites/default/files/2018.11.14_SNDI_0.pdf.

² See <https://www.gouvernement.fr/en/ending-deforestation-caused-by-importing-unsustainable-products>.

³ See <https://www.flegtim.eu/>.

1.1 High-level policy	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
<i>b. Is a national action plan in place for preventing illegally sourced timber from being imported or sold?</i>	2008	1	3	3	<p>France approved an Action Plan on Tropical Forests in 2004.⁴ The action plan did not have a specific focus on illegal logging; instead it aimed to promote sustainable forest management and certification. Action on illegal logging has been at the EU level, the EUTR providing the legal framework for preventing illegally sourced timber from being imported or sold in France.</p> <p>The SNDI announced a reinforced framework for action on illegally sourced timber. The strategy clearly outlines the link between illegal logging and deforestation and forest degradation, and expresses the country's full support for the EU Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan and enforcement of the EUTR.</p> <p>Design: The SNDI identifies illegal timber as one of the commodities to be considered as part of France's efforts to tackle imported deforestation. The strategy builds on the FLEGT Action Plan and incorporates the EUTR into France's legal framework (notably with Art. 76 of the 2014 Law on the future of Agriculture, Food and Forest) to provide enhanced monitoring and enforcement of the country's timber trade.⁵ It should be noted that the approach outlined in the SNDI for a number of non-timber commodities, such as soybeans, palm oil, beef and beef co-products, cocoa and rubber, is based on the FLEGT Action Plan, especially with regard to multi-stakeholder processes and due diligence requirements.</p> <p>Implementation: The SNDI is still a nascent process, and implementation of its provisions is yet to begin. Implementation and enforcement of the EUTR have been limited by the resources made available so far, an issue that is expected to be addressed under the SNDI.</p>
	2013	1	3	3	
	2018	2	4	3	
<i>c. Does a formal process exist for high-level coordination of action on illegal logging across departments and sectors (e.g. a parliamentary committee or inter-ministerial taskforce)?</i>	2008	0	n/a	n/a	<p>The role of the Secretariat-General for European Affairs (which works under the authority of the prime minister) has remained as crucial and effective as it was found to be in 2013. This is complemented by regular coordination between the competent authority (hosted by the Ministry of Agriculture and Food), the Ministry for Ecological and Inclusive Transition (formerly the Ministry of Environment), the Ministry of Foreign Affairs, and the Ministry of Finance and Budget (including Customs). The ongoing momentum under the SNDI is expected to further cement high-level coordination.</p>
	2013	2	4	4	
	2018	2	4	4	
<i>d. Are formal consultation processes in place for multi-stakeholder involvement in developing policy and legislation to tackle illegal logging? These processes should ensure that viewpoints of stakeholders affected by legislation are taken into consideration.</i>	2008	2	4	4	<p>Although no recent report on multi-stakeholder processes could be identified as part of this assessment, the National Working Group for Tropical Forests (GNFT) remains active. The GNFT played a central role in the consultations on the development of the SNDI, ensuring that the views of a broad range of stakeholders (government, private sector, NGOs and academics) were taken on board. Furthermore, the SNDI's steering committee has now been set up as a multi-stakeholder body.</p>
	2013	2	4	4	
	2018	2	4	4	

⁴ Action Plan on Tropical Forests, 7 April 2004, unavailable online.

⁵ Article 76 of Law no. 2014-1170 of 13 October 2014, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029573022&categorieLien=id>.

1.1 High-level policy	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
<i>e. Are formal processes/policies in place aimed at ensuring a balanced participation of men and women in the development and implementation of forest sector policies?</i> (Question added in 2018)	2008	–	–	–	The legal framework for gender equality in France is governed by the 2014 law on genuine equality between women and men. ⁶ The law bars any gender-based discrimination and promotes equal access to political opportunities, electoral mandates, and social and professional responsibilities, among other areas.
	2013	–	–	–	
	2018	0	n/a	n/a	This notwithstanding, no processes or policies seem to be in place to specifically ensure the balanced participation of women and men in the development and implementation of forest sector policies.
<i>f. Is illegal logging/trade considered in the country's climate change strategy (NDC or other climate change national policies – e.g. in relation to embedded deforestation in imports)?</i> (Question added in 2018)	2008	–	–	–	The SNDI establishes a clear link between illegal logging, imported deforestation and the country's climate change strategy (including its Climate Plan as well as commitments as part of the Paris Agreement). Design: The measures outlined in the SNDI to tackle imported deforestation are comprehensive in product scope (several commodity groups including timber), geographic reach (exporter countries; importer countries including France), and the various mechanisms (bilateral and multilateral cooperation; multi-stakeholder processes; promotion of research; institutional reform; etc.) and technologies envisaged. The detail, on the other hand, is yet to be elaborated. Implementation: Cannot be assessed at this stage.
	2013	–	–	–	
	2018	2	3	n/a	

⁶ Law No. 2014–873 of 4 August 2014, see <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029330832>.

1.2 International engagement	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
1.2.1 What level of international cooperation is shown by the country?					
<i>a. Does the country have formalized trade or customs arrangements with major trading partners e.g. FLEGT VPAs or free-trade agreements (FTAs) which include specific provisions on illegal logging?</i>	2008	1	5	n/a	The framework for France's trade and customs arrangements derives from that in place at the EU level.
	2013	1	5	n/a	An ambition of the SNDI is to ensure integration of sustainable forest management into the EU's trade agreements with partner countries or regions. Objective 5.1 of the SNDI specifies that the fight against illegal logging should be embedded in such agreements.
	2018	2	5	4	For the time being, with respect to illegal timber, the most salient agreements in place are the FLEGT Voluntary Partnership Agreements (VPAs). France has remained involved through (i) the broader framework of EU support to the various VPAs; and (ii) especially in the Congo Basin, targeted projects with VPA-related components, or projects with a focus on sustainable forest management or forest certification. Importantly, France has been a major player in the Central African Forest Initiative (CAFI). CAFI letters of intent signed with the Democratic Republic of the Congo (2016), Gabon (2017) and the Republic of Congo (2019); all include milestones on tackling illegal logging.
<i>b. Does the country have a formalized system in place for sending and receiving enforcement alerts regarding illegal shipments in transit to destination countries?</i>	2008	1	n/a	n/a	No formalized system is in place in France. Customs authorities may receive notifications through their own information system and act accordingly, but this is by no means automatic.
	2013	1	n/a	n/a	The EUTR competent authority's approach to checks is based on identified risks or suspicion of illegality – which concerns raised by NGOs feed into.
	2018	1	2	2	There are systems in place to verify the authenticity of FLEGT licences, but not primarily to identify illegal shipments in transit. Plans as part of the SNDI will include the development of a national risk analysis system, linking to customs data as well as satellite imagery of forest cover, to generate alerts intended for importers as well as enforcement authorities.

2. Regulating Demand

2.1 Legislation & regulations on illegally sourced timber	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
2.1.1 Does the country have adequate legislation and regulations in place to prevent illegally sourced timber from being imported or sold?					
<i>a. Has the country analysed its existing legislation and regulations on preventing imports and sales of illegally sourced timber? (Question added in 2018)</i>	2008	0	n/a		Prior to the implementation of the EUTR, NGOs conducted an analysis of the existing legislation and regulations on preventing imports and sales of illegally sourced timber. However, the government did not pursue this analysis, as it decided that legislative options would be implemented at EU level.
	2013	0	n/a		In addition to the incorporation of the EUTR requirements into French law in 2014 (Art. 76 of Law No. 2014-1170), the most noticeable effort to analyse existing legislation in recent years has been the multi-stakeholder development of the SNDI. The measures outlined in the strategy indicate that stakeholders have fully taken stock of existing legislation and operational capacities in relation to risks of illegal timber flows (among other deforestation-related commodities).
	2018	1	3		The strategy states that France will demand that 'substantial improvements' be brought to the EUTR; these are yet to be articulated, however. Numerous processes are under way that will eventually contribute to shaping the reach, tools and means of the policy on imported deforestation. With this in mind, a partial score is given for now.

2.1 Legislation & regulations on illegally sourced timber	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
<i>b. Has additional legislation been enacted and regulations put in place to prevent illegally sourced timber from being imported or sold?</i>	2008	1	n/a	n/a	<p>Ahead of the entry into force of the EUTR in March 2013, the French competent authority, hosted by the Ministry of Agriculture and Food, issued a circular note (DGPAAT/SDFB/C2013–3029) to inform the relevant local-level authorities of the new requirements and the corresponding penalty regime – which by default was then aligned with existing provisions of the Customs Code and the Forest Code.⁷</p> <p>Design: The national adaptation of the EUTR went one step further in 2014, with the Law on the Future of Agriculture, Food and Forest. Art. 76 of the law introduced (i) a penalty regime specific to cases of non-compliance with the EUTR; and (ii) responsibilities for EUTR checks, which are to be conducted by either the competent authority (for domestic logging operators and importing sawmills) or the Ministry of Environment (for all importers except sawmills).⁸ The procedures and division of labour for EUTR checks were set out in a technical note issued by the Ministry of Agriculture and Food in 2014 (DGPAAT/SDFB/2014–992),⁹ and further specified in a technical note issued in 2015 by the Ministry of Environment (DEVL1509412N).¹⁰ However, the current design is far from flawless. In particular, as controls are carried out by local and/or regional public authorities, which also make decisions regarding the local economy, the possibility that conflicts of interests may hinder proper enforcement cannot be ruled out.</p> <p>Implementation: While the technical capacity of regional agencies in charge of carrying out checks on companies that place timber on the EU market for the first time (referred to as ‘operators’ in the legislation) has reportedly increased, enforcement of the EUTR in France has been described as being ‘toothless’.¹¹ Reports by the United Nations Environment Programme World Conservation Monitoring Centre (UNEP–WCMC) indicate that a total of 38 checks were carried out on operators from June 2017 to December 2018, out of an estimated 12,000–14,000 operators placing imported timber on the market.¹² Between January and June 2019, just five checks were carried out.¹³</p> <p>The competent authority regularly collaborates with private sector organizations and NGOs in a variety of ways, from receiving substantiated concerns to establishing formal, collaborative relationships (EUTR check audits, EUTR communications strategy, etc.). Yet the substantiated concerns are generally not acted upon. Besides, the information collected as part of this assessment indicates that attitudes towards adopting due diligence systems vary greatly among operators. The score for implementation could change in the near future should the number of EUTR checks actually reach the SNDI target of 175 per year. This target has been proposed by the competent authority for the year to come, and organizational changes are planned by 2021 to increase coordination and effectiveness.</p>
	2013	1	3	n/a	
	2018	2	3	2	
<i>c. If legislation is in place to prevent the import of illegal timber, how broad is the product scope of this legislation? (Question added in 2018)</i>	2008		–		<p>The EUTR’s product scope includes solid wood products, flooring, plywood, and pulp and paper. The following products are not included: printed publications, cellulose, rosin and resin acids, feminine hygiene products, seats with wooden frames, charcoal, fireworks, artificial yarns, toys and games, musical instruments, furniture, ships and boats, tools and umbrellas.¹⁴</p>
	2013		–		
	2018		3		

⁷ Ministry of Agriculture, Food and Forests (2013), entry into force of regulation (EU) No. 995/2010 known as the European Union Timber Regulation (EUTR), https://agriculture.gouv.fr/sites/minagri/files/documents/DGPAATC20133029Z_cle4c3143.pdf.

⁸ LAW No. 2014–1170 of 13 October 2014, see <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029573022&categorieLien=id>.

⁹ See <https://info.agriculture.gouv.fr/gedei/site/bo-agri/instruction-2014-992/telechargement>.

¹⁰ See https://agriculture.gouv.fr/sites/minagri/files/note_technique_medde.pdf.

¹¹ Timberleaks (2019), ‘African timber from firms linked to bribery, conflict and illegal logging floods into France’, 11 July 2019, <https://www.timberleaks.org/amp/african-timber-from-firms-linked-to-bribery-conflict-and-illegal-logging-floods-into-france>.

¹² UNEP WCMC (2018), Overview of Competent Authority EU Timber Regulation checks, June – November 2017, https://ec.europa.eu/environment/forests/pdf/Overview_of_CA_checks_June-Nov2017_FINAL_30_04_2018.pdf; UNEP WCMC (2018), Overview of Competent Authority EU Timber Regulation checks, December 2017 - June 2018, https://ec.europa.eu/environment/forests/pdf/Overview%20of%20CA%20checks_Dec17-Jun18_30.1.19.pdf and UNEP WCMC (2019), Overview of Competent Authority EU Timber Regulation checks, July - December 2018, <https://ec.europa.eu/environment/forests/pdf/UNEP%20WCMC%202019%20Overview%20of%20CA%20checks%20July-December%202018%20FINAL.pdf>.

¹³ UNEP WCMC (2020), Overview of Competent Authority EU Timber Regulation checks, January - June 2019, https://ec.europa.eu/environment/forests/pdf/UNEP%20WCMC%202019_Overview%20of%20CA%20checks%20January-June%202019_FINAL_17.01.2020.pdf.

2.1 Legislation & regulations on illegally sourced timber	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
<i>d. If legislation is in place to prevent the import of illegal timber, does it apply only to importers or to all those along the supply chain? (Question added in 2018)</i>	2008		–		The EUTR applies to the companies that place timber on the EU market for the first time, referred to as 'operators' in the legislation. Other traders and retailers along the supply chain have an obligation to ensure traceability, but it should be noted that failure to do so is not covered by the penalty regime currently in place. ¹⁵
	2013		–		
	2018		5		
<i>e. If legislation is in place to prevent the import of illegal timber, does it include a requirement for businesses to implement due diligence? (Question added in 2018)</i>	2008		–		Implementation of due diligence is mandatory for operators under the EUTR.
	2013		–		
	2018		3		
<i>f. Is implementation of the policy systematically monitored and assessed? (Question added in 2018)</i>	2008		–		Monitoring and assessment of the implementation of the EUTR are undertaken at the EU level, through the European Commission's EUTR/FLEGT Expert Group which meets several times a year. Data collection and analysis have been subcontracted to the UNEP–WCMC, which produces briefing notes every two months as well as twice-yearly analyses of the EUTR compliance checks performed and the penalties imposed by EU member states. ¹⁶ Primary information is compiled by the EUTR competent authority. The French competent authority has attended every meeting of the EUTR/FLEGT Expert Group to date. NGOs have monitored and analysed implementation and enforcement of the EUTR in France since the EUTR's entry into force in 2013. ClientEarth has been undertaking this analysis across the EU, and published a report on enforcement in France in 2017. ¹⁷
	2013		–		
	2018		n/a		

¹⁴ WWF (2016), Position Paper: The EU Timber Regulation and Product Scope, http://assets.wwf.org.uk/downloads/wwf_position_paper_eutr_product_scope.pdf.

¹⁵ ClientEarth (2017), Info-brief: EUTR enforcement in France, <https://www.documents.clientearth.org/wp-content/uploads/library/2017-03-28-eutr-enforcement-in-france-ce-en.pdf>.

¹⁶ UNEP–WCMC reports. Full list is accessible from the EU commission's website, https://ec.europa.eu/environment/forests/timber_regulation.htm.

¹⁷ ClientEarth (2017), Info-brief: EUTR enforcement in France, <https://www.documents.clientearth.org/wp-content/uploads/library/2017-03-28-eutr-enforcement-in-france-ce-en.pdf>.

2.2 Policies & measures concerning demand for legal timber	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
2.2.1 Is there a public procurement policy in place excluding illegal (and/or unsustainable) timber products from government purchasing?	2008	2		2	Under the SNDI, a national guide for sustainable public procurement is being developed, as well as a sectoral guide on zero imported deforestation in public procurement. The objective is zero forest impact in public procurement by 2022.
	2013	2		2	For now, the French policy on timber public procurement originates from the 2004 Action Plan on Tropical Forests. It underwent successive developments, including the 2008 circular on the exemplary nature of the state and Law No. 2009–967. Both mention the government’s target of 100 per cent certified legal and sustainable timber in public purchases (from 2012 and 2010 respectively). ¹⁸ Further developments have included commitments to ensuring greater social and environmental sustainability in public procurement. See, for instance, the National Sustainable Development Strategy (2015) ¹⁹ and the National Action Plan for Sustainable Public Procurement (2015), ²⁰ as well as the 2015 instruction calling for the development of a plan on the exemplary nature of the state at the level of each ministry. ²¹ In addition, the 2014 Law on Social and Solidarity Economy (No. 2014–856) has had implications for the scope of the general procurement framework, now extended to a number of subnational government entities. ²² It should, however, be noted that these frameworks make no specific mention of timber procurement. Implementation: Little to no data is available on policy implementation and monitoring. Information collected as part of this assessment suggests that compliance is uneven, especially at the subnational level.
	2018	2		2	
<i>a. What level of adherence does the policy require?</i>	2008		5		
	2013		5		
	2018		5		
<i>b. Does the policy cover all timber products, including paper?</i>	2008		5		All wood-based products, including paper, are covered. Owing to its sheer volume in public procurement, paper has been the object of greater attention, with a focus on sustainability (recycled and/or third-party certified or eco-labelled products).
	2013		5		
	2018		5		
<i>c. Does the policy rest on independent certification or verification schemes (or equivalent) for identifying legal products?</i>	2008		3		Third-party certification schemes are one option among others to show evidence of sustainability for wood products. Guidance on the use of such schemes as sources of evidence is provided in a guide published in 2005 by the Permanent Market Study Group for Sustainable Development and the Environment (GPEM–DDEN). ²⁴ Objective No. 13 of the SNDI aims to heighten the requirements of certification schemes with regard to deforestation. A working group is currently reviewing existing schemes for a range of forest-risk commodities, including timber.
	2013		3		
	2018		3		

¹⁸ See <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000020243534&categorieLien=id>.

¹⁹ National Strategy for Ecological Transition to Sustainable Development, <https://www.ecologique-solidaire.gouv.fr/sites/default/files/SNTEDD%20-%20La%20strat%C3%A9gie.pdf>.

²⁰ Ministry of Ecology, Sustainable Development and Energy (2015), National Action Plan for Sustainable Public Procurement 2015–2020, <https://www.actu-environnement.com/media/pdf/news-24434-pnaapd-2015-2020.pdf>

²¹ See http://circulaire.legifrance.gouv.fr/pdf/2015/02/cir_39246.pdf.

²² Law No. 2014–856 of 31 July 2014, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029313296&categorieLien=id>.

²³ See https://ec.europa.eu/environment/gpp/pdf/GPP_NAPs_June_2018.pdf.

²⁴ See https://www.ofme.org/documents/actualite/200504/Notice_Outil_Gestion_Durable.pdf.

2.2 Policies & measures concerning demand for legal timber	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
<i>d. Is assistance offered to government purchasers (advice, guidance, training, etc.)?</i>	2008		3		<p>The guide published by the GPEM–DDEN in 2005 (see question 5c) provides the most recent guidance on timber products.²⁵ The GPEM–DDEN was replaced in 2007 by the Market Study Group for Sustainable Development (GEM–DD), tasked with developing further guidance documents to help public purchasers integrate sustainability concerns into their procurement practices. Nine such guides have been published so far, addressing a variety of products, but timber legality/sustainability has not been dealt with specifically.²⁶ Likewise, the 2019 government guide on operational sourcing in public procurement includes guidance on environmental responsibility and transparency in supply chains, but no reference is made to timber products.²⁷</p> <p>More specific guidance is to be made available shortly under the SNDI, with a national guide for sustainable public procurement and a sectoral guide on zero imported deforestation in public procurement expected.</p>
	2013		3		
	2018		3		
<i>e. Is implementation of the policy systematically monitored and assessed?</i>	2008		1		<p>A monitoring and evaluation system was meant to be put in place to assess the effects of the procurement policy, but a 2012 report by the GNFT said that implementation of the policy faced many technical challenges.²⁸</p> <p>It seems that the importance of paper in public procurement has resulted in timber products being deprioritized in terms of both implementation and monitoring.</p> <p>The Economic Observatory for Public Contracts (which replaced the Economic Observatory for Public Procurement in 2016) is responsible for the collection and analysis of data related to the economic and technical aspects of public procurement. Although the observatory’s website features a wealth of publications related to public procurement contracts, the research carried out as part of this assessment found it difficult to access timber-specific information, or to identify any timber-related indicator in use.²⁹</p> <p>To remedy this, the upcoming zero deforestation policy on public procurement as part of the SNDI will include indicators, which are currently being defined.</p>
	2013		1		
	2018		1		
<i>f. Does the procurement policy apply to subnational (provincial, regional, local) government?</i>	2008		3		<p>While the requirements of Art. 48 of Law No. 2009–967³⁰ primarily apply to central government departments, the 2014 Law on Social and Solidarity Economy (No. 2014–856)³¹ introduced a requirement making it mandatory for public purchasers to adopt and publish a scheme for the promotion of socially and environmentally sustainable purchases whenever a threshold of €100 million per year is reached. This implies that the general procurement policy ought to apply to most French regions and subregions as well as a number of large cities. In practice, however, there seems to be a wide variety of attitudes towards timber procurement at subnational level.</p> <p>An objective of the National Action Plan for Sustainable Public Procurement (2015) is that, by 2020, 60 per cent of public organizations (central government departments and public bodies, local authorities and public bodies, hospitals) should have signed the charter on sustainable public purchasing.³² This notwithstanding, the extent to which timber-related requirements are expected to be taken up at subnational level under this action plan is unclear.</p>
	2013		3		
	2018		3		

²⁵ See https://www.ofme.org/documents/actualite/200504/Notice_Outil_Gestion_Durable.pdf.

²⁶ See <https://www.economie.gouv.fr/daj/liste-des-guides-gem#DD>.

²⁷ See https://www.economie.gouv.fr/files/files/directions_services/fininfra/Guide_sourcing.pdf.

²⁸ See https://www.diplomatie.gouv.fr/IMG/pdf/Rapport_complet_GNFT-FR_cle8d881b.pdf.

²⁹ See <https://www.economie.gouv.fr/daj/observatoire-economique-commande-publique>.

³⁰ Law No. 2009–967 of 3 August 2009, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000020949548&categorieLien=id>.

³¹ Law No. 2014–856 of 31 July 2014, https://www.legifrance.gouv.fr/affichTexte.do?sessionId=24D7B0CC18B02DB0EB8B94F475DC0633.tplgfr25s_1?cidTexte=JORFTEXT000029313296&dateTexte=20190331.

³² Ministry of Ecology, Sustainable Development and Energy (2015), National Action Plan for Sustainable Public Procurement 2015–2020, <https://www.actu-environnement.com/media/pdf/news-24434-pnaapd-2015-2020.pdf>.

3. Rule of Law

3.1 Law enforcement	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
3.1.1 Do government institutions and agencies have sufficient capacity and resources to monitor trade in timber products and detect and suppress any related crime?					
<i>a. Are the relevant law enforcement staff sufficiently resourced for monitoring and enforcement? (Relevant resources include budgets; numbers of staff; communications; equipment; salaries; as well as training in understanding of regulatory framework and knowledge of techniques for monitoring and enforcement.)</i> <i>i.e. competent authorities for legislation to prevent illegally sourced timber from being imported. (Question added in 2018)</i>	2008		–	–	While France has committed to training for monitoring and enforcement, staffing is an issue. The competent authority coordinates 18 regional agents (within the Regional Directorates of Food, Agriculture and Forestry, while the Ministry for the Ecological and Inclusive Transition follows up on checks through agents at the 101 subregions. However, agents are not mobilized full-time on the EUTR: as of 2019, about 20 full-time equivalent staff have been allocated to EUTR checks across France and its overseas territories. The issue has been identified in the SNDI, and plans are under way to extend the powers of judiciary police officers, with a view to ensuring 175 checks per year.
	2013		–	–	
	2018		2	2	
<i>b. Are the following officials who are involved in forest sector enforcement trained and kept up to date on relevant forest sector issues? (Question added in 2018)</i>					
<i>i. Customs officials</i>	2008	1			The customs service has its own training system, which covers control of timber consignments (including the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) permits and FLEGT licences). Customs officers have been trained in EUTR requirements, but it should be noted that their training does not cover assessment of due diligence requirements, which are the responsibility of the competent authority.
	2013	1			
	2018	1			
<i>ii. Judges and prosecutors</i>	2008	–			Magistrates were reportedly made aware of the requirements of the EUTR when it came into force, but the information collected during the current assessment indicates that, overall, judges have remained ignorant of the due diligence requirement and its implications. There are no reports of any prosecutions having been initiated under the EUTR in France. This may change once the reform proposed under the SNDI (i.e. introduction of new powers for judiciary police officers) is effective.
	2013	–			
	2018	1			
3.1.2 Are the penalties/sanctions for non-compliance with legislation to prevent illegally sourced timber from being imported (if in place) proportionate & dissuasive? (Question added in 2018)	2008		–	–	Design: The penalty regime in force under the French adaptation of the EUTR is one of the harshest in the EU, second only to that of Belgium. Failure to comply with the regulation (by placing illegal timber or failing to implement due diligence) may result in imprisonment (of up to two years) and/or a fine (up to €100,000) according to Art. 76 of Law No. 2014–1170. The law also provides for a penalty regime applicable to legal persons, with financial penalties up to €500,000. Implementation: Only a few operators have received penalties for non-compliance to date. In all cases the penalties consisted of administrative fines – no importer has ever been prosecuted. ³³ This low level of implementation means the penalty regime is not as dissuasive as it should be.
	2013		–	–	
	2018		5	1	

³³ See <https://www.unep-wcmc.org/featured-projects/eu-timber-regulations-and-flegt>; <https://www.timberleaks.org/amp/african-timber-from-firms-linked-to-bribery-conflict-and-illegal-logging-floods-into-france> and <https://www.lecommercedubois.org/>