

### Summary

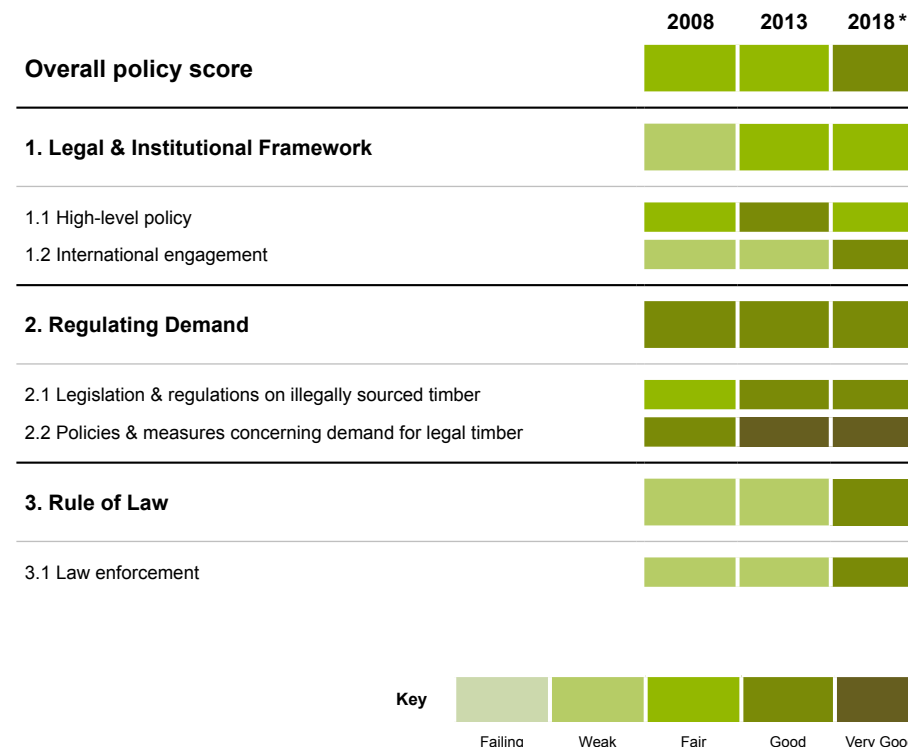
While the Netherlands continues to make good progress overall in its response to illegal logging and the related trade, some areas of governance need improvement. Enforcement of the EU Timber Regulation (EUTR) has been limited to date, and the government has come under scrutiny from non-governmental organizations (NGOs) for taking a 'soft' approach. In response to a case brought by Greenpeace, court rulings in 2017 and 2019 asserted that the competent authority should be imposing stronger sanctions against businesses found to be in breach of the EUTR requirements.

The Dutch government has continued to support the EU FLEGT Facility and the implementation of the Voluntary Partnership Agreements (VPAs) in tropical forest countries, and cooperated with Indonesia on pilot shipments of FLEGT-licensed timber.

Approximately 85 per cent of primary timber products met the Dutch sustainable procurement criteria in 2017, up from 83 per cent in 2015 and 13 per cent in 2005. A mandatory policy to procure 100 per cent sustainably sourced timber and timber products across all government departments, and at all levels of government, came into force in 2015. However, implementation of the policy is not systematically monitored. Audits found that it is not always possible to demonstrate that timber meets the procurement criteria, and there are no penalties for non-compliance. The multi-stakeholder processes within the Timber Procurement Assessment Committee, which assesses certification systems included under the procurement policy, are not considered robust by NGOs.

In March 2017, 23 organizations representing the timber industry, construction, furniture and retail organizations, trade unions and civil society organizations as well as the Ministry for Foreign Affairs and the Ministry for Infrastructure and Water Management signed a Covenant for Sustainable Forest Management. The goal of the covenant is to ensure that sustainably sourced timber is the norm in the Netherlands in 2020. In addition, the development of a new forest strategy, announced in May 2019 by the Ministry of Agriculture, Nature and Food Quality, aims to promote sustainable timber supply chains. Both the covenant and the new forest strategy have the potential to improve the government's response to illegal logging and related trade.

Figure 1: Summary of the Netherlands' forest policy assessment



### Key Forest Policies and Resources

The Nature Conservation Act, 2017, available at <https://www.government.nl/topics/nature-and-biodiversity/legislation-protecting-nature-in-the-netherlands>.

LNV, 2019, Letter to parliament on the development of a forest strategy. See <https://www.rijksoverheid.nl/documenten/kamerstukken/2019/05/20/kamerbrief-over-ontwikkeling-van-een-bossenstrategie>.

Covenant for Sustainable Forest Management, see <https://bewustmethout.nl/convenant-duurzaam-hout/>.

\* 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 the Netherlands' 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 the Netherlands was carried out by Mark van Benthem (Probos). 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.

Funding was provided by the UK Department for International Development (DFID).

Suggested citation: Hoare, A. (ed.) (2020), 'Chatham House Forest Policy Assessment – The Netherlands', available at: [forestgovernance.chathamhouse.org](http://forestgovernance.chathamhouse.org)

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### Acronyms and Abbreviations

CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
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EUTR	European Union Timber Regulation
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FLEGT	Forest Law Enforcement, Governance and Trade
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FSC	Forest Stewardship Council
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IMM	Independent Market Monitoring
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LNV	Ministry of Agriculture, Nature and Food Quality
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MTCS	Malaysian Timber Certification Scheme
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NGO	non-governmental organization
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NVWA	Netherlands Food and Consumer Product Safety Authority
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PBL	Environmental Assessment Agency
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PEFC	Programme for the Endorsement of Forest Certification
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TPAS	Timber Procurement Assessment System
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VPA	Voluntary Partnership Agreement
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## Table 1: The Netherland'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
<b>1.1.1 Does the country have high-level political and governmental mechanisms in place to tackle illegal logging?</b>					
<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	0	Not applicable n/a	n/a	The Netherlands Environmental Assessment Agency (PBL) has conducted studies on the impact of Dutch consumption on biodiversity which include the consumption of timber and other commodities and their impact on forests. <sup>1</sup> However, they do not cover in detail 'how the country's market activities impact on the problem of illegal logging and related trade' nor 'the extent and sources of potential illegal imports'.  At the EU level, the Forest Law Enforcement, Governance and Trade (FLEGT) Independent Market Monitor (IMM) <sup>2</sup> 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.
	2013	1	3	4	
	2018	1	3	4	
<i>b. Is a national action plan in place for preventing illegally sourced timber from being imported or sold?</i>	2008	0	n/a	n/a	Actions on illegal logging have been pursued at EU level. The EU Timber Regulation (EUTR), which has been in place since 2013, provides the legal framework for preventing the import and sale of illegal timber. The Netherlands is an active member of the EUTR/FLEGT Expert Group and has engaged in the FLEGT Committee and European Council Working Parties.  Nationally, the focus has primarily been on sustainability, and the government has been supporting efforts to shift the Dutch market to sustainable timber, including through its public procurement policies (see question 2.2.1) and support for IDH, the sustainable trade initiative. <sup>3</sup>  In May 2019, Minister Carola Schouten of the Ministry of Agriculture, Nature and Food Quality (LNV) announced the development of a forest strategy. <sup>4</sup> This will address the promotion of sustainable timber supply chains including timber imports (the Netherlands imports approximately 90 per cent of the timber it consumes). In March 2017, 23 organizations representing the timber industry, construction, furniture and retail organizations, trade unions and civil society organizations as well as the Ministry for Foreign Affairs and the Ministry for Infrastructure and Water Management signed a Covenant for Sustainable Forest Management, building on the sustainable forest management objectives under the EU's Green Deal. The goal of the covenant is to ensure that sustainably sourced timber is the norm in the Netherlands in 2020. <sup>5</sup>
	2013	1	3	3	
	2018	1	3	3	

<sup>1</sup> PBL (2013), Verduurzaming van internationale handelsketens, [https://www.pbl.nl/sites/default/files/downloads/PBL\\_2013\\_Verduurzaming\\_van\\_handelsketens\\_630.pdf](https://www.pbl.nl/sites/default/files/downloads/PBL_2013_Verduurzaming_van_handelsketens_630.pdf); PBL (2015), Trends in Nederlandse voetafdrukken, [https://www.pbl.nl/sites/default/files/downloads/PBL-2015-Trends\\_in\\_Nederlandse\\_voetafdrukken\\_00707\\_1.pdf](https://www.pbl.nl/sites/default/files/downloads/PBL-2015-Trends_in_Nederlandse_voetafdrukken_00707_1.pdf); and Wiltink, H. C. and van Oorschot, M. M. P. (2017), 'Quantifying Biodiversity Footprints of Dutch Economic Sectors: A Global Supply-Chain Analysis', Journal of Cleaner Production, 156:195–202, <https://doi.org/10.1016/j.jclepro.2017.04.066>.

<sup>2</sup> See <https://www.flegtim.eu/>.

<sup>3</sup> See <https://www.idhsustainabletrade.com/about-idh/>.

<sup>4</sup> LNV (2019), 'Kamerbrief over ontwikkeling van een bossenstrategie' [Letter to parliament about the development of a forest strategy], 20 May 2019, <https://www.rijksoverheid.nl/documenten/kamerstukken/2019/05/20/kamerbrief-over-ontwikkeling-van-een-bossenstrategie>.

<sup>5</sup> See <https://bewustmethout.nl/convenant-duurzaam-hout/>.

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>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	2	5	5	The FLEGT Action Plan is the responsibility of the LNV. There is a formal responsibility for coordination between ministries when new initiatives are launched, and this was implemented during the process of development of the FLEGT Action Plan and the EUTR.
	2013	2	5	5	With the system for EUTR enforcement now in place, there is less need for regular coordination. The LNV maintains regular contact with the competent authority for the EUTR, the Netherlands Food and Consumer Product Safety Authority (NVWA), an independent agency within the LNV, to discuss enforcement issues such as budget and capacity. Regarding the enforcement of the FLEGT regulation and FLEGT licences, a formal agreement between the competent authority (NVWA) and Customs (Ministry of Finance) sets out roles and responsibilities.
	2018	2	4	4	There is some coordination with the Ministry of Foreign Affairs, which is also involved in the Covenant for Sustainable Forest Management, but limited coordination with other ministries (e.g. the Ministry of Infrastructure and Water Management) responsible for design of procurement policies.
<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	There have previously been stakeholder consultations in relation to the EUTR and for setting the Dutch Timber Procurement Criteria.
	2013	2	4	4	Currently, there are two relevant processes with stakeholder consultation:
	2018	2	4	3	<ol style="list-style-type: none"> <li>1. The Dutch government is drawing up a sustainability framework that will apply to all biomass (not just timber) and all its uses (energy, construction, etc.). The development of this framework, including a stakeholder process, began on 1 July 2019.</li> <li>2. The development of the forest strategy included stakeholder sessions in two stages (in November 2019 and February 2020). The main focus of this strategy will be Dutch forests, although international trade and imports will also be included.</li> </ol> <p>In addition, if a certification system is assessed by the Timber Procurement Assessment Committee, stakeholders are invited to comment via an online stakeholder forum.<sup>6</sup> However, this process has become politicized, and NGOs do not consider it robust.</p>
<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? (Question added in 2018)</i>	2008	–	–	–	No such policies are in place.
	2013	–	–	–	
	2018	0	n/a	n/a	
<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)? (Question added in 2018)</i>	2008	–	–	–	The Dutch Climate Agreement is not yet signed. However, it mainly focuses on mitigation (capturing CO <sub>2</sub> ) and does not take into account the role of the timber trade or the forest sector.
	2013	–	–	–	It is expected that the forests strategy (see question 1.1.1b) will take a more holistic approach, including providing an assessment framework for the various ecosystem services forests deliver, including carbon sequestration.
	2018	0	n/a	n/a	Also of relevance here is the fact that the Netherlands is one of the seven European countries to have signed the Amsterdam Declaration on Deforestation and the Amsterdam Declaration on Sustainable Palm Oil in 2015. <sup>7</sup>

<sup>6</sup> See <https://tpac.smk.nl/32/home.html>.

<sup>7</sup> See <https://ad-partnership.org/>.

1.2 International engagement	Year	Does policy exist? (1-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification / additional qualitative explanation
<b>1.2.1 What level of international cooperation is shown by the country?</b>					
<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 Dutch government has continued to provide support for implementation of the VPAs, providing support to the EU FLEGT Facility and also bilateral support to countries e.g. the government cooperated with Indonesia on pilot shipments for FLEGT timber.
	2013	1	5	n/a	
	2018	2	5	4	As an EU member state, the Netherlands does not sign FTAs. In general, there is increased focus on sustainability aspects within the EU's FTAs. For example, the final text of the EU's agreement with MERCOSUR reportedly includes provisions on illegal logging, with a chapter on trade and sustainable development. <sup>8</sup>
<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	There is no specific system for timber. However, the Information and Investigation Service of the NVWA is linked to Interpol and Europol and receives alerts, which can include alerts relevant to EUTR enforcement.
	2013	1	n/a	n/a	
	2018	1	3	3	

<sup>8</sup> European Commission (2019), 'New EU-Mercosur trade agreement: The agreement in principle', 1 July 2019, [https://trade.ec.europa.eu/doclib/docs/2019/june/tradoc\\_157964.pdf](https://trade.ec.europa.eu/doclib/docs/2019/june/tradoc_157964.pdf).

## 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
<b>2.1.1 Does the country have adequate legislation and regulations in place to prevent illegally sourced timber from being imported or sold?</b>					
<i>a. Has the country analysed its existing legislation and regulations on preventing imports and sales of illegally sourced timber?</i>	2008	2	4		Analysis of the country's legal framework was done prior to the implementation of the EUTR in 2013 and was also partially reviewed as part of the evaluation of the EUTR in 2015.
	2013	2	4		In addition, the PBL conducts relevant research, for example a 2015 study on sustainable supply chains, which included timber. <sup>9</sup>
	2018	2	4		
<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	The EUTR is incorporated in the Nature Conservation Act, which took effect on 1 January 2017. <sup>10</sup> With respect to penalties, reference is made to the Economic Offences Act. Article 6 of the Act specifies a maximum prison sentence of six years or a fine of the fifth category (max. €83,000).
	2013	1	4	3	However, in practice imprisonment is not usually imposed for environmental crimes.
	2018	2	4	3	The Dutch competent authority, the NVWA, uses a risk-based approach to target its enforcement actions. It has been criticized by NGOs for adopting too soft an approach towards enforcement, for example issuing warnings rather than pursuing prosecutions. <sup>11</sup> In response to a case brought by Greenpeace, court rulings were made in 2017 and 2019 that the NVWA should be imposing stronger sanctions against businesses found to be in breach of the EUTR requirements. <sup>12</sup>
Reports by the United Nations Environment Programme World Conservation Monitoring Centre (UNEP–WCMC) indicate that a total of 106 checks were carried out on operators from March 2017 to December 2018, out of an estimated 4,900 operators placing imported timber on the market. <sup>13</sup> Between January and June 2019, 26 checks were carried out. <sup>14</sup>					
<i>c. If legislation is in place to prevent the import of illegal timber, how broad is the product scope of this legislation?</i> (Question added in 2018)	2008		–		The Nature Conservation Act covers all timber products listed in the EUTR. 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. <sup>15</sup>
	2013		–		
	2018		3		

<sup>9</sup> PBL (2015), Duurzame Handelsketens Onder de Loep, [A Closer Look at Sustainable Supply Chains], [https://www.pbl.nl/sites/default/files/downloads/PBL\\_2015\\_Duurzame\\_handelsketens\\_onder\\_de\\_loep\\_1147.pdf](https://www.pbl.nl/sites/default/files/downloads/PBL_2015_Duurzame_handelsketens_onder_de_loep_1147.pdf).

<sup>10</sup> Government of the Netherlands (2017), Nature Conservation Act, <https://www.government.nl/topics/nature-and-biodiversity/legislation-protecting-nature-in-the-netherlands>.

<sup>11</sup> Greenpeace (2019), 'Rechter berispt tekortschietende NVWA tot tweemaal toe' [Judge reprimands the failing NVWA twice], 16 March 2019, <https://www.greenpeace.org/nl/natuur/15635/rechter-berispt-tekortschietende-nvwa-tot-tweemaal-toe-verplicht-boetes-uitdelen-aan-handelaren-illegaal-hout/>.

<sup>12</sup> Greenpeace (2017), 'Greenpeace wint rechtszaak tegen NVWA' [Greenpeace wins lawsuit against NVWA], 13 July 2017, <https://www.greenpeace.org/nl/natuur/6999/greenpeace-wint-rechtszaak-tegen-nvwa/>.

<sup>13</sup> UNEP WCMC (2018), Overview of Competent Authority EU Timber Regulation checks, March – May 2017, [https://ec.europa.eu/environment/forests/pdf/Overview\\_of\\_CA\\_checks\\_March\\_May\\_2017\\_FINAL.pdf](https://ec.europa.eu/environment/forests/pdf/Overview_of_CA_checks_March_May_2017_FINAL.pdf), 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](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](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\\_Overview%20of%20CA%20checks%20July-December%202018%20FINAL.pdf](https://ec.europa.eu/environment/forests/pdf/UNEP%20WCMC%202019%20Overview%20of%20CA%20checks%20July-December%202018%20FINAL.pdf).

<sup>14</sup> UNEP (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](https://ec.europa.eu/environment/forests/pdf/UNEP%20WCMC%202019_Overview%20of%20CA%20checks%20January-June%202019_FINAL_17.01.2020.pdf).

<sup>15</sup> WWF (2016), Position Paper: The EU Timber Regulation and Product Scope, [http://assets.wwf.org.uk/downloads/wwf\\_position\\_paper\\_eutr\\_product\\_scope.pdf](http://assets.wwf.org.uk/downloads/wwf_position_paper_eutr_product_scope.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?</i> (Question added in 2018)	2008		–		As per the EUTR, implementation of due diligence is mandatory for those operators that place timber on the EU market for the first time. Other traders and retailers along the supply chain have an obligation to ensure traceability. However, the competent authority has focused most of its enforcement attention on importers, with little attention being given to traders.
	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?</i> (Question added in 2018)	2008		–		The EUTR requires businesses that place timber on the EU market for the first time carry out due diligence.
	2013		–		
	2018		3		
<i>f. Is implementation of the policy systematically monitored and assessed?</i> (Question added in 2018)	2008		–		Implementation of the EUTR is monitored at the EU level, including by the FLEGT IMM and United Nations Environment Programme World Conservation Monitoring Centre. The competent authority compiles data on its enforcement actions, and reports these to the EU.
	2013		–		
	2018		n/a		



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
<b>2.2.1 Is there a public procurement policy in place excluding illegal (and/or unsustainable) timber products from government purchasing?</b>	2008	2		4	<p>As of 2010, the Dutch central government, and as of 2015 all public authorities, made a commitment to procure 100 per cent sustainably sourced timber and timber products. In 2008, procurement criteria were set in the Timber Procurement Assessment System (TPAS). The Timber Procurement Assessment Committee assesses timber certification schemes and advises the State Secretary of the Dutch Ministry of Infrastructure and Water Management, who decides which systems are admitted to the procurement policy. As of November 2019, the following systems were accepted by the State Secretary:<sup>16</sup></p> <ul style="list-style-type: none"> <li>• Forest Stewardship Council International (FSC)</li> <li>• Programme for the Endorsement of Forest Certification (PEFC)</li> <li>• Malaysian Timber Certification Scheme (MTCS)</li> <li>• Keurhout (chain-of-custody only)</li> </ul> <p>In 2013 there was a focus on ensuring that procurement officials were including appropriate contract clauses (i.e. demanding TPAS-compliant timber). This was successful, but there has not been a shift to ensure that the contract clauses are being met. For example, audits undertaken by the research institute Probos found that in many cases it was not possible to demonstrate that timber meets the procurement criteria. In addition, further attention is needed on topics such as recovered wood; trees from outside of forest areas; and FLEGT.</p>
	2013	2		4	
	2018	2		3	
<i>a. What level of adherence does the policy require?</i>	2008		5		<p>The procurement policy is mandatory, although there are no penalties for non-compliance. Timber and timber products must be certified by systems accepted within the Dutch procurement policy (see 2.2.1) or must meet the TPAS criteria through so called Category B evidence (any credible evidence, other than a Category A certificate, that provides assurance that products meet the Dutch procurement criteria for sustainably produced timber and wood-based products). The majority of central government departments have implemented the policy and put the requirements in contracts, but few monitor whether contracts are met in practice.</p>
	2013		5		
	2018		5		
<i>b. Does the policy cover all timber products, including paper?</i>	2008		5		<p>All products are covered by the policy.</p>
	2013		5		
	2018		5		
<i>c. Does the policy rest on independent certification or verification schemes (or equivalent) for identifying legal products?</i>	2008		5		<p>Besides the certification schemes mentioned above, there is the possibility of using Category B evidence. However, this option is seldom used.</p>
	2013		5		
	2018		5		

<sup>16</sup> See <http://www.inkoopduurzaamhout.nl>.

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		Between 2008 and 2012, Probos assisted procurement officers with guidance in the form of a website on sustainable procurement of timber and paper <sup>17</sup> and a helpdesk. Probos has kept the website up to date since 2012.
	2013		5		Under the Covenant for Sustainable Forest Management (see question 1.1.1b), more guidance and training were given to procurement officers in 2019 and early 2020, but this was limited to the information and workshop presentations available on the website set up by Probos.
	2018		3		
<i>e. Is implementation of the policy systematically monitored and assessed?</i>	2008		3		There is very generic monitoring of the sustainable procurement policy as it is being implemented for all commodities by government departments. There is no specific monitoring of timber purchasing.
	2013		3		The government commissioned evaluations of timber procurement within public sector contracts in 2015 and 2017 – but only a small proportion of such contracts have been evaluated. <sup>18</sup>
	2018		3		The government commissions Probos to monitor the market share of primary timber products that meet the Dutch Timber Procurement Criteria. By 2017, approximately 85 per cent of primary timber products such as sawn wood, wood-based panels, roundwood and veneer met the criteria. <sup>19</sup> In 2015 this figure was 83 per cent, <sup>20</sup> and in 2005 it was just 13 per cent.
<i>f. Does the procurement policy apply to subnational (provincial, regional, local) government?</i>	2008		3		The policy became mandatory for all levels of government in 2015.
	2013		3		
	2018		5		

<sup>17</sup> See <http://www.inkoopduurzaamhout.nl>.

<sup>18</sup> Probos (2015), Van bos tot bouwplaats [From forest to construction site], [http://www.probos.nl/images/pdf/rapporten/Rap2015\\_Van\\_bos\\_tot\\_bouwplaats.pdf](http://www.probos.nl/images/pdf/rapporten/Rap2015_Van_bos_tot_bouwplaats.pdf).

<sup>19</sup> Probos (in press)

<sup>20</sup> Probos (2016), Duurzaam geproduceerd hout op de Nederlandse markt in 2015 [Sustainably produced wood on the Dutch market in 2015], [http://www.probos.nl/images/pdf/rapporten/Duurzaam\\_geproduceerd\\_hout\\_op\\_de\\_Nederlandse\\_markt\\_in\\_2015\\_Stichting\\_Probos\\_EINDRAPPORT.pdf](http://www.probos.nl/images/pdf/rapporten/Duurzaam_geproduceerd_hout_op_de_Nederlandse_markt_in_2015_Stichting_Probos_EINDRAPPORT.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
<b>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?</b>					
<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.</i> <i>(Question added in 2018)</i>	2008		–	–	The competent authority has two full-time staff for the EUTR and one for FLEGT, and they are active in information exchanges between other EU competent authorities. However, NGOs argue that more resources should be allocated to enforcement.
	2013		–	–	
	2018		3	3	According to the NVWA, there are approximately 5,000 companies that place timber on the EU market for the first time (referred to as 'operators' in the legislation) in the Netherlands, and the NVWA aims to inspect 1 per cent of them annually. In 2017 and 2018, 92 inspections were carried out, at 83 companies, resulting in five desk investigations, eight charges under penalty and 17 written warnings. <sup>21</sup>
<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			Some training is provided on Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and FLEGT-licensed timber.
	2013	1			
	2018	1			
<i>ii. Judges and prosecutors</i>	2008	–			No such training is provided.
	2013	–			
	2018	0			
<b>3.1.2 Are the penalties/sanctions for non-compliance with legislation to prevent illegally sourced timber from being imported (if in place) proportionate &amp; dissuasive?</b> <i>(Question added in 2018)</i>	2008		–	–	The EUTR is incorporated in the Nature Protection Act. In the case of penalties, reference is made to the Economic Offences Act. Article 6 of the Act specifies a maximum prison sentence of six years or a fine of the fifth category (max. €83,000).
	2013		–	–	However, in practice imprisonment is not usually imposed for environmental crimes. The NVWA has also been accused of too often issuing warnings, rather than pursuing prosecutions.
	2018		5	1	

<sup>21</sup> NVWA (2018), Jaaroverzicht Hout- en FLEGT-verordening 2018 [Annual overview of Wood and FLEGT Regulation 2018], <https://www.nvwa.nl/onderwerpen/import-van-hout-en-houtproducten-flegt/jaaroverzicht-hout-en-flegt-verordening-2018>.