
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in the United Kingdom, enforce:

- (a) Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market (“the Timber Regulation”); and
- (b) Commission Implementing Regulation (EU) No 607/2012 on the detailed rules concerning the due diligence system and the frequency and nature of the checks on monitoring organisations as provided for in the Timber Regulation (“the Implementing Regulation”).

Regulation 2 provides for the designation of the Secretary of State as the competent authority for the Timber Regulation, the Implementing Regulation and Commission Delegated Regulation (EU) No 363/2012 on the procedural rules for the recognition and withdrawal of recognition of monitoring organisations as provided for in the Timber Regulation. Regulation 3 provides for the authorisation of inspectors by the Secretary of State.

Part 2 deals with offences under the Regulations. Regulation 4 sets out the offences; regulation 5 provides for a due diligence defence in relation to two of the offences; and regulation 6 deals with offences by businesses.

Part 3 deals with enforcement. Regulations 7, 8 and 9 confer entry, inspection and seizure powers on inspectors; regulation 10 prohibits the obstruction of an inspector; regulation 11 confers powers on an inspector to serve a notice of remedial actions on a person who the inspector reasonably believes is not complying with the due diligence obligations in the Timber Regulation; regulation 12 provides for appeals against such notices; regulation 13 provides for penalties for offences under the Regulations; and regulation 14 confers a power on the court to order the reimbursement of the Secretary of State and inspectors’ investigation costs by any person who is convicted following such investigation.

Regulation 15 makes provision in respect of documents which are the subject of legal professional privilege or its equivalent in Scotland. Regulation 16 provides for the manner in which notices must be served under regulations 5, 7 and 9. Regulation 17 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and every five years after that.

A full impact assessment of the effect that this instrument will have on the costs of business is available from www.ialibrary.bis.gov.uk and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Timber and Timber Products (Placing on the Market) Regulations 2013.