



EU FOREST CRIME INITIATIVE

Gap Analysis: Slovakia

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EXECUTIVE SUMMARY

BACKGROUND AND PRESENTATION OF THE PROJECT

Illegal logging accounts for as much as 10–30 % of the total logging worldwide, with some estimates as high as 20–50 %¹ when laundering of illegal wood is included, with a growing involvement of organized crime. A significant proportion of forestry crime is now carried out by organized criminal networks utilising an international network of quasi-legitimate businesses and corporate structures to hide their illegal activities, which include creative accounting to launder criminal proceeds or collusion with senior government officials. Organized forest crime continues to evolve and develop new methods to conduct forestry crime operations and launder illegal timber.

Although the European Union Timber Regulation (EUTR) came into force in 2013 to stop illegal wood and paper products being placed on the European market, the EUTR and national laws in Slovakia against forestry crime have up to now not been implemented with full effect due to different gaps and obstacles.

The project “EU Forest Crime Initiative” aims to enable effective law enforcement by stimulating networks that are able to detect forestry crime and respond to it.

The project is carried out in 6 countries: Belgium, Bulgaria, France, Romania, Slovakia and Ukraine. Part of the project is a comprehensive analysis to better understand forestry crime in the different countries by analyzing gaps, identifying challenges along the enforcement chain but also opportunities to identify more cases and support forest governance and enforcement frameworks necessary to combat forestry crime.

For the gap analysis in Slovakia, a target group of key stakeholders was identified to fill in a survey and to attend a workshop in Bratislava in January 2020. Their answers to the survey and outcomes of discussions during the workshop constitute the basis of this gap analysis, on top of which WWF made a complementary assessment.

KEY FINDINGS OF THE GAP ANALYSIS

Answers to the survey and inputs from respondents and participants to the workshop show numerous challenges, gaps and obstacles that can jeopardize the proper enforcement of national laws meant to combat forestry crime in Slovakia.

First of all, **it is important to highlight that participants of the national workshop recognized the existence of organized crime related to forestry in Slovakia.**

¹ Nellemann, C. (Editor in Chief); Henriksen, R., Kreilhuber, A., Stewart, D., Kotsoyova, M., Raxter, P., Mrema, E., and Barrat, S. (Eds). 2016. The Rise of Environmental Crime – A Growing Threat To Natural Resources Peace, Development And Security. A UNEP INTERPOL Rapid Response Assessment. United Nations Environment Programme and RHIPTO Rapid Response–Norwegian Center for Global Analyses, www.rhipto.org - accessible [here](#)

The gap analysis in Slovakia shows:

→ **Problems with resources and knowledge. The capacity of relevant authorities to fight forestry crime is insufficient, showing a discrepancy between mission/intention and reality on the ground.**

Meanwhile, there is no clear approach/strategy to combat forestry crime.

There is a lack of equipment and expertise to carry out investigations, as shown by the fact that employees of District Authority Offices **don't have enough vehicles and in some cases they must use public transport or their own car to perform field checks** or the fact that **new employees were not provided with uniforms; without which they are not authorized to carry out checks. The low level or absence of trainings throughout the enforcement chain** may be one of the reasons why the awareness on forestry crime issues and willingness/motivation to combat those crimes is said to be low amongst authorities. In addition, **low salaries for forest staff and inspectors increase the chance of corruption and fraud.**

→ **There is a lack of agreed/shared figures on forestry crime at national level. Slovakia still lacks a single electronic system** to process information on the planning, marking, use, certification, dispatching and processing of timber.

→ **Corruption, nepotism and the involvement of politicians is seen as an aggravating factor of forestry crime in Slovakia. There is also a lack of sufficient protection for people uncovering offenses, considering the risks of reprisals they are exposed to.**

→ The **organization of the forest sector in Slovakia** presents challenges. **A small number of powerful players influence the forestry business at different levels**, from the decisions made by state enterprises to the type of timber being harvested (quality, quantity and species). Since the reform of the state administration in 2013, the land and forest departments of district offices are administratively under the umbrella of the Ministry of Interior but their control, professional forestry guidance etc. is supervised by the Ministry of Agriculture and Rural Development. **This reform is contributing to the deterioration of efficiency of the forest administration.**

→ **The legislative framework related to forestry crime still has loopholes, including on the definition of illegal logging. There is also a lack of awareness and experience with the EUTR, including the possibility to raise 3rd party concerns.**

→ **There are numerous Modus operandi to carry out forestry crime, offenders are finding numerous ways to contravene the law and a wide variety of actors are involved in forestry crime.** “Logging of unauthorised trees in forest stands earmarked for felling”, “logging outside of authorised perimeters” “logging in protected areas” and “logging in excess of permits” are the four most common modus operandi according to survey respondents. Besides that, **the abusive use of sanitary felling was reported multiple times as a way to harvest timber illegally .**

→ **From a judicial perspective, there is an obvious lack of success with serious forestry crimes cases**, e.g. evidence of illegal logging provided by the relevant forest staff are not being considered by the courts or given too little importance. In addition, different stakeholders (police, courts, prosecutors, etc.) have different interpretations of the legislation.

→ **There is room for improvement regarding cooperation between NGOs/CSOs and authorities**, and along the enforcement chain, to increase effectiveness in the fight against forestry crime, considering NGOs were identified as playing an important role in detecting and reporting forestry crimes.

→ **On investigation, pre-investigations are usually weak. Evidence collected during the field investigations may be unclear and not actionable upon. Forensic methods do not seem to be used in practice to support investigations.**

Political stronghold on the forestry system, and the possible link of politicians to the forest and agriculture business as well as to organized crime, makes large cases of forestry crimes difficult to investigate.

Current control mechanisms are not effective, especially on the harvesting and transportation of wood.

The present report does not list specific recommendations, although some possible solutions were already identified in the table in annex 3.

In order to strengthen the fight against forestry crime, a manual of recommendations will be made **available by early 2021**, in which all key lessons learnt and best practices identified during the project will be compiled and recommendations formulated.

KEY DEFINITIONS

Forestry crime

According to INTERPOL, “Forestry crime” is an umbrella term to describe criminal activity (carried out in contravention of national or international law) in the forestry sector covering the entire supply chain, from harvest (illegal logging) and transportation to processing, selling, trading, importing and exporting. It also refers to those criminal offenses that facilitate such activity, including document fraud, corruption, and money laundering².

Organized crime

According to the United Nations Convention against Transnational Organized Crime (2004)³:

- a) “Organized criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;
- b) “Serious crime” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.

Poverty-related forest crime

Organized crime is different than poverty-related forest crime⁴. The United Nation Office on Drugs and Crime defines that “although actions in the illegal activities are linked (for example, poor farmers that are employed as harvesters and suppliers by traffickers), it is still critical to differentiate between activities driven by need and poverty, and those driven by greed and the lure for high profit. In developing countries, poverty can be a factor that drives wildlife and forest offences (...). In this connection, formal criminalization can be harmful for people depending on wildlife and forest resources for their livelihoods.”

Corruption

There is no one single definition of corruption. According to INTERPOL, corruption is defined as:

- the misuse of entrusted power for private gain, or
- any course of action or failure to act by individuals or organizations, public or private, in violation of a duty or obligation under law or trust for profit or gain.

The annual global cost of corruption in the forestry sector is estimated to be in the order of 29 billion dollars. Bribery is reported as the most common form of corruption in the forestry sector. Other forms of corruption, in order from most to least common after bribery, are the following: fraud, abuse of office, extortion, cronyism and nepotism⁵.

² <https://www.interpol.int/content/download/5149/file/Global%20Forestry%20Enforcement%20Prospectus%202019-web.pdf>

³ https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOL_S_THERE_TO.pdf

⁴ https://www.unodc.org/documents/Wildlife/Toolkit_e.pdf

⁵ Uncovering the risks of corruption in the forestry sector, Interpol (2016) 20 pages.

Modus operandi

Modus operandi refers to the methods used to carry out forestry crime (please see the definition above), across the entire supply chain, from illegal harvest to transport and trade.

Offence

For the purposes of this report, the term “offence” includes all activities that may be subject to criminal or administrative penalties.

Acronyms

CSO: Civil Society Organization

EUTR: European Union Timber Regulation

NGO: Non Governmental Organization

SME: Small & Medium Enterprise



1. METHODOLOGY

DESCRIPTION OF THE PROJECT

Forestry crime is a growing problem with links to organised crime and corruption. In financial terms, environmental crime is the third largest crime sector in the world and amounted to 110-281 billion USD in 2018, in which forestry crime and illegal logging represented 51-152 billion USD⁶.

In 2013, the EU adopted new legislation, the European Timber Regulation, to address products derived from illegal logging on the EU market. However, loopholes in the EUTR and its enforcement, as well as implementation gaps of other national laws in Member States, have until now hindered real change.

The project “EU Forest Crime Initiative” aims to enable effective law enforcement by stimulating networks that are able to detect forestry crime and respond to it.

The project is carried out in 6 countries: Belgium, Bulgaria, France, Romania, Slovakia and Ukraine. The project includes conducting a comprehensive gap analysis as well as the formulation of recommendations on how to address these gaps. The project is also meant to empower civil society to raise suspicions and to be a knowledgeable partner for authorities.

SCOPE OF THE PROJECT AND EXPECTED OUTCOMES

In Romania, Bulgaria, Slovakia and Ukraine the project focuses on forestry crime at domestic level as well as transboundary forestry crime.

In Belgium and France, the project focuses on high risk imported timber products and/or those with complex supply chains, aiming to motivate existing networks fighting against environmental crime to carry out independent investigations.

More specifically in Slovakia, this project aims to provide a better understanding of forestry crime by analyzing gaps, challenges along the enforcement chain as well as opportunities to identify more cases that could be taken to court and support the forest governance and enforcement frameworks necessary to combat crime across the regional forest sector, thereby improving the transparency, governance and legality in forested target countries in Europe and motivate political will.

TARGET GROUP

The target group for the gap analysis in Slovakia includes stakeholders who are part of the enforcement chain from the forest to the judicial authorities.

Project partners’ approach was to target the most relevant stakeholders, based on their positions and experience to ensure the development of a relevant and informative gap analysis.

Following this rationale, WWF and INTERPOL did not try to select an extensive number/pool of persons, but rather to focus on the stakeholders who are formally accountable to combat forestry crime and that were believed to bring the most added value to the gap analysis (such as the EUTR Competent Authority, police, prosecutors, judges, forest guards etc.)

⁶ Nellemann, C.; Henriksen, R., Pravettoni, R., Stewart, D., Kotsovou, M., Schlingemann, Shaw, M. and Reitano, T. (Eds). 2018. World atlas of illicit flows. A RHIPTO-INTERPOL-GI Assessment. RHIPTO -Norwegian Center for Global Analyses, INTERPOL and the Global Initiative Against Transnational Organized crime. www.rhipto.or. www.interpol.int

Development of a questionnaire

The project partners developed a questionnaire on forestry crime to capture both quantitative and qualitative information in order to have a comprehensive analysis as well as to reflect the personal views of the target group. The questionnaire was distributed to all key stakeholders identified by project partners.

The survey focuses on 4 main parts:

- General knowledge about forestry crimes, illegal logging and trade on a national level, including modus operandi to commit forestry crimes;
- General knowledge about EU Timber Regulation and other legislation in relation to forestry crime;
- Cooperation along the enforcement chain;
- Conclusion on challenges in relation to prosecution and potential for more cases.

You can access the complete survey for the enforcement chain **in annex 5**.

A separate version of the survey was also prepared for NGOs & CSOs. You can access it here **in annex 6**.

Workshop in Bratislava

A national workshop about forestry crime took place on the 27th and 28th of January 2020 in Bratislava. Altogether, 21 stakeholders and representatives of relevant authorities involved in combating forestry crime attended the workshop.

The workshop provided an opportunity for stakeholders to be informed about the existing problems and trends in forestry crime at national and international level. The workshop created a space for discussion amongst stakeholders to share their experience in fighting forestry crime.

During the discussion, several gaps were identified and extensively discussed across the spectrum of representatives from the enforcement chain (forest officers, police officers, prosecutors, etc.)

Key information related to the workshop and the distribution/collection of the surveys.

SURVEYS			WORKSHOP IN BRATISLAVA		
Dates	Types of respondents	Number of replies received	Dates	Number of participants who attended	Nature of the participants/ Parts of the enforcement chain represented
<p>Surveys were first circulated to stakeholders on October 31 2019.</p> <p>Feedbacks were received no later than January 17 2020.</p>	<ul style="list-style-type: none"> • Slovak Forestry and Timber Inspection • Slovak Environmental Inspectorate • Police officers • Prosecutors • Customs • State Nature Conservancy • Ministry of Agriculture and Rural Development • Ministry of Environment • Ministry of Finance • Forest users • Forest guard 	32	27 and 28 January 2020	21	<ul style="list-style-type: none"> • Slovak Forestry and Timber Inspection • Slovak Environmental Inspectorate • Police officers • Prosecutors • Ministry of Agriculture and Rural development • Ministry of Environment • State Nature Conservancy • Forest users

2. CONTEXT



Disclaimer: the information presented in part 2 on the context describes the situation until **April 30 2020**. Possible changes that came into effect after that date may not be reflected in this report.

2.1 FOREST CONTEXT AND THE NATIONAL COUNTRY SITUATION REGARDING FORESTRY CRIME

Forest context

Slovakia's territory accounts for 4,9 millions of hectares in total, of which 1,98 millions are forests, 41,2% of the total land area of the country⁷.

In addition, there is another 288,000 hectares of former agricultural lands (abandoned and unmanaged meadows, pastures and fields), which are now covered with forest. According to an estimation from the national forest inventory, there is approximately 50 million m³ of wood available on these lands (so-called white areas, still considered as agriculture land but where the forest law does not apply)⁸, opening the door to illegal logging practices.

According to FAO, 1,13 million hectares of forests are located within protected areas, approximately 58% of the total surface of forests although according to WWF⁹, protection levels 1, 2 and possibly 3, are not stringent enough to ensure proper and robust protection.

According to the Ministry of Agriculture and Rural Development, the most common tree species are European beech (*Fagus sylvatica*, 33,9%), followed by Norway spruce (*Picea abies*, 22,5%), oaks (*Quercus petraea*, *Q. robur* and *Q. cerris*, 13,1%) Scots pine (*Pinus sylvestris*, 6,7%) and other tree species 23,8%¹⁰.

Experts from the NGO Prales had executed a national inventory of most preserved natural forests in Slovakia between 2009 and 2015 and identified altogether 10,583 hectares of old growth forests. This represents 0.5% of forests and 0.2% of the Slovakian landscape¹¹.

According to NGO Prales, a third of them are still not under the strictest protection regime (which is non-intervention) and therefore threatened by damage or destruction. Currently, strict legal protection (5th degree of protection) is applied in 68% of old growth forests in Slovakia (7,313 hectares). Following an initiative of WWF Slovakia and the NGO Prales, the state forest enterprise have committed not to log in identified old growth forests, which means that 94% (9,500 hectares) of

7 Green report 2019 - Moravčík, M. et al., 2019. Správa o lesnom hospodárstve v Slovenskej republike za rok 2018 - Zelená správa. Ministerstvo pôdohospodárstva a rozvoja vidieka Slovenskej republiky, Národné lesnícke centrum, 66 p

8 Šebeň, V. 2017. Národná inventarizácia a monitoring lesov SR 2015 - 2016. Informácie, metódy, výsledky. Lesnícke štúdie 65, Zvolen, Národné lesnícke centrum - Lesnícky výskumný ústav Zvolen, 225 p

9 <http://www.fao.org/3/a-az334e.pdf>

10 Green report 2019 - Moravčík, M. et al., 2019. Správa o lesnom hospodárstve v Slovenskej republike za rok 2018 - Zelená správa. Ministerstvo pôdohospodárstva a rozvoja vidieka Slovenskej republiky, Národné lesnícke centrum, 66 p

11 Beudert, B., Bäessler, C., Thorn, S., Noss, R., Schröder, B., Dieffenbach-Fries, Foullois, N., Müller, J. 2014. Bark Beetles Increase Biodiversity While Maintaining Drinking Water Quality. Conservation Letters 00(0): 1–10.

identified old growth forests in Slovakia will be left for natural evolution, despite the fact that this is based on a voluntary commitment¹²¹³.

Forestry crime

In a report dated from 2005¹⁴, WWF explained that Slovakia faces two types of illegal logging. On one hand, illegal logging is being carried out by rural and poor population, mostly to satisfy needs for fuel and heating. On the other hand, criminals (whether individuals or companies) bribe the forest administration, act by deception or force, deliberately overharvest, capitalize on gaps in legislation and harvest wood in contradiction to law.

In such a context, arsons and reprisals for individuals reporting environmental infringements occurred, more specifically in relation to forests¹⁵.

The report also states that the practice of illegal overharvest is favoured by shortcomings in calculating the volume of standing trees during the forest inventory.

Over the last years, sanitary logging has more frequently been used as a pretext to commercially remove timber from the forest, including from protected areas and is sometimes even used as a cover for illegal logging activities¹⁶. The use of bark beetle as a pretext to conduct excessive logging - therefore illegal - were reported multiple times¹⁷¹⁸.

Risks of illegalities related to the misuse of sanitary permits for felling of healthy trees (spruce stands) and the risk of protected sites and species to be affected by harvesting, due to lack of identification in a management plan, were also identified by Nepcon¹⁹.

More recently, protests from the civil society took place to question the government about logging within national parks and old growth forests²⁰²¹²², as well as about logging in a primeval beech forests, listed as a UNESCO world heritage site²³.

Indeed, no appropriate assessments have been completed as required by the EU Habitats Directive prior January 1, 2020 for any salvage/planned logging or other operations planned within the Forest Management Plans. In combination with the lack of management plans for the majority of protected sites, this resulted into an infringement procedure opened by the European Commission against Slovakia. The infringement case 2018/4076 is not yet closed.

This UNESCO site hosts unique 200 year old beech trees and more than 300 year old clusters of silver fir, and is home to grey wolves, European bison, brown bears and lynx²⁴.²⁵

12 <https://wwf.panda.org/?325691/>

13 <http://www.pralesy.sk/>

14 <http://www.forestconsulting.de/Downloads/Publications/finalillegallogginginslovakia.pdf>

15 <https://spectator.sme.sk/c/20854163/new-documentary-shows-how-whistleblower-faced-intimidation-for-reporting-on-environmental-infringements.html>

16 <https://wilderness-society.org/special-report-sanitary-logging-often-legalising-timber-harvesting/>

17 <https://spectator.sme.sk/c/20854163/new-documentary-shows-how-whistleblower-faced-intimidation-for-reporting-on-environmental-infringements.html>

18 <https://wilderness-society.org/forest-disaster-in-slovakia/>

19 <https://www.nepcon.org/sites/default/files/library/2017-08/NEPCon-TIMBER-Slovakia-Risk-Assessment-EN-V1.pdf>

20 <https://wilderness-society.org/slovakian-forests-under-threat-that-is-enough/>

21 <https://www.askaadia.com/post/thanks>

22 <https://www.mysmeles.sk/>

23 <https://www.wwf.mg/en/food/?uNewsID=330094>

24 <http://www.wwf.eu/?uNewsID=300611>

25 <https://spectator.sme.sk/c/20854163/new-documentary-shows-how-whistleblower-faced-intimidation-for-reporting-on-environmental-infringements.html>

2.2 POLICY AND LEGAL FRAMEWORK ON FORESTS

An infringement procedure against Slovakia (now closed) was opened by the European Commission for non compliance of Slovakia with the EUTR²⁶. Slovakia was asked to provide evidence for rules on penalties in case of EUTR offences, to ensure effective application of the EUTR. As a consequence, the concrete enforcement of the EUTR only started from July 2018.

Forest ownership

According to the European Forest Institute in its report *Forest land ownership change in Slovakia*²⁷, forest is owned and managed as follows:

- Forest land on the territory of Slovakia is owned by the State (40% of the forest area) and non-state entities (44.8% of all forests). The category of non-state includes those under private (the average size of private holding is only 2.8 hectares), community, church, agricultural cooperative and municipal ownership. The remaining 15.2% of forest areas are forests of unidentified ownership.
- The State holds property rights to 40% of the total forest area (777,599 hectares), but manages 53.9% of forest (1,046,288 hectares). Besides forests owned by the State, state enterprises also manage forests leased from non-state owners and unclaimed forests (13.9%).

More information on the relevant legislation and policy can be found [here](#).

Organization of forest management

The Ministry of Agriculture and Rural Development of the Slovak Republic is the supreme national authority regarding forestry. The state supervision is carried by 49 land and forest departments of the district office (the first level of state administration) and 8 lands and forest departments of district offices at the headquarters of the county (the second level of state administration).

Forest management is based on management plans, which include logging plans.

The state supervision in military forests is carried out by The Ministry of Defense - office of forestry and game management. The state administration on the first and the second level is carried out by particular departments of district offices as the organization of the Ministry of Interior.

Methodological, control, and professional forestry guidance of district offices is provided by the Section of Forestry and Wood Processing of the Ministry of Agriculture and Rural Development²⁸.

²⁶ <https://www.clientearth.org/eutr-news-march-2016-to-march-2017/>

²⁷ http://facesmap.boku.ac.at/library/FP1201_Country%20Report_SLOVAKIA.pdf

²⁸ Green report 2019 - Moravčík, M. et al., 2019. Správa o lesnom hospodárstve v Slovenskej republike za rok 2018 - Zelená správa. Ministerstvo pôdohospodárstva a rozvoja vidieka Slovenskej republiky, Národné lesnícke centrum, 66 p

2.3 MAIN DRIVERS OF FORESTRY CRIME

Fern explained that in Slovakia there is often a conflict of interest, as forest managers also manage forests in protected areas²⁹.

The forest act and nature conservation acts were not harmonised before 1 January 2020, for example regarding authorisation of salvage logging and application of appropriate assessment. The lack of harmonization of such provisions had caused deterioration of natural features, especially in spruce mountain forests, such as for the capercaillie³⁰.

Forestry law is also often contradictory to Natura 2000, Environmental law or the European Union legislation, resulting in sanitary logging in protected areas and planted “forests”^{31,32}. One of the main drivers of timber thefts also include unfavourable living conditions of some parts of the population, especially marginalised communities.

29 https://www.fern.org/fileadmin/uploads/fern/Documents/EU_forests_in_danger_Feb_2019.pdf

30

https://ec.europa.eu/commission/presscorner/detail/en/MEMO_19_462(https://www.europarl.europa.eu/doceo/document/P-9-2019-003135_EN.html)

31 <https://wilderness-society.org/forest-disaster-in-slovakia/>

32 <http://www.forestconsulting.de/Downloads/Publications/finalillegallogginginslovakia.pdf>

A photograph of a lush green forest. The scene is filled with tall, slender trees and a dense carpet of green undergrowth. Sunlight filters through the canopy, creating a dappled light effect. A black rectangular box is overlaid on the left side of the image, containing the text '3. MAIN RESULTS' in white, bold, sans-serif font.

3. MAIN RESULTS

3.1 FROM THE SURVEY

3.1.1 Forestry crime situation

Disclaimer: Although project partners assume that there is a common understanding of “organized crime” amongst people from the target group, this term was not defined initially in the survey. References to organized crime by respondents may therefore encompass slightly different meanings.

Nature and number of respondents

The results below are based on 32 answers. 27 respondents are stakeholders belonging to the enforcement chain group and 5 respondents are members of the NGOs and CSOs group. The questionnaire intended for NGOs contains 17 questions instead of 25 for the enforcement chain (some questions irrelevant for them were taken off the list, and 4 other questions were added).

For clarity purposes, we mentioned the profile of respondents before each question:

- Enforcement chain only.
- Enforcement chain + NGOs.
- NGOs only.

Please note that only results and outcomes from the questionnaires and workshop are presented under part 3. The complementary assessment and analysis by WWF can be found in part 4.

3.1.1.1 Current trends (Enforcement chain + NGOs)

Despite the fact that approximately one third of the respondents outlined that forestry crime is a growing problem in Slovakia, and 4 respondents stated or implied that the situation is stable, 16 respondents did not specifically refer to any trends regarding forestry crime (increasing/decreasing/stable).

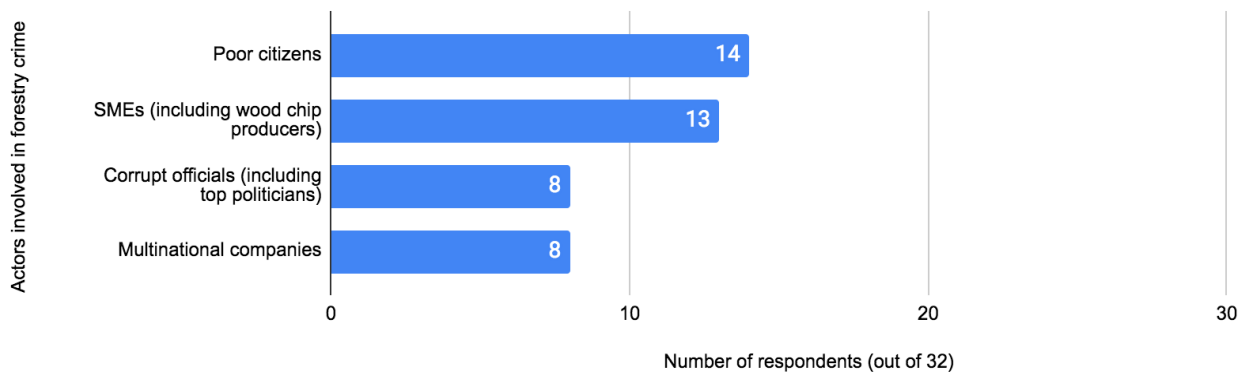
Only 4 respondents, from the police, referred to undisclosed figures, showing that forestry crime is growing.

3.1.1.2 How important is forestry crime compared to other crimes (Enforcement chain + NGOs)

Respondents were asked to rank the importance of forestry crime compared to other crimes, concerning 1) Damages to the environment and 2) Tax evasion and loss of revenue.

<p>1) Damages to the environment</p>	<p>15 respondents claimed they consider forestry crime as being very important compared to other crimes regarding damages to the environment. 10 respondents classified it as important and 6 of them as moderately important.</p> <p><u>Below is one example listed by a respondent to support its statement:</u></p> <ul style="list-style-type: none"> • Temporary forest roads are very often built without proper documentation. Logging when the soil is wet, erosion of forest roads.
<p>2) Tax evasion and loss of revenues</p>	<p>8 respondents claimed forestry crime as being very important compared to other crimes regarding tax evasion and loss of revenues. 12 respondents classified it as important and 5 of them as moderately important.</p> <p><u>Below are some examples listed by respondents to support their statement:</u></p> <ul style="list-style-type: none"> • Sawmills, where we sell the wood from our small forest company, also buy/process illegal wood. It is very difficult for us to compete with them because they don't pay taxes. We sell only legal wood. On the one hand, we act in accordance with law but on the other hand, our relatively small company has a problem with placing wood onto the market and our economy is not good. • Deliberate underestimation of wood quality has a significant negative impact on the state forestry enterprise economy. The purchasers with the contract can resell wood corresponding to the real quality.
<p>Others</p>	<ul style="list-style-type: none"> • Forestry crime is connected with international criminal activities and money laundering. • It is related to corruption and abuse of public officials' functions. • One issue is manipulated recruitment procedures for new staff. Old forestry families are dominant in state forestry enterprises. • Manipulation of public procurements and selection procedures. • Harvesting on non-forest land at a large scale.

3.1.1.3 Key actors involved in forestry crime (Enforcement chain + NGOs)



It can be difficult to attribute forestry crime to organized crime, as it can encompass many different types of people/organizations, including the above mentioned (Small and Medium Enterprises, forest

workers, corrupt officials etc.)

State forestry enterprises were mentioned by 4 respondents while self employed people and private owners were also mentioned by 3 respondents. Community forest owners, local entrepreneurs and forest staff were only mentioned once.

One respondent added that there is a high rate of corruption and nepotism and that the interconnection of politicians, top management, oligarch and mafia with foresters from different positions open the door for illegal practices.

3.1.2 National enforcement chain

3.1.2.1 Knowledge of the enforcement chain, implementation of national legislation and capacity/experience of authorities in tackling forestry crime

How important is the fight against forestry crime for you and your respective unit/agency/authority (Enforcement chain):

9 respondents Very important	15 respondents Important	3 respondents Neutral
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2 of the 3 respondents who chose “neutral” are working in finance/audit related fields, which may explain that the link to forestry crime is not as obvious to them as for the rest.

How would you grade your knowledge on forestry crime (Enforcement chain + NGOs):

7 respondents Very good	20 respondents Good	4 respondents Fair
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How would you define the capacity of your organization in dealing with forestry crime (Enforcement chain)?

2 respondents Very good	8 respondents Good	3 respondents Fair	7 respondents Poor
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Respondents' answers are quite diverse, from poor to very good.

The lack of capacity of key organizations was pointed out multiple times. **Insufficient personal capacity** (the example was given of **the Slovak Environmental Inspectorate carrying out its activities throughout Slovakia with only 22 inspectors**) and equipment (**employees of District Authority Offices don't have enough vehicles and in some cases they must use public transport or their own car** to perform field checks), bureaucracy, lack of time in the field where illegal activities happen, low number of controls due to low capacity, **are seen as factors weakening the overall fight against forestry crime**. One respondent indicated that control mechanisms are in place and good enough but that enforcement is lacking.

In general, personal and professional capacities are perceived to be good, although this is not systematic. In such cases, strengthening people's competences is suggested.

In total, 15 respondents have taken part at least once in a training session/program around law enforcement and/or better fighting forestry crime while 5 respondents did not. **One respondent added that there are too many new laws and/or amendments and that foresters should be better trained to understand them and their implications.**

List of the relevant agencies/actors/institutions in Slovakia involved in fighting forestry crime³³:

- Slovak Forestry and Timber Inspection - Slovak Environmental Inspectorate - Environmental police
- Ministry of Interior - Ministry of Agriculture and Rural Development - Ministry of Environment - District (forestry) authorities - State Nature Conservancy, including Administrations of National Parks and Protected Landscape Areas
- Forest guards - State forestry enterprises
- Prosecutors and courts
- Customs Offices - Financial Administration Criminal Office - Supreme Audit Office
- NGOs

3.1.2.2 General knowledge about the legislation in relation to forestry crime

How important are national and international legislation to prevent and fight forestry crime for you and your respective unit/agency/authority? (Enforcement chain + NGOs)



How would you grade your knowledge on existing European legislation on forestry crime? (Enforcement chain + NGOs)



How efficient are the legislations at discouraging forestry crime in your country? (Enforcement chain + NGOs)



More than half of the respondents outlined that the legislative framework is not so efficient (neutral) at discouraging forestry crime. Answers indicate that stakeholders think the legislation is good enough and offers tools and mechanisms to combat forestry crime, **but in practice, the enforcement is too loose to bring clear and good results.** Although one respondent indicated that some imperfections and controversial points exist, but no major loopholes

³³ This list is based only on answers by respondents

and shortcomings were mentioned throughout the different replies.

The lack of capacity and motivation of relevant staff is mentioned as a weakness regarding law enforcement as well.

Another respondent outlined that only very few cases were successfully prosecuted, and that a higher rate of success with cases may be very helpful to change society's mindset.

3.1.2.3 Cooperation along the enforcement chain

How important is the cooperation along the enforcement chain to prevent and fight forestry crime for you and your respective unit/agency/authority (Enforcement chain) :

12 respondents Very important	10 respondents Important	1 respondent Neutral	1 respondent Not important
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How would you grade the existing level of cooperation on forestry crime (Enforcement chain)?

2 respondents Very good	10 respondents Good	7 respondents Fair	4 respondents Poor
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Regarding the type of cooperation that already exists, several examples were given. The Slovak forestry and wood inspectorate explained that they cooperate a lot with the police for controls as they are not authorized to stop cars themselves, or with prosecutors, through consultation during the introduction of new laws.

The police also has a Memorandum of Cooperation in place with prosecutors, the Slovak Environmental Inspectorate and State Nature Conservancy.

Altogether, 2 respondents also indicated that an interdepartmental integrated working group (NESS) has been established.

How is information shared along the enforcement chain (Enforcement chain)?

Some respondents stated that official letters, emails, electronic systems and meetings are used to share information. One respondent also outlined that sharing information can happen using a forestry Geographic Information System managed by the National Forestry Centre. Another respondent points out that there are many channels and sometimes it is difficult to find the correct way as each stakeholder has its own channel (customs, police, inspectors, ministries, etc.) and they are not interconnected.

3.1.2.4 Cooperation with Non-Governmental Organizations (NGOs) (Enforcement chain)

Regarding cooperation of the enforcement chain with NGOs, 3 major types of answers were received.

- **On one hand, 12 respondents mentioned that they cooperate with NGOs to some extent** (either information exchange or more “formal” cooperation). **5 respondents claimed that NGOs are helpful in detecting and reporting forestry crime, and support authorities carrying out their mission.**
- **6 respondents believe that cooperation is weak/poor.** According to 3 of them, the competencies and skills of NGOs are weak, for example when it comes to legal frameworks, and one respondent believes that their arguments are not well founded in many cases.
- **4 of them answered that they haven't cooperated and received signals from NGOs.**

Respondents were also asked how helpful were substantiated concerns from NGOs.

15 respondents did not answer this specific question. The 12 answers received noted that substantiated concerns from NGOs were never received.

3.1.2.5 Cooperation between the NGOs and the enforcement chain (NGOs)

How do you assess your cooperation with relevant authorities/units fighting against forestry crimes?



In the frame of the EU Timber Regulation, have you already provided a substantiated concern to your national Competent Authority?

None of the respondents have provided substantiated concerns in the past.

How often do you inform public authorities about forestry crimes?

One respondent pointed out that they reported 13 cases of forestry crime to the Slovak Environmental Inspectorate in 2019, while another one mentioned that he deals with 10 cases. One respondent answered that they inform the police in cases of small thefts of firewood, another one informed relevant authorities several times already and one brought 7 cases to the attention of authorities during last years.

Do you think your NGO is more capable than before in identifying forest crimes³⁴?

Altogether, 2 of the 3 respondents to this question outlined that they don't think NGOs are more capable than before in identifying forest crimes, but that the implementation of Forestry Geographic Information System³⁵ has helped significantly NGOs in their work.

3.1.3 Types of forestry crimes: modus operandi and occurrence (Enforcement chain + NGOs)

Respondents were asked in the questionnaire to select modus operandi to carry forestry crime that they know are taking place in Slovakia.

A list of modus operandi based on a literature review and concrete cases is available in **annex 2**.

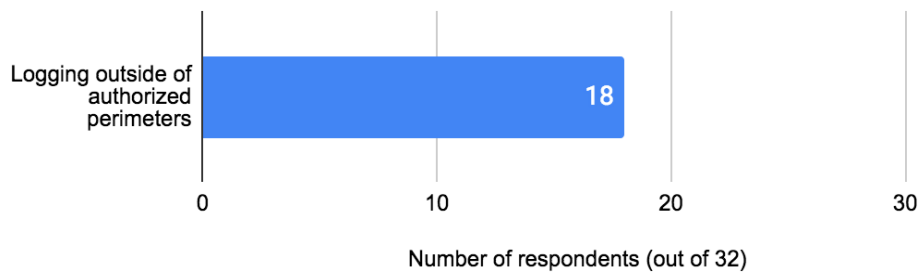
Below is a summary of the modus operandi most commonly selected/chosen by respondents. Some examples reported by respondents may be given in addition to better illustrate these criminal methods.

According to the answers received the most common modus operandi are:

1. **Logging in protected area.**
2. **Logging activity outside of authorised perimeters (not the perimeters described in the official documents).**
3. **Logging of unauthorised trees in forest stands earmarked for felling/logging.**

³⁴ Project partners did not define a specific time range for this question. The word "before" likely relates to the evolution over the last years

³⁵ LGIS is a Geographic Information System platform developed by the National Forestry Centre, available here: <http://gis.nlcsk.org/lgis/>

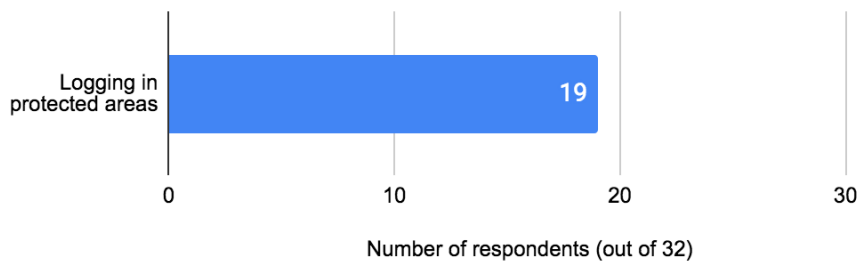


Example: During some field work, I saw in the core zone of one reserve old stumps (3-4 years old). Trees were cut by the harvester, probably as a mistake during harvesting in a neighbouring forest compartment.

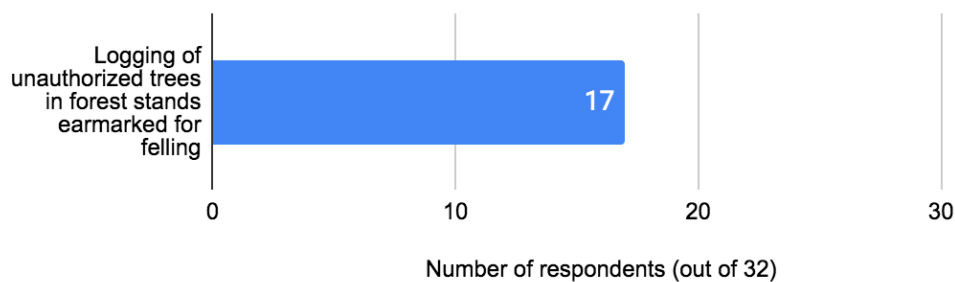
Example: Sometimes, when loggers carry out sanitary logging in forest stand X, they find some trees in neighbouring stand Y. The forester allows felling of those trees during the intervention. Harvesting permit is issued subsequently, but as soon as possible. This approach can increase efficiency and reduce the administrative burden, but dishonest foresters can also take advantage of it to commit offences.

Example: Logging outside of authorized perimeters happens in the case of harvests in non-forest areas (for example long-term unused agricultural land). In such cases, wood is harvested on a larger area than what is listed in the permit.

Conditions for logging



Example: The forest law prohibits skidding across streams (but it is still common). Logging near the area of stream springs is another serious problem.

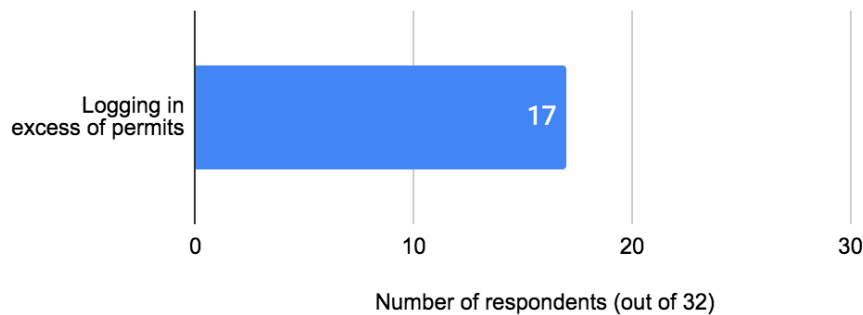


Example: There was a case of logging of deciduous trees (maples) in protected forests (steep slopes) during sanitary felling of spruces.

Example: When sanitary loggings are being carried out on large sites, usually green and healthy trees are also cut and declared as sanitary felling.

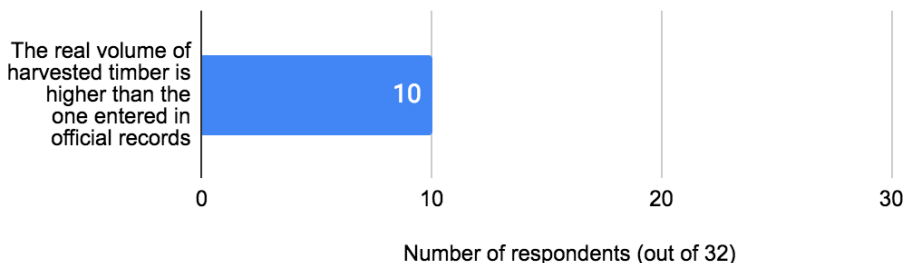
Example: There are issues with sanitary logging following by bark beetle outbreaks. It is difficult to prove that only affected trees were harvested.

Example: The stumps of trees are marked by white spots (mark for sanitary felling) after cutting but it is unclear whether the trees actually needed to be cut.

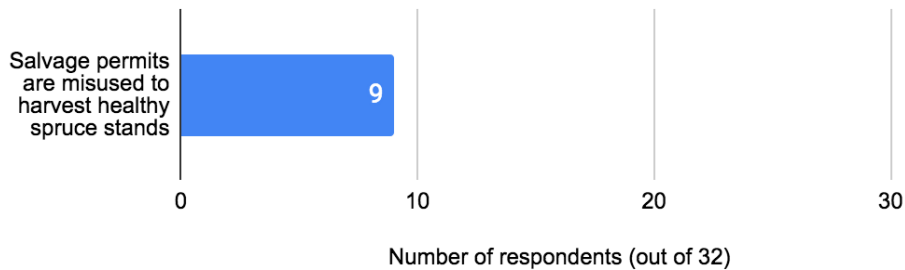


Example: Foresters know that the volume of wood prescribed in forest management plans is usually underestimated in comparison to reality. Based on that knowledge they can harvest more because this wood isn't recorded in official documents.

Example: I had an experience with a fake wind sanitary felling being reported. Within the forest stand, 200 cubic meters of beech wood were extracted beyond the prescribed volume. The reaction of the district forest office was inadequate (only oral admonition).



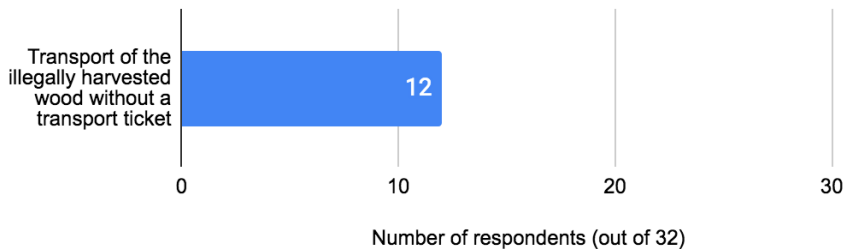
Example: During traffic checks on forest roads or non-forest roads, we often find some discrepancies between declared and real information (volume, species, incorrect quality classification).



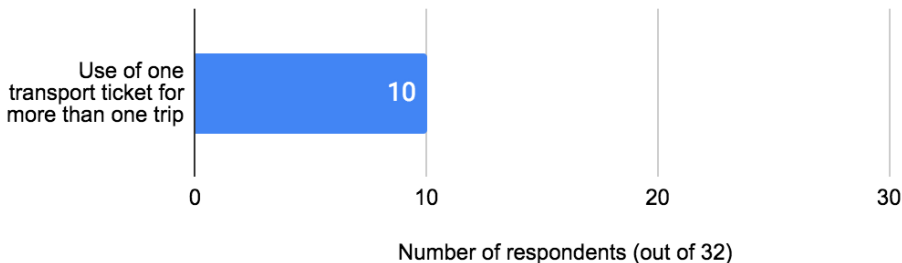
Example: It is common in state owned forests. Foresters can sometimes even be told to “find” some wood for sanitary logging. If they don’t find sufficient volume of infected or dead trees, then they also mark healthy trees for logging.

Example: When foresters find only a few trees for sanitary fellings, they also add healthy trees because harvesting a small volume of wood is not economically profitable. This usually leads to a clear cut, which is easier to report in formal documents (logging maps) for authorities.

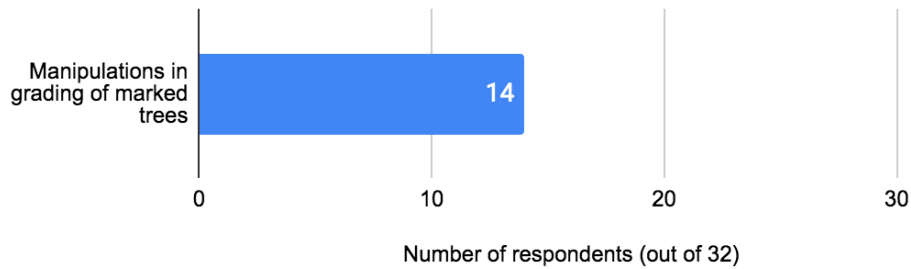
Transportation



Example: Yes, this happens with firewood, sometimes with round wood sent to the sawmill to the nearest village.



Taxes, fees & royalties



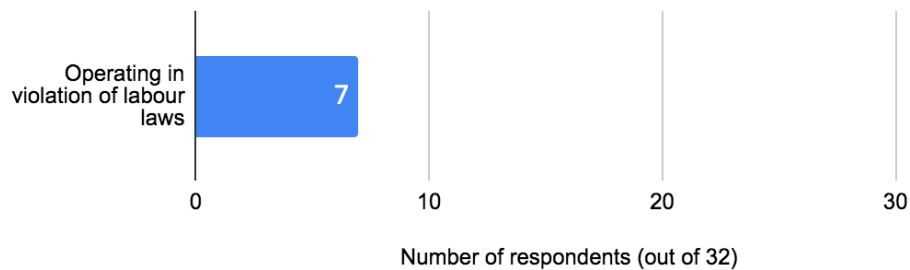
Example: It is a way to circumvent tax payment. Part of the money is regularly invoiced and the difference with the real quality is paid illegally in cash.

Example: If wood is sold directly from the forest yard, then it is common that buyers offer bribes to foresters for underestimating the wood quality in documents.

Example: One location where corruption is particularly apparent are forest yards and log yards, as they offer the opportunity to manipulate wood quality.

Example: There are many cases of cheating in wood quality (high-quality spruce was declared as pulpwood). In such cases, we unload the wood from the train due to suspicions on quality cheating.

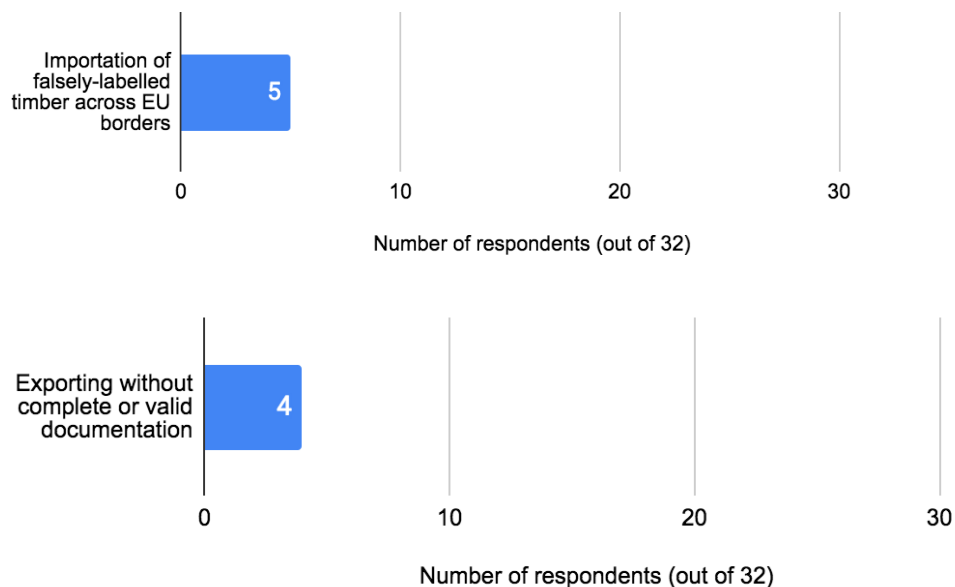
Labour



Example: Most of the manual work is carried out by contractors. People sometimes work illegally for them (more often in afforestation or maintenance of forest roads), but rarely for logging (although this sometimes happens).

Example: It happens. The main reason is that the forest sector is based on wood sales and there is an effort to reduce production cost. One of the options is illegal labor. This disadvantages responsible companies compared to the ones operating outside of the law.

Trade



3.1.4. Main obstacles for effective law enforcement (Enforcement chain + NGOs)

Stakeholders were asked to list the main obstacles for effective law enforcement / fighting forestry crime along the enforcement chain. The full list of obstacles but also recommendations for improvements listed by respondents can be found in **annex 4**.

Below we present a summary of the main obstacles identified by respondents for each category of the enforcement chain.

Customs/ Borders	<ul style="list-style-type: none"> • Insufficient personal capacity on environmental crime • Insufficient information flow between organisations • Lack of experience
Forests	<ul style="list-style-type: none"> • Insufficient controls by district offices (forest/environmental) • Political nomination of representatives of control authorities • Low efficiency of controlling wood logging operations and transportation • Low salary and subsequently low level of motivation of employees • Lack of equipment • Absence of fully independent control authority in forestry • A wood tracking system is missing • Insufficient information flow and sharing of information between authorities/agencies/organisations • Lengthy decision-making processes

	<ul style="list-style-type: none"> • Documents from district offices are often not prepared in sufficient details to meet police's needs • Weak pre-investigation phases
Police/ Investigation	<ul style="list-style-type: none"> • Lack of evidence in cases of illegal logging is common • Lack of knowledge and experiences, mainly of local police officers • Lack of technical equipment, capacity, turnover and low experience • Direct access to Forestry Geographic Information System is currently missing • Overbureaucracy • Passive approach, low efforts and motivation during investigation of illegal logging cases • Distrust and unwillingness of witnesses and potential whistle-blowers to testify • Lengthy investigations
Justice/ Prosecution	<ul style="list-style-type: none"> • Lack of knowledge and experience • Sanctions are not dissuasive • Prosecuted cases are limited to minor offences • Society has a low level of trust towards the judiciary bodies • Violations of legislation are not systematically sanctioned • Witnesses do not want to testify • Difficult to detect the culprit of illegal logging (They must be caught "on the spot") • Regulations are scattered into several pieces of legislation Lengths of procedures
Anti- corruption/ Anti-fraud Money laundering	<ul style="list-style-type: none"> • Lack of knowledge and experience • Corruption in forestry sector is not a central focus for authorities • There is too much lobby in the timber trade sector There is a lack of a proactive approach by the relevant authorities

Besides the gaps listed by stakeholders along the supply chain, **corruption was mentioned several times as being an underlying critical issue that allows many of the forestry crimes to happen as they currently do.**

Cooperation along the enforcement chain is also identified as an area requiring improvement, through better institutional cooperation between the actors involved in combating the criminal phenomenon including through joint specialization activities and the use of secure direct communication channels.

3.2 MAIN OUTCOMES FROM THE WORKSHOP

During the national workshop with representatives from authorities along the enforcement chain, that took place in Bratislava on January 27-28 2020, participants identified additional issues and obstacles. They are presented below.

First of all, participants to the workshop also acknowledged the fact that nepotism was an issue in the forestry sector. They also acknowledged the role of organized crime in forestry crime in Slovakia.

3.2.1 Additional issues were identified during the workshop on:

1. The enforcement chain

- Different stakeholders (police, courts, prosecutors) have different interpretations of the legislation.
- There is a huge staff turnover amongst authorities.
- There is not a central register/database for transport tickets: this would allow to check data electronically, identify more cases and possible links throughout the supply chain.
- The EUTR Competent Authority can only check trucks on forest roads. Only the police can check vehicles transporting timber on public roads.
- There are still capacity gaps despite the fact that a police unit dealing with environmental crime was established, and also that specialisation of prosecutors in environmental crime has been introduced.

2. The administrative organisation of forests

- Due to insufficient salaries and capacity, the forestry state administration is inoperative (district offices). There is one exception with the Slovak Forestry and Wood Inspectorate. Since the infringement was imposed (due to an insufficient implementation of EUTR), the Ministry offered proper working conditions (decent salaries, good equipment) to make sure the implementation and enforcement could successfully start.
- Since the reform of the state administration in 2013, the land and forest departments of district offices are administratively under the umbrella of the Ministry of Interior but their control, professional forestry guidance etc. is ensured by the Ministry of Agriculture and Rural Development. This reform is contributing to the deterioration of efficiency of the forest administration.
- Officials from district authorities carrying out state supervision in the forestry sector must wear a uniform during field checks – however, the employer (Ministry of Interior) has not provided them any uniforms for several years. New employees do not have uniforms at all; and without them, they are not authorized to carry out checks.
- The training of employees is insufficient, especially field training.
- There is an increasing trend in forestry crime including logging outside forests in relation to support for renewable energy as connecting legislation was adopted and came into force in 2009.

- Insufficient attention is paid and resources are missing concerning preparation of forest management plans (insufficient staff capacity).

3. Corruption: root causes and impacts

→ Timber traders

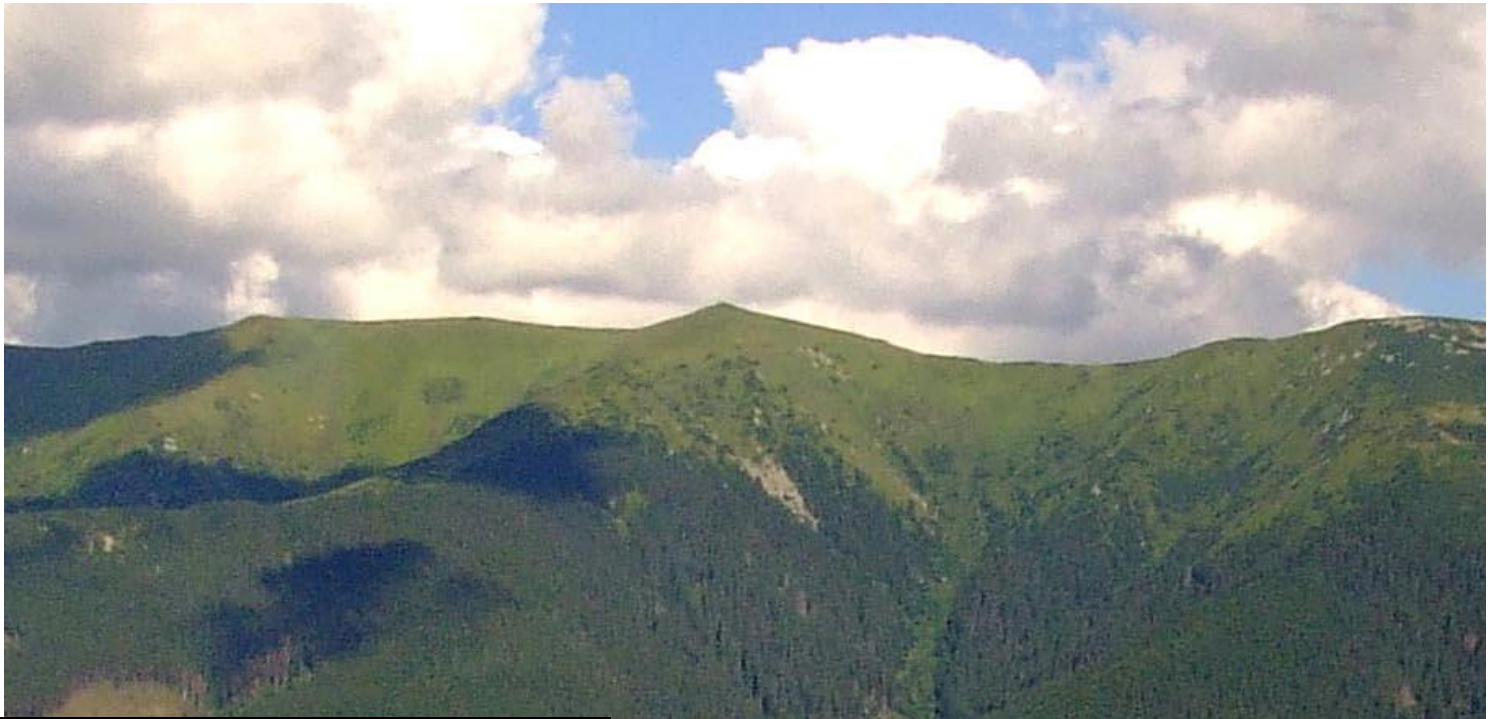
They have a strong position in the timber sector and have a direct connection to political power. They use their leverage to determine what species/quantity and quality they are willing to buy and prices are usually unduly pushed down.

→ Weak controls

Corruption hinders the possibility of introducing changes in the control system, which is inadequate, since controls are based on the volume of wood, and not on quality, creating loopholes and opportunities for illegal practices.

→ Unwillingness to cooperate in combating corruption

Witnesses/potential whistleblowers are not willing to testify or to cooperate during investigation because they fear (severe) reprisals. Due to corruption (but not only) the state's interest in proactive change at legislative level is weak. On top of that, the state is not willing to invest to change the forest sector, as legislative changes negatively affect the state budget and require extra costs. Foresters often can't do what they want to do/ what is best for forests because of orders from the (corrupt) top management of forestry companies, who are themselves being pressured by politicians.



4. ANALYSIS



4.1 PUBLICLY AVAILABLE INFORMATION AND DATA

4.1.1 What are available information and data

Regarding the literature review in part 2, we explored the different sources made available in English for: forest context and the national country situation regarding illegal logging in Slovakia, policy and legal framework on forests and main drivers of illegal logging. Two national sources (including the green report from the Ministry of Agriculture and Rural Development) and one international source (the Food and Agriculture Organization of the United Nations) were used to reference general/background elements on the situation of forests in the country. One scientific paper and information from NGOs served as reference to describe the situation in old growth forests in Slovakia.

Regarding estimates on illegal logging, forestry crimes and associated risks, NGOs and articles from journalists remain the main source of information, through the publications of different reports as well as press releases. This information is recent in general, and new developments are usually addressed on a regular basis.

On policy and legal framework on forests and main drivers of forestry crimes, both academic papers and NGOs' reports were used as reference, as well as Nepcon's national risk assessment for Slovakia. Overall, information available in English on forestry crime and the forest context in Slovakia are not so frequent. The main sources of information are academic papers and reports/articles from NGOs and journalists.

4.1.2 How does the publicly available literature compare with the outcomes from the surveys and the workshop

Overall, answers and inputs from both respondents to the survey and participants to the workshop reflect the situation on forestry crime in Slovakia depicted by the literature review, recognizing the problem of forestry crime as being important as well as recognizing what the main modus operandi are.

4.2 WWF'S ANALYSIS

General context

Firstly, it is important to highlight that corruption, nepotism and the involvement of politicians is seen by respondents as an aggravating factor for forestry crime in Slovakia, along with a lack of political will to improve this situation.

A small number of powerful players seem to have influence in the forestry business at different levels, from the decisions made by state enterprises to the type of timber (quality, quantity and species) harvested. Due to this private type of lobbying, there is no strong enough government action against corruption due to the political stronghold on forestry and timber trade.

Answers to questionnaires highlight that forestry crime is perceived as a significant problem when it comes to damages to the environment, and to a lesser extent, on tax evasion and loss of revenues. Only half of the respondents indicated actual trends in forestry crime in Slovakia, **showing a possible lack of agreed and shared figures on illegal logging at national level.** This is complemented by the fact that no estimates on illegal logging are made public in Slovakia, the Ministry of Agriculture and Rural Development, the green report or the national forest inventory do not mention it specifically.

Since the reform of the state administration in 2013, the land and forest departments of district offices are administratively under the umbrella of the Ministry of Interior but their control, professional forestry guidance etc. is supervised by the Ministry of Agriculture and Rural Development. **This reform is contributing to the deterioration of efficiency of the forest administration.**

Actors involved in forestry crimes and organized crime

Respondents listed a wide variety of actors as being involved in forestry crime with different profiles, showing that **forestry crime is not limited to certain groups of people/organizations, and can occur in multiple forms.**

The fact that almost half of the respondents claimed citizens/locals were involved in illegal logging, should not be interpreted as if these cases represent half of all “damages” on forests. First of all, this figure should be regarded as indicative, plus the scale and extent of the damages (both regarding forest destruction and tax evasion) is much more likely to be important in the case of more “organized crime”.

On this very specific point, it is interesting to notice that organized crime, as such, was not mentioned in questionnaires, although corrupt officials, including politicians, were mentioned by 25% of the respondents. **Nevertheless, during the workshop, the issue of organized crime was addressed and participants recognized this as an issue.**

Knowledge and capacity of the enforcement chain

Although approximately 9 out of 10 respondents considered the fight against forestry crime to be important and stated their knowledge on forestry crime to be good, **answers indicate that their capacity to fight forestry crime is insufficient, showing a significant discrepancy between their missions and the reality on the ground.** Indeed, 11 out of 28 respondents indicated that their capacity is only fair or poor and pointed out several important shortcomings,

mainly lack of resources and equipment, such as the fact that employees of Forest District Offices don't have enough vehicles and in some cases must use public transport or their own car to perform field checks, or the fact that new employees were not provided with uniforms; without which they are not authorized to carry out checks.

In total, 15 respondents (more than half) have participated at least once in a training session/program around law enforcement and better fighting forestry crime, which can be considered a positive trend, although more training could help respondents gain more expertise, something that was mentioned as an obstacle.

Another important shortcoming is the low salaries for law enforcement staff. In light of the risks controlling bodies and field staff are exposed to, salaries should better reflect the level of responsibility. This would help to increase staff motivation, while reducing the risk of corruption and cheating.

Cooperation along the enforcement chain and the role of NGOs/CSOs

Altogether, 22 respondents indicated that cooperation along the enforcement chain is important or very important to prevent and fight forestry crime, **but 11 of them assessed the level of cooperation being fair to poor, showing a discrepancy and potential weaknesses but also an opportunity for improvement.**

Approximately half of the respondents see the added value in working with NGOs, principally because NGOs play an important role in identifying and reporting forest crimes.

This shows overall that NGOs' level of credibility is considered high by stakeholders from the enforcement chain, although some of them questioned the competencies and knowledge of NGOs. When it comes to answers from NGOs on their cooperation with the enforcement chain, results are mixed, making it hard to draw conclusions but cooperation is not perceived as good, and room for improvement clearly exists.

To the question on whether NGOs have already provided a substantiated concern to the national Competent Authority in the frame of the EU Timber Regulation, **no clear specific replies were received for this question.** In total, 4 respondents from NGOs mentioned that they haven't provided any substantiated concerns. **This can possibly show that NGOs are not aware of such mechanisms as the regulation is still rather "new" (possibly due to the late implementation in Slovakia),** but also that other options to raise concerns and complaints are considered more effective than the ones under the EUTR. In addition, it is important to keep in mind the fact that **witnesses/potential whistleblowers may not be willing to testify or to cooperate during investigation because they fear (severe) reprisals.**

The legislative framework & EU Timber Regulation

Altogether, 26 respondents believe the law is important in helping to combat forestry crime **but 15 of them believe that the current legislation is not efficient in tackling forestry crime (mainly because of loose enforcement), showing a clear difference in views.** At present, the Slovakian criminal code is unclear on forestry crime aspects, including on illegal logging. The lack of political will to tackle the situation around forestry crime is also obvious, as documented by the infringement case opened by the European Commission against Slovakia for the improper implementation of the EUTR.

Judicial system

One crucial element that emerges is the obvious lack of success with serious forestry crimes cases, where cases of illegal logging that are documented by the relevant forest staff are not being considered by the courts or given too little importance, due to a lack of interest of courts regarding environmental and forestry crime. In addition, different stakeholders (police, courts, prosecutors) have different interpretations of the legislation.

Investigations and controls

At the moment, controlling and investigation bodies lack capacity and technical equipment, are not sufficiently trained and specialized as there is no clear guidance on the expected level of expertise. Cooperation and information exchange between relevant government agencies is also insufficient. **On top of that, the absence of a central wood traceability system is seen as a major weakness in the fight against forestry crime** (e.g using electronic transport tickets). **This may be explained by the lack of a clear strategy to combat forestry crime in Slovakia at central level. Current control mechanisms are not effective, especially on harvesting and transportation of wood which make pre-investigations difficult, and the establishment of required evidence challenging.**

Modus operandi to carry out forestry crimes

When it comes to modus operandi, inputs from respondents to the survey and workshop participants depict forestry crime as happening at each step of the forest value chain, under various forms.

The techniques used to carry out illegal logging and trade are numerous including abusive sanitary logging, false declaration of volumes for harvested timber, logging in protected areas, etc.

The many detailed examples provided for ways to carry out forestry crime show that these modus operandi are known along the enforcement chain and therefore could be tackled more effectively, although they are constantly evolving.

In terms of proportion, fewer respondents selected modus operandi belonging to the trade part of the value chain showing possibly that modus operandi for trade are lesser known, or that timber, at that point, has already been made legal and can be traded/processed/exported further as such.

ANNEXES

Annex 1: Overview and summary of the main gaps identified

Based on the answers gathered from the questionnaire, outcomes of discussions from the workshop in Bratislava and analysis by WWF, we listed below the main gaps identified that prevent from proper and effective combat against forestry crime. These gaps are organized in different categories for more clarity.

First of all, it is important to highlight that corruption, nepotism and the involvement of politicians is seen by respondents as an aggravating factor for forestry crime in Slovakia.

Resources and knowledge

- The capacity to fight forestry crime for relevant authorities is insufficient, showing a significant discrepancy between mission/ intention and reality on the ground.
- There is a lack of proper material and expertise to carry out investigations, as shown by the fact that employees of District Authority Offices don't have enough vehicles and they must use public transport or their own car to perform field checks.
- The low level or absence of training may be one reason why the awareness on forestry crime issues and willingness/motivation to combat those crimes is said to be low amongst authorities.
- Insufficient salaries for forestry staff and inspectors increase the chance of corruption and fraud.

Methodology

- There is a lack of agreed/shared figures on forestry crime at national level.
- Slovakia still lacks a single electronic system to process information on the planning, marking, use, certification, dispatching and processing of timber.
- There is no clear approach/strategy to combat forestry crime.

Social

- There is no sufficient protection for people uncovering offenses, considering the risks they are exposed to.

Organization of the forest sector

- There is a low number of powerful players that have major influence on the forestry business/sector, from the decisions made by state enterprises to the type of timber harvested (quality, quantity and species) and made available on the market.
- Since the reform of the state administration in 2013, the land and forest departments of district offices are administratively under the umbrella of the Ministry of Interior but their control, professional forestry guidance etc. is supervised by the Ministry of Agriculture and Rural Development. This reform is contributing to the deterioration of efficiency of the forest administration.

Legislative framework

- The criminal code is unclear on forestry crime aspects, including on illegal logging.
- Lack of awareness and experience with the EUTR, including the possibility to raise 3rd party concerns.

Modus operandi

- The techniques used to carry out illegal logging and related trade are plentiful and offenders are “creative” in finding ways to contravene the law. The abusive use of sanitary felling was reported multiple times as a way to harvest timber illegally .

Judicial

- There is an obvious lack of success with prosecuting serious forestry crimes cases.
- Cases of illegal logging that are documented by the relevant forestry staff are not being considered by the courts or given too little importance.
- Different stakeholders (police, courts, prosecutors) have different interpretations of legislation.

Cooperation, investigation and controls

- Pre-investigations are insufficient and slow.
- There is still room for improvement regarding communication between NGOs/CSOs and authorities for increased effectiveness in the fight against forestry crime.
- Evidence collected during the field investigations may be unclear and not actionable upon.
- Forensic methods do not seem to be used in practice to support investigations.
- Political stronghold on the forestry system, and the possible link of politicians to the forest and agriculture business as well as to organized crime, makes large cases of forestry crimes difficult to investigate.
- Current control mechanisms are not effective, especially on the harvesting and transportation of wood.
- Witnesses/potential whistleblowers fear reprisals which do not encourage them to cooperate during investigation.

Annex 2:
Literature review - modus operandi to carry out forestry crime in Slovakia

Modus Operandi to conduct illegal logging and forestry crimes (methods used)
BOUNDARY
/
Others (please specify)
CONDITIONS FOR LOGGING
Logging in protected areas ³⁶ (WWF, 2005)
Salvage permits are misused for felling of healthy spruce stands (Nepcon, 2017)
Protected sites and species and not identified in the management plan and are affected by harvesting (Nepcon, 2017)
Timber theft (WWF, 2005)
Timber harvesting is not in compliance with the forest management plan (WWF, 2005)
The forest user records false incidental salvage felling on a site where no harvesting is planned (WWF, 2005)
The real volume of harvested timber is higher than the volume officially entered in the records as either planned or incidental felling (WWF, 2005)
False declaration of volumes, species, values or origins of harvested wood (Moravcik M, 2004)
Logging in prohibited areas (Moravcik M, 2004)
Removing oversized and undersized trees (Moravcik M, 2004)
Others (please specify)
TRANSPORTATION
/
TAXES, FEES AND ROYALTIES
/
TRADE
/

³⁶ <https://wilderness-society.org/slovakian-forests-under-threat-that-is-enough/>

Annex 3:
Comprehensive list of modus operandi identified by respondents (in black colour)

--> Percentages indicate the proportion of respondents who selected specific modus operandi when replying to the questionnaire.

Modus Operandi to conduct illegal logging and forestry crimes (methods used)	Additional comments (please add any information/detailed references to public reports linked to the methods you selected)
BOUNDARY	
Logging activity outside of authorised perimeters	<p>18 respondents - 56%</p> <ul style="list-style-type: none"> • During field work I saw in the core zone of one reserve old stumps (3-4 years old). Trees were cut by the harvester, probably as a mistake during harvesting in a neighbouring forest compartment. • The mentioned situation is very rare in the forest (a very serious violation of FMP). There may be cases when trees are harvested accidentally in the neighbouring forest (during permitted logging). It can be caused for example by insufficiently marked borders of forest compartments. • I cancelled cooperation with one contractor who harvested dry trees also in a compartment for which no permit has been issued. • Sometimes, when loggers carry out sanitary logging in forest stand X, they find some trees in neighbouring stand Y. Forester allows felling of those trees during one intervention. Harvesting permit is issued subsequently but as soon as possible. This approach can increase efficiency and reduce the administrative burden, but dishonest foresters can also take advantage of it to commit offences. • This is happening in the cases of felling in non-forest areas (long-term unused agricultural land, river banks, etc.). Woods are harvested on a larger area than is listed in the permission. • Mostly in case of wood originating from non-forest land. Slovakia is very fragmented in terms of land ownership and some owners are unknown and this situation can be abused.
CONDITIONS FOR LOGGING	
Logging of unauthorised trees in forest stands earmarked for felling	<p>17 respondents - 53%</p> <ul style="list-style-type: none"> • I faced a situation where trees for harvest were not marked by professional forest managers (OLH) but it was carried out by loggers directly during logging. Trees are therefore selected by non-qualified people, which has negative impacts on the environment. • The stumps are marked by white spots (mark for sanitary felling) after cutting but it is unclear whether the trees actually needed to be cut. • Sanitary loggings are abused for the fulfilment of conditions in disadvantageous contracts (state forest enterprises). • Minor problem. It is possible in cases of incorrectly controlled logging groups. It is possible that these not properly supervised loggers have an opportunity to sell some wood. • When sanitary loggings are being carried out on large sites, usually green and healthy trees are also cut and declared as sanitary felling. • Trees are harvested in forest compartments, where harvesting is permitted but trees are not marked.

	<ul style="list-style-type: none"> • There are issues with sanitary logging following bark beetle outbreaks. It is difficult to prove that only affected trees were harvested.
Manipulations in calculating the volume of trees marked for felling/ fraudulent forest inventories	<p>13 respondents - 40,5%</p> <ul style="list-style-type: none"> • Not-consistent approach for classification and calculation of wood volume for logging. There is the absence of effective software for easy and quick calculation of timber volume for logging (especially in the non-state forestry sectors) • Forest inventory is negatively influenced by accuracy and used methods (growing tables 15-20%, relaskop 15%). Accuracy is also lower because designers are overloaded. They have to describe each year a higher area of forests than they are capable of due to an insufficient market capacity. These facts are also transferred to the calculation of the total permitted harvests for the following period (10 years). In most cases, volumes of wood are underestimated. As a result, it is possible to harvest wood that has never been registered. This unregistered wood may create 10% or more of the total volume permitted for logging in the forest management unit. • Manipulation during forest inventories happens. The owner or manager can influence Forest Management Plan (FMP) designers to plan higher amounts for logging than is good for the forest. • When wood is sold as standing stock (measurement deviation is up to 15% but can be even more in diverse or uneven aged forest compartments).
Base timber harvesting activities on incorrect wood stock data listed in Forestry Management Plans	<p>7 respondents - 22%</p> <ul style="list-style-type: none"> • Discrepancies between plans and reality are commonly known as well as foresters know about it. They know that they could illegally harvest a certain volume of wood (this wood has never been officially registered in plans). • The volume of growing stock in the forests is underestimated and wood could be harvested illegally thanks to statistical inaccuracy. • The growing stock doesn't correspond to reality in multiple cases. If the growing stock in FMP is higher than reality – then it is possible to fix it in an administrative way. If the growing stock is underestimated there is a high risk of illegalities, because this wood never existed in the records. • Sometimes real growing stock may not match with FMP value - if this is the case, the district authority office needs to be informed and they change it officially in FMP.
Logging in protected areas, on steep slopes, river system buffer areas, protected tree species etc.	<p>19 respondents - 59%</p> <ul style="list-style-type: none"> • Logging on steep slopes is common as well as in water protection zones. In most occasions loggers don't use biological degradable oils. • There was a case of logging of deciduous trees (maples) in protection forests (steep slopes) during sanitary felling of spruces. • The forest law prohibits skidding through streams (but it is still common). Logging near the area of stream springs is another serious problem. • Despite the possibilities of close-to-nature forest management, the forests are still managed on the edge of the law in areas located within national parks. Adequate protection of water sources is not taken into account (very often leaks of oil). • This is due to discrepancies between forestry and nature protection legislation. Protected areas are not managed by one state organization. For example, one organization in a national park is responsible for forestry, another for nature conservation and another for water courses management.
Logging in excess of permit	<p>17 respondents - 53%</p> <ul style="list-style-type: none"> • Foresters know that the volume of wood prescribed in forest management plans is usually underestimated in comparison to reality. Based on that knowledge they can harvest more because this wood isn't recorded in official forestry evidence. • I had an experience with fake wind sanitary felling being reported and within the forest stand 200 cubic meters of beech wood were extracted. The reaction of the district forestry

	<p>office was inadequate (only oral admonition).</p> <ul style="list-style-type: none"> • Yes. It can be carried out by loggers eventually with support from the forest manager. Huge problem is that OLH (professional forest manager) is paid by the owner, not by the state. In many cases, when OLH does not act according to the will of the owner, he can be changed by the owner. • Sanitary logging following the bark beetle outbreaks. It is difficult to prove that only affected trees were harvested.
Logging with forged or re-used permits	<p>9 respondents - 37,5%</p> <ul style="list-style-type: none"> • This is happening. If the forest manager “forgot” to fill information about time and date on the transport ticket. Then one ticket can be used more time. Very often in cases of firewood. • Permits for firewood are commonly reused 2 or 3 times.
Obtaining permits through bribes	<p>9 respondents - 28%</p> <ul style="list-style-type: none"> • Yes - Possible in cases of sale of wood on the stump (standing stock). Loggers can offer bribes to forester for “correctly” marked trees or areas for felling.
Loggers declare fake tree locations in official documents and illegally cut trees elsewhere	<p>5 respondents - 15,5%</p>
Salvage permits are misused for felling of healthy spruce stands	<p>9 respondents - 28%</p> <ul style="list-style-type: none"> • Due to current legislation sanitary fellings are only reported to the competent institution and they don’t have to approve it. The main issue is that it is not possible to recognize if the harvested trees were attacked (infected) or not. • During field work, I met the situation when living spruces were marked by white spots (marks for sanitary felling). However, sanitary felling had been carried out several years ago and these trees stay on the plot. When foresters find only a few trees for sanitary fellings, they also add healthy trees because harvesting a small volume of wood is not economically profitable. This usually leads to a “clear cut”, which is easier to report in formal documents (logging maps) for authorities. • It is common in state owned forests. The foresters sometimes obtain requirements to find some wood for “sanitary logging”. If they don’t find infected or dead trees, they mark and harvest also healthy trees. • Very important factor. Very safe for offenders. The status of wood is quickly changed from illegal to legal. It is very hard or impossible to control after the felling of trees or when only stumps stay in the forest. It is necessary to have explicit regulation from the side of state administration – lower risk of abuse. • This phenomenon is common on many hectares in Slovakia. • When the density of trees in forest decreases under critical value, the forest manager can require permission to the reconstruction of the forest. The mentioned tool provides the legal opportunity on how to carry out the clearcut.
Protected sites and species are not identified in the	<p>4 respondents - 8,5%</p> <ul style="list-style-type: none"> • A significant issue is the protection of capercaillie. If NGOs succeeded in reducing harvest in areas with capercaillie (Low Tatras or Poľana) it should be considered only as a partial

<p>management plan and are affected by harvesting</p>	<p>success because harvesting has been moved to other parts of Slovakia (e.g. Muránska Planina) where capercaillie is endangered as well.</p> <p>My opinion is that the management plan for protected areas should be superior to FMP. This change may secure that FMPs will not contain management activities in contradiction with the protection of species and habitats. There is no political nor legal power or will from the side of the Ministry of Environment to enforce this measure.</p> <ul style="list-style-type: none"> • It is possible. Despite the fact that we have large protected areas for birds (SPAs) such as for Capercaillie), we still do not have a management plan for this area. Nobody can prohibit the cutting trees in this area. However, we try to identify nesting places and lairs and shift logging to an adequate period of the year. • FMP does not take into account protected habitats and species. This kind of information is included to FMP in the process of approval through requirements of Administrations of National Parks and Protected Landscape Areas. The next step is discussion whether the requirements will be incorporated into the final FMP. Changes in legislation about this issue came into force in January 2020. <p>It would be appropriate if only one complex document applies to the management of protected areas and FMP would be part of it. FMP would become a document that would be subordinated to a management plan of protected areas. This would ensure better fulfillment of nature conservation objectives.</p>
<p>Timber theft</p>	<p>8 respondents - 25%</p> <ul style="list-style-type: none"> • Little thefts of “logging waste” from forest stock happen, or mutual thefts of wood between people who prepare firewood through self-production. • Very often. People stole the firewood from each other in the forest. • Not very common and important, in most cases poor people (e.g. Roma people).
<p>Timber harvesting is not in compliance with the forest management plan</p>	<p>8 respondents - 25%</p> <ul style="list-style-type: none"> • Timber harvesting which is not in compliance with FMP is reported as sanitary felling. • During sanitary harvests, more trees are cut than necessary/allowed, or other species than spruce are harvested. • Sanitary logging is abused for cutting healthy trees. In cases of a shelter-wood management system in forests, an extreme - 2 phases form is often used with a significant offtake of growing stock of parental trees. The final cut is carried out though sufficient natural regeneration is lacking in the forest stand. Though legally the clear cuts are forbidden, such forest management is in fact legalizing the clear-cuts. • The non-compliance is due to the fact that a given volume of timber is harvested earlier than prescribed, often driven by wood contract obligations. Many of the problems, including this one, are at the heart of a poorly set up system of procurements and supplier-customer relations.
<p>The forest user records false incidental sanitary felling on a site where no harvesting is planned</p>	<p>7 respondents - 22%</p> <ul style="list-style-type: none"> • Yes, it is very common. Sanitary felling is one of the drivers of illegal activities in forestry. • It sometimes happens that logging is recorded as a calamity, but in reality, it is not a calamity. Because random controls are not carried out, there is no problem to cut healthy trees as fake incidental felling. • This phenomenon is common on many hectares in a forest managed by state forests.
<p>The real volume of harvested timber is higher than the volume officially entered in the</p>	<p>10 respondents - 31%</p> <ul style="list-style-type: none"> • Volume of harvested wood is in most of the cases calculated based on cubic tables. However, during wood sales several methods are used for wood volume (re)calculation leaving space for discrepancies. Timber is primarily measured directly in the forest where conditions are not ideal (snow, clarts, rain). My personal experience is that a significant source of discrepancies is a result of different calculation methods. The risk of cheating of employees could be eliminated by random controls of responsible foresters. Respectable

<p>records as either planned or incidental felling</p>	<p>customers will not dare to make a deliberate “mistake” during the measures, because they know that “they will not get the wood next time”. However, this is true just for small customers.</p> <ul style="list-style-type: none"> • The manipulation with the amount of harvested wood is not as significant issue as manipulation with its quality. The current situation suggests that state-owned companies intentionally indicate lower quality classes compared to the reality. Sometimes, wood is intentionally left in a forest yard to reduce its quality. Sometimes timber in round-wood quality is sold as pulpwood. The difference in price between roundwood and pulpwood may be from 1/4 to 1/3. • Many problems were observed in the context of wood chips. It was difficult to prove which quality of wood was used for chips production. After the amendment of the renewable energy law in 2018, only wood from the energetic plantations and wood waste can be used for bioenergy purposes. It will be interesting to evaluate changes after the first year of applicability of this amendment. • This happens very often. From a financial point of view this is an important issue in state forests. • During traffic checks on roads, we often find some discrepancies between declared and real information (volume, species, incorrect quality classification). • False declaration of this kind of information is common and belongs to the whole complex of illegal activities that can be observed within the entire Slovakia.
<p>Logging in prohibited areas</p>	<p>6 respondents - 19%</p> <ul style="list-style-type: none"> • There was one case where harvest permission was issued. Logging was not carried out because of the intervention of State Nature Conservancy and NGOs. It is always necessary to ensure precise marking of borders. In the case of insufficient marking, the risk of illegal logging increases. Trees in protected areas can be cut as a result of conscious or unconscious mistakes. • It may occur but in most cases it is a result of a mistake. For example, during harvesting in neighbouring forest stands, loggers harvest few trees in a forest reserve (protection level of 4 or 5). It can be caused by inadequately marked borders of the reserve. If foresters harvest within areas classified as 4th or 5th level of nature protection, this is being made legally possible based on legal exceptions issued by the State Nature Conservancy.
<p>Others (please specify)</p>	<ul style="list-style-type: none"> • High risks for corruption occur when low-paid persons manipulate with high-value goods. It is well known that foresters have low salaries. A well-paid employee will not risk a good job and benefits for a few euros. But a poorly paid forester does not care, because he knows that he gets some salary everywhere.
<p>TRANSPORTATION</p>	
<p>Transport of the illegally harvested wood without a transport ticket</p>	<p>12 respondents - 37,5%</p> <ul style="list-style-type: none"> • Transport of wood without any documentation occurred very often in the past. Nowadays, we more often face cases when transported wood has incorrect and fake documentation. • It is rare, because they are afraid, this is very dangerous. • It is possible for a short distance (forest – sawmill). And more often in cases of private owners and community forests. • Yes, this happens with firewood, sometimes with round wood sent to the sawmill in the nearest village. • Sometimes some of the important information is missing (for example missing information about date and time of loading).
<p>Use one transport ticket for more than one trip</p>	<p>10 respondents - 31%</p> <ul style="list-style-type: none"> • Yes it can happen in cases of short transportation distances. • Very common in the cases of firewood self-production.

<p>Transport of the illegal harvest from the forest with a paper transport ticket, increasing the chance of fraud</p>	<p>1 respondent - 3%</p> <ul style="list-style-type: none"> • Official document (LF 43) is replaced by other types of documents for example by informal documents.
<p>Others (please specify)</p>	<ul style="list-style-type: none"> • Payment was for spruce wood but the transport ticket was issued for oak wood (oak wood was transported).
<p>TAXES, FEES AND ROYALTIES</p>	
<p>Manipulations in grading of marked trees</p>	<p>14 respondents - 44%</p> <ul style="list-style-type: none"> • It is a way to circumvent tax payment. Part of the money is regularly invoiced and the difference with the real price is paid illegally in cash. • One location where corruption is particularly apparent are forest yards and log yards, as they offer the opportunity to manipulate wood quality. • If wood is sold directly from the forest yard then it is common that buyers offer bribes to foresters for underestimating the wood quality in documents. • Often in timber yards (opportunity to manipulate with quality of wood). • There is a growing trend regarding local taxes. Forest owners and managers request to change the category of the forest from production forests to special-purpose forests (subcategory protected forests). It is a way to avoid paying local taxes. Forests in this category should have a specific management regime but owners/managers only change it partially. Moreover, these forests are declared as special-purpose forests without the knowledge of the nature protection authority and Protected Areas Administration. State Forestry Administration should change the forest category (in this case) only based on the statement of the State Nature Conservancy. In particular, larger enterprises asked for the change. • I have experience with one wood buyer who wanted to underestimate the quality of timber class but I refused it. • There are many cases concerning wood quality cheating (high-quality spruce resonance wood was declared as pulpwood). In such cases the train was unloaded due to suspicions on quality cheating.
<p>Others (please specify)</p>	<ul style="list-style-type: none"> • The issue of illegal wood trade, taxes and illegal sources of wood in my opinion relate to smaller producers of firewood. • The wood is sometimes used in VAT (Value-added tax) frauds (carousel frauds).
<p>LABOUR</p>	
<p>Operating in violation of labour laws at any steps of the supply chain, from harvest to export.</p>	<p>7 respondents - 22%</p> <ul style="list-style-type: none"> • It happens. The main reason is that all forestry is based on wood sales and there is an effort to reduce production cost. One of the options is illegal labor. This disadvantages responsible companies in comparison to ones operating outside of law. • Most of the manual work is carried out by contractors. People sometimes work illegally for them. Very often in afforestation or maintenance of forest roads. More rarely for logging, although this happens too. • State controls regarding health and safety are insufficient in forestry.

TRADE

<p>Importation of timber with forged legality documents</p>	<p>3 respondents - 9%</p>
<p>Importation of CITES listed timber species without or with forged CITES permits</p>	<p>3 respondents - 9%</p>
<p>Importation of timber without proper documents (such as licence/permit of company involved in import and export, fees)</p>	<p>4 respondents - 12,5%</p> <ul style="list-style-type: none"> • Based on our experience the wood isn't imported completely without documentation. However, in many cases (especially for timber originating outside Schengen) the documentation doesn't meet all requirements. For example, the importer can't prove if the wood was legally harvested in the country of origin.
<p>Importation of falsely-labeled timber across EU borders (obfuscating species/source of timber)</p>	<p>5 respondents - 15,5%</p> <ul style="list-style-type: none"> • Common Modus Operandi for smuggling and fraud in cases of import and export of goods.
<p>Imports from suppliers who are unable to provide documentation of legal harvest/transportation/payment of taxes etc.</p>	<p>yes - SFWI is authorized to control only documents related to the legality of wood harvesting and transportation. Tax and other financial issues are controlled by customs (financial administration).</p> <p>Yes (A)</p>
<p>Import of tree species whose harvest is prohibited in the country of origin</p>	
<p>Import of timber under a form which is banned in the country of origin (such as bans on logs exports).</p>	<p>1 respondent - 3%</p>

Exporting without valid or complete documentation	<p>4 respondents - 12,5%</p> <ul style="list-style-type: none"> I have many experience with offers for selling wood illegally to Poland.
Export of unregistered illegal timber by using falsified certificates of origin.	<p>2 respondents - 6%</p> <ul style="list-style-type: none"> Common with Czech Republic and Poland
False declaration on products types to bypass/violate export bans	<p>1 respondent - 3%</p>
Others (please specify)	
OTHERS (please specify)	
	<ul style="list-style-type: none"> Different owners within the same community forests sometimes rob each other. Sometimes, owners sell wood without knowledge of others. Co-owners often don't have sufficient information on how their forests are managed.

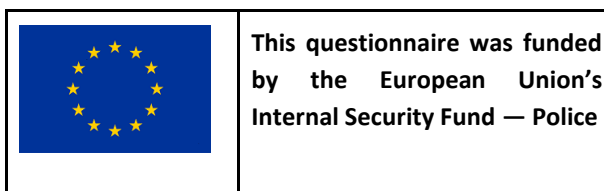
Annex 4:
Comprehensive list of gaps and recommendations identified by respondents (in black colour)

	Key gaps	Recommendations for improvement
Customs/ Borders	<ul style="list-style-type: none"> ● Insufficient personal capacity. ● Insufficient information flow between organizations. ● Lack of knowledge and experience. 	<ul style="list-style-type: none"> ● Strengthen staff capacity of customs offices. ● Training and education in relation to timber trade.
	Key gaps	Recommendations for improvement
Forest	<ul style="list-style-type: none"> ● The problem is in the political nominations of representatives of control authorities. ● District authorities are too closely linked to the political power. ● Low financial resources, low salary and motivation of employees. Lack of equipment. ● Insufficient compliance with the forest law during thinning and regeneration harvests. ● Absence of an independent control organization in forestry. ● Structure of purchasers. The current model (low number of powerful players) can manipulate the business policy of state enterprises and indirectly the entire forestry industry all over Slovakia. ● The Slovak Environmental Inspectorate is not allowed to enter the forestry information system managed by the National Forestry Centre, despite the fact that the system could be an important source of information about management activities of individual forest management units and forest managers. ● There are several ways to circumvent the forestry records (unspecified, unaddressed, problems with sanitary harvests). ● Absence of a centralized wood tracking system. Transported wood is mostly registered in paper forms (transport documents which can be easily manipulated, such as duplication of supplies with the same transport document). ● Lengthy decision-making processes. ● Results from checks by forestry authorities are usually too weak to be sufficient for law enforcement organisations. Weak pre-investigation phase. 	<ul style="list-style-type: none"> ● Implementing a centralized wood tracking system would help to mitigate risk along the chain of custody and possible manipulations with volumes during trade and transport. ● Strengthen the number and extent of controls. ● It is necessary to fill competent positions with experts while mitigating the risk of corruption. ● Better check of tenders. ● Change the overall forestry system and shift from a timber sale approach to landscape management one. ● Improve wood transportation and controls. ● Sanctions should be more dissuasive. ● Increase staff capacities amongst District Forest Offices and untie their hands during inspections. It is necessary to increase the repressive instruments or to introduce new ones. Punishing a few serious cases should be helping. ● Implement independent controls. ● Improve control mechanisms, introduce transparent tenders and public procurements. ● Reduce political pressure on state forests and the forestry sector ● Get more transparency regarding staff selection procedures and prioritize experts over nominees. ● Improve training. ● Accelerate decision-making processes, make state administration more effective and strengthen its staff and technical equipment.
	Key gaps	Recommendations for improvement

Police/ Investigation	<ul style="list-style-type: none"> ● Specialization and lack of experience/knowledge mainly in the case of ordinary police officers. ● Better cooperation is needed. ● The main challenge is to improve investigation to build and collect strong evidence. Photography or video records are not often available, so it is very difficult to prove illegal activities. ● Fear of reprisals depending on the type of investigation. ● The police do not act actively in such cases (at least at the local level). ● Insufficient number of serious cases are investigated by the police. ● Lack of technical equipment and capacity, turnover of staff and low expertise. ● Currently no direct access to LGIS (Forestry Geographic Information System). ● Over-bureaucracy. ● Difficulties in proving the source of wood in some cases. ● Delay in investigating and bringing cases to court. 	<ul style="list-style-type: none"> ● Strengthen operational crime detection, including by strengthening staff capacity and technical equipment. ● Better train and educate staff. ● Avoid turnover, educate the staff, keep strengthening the enviro police and not burden them with other activities. ● Provide access to all important information systems. ● Remove the influence of oligarchs. ● Increase salaries.
	Key gaps	Recommendations for improvement
Justice/ Prosecution	<ul style="list-style-type: none"> ● Lack of knowledge about environmental crime. ● Judgments/fines are not dissuasive. Thanks to public demands changes are on the way. ● Sanctions are not dissuasive. Solved cases are limited to minor breaches, for example thefts of firewood. ● Low trust of society towards the whole judicial system. ● Sanctions tend to be lower than the maximum possible. ● Violations are not systematically sanctioned. ● Inconsistencies in the interpretation of the law. ● Topic of envirocrime has not received enough attention. However, there have been significant positive changes over the last two years. ● Offenders must be caught “on the spot”. If this is not the case, there is a problem to clarify the offender. ● When inspecting a crime scene, it is difficult to document the illegally logged trees and estimate the time when they were cut. ● Witnesses do not want to testify. ● Lack of interest in courts about enviro crime. ● Difficulties in proving the breaches/violations because illegal logging cases are detected late. ● Regulations are scattered into several pieces of legislation. ● Lengths of procedures. 	<ul style="list-style-type: none"> ● Despite significant improvements after the specialisation of prosecutors in enviro-crime, we still need more enforcement staff in this area. ● Training and education. ● It would be helpful for us to know which enterprises/company breached the law, especially information about those that managed forests or non-forest land in protected areas. ● Changes on a political level. Increase public engagement. ● Capacity building and closer cooperation with State Nature Conservancy, national park offices, inspectorates etc. ● Improvement of the law-breakers database (in the field of enviro crime) as well as the creation of databases for wood logging and transport online (include information about logging permits or transport tickets).
	Key gaps	Recommendations for improvement
Anti- corruption Anti-fraud Money laundering	<ul style="list-style-type: none"> ● Contracts are being won dubiously. (Obtaining contracts through bribes or political contacts). ● Complaints that point to corruption are not investigated, and remain without consequences. ● There is no real and independent fight against corruption in the forestry sector. ● The anti-corruption unit handles very few cases. We cannot expect a solution to corruption in the forestry 	<ul style="list-style-type: none"> ● Improvement of police and prosecutors' education. ● Better access to information, and independent control bodies should consist of representatives from different expert institutions. ● Increase transparency for tenders. ● Find ways to condemn at least a few

	<p>sector because it is at the margins of their interest).</p> <ul style="list-style-type: none"> ● Too much lobby is linked to timber trade. ● Non-compliance with internal directives in state forests, weak controls – which create space for financial leaks, in addition relevant authorities are not active. ● Lack of knowledge and experience. 	<p>people for high-level corruption. The sensibility of civil society on this issue would increase.</p> <ul style="list-style-type: none"> ● Untie the hands of investigators.
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Annex 5: Questionnaire for the national enforcement chain



Questionnaire: national enforcement chain

Definition of forestry crime

According to INTERPOL, “Forestry crime” is an umbrella term to describe criminal activity (carried out in contravention of national or international law) in the forestry sector covering the entire supply chain, from harvest and transportation to processing, selling, trading, importing and exporting. It also refers to those criminal offences that facilitate such activity, including document fraud, corruption, and money laundering³⁷.

In this questionnaire, forestry crime refers to this definition, with a specific focus on timber (other wildlife crimes involving wild fauna and flora, except for timber, are out of the project scope).

NB: Please keep in mind that otherwise stipulated, all questions refer to forestry crime in a broad sense, thus including the import and export of illegal timber to/from other countries.

A. General knowledge about forestry crimes, illegal logging and trade on a national level:

1) How important is the fight against forestry crime for you and your respective unit/agency/authority?

Not important	Neutral	Important	Very important
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2) How would you grade your knowledge on forestry crime? Please explain.

Poor	Fair	Good	Very good	Excellent
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.....

.....

.....

3) Is forestry crime a growing problem in your country (both for domestic and imported timber) and what information/data do you have about the current trends related to it?

³⁷ <https://www.interpol.int/content/download/5149/file/Global%20Forestry%20Enforcement%20Prospectus%202019-web.pdf>

.....

4) Based on the information at your disposal and using existing data/figures if possible, please rank how important do you consider forestry crime to be compared to other crimes, concerning:

	Please select between: <ul style="list-style-type: none"> ● Not at all important ● Moderately important ● Important ● Very important 	Comments
Damage to the environment		
Tax evasion and loss of revenues		
Other (please specify)		
Other (please specify)		

5) Who are relevant agencies/actors/institutions in your country involved in fighting forestry crime?

.....

6) How would you define the capacity of your/the above mentioned organizations in dealing with forestry crime? Please explain.

Poor	Fair	Good	Very good	Excellent
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.....

7) What are the types of illegal logging and forestry crime that you are aware of or that you had worked on personally? (this also includes the import and export of illegal timber)

You can choose from the examples provided by deleting/adding methods relevant to your national context. In case you're referring to publicly reported cases, please provide references. We also invite you to add any types/methods of illegal logging you are aware of which may not be listed in this table.

Please see annex 3

8) Please provide additional information regarding your/your organization's experience in handling these cases or about cases which had been prosecuted? (*Please select one or more between those marked as Yes in the third column and specify under which legislation have prosecutions taken place*)

.....

9) Based on the information at your disposal, who are known actors involved in forestry crime at your country level? (For example: poor citizens, corrupt officials and businesses, organized crime, small medium enterprises, multinational companies etc.)

.....

10) According to the information provided above and/or based on actual data, what are the top 3 forestry crime issues that you see in your area of work? Please explain and if possible, classify by order of importance.

1.	
2.	
3.	

B. General knowledge about EU Timber Regulation and other legislation in relation to forestry crime

11) How important are national and international legislation to prevent and fight forestry crime for you and your respective unit/agency/authority ?

Not important	Neutral	Important	Very important
---------------	---------	-----------	----------------

12) How would you grade your knowledge on existing legislation on forestry crime?

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------

13) How effective are the legislations at discouraging forestry crime in your country? Please explain and provide additional details on the existing legislation, if needed.

Not important	Neutral	Important	Very important
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.....

C. Cooperation along the enforcement chain

14) How important is the cooperation along the enforcement chain to prevent and fight forestry crime for you and your respective unit/agency/authority?

Not important	Neutral	Important	Very important
---------------	---------	-----------	----------------

15) Based on your experience, what type of cooperation exists between police, the Competent Authority, prosecutors and judges? (Collaboration/ arrangements, regular exchange in-country, joint interforce training and with international networks/enforcement agencies)

.....

16) How would you grade the existing level of cooperation on forestry crime?

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------

17) In your experience, please list the main obstacles for effective law enforcement / fighting forestry crime at the following levels as well as recommendations for improvement - *Please also list obstacles for better cooperation and explain how do you think cooperation could be improved at each level:*

	Main obstacles (please describe)		Recommendations for improvement (please describe)	
	At country level	At international level	At country level	At international level
Customs/Borders				
Forest (this includes the issuance of permits, preparation of management plans, timber harvesting, processing, transport etc.)				
Police/Investigation				
Justice/Prosecution (this includes the structure/design of relevant laws to fight forest crime)				
Anti-corruption/Anti-fraud/Money laundering				

18) How the information are shared along the enforcement chain (for example: intranet systems, secured communication channels, meetings etc.) and how do you think information sharing could be improved?

19) How do you assess your cooperation with Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs)? *(For example: are NGOs/CSOs more capable than before in identifying forest crimes, how often do they inform you about forest crimes etc.)*

20) How helpful are the substantiated concerns from NGOs in the frame of the EUTR?

21) Have you heard of, or participated in training about forestry crime/the relevant legislation to fight forestry crime? Please provide some information on your experience

22) Are the communication channels provided by INTERPOL (use of I-24/7) appropriate to share information on forestry related investigations?

If Yes, are you sharing forestry related information on a regular basis :

- with INTERPOL General Secretariat?
 - with your National Central Bureau?
-

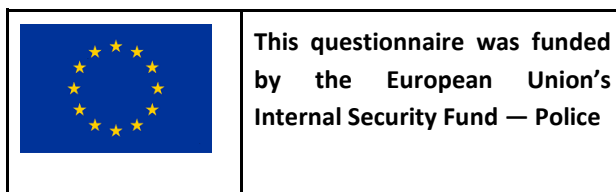
D. Conclusion

23) What are the challenges in relation to prosecution of forestry related crimes? (*For example: are results from checks by authorities structured in a way so that they could be used in court? are breaches/violations detected by relevant authorities systematically sanctioned in court - if no, why? are fines imposed in court below maximum fines defined in national laws - if yes, why?*)

24) What are the challenges in relation to prosecution of EUTR violations concerning imported timber? (*For example: is it clear what constitutes an acceptable burden of proof? is it difficult to prove in court that a company did not do everything within its reach to mitigate all risks in the frame of their Due Diligence System? Is it difficult to address the fact that operators determine their own thresholds on the level of corruption they accept or tolerate in the frame of their DDS?*)

25) Do you think that there would be a potential for more cases related to forestry crime to be prosecuted under the existing legislations? If yes, what do you think would be necessary to increase the number of cases prosecuted?

Annex 6: Questionnaire for Non Governmental Organizations/Civil Society Organizations



Questionnaire: NGOs/CSOs

Definition of forestry crime

According to INTERPOL, “Forestry crime” is an umbrella term to describe criminal activity (carried out in contravention of national or international law) in the forestry sector covering the entire supply chain, from harvest and transportation to processing, selling, trading, importing and exporting. It also refers to those criminal offences that facilitate such activity, including document fraud, corruption, and money laundering³⁸.

In this questionnaire, forestry crime refers to this definition, with a specific focus on timber (other wildlife crimes involving wild fauna and flora, except for timber, are out of the project scope).

NB: Please keep in mind that otherwise stipulated, all questions refer to forestry crime in a broad sense, thus including the import and export of illegal timber to/from other countries.

A. General knowledge about forestry crimes, illegal logging and trade on a national level:

1) How would you grade your knowledge on forestry crime? Please explain.

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------

.....

2) Is forestry crime a growing problem in your country (both for domestic and imported timber) and what information/data do you have about the current trends related to it?

.....

³⁸ <https://www.interpol.int/content/download/5149/file/Global%20Forestry%20Enforcement%20Prospectus%202019-web.pdf>

3) Based on the information at your disposal and using existing data/figures if possible, please rank how important do you consider forestry crime to be compared to other crimes, concerning:

	Please select between: <ul style="list-style-type: none"> ● Not at all important ● Moderately important ● Important ● Very important 	Comments
Damage to the environment		
Tax evasion and loss of revenues		
Other (please specify)		
Other (please specify)		

4) What are the types of illegal logging and forestry crime that you are aware of or that you had worked on as an NGO? (this also includes the import and export of illegal timber)

You can choose from the examples provided by deleting/adding methods relevant to your national context. In case you're referring to publicly reported cases, please provide references. We also invite you to add any types/methods of illegal logging you are aware of which may not be listed in this table.

Please see annex 3

5) Based on the information at your disposal, who are known actors involved in forestry crime at your country level? (*For example: poor citizens, corrupt officials and businesses, organized crime, small medium enterprises, multinational companies etc.*)

.....

6) According to the information provided above and/or based on actual data, what are the top 3 forestry crime issues that you see in your area of work? Please explain and if possible, classify by order of importance.

1.	
2.	
3.	

B. General knowledge about EU Timber Regulation and other legislation in relation to forestry crime

7) How important are national and international legislation to prevent and fight forestry crime for your NGO?

Not important	Neutral	Important	Very important
---------------	---------	-----------	----------------

8) How would you grade your knowledge on existing legislation on forestry crime?

Poor	Fair	Good	Very good	Excellent
------	------	------	-----------	-----------

9) How effective are the legislations at discouraging forestry crime in your country? Please explain and provide additional details on the existing legislation, if needed.

Not important	Neutral	Important	Very important
---------------	---------	-----------	----------------

.....

C. Cooperation along the enforcement chain

10) In your experience, please list the main obstacles for effective law enforcement / fighting forestry crime at the following levels as well as recommendations for improvement:

	Main obstacles (please describe)		Recommendations for improvement (please describe)	
	At country level	At international level	At country level	At international level
Customs/Borders				
Forest (this includes the issuance of permits, preparation of management plans, timber harvesting, processing, transport etc.)				
Police/Investigation				
Justice/Prosecution (this includes the structure/design of relevant laws to fight forest crime)				
Anti-corruption/Anti-fraud/Money laundering				

11) How do you assess your cooperation with relevant authorities/units fighting against forestry crimes? Please explain

12) In the frame of the EU Timber Regulation, have you already provided a substantiated concern to your national Competent Authority? If yes, how helpful was it? If no, why? Please explain

13) How often do you inform public authorities about forestry crimes? Please explain

14) Do you think your NGO is more capable than before in identifying forest crimes ? Please explain

D. Conclusion

15) What are the challenges in relation to prosecution of forestry related crimes? (*For example: are results from checks by authorities structured in a way so that they could be used in court? are breaches/violations detected by relevant authorities systematically sanctioned in court - if no, why ? are fines imposed in court below maximum fines defined in national laws - if yes, why ?*)

16) What are the challenges in relation to prosecution of EUTR violations concerning imported timber? (*For example: is it clear what constitutes an acceptable burden of proof ? is it difficult to prove in court that a company did not do everything within its reach to mitigate all risks in the frame of their Due Diligence System ? Is it difficult to address the fact that operators determine their own thresholds on the level of corruption they accept or tolerate in the frame of their DDS?*)

17) Do you think that there would be a potential for more cases related to forestry crime to be prosecuted under the existing legislations? If yes, what do you think would be necessary to increase the number of cases prosecuted?

**WWF'S MISSION IS TO STOP
THE DEGRADATION
OF THE PLANET'S NATURAL
ENVIRONMENT AND TO BUILD
A FUTURE IN WHICH HUMANS LIVE
IN HARMONY WITH NATURE**



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