

JULY 2018

ПРИЧЕТНІ ДО КОРУПЦІЇ

Як компанії-мільярдери та уряди ЄС не справляються з проблемами українських лісів



CONTENTS

KEY FINDINGS	3
EXECUTIVE SUMMARY	4
1. BACKGROUND	9
1.1 The political context	
1.2 Extent, significance and threats to Ukraine's forests	
1.3 Ukraine's logging and timber industry	
2. CORRUPTION & ILLEGALITY IN THE UKRAINIAN TIMBER SECTOR	14
2.1 The scale and growth of illegal logging in Ukraine	
2.2 Background to corruption in Ukraine's State Agency of Forest Resources	
2.3 Corrupt and illegal harvesting	
2.4 Corruption in sales of timber	
Case Study 1: The secretive UK letterbox firm which is Ukraine's largest wood exporter	26
2.5 Corruption at the point of export	
3. EU IMPORTS OF ILLEGAL AND HIGH-RISK WOOD FROM UKRAINE	30
3.1 Background	
3.2.1 EU firms named in high-level export-related corruption probes	
Graphic: 'Person 4' - The Schweighofer connection to high level corruption during the Yanukovich era	
Case Study 2: Corruption enables over \$1m of illegal Ukrainian sawn wood to enter multiple EU countries	36
3.2.2 Buying wood from government suppliers found guilty or under investigation by Ukrainian prosecutors	
Case Study 3: Corruption and illegal amber mining in Rivne province linked to large EU firms	38
3.2.3 Importing banned logs	
Case Study 4: Logs seized en route to EU pulp mills owned by multi-nationals	42
3.2.4 The EU firms expressing interest in buying suspect logs	
3.2.5 Estimating the scale of the problem	
4. HOW THE EU IS FAILING UKRAINE	48
4.1 The use of middlemen	
4.2 Misplaced faith in FSC	
4.3 Undue diligence	
4.4 Failure of EU authorities	
4.5 A grand hypocrisy	
5. SOLUTIONS	56
REFERENCES	58

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The Skole Beskydy National Park in Lviv

© Roman Baluk

- > Протягом останніх двох років Earthsight розслідувала нелегальну лісозаготівлю та корупцію в сфері лісоматеріалів в Україні і відстежувала зв'язки із зарубіжними ринками. Отримані нами дані вказують, що галузь поринула в незаконність, з найсерйознішими проблемами, пов'язаними з корупцією серед державних підприємств, які займаються здебільшого лісозаготівлями, і їх керівництвом в агентстві лісових ресурсів. Ця корупція загрожує лісам України, де живуть рисі, ведмеді і вовки, й так само, в більш широкому сенсі, підриває управління в державі, яка страждає через збройний конфлікт і все ще відновлюється після революції. Розслідування Earthsight виявило численні порушення правил, що регулюють лісозаготівлю, у кожному відвіданому лісозаготівельному підприємстві. Найбільш руйнівним є систематичне зловживання лазівками, що дозволяють вирубку дерев для запобігання розповсюдженню хвороб.
- > Ми показуємо, як попередній національний голова лісової галузі є підслідним у триваючому кримінальному розслідуванні за отримання понад 30 мільйонів євро на швейцарські банківські рахунки у вигляді хабарів від зарубіжних імпортерів лісоматеріалів в обмін на доступ до деревини за зниженими цінами. Наші докази свідчать про те, що подібна корупція на вищому рівні триває і після його відсторонення.
- > В даний час ведуться гучні кримінальні справи щодо корупції в масштабах двох з трьох найбільших лісозаготівельних регіонів Головного лісівника в іншій області, в Українських Карпатах, спіймали на гарячому у жовтні 2017 року при спробі підкupu поліції, щоб та закрила очі на масштабні правопорушення. Корупція на місцевому рівні щодо продажу деревини для внутрішньої переробки, тим часом, годує зростаючу «тіньову деревообробку» в понад 12 000 незаконних тартаків.
- > ЄС, без сумніву, є найбільшим місцем експорту української деревини, що становить 70% від загального обсягу. Закупівлі ЄС різко зростають, досягнувши 1 млрд. євро у 2017 році. Знайдені нами дані свідчать, що щонайменше 40% цього лісу було заготовлено або продано незаконно, за допомогою корупційних дій. Дані також демонструють, що Україна - це найбільший постачальник деревини високого ризику в ЄС із обсягами, що перевищують всі тропічні країни Латинської Америки, Африки та Південної Азії разом взятих.
- > Серед європейських покупців підозрілого українського лісу багато найбільших в світі транснаціональних деревообробних компаній. Ми виявили, що ці компанії згадуються в кримінальних розслідуваннях, які тривають й на даний момент, щодо незаконних рубок, незаконного експорту деревини та пов'язаної з цим корупції. Одна з них була залучена в корумповану схему, яку організував згаданий вище колишній керівник лісової галузі. Всі вони продовжують імпортувати великі обсяги деревини від державних лісозаготівельних підприємств, які перебувають під такими розслідуваннями.
- > Продукти, вироблені цими гігантськими компаніями, потенційно заплямовані українською деревиною незаконного походження, можна знайти в продажу по всьому ЄС, в тому числі у філіях найбільших мереж DIY («Do It Yourself» — «зроби це сам»), меблевих магазинів і супермаркетів на континенті.
- > ЄС давно визнав, що його висока потреба у дешевій деревині в минулому допомогла привести нелегальну складову в ліси країн-постачальників. У результаті цього з 2013 року став діяти закон, призначений запобігти імпорту деревини, що може мати нелегальне походження. Але наші висновки демонструють, що в українському випадку цей закон не працює.
- > Влада в ключових державах-членах не в змозі ефективно його застосовувати. Його вплив також підривається фальшивою впевненістю, яку вносять покупці та влада за допомогою незалежної «сертифікації» лісів Лісовою опікунською радою (FSC).
- > Хоробрі українські активісти ведуть боротьбу з корупцією в лісовому секторі з високою небезпекою для себе, так само, як і прогресивні елементи в уряді. Деякі європейські офіційні особи прикладають реальні зусилля для надання допомоги. Однак під тиском гігантських фірм, що залежать від постійних поставок дешевої української деревини, ЄС використав свої найсильніші важелі, щоб підштовхнути українську владу до скасування заборони на експорт необроблених колод, - міра прийнята частково, щоб допомогти зменшити незаконність і забезпечити перепочинок для реформи.

КОРОТКИЙ ЗМІСТ



Carpathian mountain forests, Ukraine

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Наші висновки свідчать про співучасть національних урядів ЄС та найбільших в світі лісопереробних підприємств в корупційній кризі в лісовій галузі України

ВСТУП

Кажуть, Україна воює на двох фронтах. Перший - на східному кордоні, де країна зіткнулася з російською агресією. Другий, в самому центрі, де йде боротьба з однією з найгірших корупцій серед пост-радянських держав. Українські ліси стали полем, на якому відбувається одна з найбільших битв у другій війні.

На території Західної України знаходяться одні з найбільших, що залишилися, ділянок лісу на Європейському континенті, де проживають останні життєздатні популяції бурого ведмедя, євразійського вовка, рисі та європейського бізона. Але ці ліси знаходяться під загрозою знищення, їх здоров'ю та існуванню загрожують бурхливі незаконні рубки, незаконний експорт деревини і корупція, пов'язана з деревиною. Деревина є однією з найбільших експортних галузей України, що приносить 1,7 млрд. доларів США, дає роботу 350 тисячам чоловік і становить майже 4% ВВП. Корупція і незаконність у цьому секторі позбавляють країну важливого джерела державних доходів, одночасно підриваючи ширші зусилля щодо вдосконалення управління в умовах нестабільної ситуації.

Протягом останніх двох років Earthsight розслідує незаконні вирубки і корупцію в лісовій галузі України. Ми опитали джерела з уряду і промисловості, провели польові дослідження, вивчили митні до-

кументи і знайшли сотні судових рішень. Наші результати шокуюче та ясно показують масштаб і поширеність незаконності в лісовому і лісозаготівельних секторах України. Вони також свідчать про співучасть урядів ЄС, міжнародних «сертифікаторів» деревини і деяких найбільших світових транснаціональних деревообробних компаній в корупційній кризі в Україні.

НЕЛЕГАЛЬНА ЛІСОЗАГОТІВЛЯ ТА КОРУПЦІЯ З ЛІСОМАТЕРІАЛАМИ В УКРАЇНІ

Майже всі лісозаготівельні роботи в Україні здійснюються самим урядом через державні лісогосподарські підприємства, в основному під егідою Державного агентства лісових ресурсів України. Хоча вони прагнуть охарактеризувати ситуацію як підпільну злочинну діяльність, що проводиться окремими представниками суспільства і в досить обмеженому масштабі, реальність така, що переважна більшість незаконної заготівлі в Україні також здійснюється самими лісогосподарськими установами.

Наші дані свідчать про те, що сотні державних лісогосподарських підприємств України беруть участь в систематичному, навмисному порушенні широкого кола правил під час лісозаготівлі. Немає нічого більш руйнівного, ніж незаконна «санітарна рубка». Передбачається, що екологічна безпека лісозаготівель в Україні

повинна забезпечуватися шляхом ретельного планування того, які дерева можуть бути зрізані щороку, але майже 60 відсотків рубок відбувається за межами цих обмежень, найчастіше у формі «санітарної рубки», яку виправдовують необхідністю запобігання поширенню хвороб. Будучи звинуваченою в тому, що корумповані лісові підприємства зловживали цією лазівкою в масових масштабах, для зрізання здорових дерев, чия рубка в іншому разі не була б дозволена, в тому числі в національних парках та інших охоронних територіях (навіть опромінена зона відчуження Чорнобиля), влада посилила правила в 2016 році. Але проблема зберігається. Дослідження 18 лісозаготівельних ділянок в чотирьох найбільших лісозаготівельних регіонах, проведене на замовлення Earthsight, показало, що від 67 до 78 відсотків рубок є невинуватими і, отже, незаконними. Якщо даний результат екстраполювати на національний рівень, виходить, що незаконна санітарна вирубка становить на даний момент 38-44 відсотка загального виробництва та експорту. Наші польові дослідження також показали поширення інших видів порушень правил лісозаготівлі державними органами.

Алгоритм, за допомогою якого деревина, що надходить на ринок від державних підприємств, також характеризується систематичними випадками корупції. Вищі посадові особи в столиці особисто скеровують продажі колод найбільшим закордонним покупцям в порушення правил. Колишній голова лісового агентства Віктор Сівець обвинувачується в тому, що вивів понад 30 мільйонів євро від таких продажів в свої руки через складну мережу офшорних компаній протягом 2011-2014 років. Фірми зобов'язували робити такі платежі для отримання доступу до української деревини, і в обмін отримували знижки на покупку колод і пиломатеріалів з лісгоспів під контролем Сівця. Сівець, близька довірена особа і партнер по тенісу клептократичного колишнього українського президента Віктора Януковича, втік до Росії і до недавнього часу був у розшуку Інтерполу. Прямі продажі продовжуються під проводом його наступників, і експерти в лісовій галузі відзначають численні випадки порушень, що свідчать про триваючу корупцію на національному рівні. Earthsight виявив додаткові докази, що свідчать про те, що чиновники в Києві продовжують вимагати корумповані платежі за доступ до деревини навіть після усунення Сівця.

Очікується, що лісгосподарські підприємства пропонують всю свою деревину для продажу через аукціон. Навіть там, де ця вимога дотримується, такі аукціони зазвичай корумповані, і більша частина цієї деревини потрапляє в руки «тіньових лісопилло». Згідно з оцінками, приблизно 12 000 неліцензованих лісопилельних заводів обробляють цю деревину головним

чином для експорту. В результаті експорт пиломатеріалів перевищує легальне виробництво всієї країни на 75 відсотків: щорічно експортується незаконно отриманих пиломатеріалів на 1,2 мільйона кубічних метрів.

Досліджуючи судові документи, ми виявили, що вищі посадові особи у двох з трьох найбільших лісозаготівельних регіонів України є фігурантами великих кримінальних розслідувань, у тому числі щодо систематичних незаконних рубок та експорту деревини. Директор лісового господарства одного з найбільших лісозаготівельних районів Карпат також був фігурантом багатьох корупційних справ, а в жовтні 2017 року був затриманий на гарячому, коли пропонував сплатити 10 000 доларів на місяць посадовим особам інших агентств, щоб вони закривали очі на незаконність, яка здійснюється лісгоспами під його контролем. Коментуючи цю справу, один з головних прокурорів України сказав, що, якщо таких людей не притягнуть до відповідальності, то гори України скоро можуть «облісіти».

Крім незаконних рубок, продажу і переробки з використанням корупційних механізмів, українська деревина зазвичай незаконно експортується, часто за допомогою корумпованих чиновників на митницях та в лісових підприємствах.

Один з високопоставлених керівників у лісовій галузі в Карпатах був заарештований у жовтні 2017 року після того, як він запропонував 10 тисяч доларів на місяць посадовим особам інших агентств, щоб вони закрили очі на незаконні рубки.



Cash that was offered as a bribe by the head of Chernivtsi province forestry agency in the Ukrainian Carpathians, October 2017

© National Police of Ukraine



Wagons with timber head towards the Romanian border from Ukraine

© Nikolai Petichenko

Дочірнє підприємство «Schweighofer» безпосередньо замішане в кримінальній справі проти колишнього голови лісової галузі України.

ІМПОРТ ЄС

Європейський союз є найбільшим імпортером деревини з України, на нього припадає майже 70 відсотків від загального обсягу експорту країни. В той час як в Україні зростає рівень незаконності та корупції в цій сфері, європейський імпорт деревини з країни також росте, на 75% лише за чотири роки, і перевищив позначку в 1 млрд. євро в 2017 році.

ЄС давно визнав важливість боротьби з глобальним лихом незаконних рубок і усвідомив, що будучи одним із найбільших імпортерів деревини в світі, він несе певну відповідальність за це. Це визнання привело до прийняття нового закону - Регламенту ЄС, який встановлює критерії експорту деревини на ринок країн ЄС, або EUTR, - що почав діяти у 2013 році і забороняє імпорт дерев, які незаконно отримані в країні походження. Закон також вимагає від імпортерів здійснювати юридичні перевірки з належною обачністю для мінімізації ризику отримання незаконної деревини. Це стосується як незаконно зрубаної, так і незаконно проданої корумпованими чиновниками деревини.

Однак дослідження Earthsight показує, що цей закон не працює, і що деревина ймовірно незаконного походження продовжує наповнювати ЄС. Ще більш шокуючим є те, що серед покупців цієї деревини виявилися кілька багатомільярдних фірм, в тому числі три найбільші виробники дерев'яних панелей у світі, найбільша в світі паперова компанія і другий за величиною виробник пиломатеріалів в Європі. Власники цих компаній є в числі найбагатших людей в Європі.

До того, як на початку 2017 року в Україні набула чинності заборона на експорт

когод, найбільшим покупцем деревини в країні був австрійський лісопилний гігант Holzindustrie Schweighofer - фірма, вже відома тим, що використовувала незаконну румунську деревину. Величезне деревообробне підприємство компанії, розташоване одразу за кордоном, в Румунії, було місцем призначення 70% європейського експорту когод з України. Earthsight виявив, що дочірня компанія Schweighofer Group, яка займалася більшою частиною цих поставок до 2016 року, безпосередньо замішана в кримінальній справі проти колишнього начальника Державного агентства лісових ресурсів Сівця. Досудове розслідування, проведене українськими прокурорами, показало, що це одна з чотирьох фірм, які колективно заплатили понад 13 мільйонів євро за фіктивні «маркетингові» послуги офшорним компаніям, контрольованим Сівцем та його дружиною. Хоча справа Сівця ще не розглядена, український суддя визнав докази достатніми для видачі ордерів на арешт і конфіскацію мільйонів, що зберігаються на банківських рахунках Швейцарії.

Schweighofer далеко не єдиний великий покупець з ЄС, чиє ім'я виникає в справах про незаконну деревину в українських судах. Румунське дочірнє підприємство компанії JAF Group, лідер оптової торгівлі деревиною в Центральній Європі, пов'язане з одним із найбільших в Україні випадків незаконного експорту деревини, що стався у Львівській області в 2016 році, коли корумповані чиновники допомогли відмити незаконні пиломатеріали. Судові документи підтверджують факт постачання деревини для JAF одним з організаторів цієї схеми протягом відповідного періоду. Після отримання інформації від Earthsight, даний постачальник був занесений в чорний список компанії JAF.

Водночас з тим, як заборона на експорт колод зменшила закупівлі іншими компаніями, провідним імпортером української деревини в ЄС нині є Egger, другий у світі за величиною виробник дерев'яних панелей (використовуються в будівництві та виробництві дешевих меблів). Назва Egger з'являється поруч із Schweighofer у великій кримінальній справі про корупцію в Житомирі (провідний центр з постачання лісу в Україні) у якості одержувача деревини, яка, ймовірно, була продана службовими особами лісових підприємств за цінами нижче ринкових через посередницькі фірми з акціонерами, заереєстрованими в секретних юрисдикціях.

На відміну від деяких інших найбільших покупців, які конкретно не вказані в таких справах, їх постачальники зазначені. Провідні світові конкуренти Egger у секторі панелей на базі деревини, Kronospan та Swiss-Krono, продовжували закуповувати великі обсяги деревини в українських державних лісових підприємствах, чії вищі посадові особи є фігурантами тривалих кримінальних корупційних розслідувань, як і польська целюлозна фабрика, що працює під керівництвом International Paper - найбільшої в світі паперової компанії. Одна третина імпорту Egger у 2017 році була отримана від таких постачальників і половина імпорту International Paper. Деякі з пов'язаних із корупцією лісгоспів, що роблять поставки для цих компаній, також знаходяться в епіцентрі скандалу з незаконним виводом бурштину, який руйнує територію Полісся. Наші дані свідчать про те, що великі покупки не тільки не виключили компанії щодо яких ведеться слідство про корупцію зі списку постачальників, але і віддають перевагу співпраці з ними в порівнянні з їх меншими конкурентами.

У більшості вище згаданих справ ще не має ухвалених судових рішень. Однак це не має мати значення. EUTR вимагає від імпортерів запобіжних заходів і закупівель деревини тільки з джерел, в яких ризик придбання незаконної деревини був би незначним. Неможливо зрозуміти, як закупівля деревини у постачальників, подібних перерахованим вище, може задовільняти дану вимогу.

Окрім закупівель деревини, пов'язаної з корупцією, дані Earthsight також свідчать про те, що фірми ЄС також купують деревину, яка, швидше за все, була експортована незаконно, в тому числі в порушення заборони України 2015 року на експорт круглих лісоматеріалів. Аналіз Earthsight показує, що до грудня 2017 року митні органи ЄС зафіксували імпорту з України майже 1 мільйона кубометрів колод, які повинні були бути заборонені для експорту. При експорті з України ці колоди неправильно класифікуються як «паливна деревина». Хоча іноді така неправильна класифікація відбувалася і до заборони, і частково пов'язана з відмін-

ностями в тому, як лісові господарства України класифікують деревину, є також свідчення навмисного, незаконного, неправильного маркування лісгоспами, в тому числі для того, щоб обійти заборону і допомогти замаскувати корупційну діяльність. Наприклад, в першій половині 2018 року українські митники з регіону, що розташований на кордоні з Румунією, виявили нелегальний експорт колод на суму понад 1 мільйон доларів, які місцеві лісгосподарські підприємства неправильно задекларували як паливну деревину. Наше дослідження показує, як з цим пов'язані великі європейські покупки. Один із найгучніших скандалів із незаконними пиломатеріалами в Україні в останні роки призвів до конфіскації колод на українському кордоні, колод, які, як підтверджують дослідження Earthsight, призначалися для чеських целюлозних заводів, якими керують транснаціональні корпорації Mondi (найбільший в Європі виробник паперової упаковки) і Lenzing (один із найбільших у світі виробників віскозного волокна, яке використовується для виготовлення одягу). І хоча деревину в кінцевому рахунку повернули, постачальник був визнаний винним у неправильному декларованні.

Незважаючи на їх розмір, мало хто чув про ці компанії. Але більшість європейських споживачів куплять їх продукцію. Деревина румунської фабрики Schweighofer була причетна до виробів, що продаються в Ikea. Egger, Swiss-Krono і Kronospan також є постачальниками Ikea і поставляють більшу частину пиломатеріалів, дерев'яних плит і підлог, що продаються мережами DIY Wickes і Homebase в Великобританії, Hagebau, Obi і Hornbach в Центральній Європі і французькими мережами Leroy Merlin і Castorama. International Paper випускає папір

для друку для HP, Canon і Xerox, що продається в супермаркетах по всій Європі. Earthsight виявила, що папір Canon, вироблений на його польському заводі, продають у філіях провідної канцелярської мережі Staples в Німеччині. Вироби, виготовлені з волокна Lenzing, продаються в більшості мережевих магазинів одягу, розташованих на центральних вулицях міст, включаючи H&M.

Всі згадані вище великі покупки української деревини заперечують правопорушення і наполягають на тому, що вони здійснювали значущі перевірки своїх постачальників. Однак викликає сумнів те, наскільки вони можуть бути значущими з огляду на корупцію, яку ми зафіксували. Щоб перевірити, наскільки високопріоритетною великі фірми з ЄС вважають законність своєї продукції, Earthsight представилася українською компанією і запропонувала на продаж колоди, в тому числі пиломатеріали, заборонені до експорту. Три компанії висловили зацікавленість у веденні бізнесу з нашою тінговою, неіснуючою компанією, після того, як ми переконали їх в наших «добрих стосунках» з українською митницею.

Грунтуючись на наших доказах, ми доручили ведучому досліднику оновити глобальні оцінки обсягів ймовірно незаконно ввезеної в ЄС деревини, використовуючи визнану методологію, яку він сам використовував. Незаконні лісозаготівлі зазвичай пов'язані з тропічними країнами. Але результати цього нового аналізу свідчать про те, що ЄС, ймовірно, імпортує з України більше незаконно добутої деревини, ніж з усіх країн Латинської Америки, Африки і Південно-Східної Азії разом узятих, і більше, ніж з будь-якої іншої країни в світі.

Незважаючи на їх розмір, мало хто чув про ці компанії. Але більшість європейських споживачів куплять деяку їх продукцію.

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КОГО ЗВИНУВАЧУВАТИ

Європейські споживачі дбають про ліси і не бажають бути співучасниками злочинів. Розуміючи це, основні фірми по переробці деревини, зазначені в цьому звіті, обіцяють купувати тільки легальну і дозволена деревину. Теж саме обіцяють DIY, меблевики та інші роздрібні мережі, які продають свою продукцію. Але щодо України вони не в змозі дотримуватися своїх обіцянок. Але ЄС визнав, що з точки зору законності такі дії не повинні бути добровільними. Відповідно до регламенту ЄС щодо регулювання лісового господарства, компанії потрібно не намагатися присоромити, аби вони діяли. Їх потрібно примушувати до дій.

Отже, чому EUTR не міг запобігти попиту Європи на деревину, сприяючи незаконності та корупції в лісах України? Дослідження Earthsight показує, що частина проблеми пов'язана із самим законом, і також із його інтерпретацією та застосуванням. Перша проблема полягає в тому, що закон застосовується тільки до компанії, назви яких вказані в митних документах. Незважаючи на те, що деревина доставляється одразу на заводи, багато хто з найбільших покупців української деревини використовує посередників для імпорту, що дозволяє уникнути ризику порушення закону. Ці фірми-посередники, як правило, невеликі й непрозорі, часто трохи більші, ніж окремі оператори, які працюють з домашнього офісу. Дослідження Earthsight показало, що в тих поодиноких випадках, коли такі фірми були спіймані та їх вантаж було конфісковано, їх власники просто анулюють їх та починають бізнес під новою назвою.

Ще одним важливим винуватцем є Лісова опікунська рада (FSC) - провідна світова лісова сертифікаційна організація. Заснована на початку 1990-х років екологами і прогресивними лідерами галузі для допомоги споживачам в ідентифікації надійності виробленої з деревини продукції, в останні роки FSC стала предметом зростаючої критики. Її швидке зростання супроводжувалося поступовим зниженням стандартів і постійним потоком скандалів, коли компанії, сертифіковані FSC, були втягнуті у різноманітні дії - від незаконних рубок до порушень прав людини. Хоча це ніколи не було її основною метою, система FSC включає перевірки законності деревини, включаючи її екологічність.

Хоча жоден з великих покупців, згаданих в цьому звіті, не наполягає на «Сертифікації системи ведення лісового господарства» FSC для їх імпортерів з України, більшість з них запевняють, що вони хочуть придбати саме цю деревину, і де ця деревина або деревина нижчого стандарту FSC «Контрольована деревина» була придбана, це зазвичай є основною,

якщо не єдиною формою EUTR- юридичних перевірок, які використовують компанії.

EUTR допоміг FSC значно розширитися в Україні: в даний час 90% лісів, що знаходяться під контролем Державного агентства лісових ресурсів в Українських Карпатах, є сертифіковані. На жаль, цей звіт показує, що в FSC (Лісової опікунської ради) на даний момент існують фундаментальні недоліки, що означає неможливість спиратися на неї для гарантування законності в Україні. Її провал наочно демонструють численні випадки, зафіксовані в цьому звіті, які не зміг виявити аудит FSC. Наприклад, більшість незаконних ділянок санітарної рубки, знайдених нами в Карпатському регіоні, знаходяться в сертифікованих FSC лісах, і більшість лісгоспів, які перебувають під розслідуваннями щодо кор-

Місцеві активісти беруть участь у важкій битві, поки найбільший ринок для української деревини залишається відкритим для лісу із незаконним походженням.

рупції, тим не менш залишаються сертифікованими. Колишній голова одного з найбільших лісозаготівельних лісгоспів у Карпатах зізнався Earthsight, що йому було легко обійти перевірки FSC.

Однак головна відповідальність лежить на урядах ЄС, чия робота полягає в прийнятті та забезпеченні дотримання закону. Якби вони добре виконували свою роботу, вони мали б бути спроможні спіймати посередників і змушувати компанії йти далі в своїй юридичних перевірках. На жаль, як показує цей звіт, впровадження EUTR в питаннях імпорту деревини з України в найбільш важливих державах-членах ЄС було недостатньо. Більшість цих країн до сих пір не впроваджують цей закон, хоча пройшло вже більше ніж три роки після того, як він повинен був вступити в силу. Навіть зараз, коли вони приступили до цього, наявні дані свідчать про те, що все відбувається без особливого ентузіазму. Цей звіт показує, що закон використовується як його «великодушна інтерпретація». Великі імпортери, зазначені в цьому звіті, мають системи «юридичних перевірок», які в більшості випадків були схвалені місцевими посадовими особами EUTR. Але для деревини, яка не сертифікована FSC, це зазвичай означає трохи більше, ніж

обіцянки, отримані від постачальників, і перевірки на «Сертифікат про походження»: документи, видані тими ж корумпованими державними структурами, які здійснюють лісозаготівлі, і, як відомо, відкриті для зловживань.

РІШЕННЯ

Остаточне вирішення питання щодо злочинності в лісовій галузі в Україні має йти з середини країни. Більший і кращий тиск з боку відповідних агентств допоможе, але усунення коренів корупції в лісовому секторі також потребує змін у регульованні лісового господарства, задля зменшення можливостей і стимулів для корупції. Експертні дослідження вже визначили основні необхідні заходи, такі як поділ обов'язків по проведенню лісозаготівель і контроль за його законністю та підвищення прозорості. Деякі потенційно корисні нові правила вже знаходяться в розробці, але процес реформ рухається болісно й повільно.

Тим часом, поки боротьба з корупційним лихом в лісовому секторі триває, люди на її передовій зіштовхуються із серйозними ризиками для життя. Корумпована лісова охорона виганяє незалежних спостерігачів із лісових господарств під прицілом зброї. Корумповані елементи в Службі безпеки України моніторять пересування активістів антикорупційного руху. Молодші співробітники лісових господарств, які повідомляють про своє керівництво, отримують погрози на адресу сімей, їх особистий транспорт спалюють.

Місцеві активісти і прогресивні елементи всередині уряду беруть участь у важкій битві, поки найбільший ринок для лісоматеріалів з України залишається відкритим для деревини із незаконним походженням. ЄС надає деяке корисне фінансування і підтримку реформ в управлінні лісами в Україні. Проте його найбільший вплив було спрямовано на примус українського уряду на скасування заборони експорту колод, зусилля, які, як показує цей звіт, лобювали багато з тих же гігантів із переробки деревини в ЄС, які, як ми виявили, використовують підозрілу деревину.

Якщо ЄС дійсно хоче допомогти, він повинен витратити менше енергії на примус українського уряду щодо скасування заборони експорту колод і більше зосередитися на забезпеченні того, щоб його держави-члени виконували свої власні закони.

1. BACKGROUND



Protest in Maidan Square, December 2013

© Sergiy Palamarchuk/Alamy Stock Photo

1.1 THE POLITICAL CONTEXT

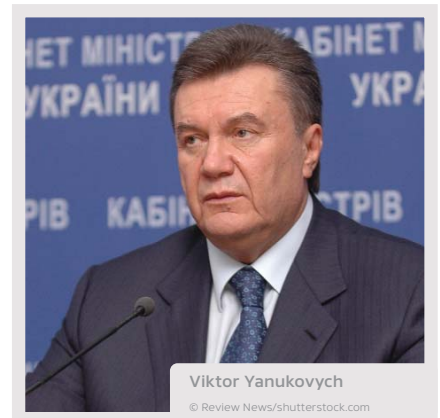
Ukraine is a country in flux. Metamorphosed after a sudden revolution in 2014, it has since been wracked by armed conflict. A post-revolution Ukraine is pre-occupied with correcting the mistakes of its past and throwing off the last shackles of the Soviet era. There have been laudable attempts at modernisation and reform of its institutions and the Government has implemented, and continues to implement, a host of anti-corruption measures in recent years, some of which hold real promise. But momentum is waning.

Viktor Yanukovich, the former Ukrainian President, and his group of kleptocrats ransacked the country for four years between 2010 and 2014, and are thought to have stolen more than \$100 billion from state coffers in that time,² most of which remains unrecovered. Although a severe setback for Ukraine, the Yanukovich regime also became the bellwether of change for the country. Disbelief and anger at the sheer scale of corruption he orchestrated during his time in power led thousands of Ukrainians to take to the streets and to social media in protest, in a wave so strong that it toppled his government. Euromaidan, symbolically called the Revolution of Dignity, signalled the strong collective wish of a majority of Ukrainians, especially young Ukrainians, to end corruption, align with the EU and usher in a long overdue era of peace and prosperity for their country.

In the four years since Maidan, many new civil society groups and journalists with a

specific anti-corruption focus have popped up, and have appointed themselves watchdogs of everything from the selection of public officials to public spending. New anti-corruption laws were passed, driven primarily by input from strong civil society coalitions.³ The year that Yanukovich's regime ended, a new anti-corruption department, the National Anti-Corruption Bureau, or NABU, was formed by the Government, with the specific mandate to tackle high-level corruption. The following year, Ukraine passed a law which made it compulsory for public officials to declare their private assets online, an unthinkable concept a few short years before. The Government has, to a great extent, succeeded in improving transparency, and is more responsive to information requests from the public than the governments of many Western European countries. A slew of cases were brought against corrupt officials and businessmen by ambitious prosecutors and government investigators, driven by a genuine desire to purge the country of graft. The grand corruption seen at the time of Yanukovich was thought to be largely a thing of the past.

Perhaps inevitably however, considering the size of the challenge, corruption remains entrenched in Ukraine today. Old patterns have started to re-emerge. When Petro Poroshenko, already a billionaire oligarch with a vast candy empire, ran for the Presidency a few months after Yanukovich was banished in 2014, he vowed to the Maidan revolutionaries that he would give up his business interests and 'be honest' once elected. More than three years later,



Viktor Yanukovich

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Corruption remains entrenched in Ukraine today



A Eurasian Wolf
Minden Pictures / Alamy Stock Photo

The forests of Western Ukraine include some of the most beautiful and biodiverse natural landscapes in Europe

he has yet to do so, and has even expanded his business empire. Many politicians in Ukraine have continued to retain significant business interests, leading to the high risk of official decision-making being subverted by conflicts of interest. Even as the nation is ravaged by a costly conflict with Russian-backed separatists, top Ukrainian military officials are stealing millions from their own people.⁴ Ukraine remains the most corrupt country in Europe, with a Corruption Perception Index (CPI) score worse than 130 other countries – including the likes of Pakistan, Sierra Leone and Honduras - and on a par with Russia.⁵ A weak judicial system, with a poor conviction record, undermines the work of diligent journalists and state investigators. Years after Yanukovich, the Ukrainian government has not taken any meaningful action to recover the assets he stole. Yanukovich himself has still not been convicted for corruption in Ukraine.

Corruption also remains the major barrier to new investment in Ukraine. In an industry survey by the American Chamber of Commerce, an overwhelming ninety eight per cent of businessmen polled stated that they thought corruption was widespread in Ukraine, while eighty eight per cent stated that they had themselves encountered corruption when doing business in the country.⁶ The Managing Director of the European Bank for Reconstruction and Development, speaking in London in July 2017, said that it was impossible to operate in Ukraine without paying bribes.⁷ Other commentators have noted that the primary reason for ineffective investigation and prosecution of the corrupt post-Maidan was not the absence or efficacy of legislation, ‘but the lack of genuine political will to tackle systemic and high-level corruption.’⁸ NABU has had a poor track-record - only a quarter of cases where it had completed pre-trial investigations actually went on to the trial stage, with most of them languishing indefinitely in courts.⁹

The Head of Ukraine’s National and Security Defence Council called the country the ‘epicentre of the confrontation between the Western democratic world and authoritarian, totalitarian states’.¹⁰ Despite high corruption levels however, Ukraine also has a particularly vibrant and voluble free press and civil society, diligent at exposing the falsehoods of politicians to the public and scrutinising every deal made by self-serving insiders and businessmen. Their continued good health will be vital to rooting out corruption and shaping the Ukraine of tomorrow.

1.2 EXTENT, SIGNIFICANCE AND THREATS TO UKRAINE’S FORESTS

Ukraine has more than 100,000 square kilometres of forest, covering 17.6 per cent of the country’s land mass.¹¹ Around half the total area is planted forest.¹² The areas with the most forest cover, which also produce the majority of the timber, are the regions in and around the Carpathian mountain range in the south-west of the country, and Polissia in the north (see Figure 1). Between 30 and 50 per cent of the land in these two areas is covered by forest.¹³

The forests of Western Ukraine include some of the most beautiful and biodiverse natural landscapes in Europe. Even though the country covers less than 6 per cent of the European continent, it contains approximately 35 per cent of Europe’s species diversity – a term used to measure the ecological value and richness of habitats – owing to its location at the meeting point of many different ecosystems and bird migration routes.¹⁵ Running through south-west Ukraine is a section of the Carpathians, a 1500 kilometre arc of dramatic mountains and forest which fan out across several Central and Eastern European countries, primarily Slovakia, Poland, Ukraine and Romania. Ukraine’s position near the centre of this arc makes the Ukrainian Carpathians a vital lynchpin in a network of forested corridors¹⁶ that are home to the biggest populations of large carnivores in Europe,¹⁷ several threatened species, some of the last remaining virgin forest on the continent and several world heritage sites.

Widely referred to as some of the largest areas of unspoilt wilderness in Europe, the Carpathians contain 30 per cent of Europe’s flora¹⁸, and are the last remaining habitat in Europe that can support viable populations of large carnivores.¹⁹ Some of Europe’s most iconic large mammals like the lynx, European bison, brown bear, almost half of the continent’s wolf population,²⁰ some of the last remaining populations of the critically endangered European mink²¹ as well as several rare and migratory birds such as the vulnerable Eastern Imperial Eagle²² call these forests home. When the Carpathians pass through Ukraine they are at their most narrow, forming a natural bottleneck for species travelling north and south along the Carpathian arc, which in turn serves to connect the ecosystems of northern Europe with the South. The Ukrainian Carpathians cover the four western oblasts of Chernivtsi,

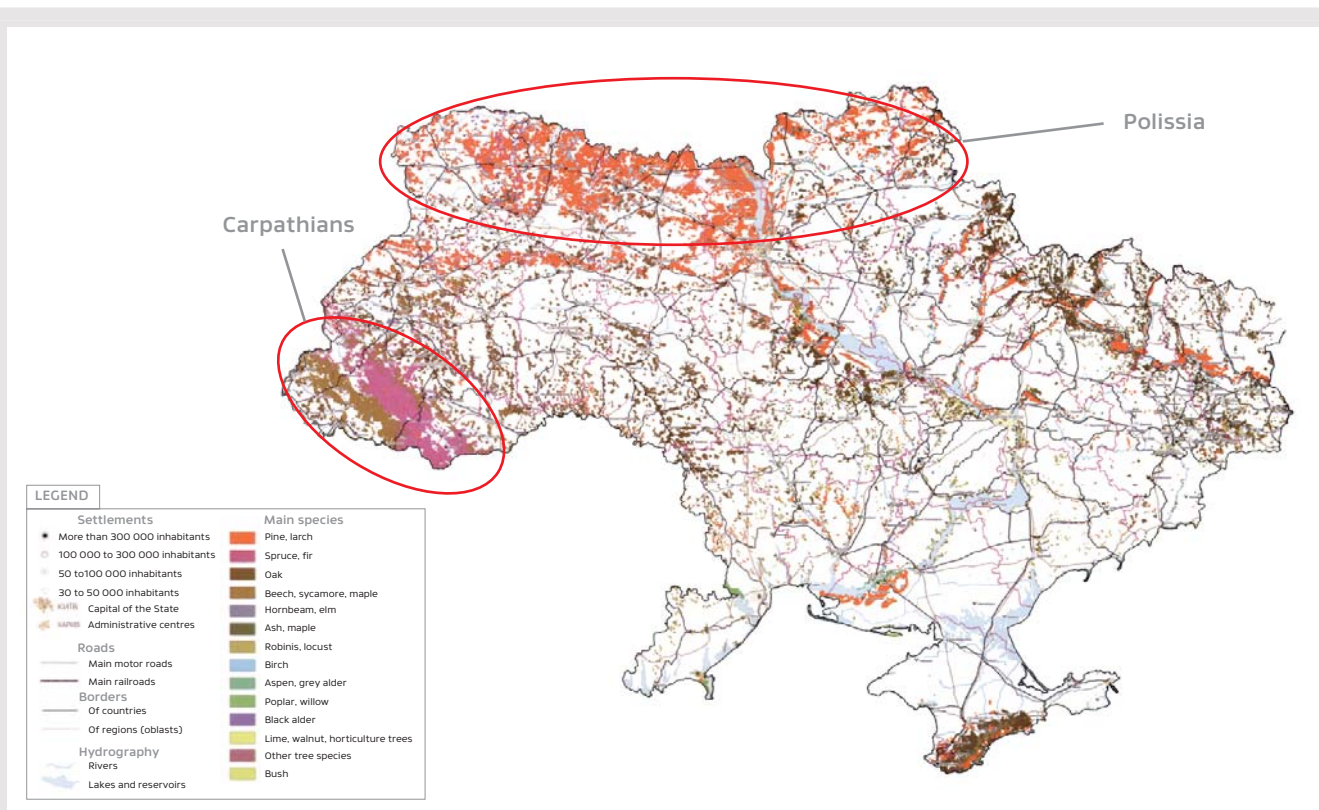


FIGURE 1
Forest cover map of Ukraine, with the Polissia and Carpathian regions highlighted

The major species of trees found in Ukraine are scots pine (*Pinus sylvestris*), Pedunculate oak (*Quercus robur*), Norway spruce (*Picea abies*), European beech (*Fagus sylvatica*), silver birch (*Betula pendula*), black alder (*Alnus glutinosa*), European ash (*Fraxinus excelsior*), European hornbeam (*Carpinus betulus*), and silver fir (*Abies alba*). Coniferous forests occupy 42 per cent of the country's forested area and hardwood broadleaf forests account for a further 43 per cent of forest cover.¹⁴ The majority of the country's pine stock is distributed across the northern regions (Polissia), while beech and spruce are pre-dominant in the west, concentrated in and around the Carpathian mountain range. Oak is found in small pockets all over the country, with a particularly rich vein of oak and beech running through the lower part of Crimea, in Southern Ukraine.

Source: Regional Environment Center, 'Illegal Logging in Ukraine: Fact-funding Study, June 2010

Lviv, Ivano Frankivsk and Zakarpattia. Almost one third of the Ancient and Primeval Beech Forests of the Carpathians and other Regions of Europe, a group of UNESCO protected sites, fall within the Ukrainian Carpathians.²³

In the north of the country, covering the provinces (oblasts) of Volyn, Rivne, Zhytomyr, Kyiv and Chernihiv, plus part of Sumy,²⁴ is Polissia, another unique region formed of mixed pine and birch forests, wetlands and bogs. It is part of a UNESCO-designated transboundary ecological corridor connecting Poland, Ukraine and Belarus²⁵ and it is the meeting point of vital north-south and east-west migratory flightpaths for migrating birds.²⁶ The region is home to several rare species of plants and its lakes and bogs play an important role in supporting a variety of waterfowl, wading and migratory birds.²⁷ It is also home to significant populations of threatened mammals, including wolves²⁸, lynx²⁹ and bears.³⁰

Deforestation and forest degradation represent major threats to the ecosystems of western Ukraine. Polissia's biodiversity is under threat from intensive amber mining and illegal logging, which are turning vast areas of these valuable landscapes into barren wastelands.³¹ An increase in soil erosion caused by deforestation in Western Ukraine has had knock-on effects for the region's major rivers and aquatic ecosystems. A UN study predicts that decreased water quality, increased surface runoff and unreliable river flows will mean that vital freshwater sources for Western Ukraine will become increasingly insecure.³² One of Europe's most important rivers, the Dnister, originates in the Ukrainian Carpathians in Lviv and flows across western Ukraine into Moldova. The Dnister river basin is home to approximately 7 million people and it is a source of drinking water for an additional 3.5 million living outside the basin area.³³ The area covered by forests in the region around the Ukrainian section of the river has halved in the last century due to unsustainable human activity, including

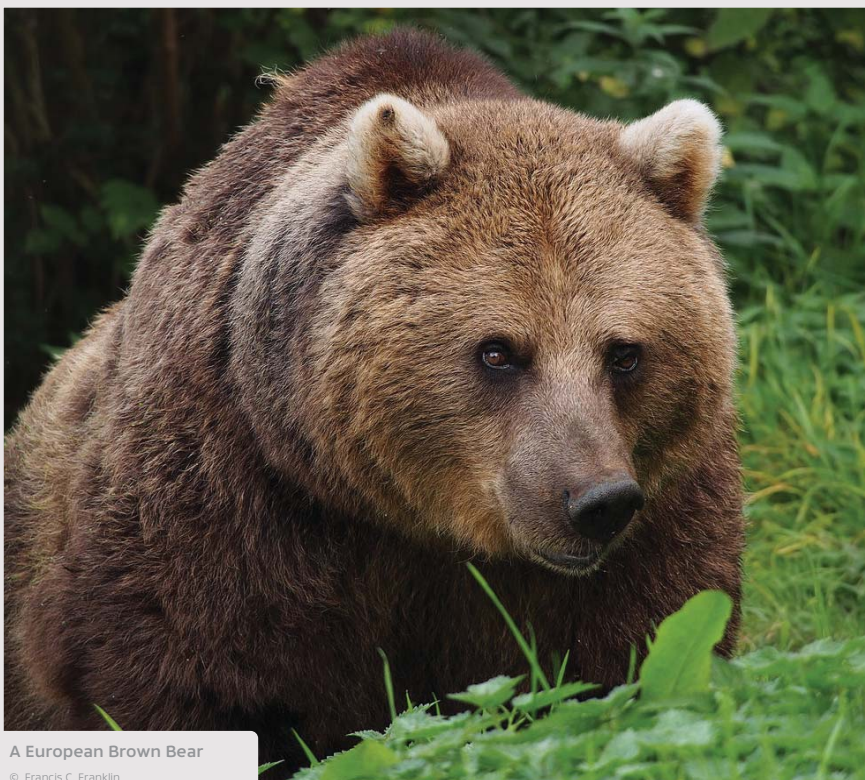
widespread unsustainable logging operations and conversion of forest land for other uses.³⁴

Increased habitat loss is also threatening Western Ukraine's wildlife. The Ukrainian population of lynx is in decline,³⁵ and other species are coming under increasing threat from human activity. Despite being protected by different national and international policies, the Carpathians are currently conduits for a booming trade in illegal timber, animals, animal parts and waste.³⁶ A lack of up-to-date information on forest cover and the effects of forest crime on these regions means that it is difficult to measure the extent of damage inflicted on these valuable ecosystems by illegal logging and other activities. Although a recent ban on logging in old-growth forests in the Carpathians has been put in place,³⁷ widespread illegal logging by state officials and poor law enforcement continue to undermine the efficacy of such measures.



A train full of Ukrainian logs at the border with Slovakia

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A European Brown Bear

© Francis C. Franklin

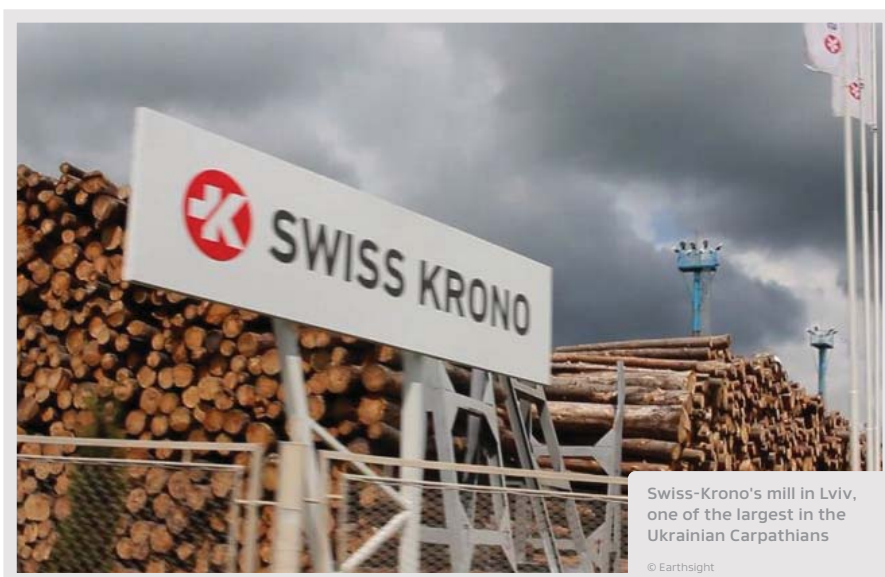
Almost all of Ukraine's forests are state-owned and state-managed

Almost all of Ukraine's forests are state-owned and state-managed. The majority of the country's forests, about 73 per cent, are under the control of the Ministry of Agrarian Policy and Food, via the State Agency of Forestry Resources (SAFR). A further 13 per cent are community forests on agricultural land, managed by provincial and local government. Another 6 per cent is split between the Ukrainian Ministry of Defence, the State Agency of Ukraine on Exclusion Zone Management, Ministry of Infrastructure and Ministry of Environment and Natural Resources. Seven per cent is forests not officially reserved as forest land and not allocated to the management of any particular agency. Less than 1 per cent of Ukraine's forests are privately owned.⁴²

1.3 UKRAINE'S LOGGING AND TIMBER INDUSTRY

Ukraine's timber resources are of great importance to its struggling economy and wood is the country's most valuable natural resource after coal, oil and gas.³⁸ The timber sector in Ukraine is reckoned to employ some 350,000 people, or 500,000 if indirect employment is also counted.³⁹ Exports bring in over US\$1.7 billion (€1.4bn) in foreign exchange.⁴⁰ The wood industry is responsible for 3.6 per cent of the country's GDP.⁴¹

The central arm of the SAFR, located in Kyiv, is ultimately responsible for overseeing the operations of all of the forestry units it manages. Implementation of the SAFR's policies is overseen at the regional level by a forestry directorate for each province. These directorates, called Regional Forestry Management Boards (RFMBs) are responsible for issuing key documentation such as harvesting permits and certificates of origin, which are required for export of timber. The RFMB is the coordinating body for the various forestry management units, called State Forestry Enterprises (SFEs), for their region. The SAFR and Ministry of Ecology



The majority of Ukraine's timber exports are raw products such as logs, lumber, firewood and charcoal

approve the Annual Allowable Cut (AAC) each year for each individual SFE, which is supposed to determine how much timber will be harvested, and where and when felling should take place. The SAFR controls a total of 306 State Forestry Enterprises in Ukraine via 24 different RFMBs.⁴³ These SFEs produce 83 per cent of all the logs harvested in Ukraine.⁴⁴ 92 per cent of the income of these SFEs comes from this logging.⁴⁵

The two main types of harvesting in Ukraine are continuous and selective felling. Clear cutting whole areas of forest, which is the most common method of harvesting⁴⁶, is referred to as 'continuous' felling, while harvesting only particular trees or groups of trees in a given area of forest is called selective felling. Sanitary felling refers to the practice of harvesting dead or diseased trees in order to prevent the spread of disease or pests to other parts of the forest; it can be either continuous or selective.⁴⁷ Logging may be carried out by an SFE's own staff or by contractors. SFEs process some of their production themselves, and the remainder is supposed to be sold through auctions, though in reality a great deal is sold through direct contracts instead (see Section 2.4.1 below).

All logs harvested within SFEs under the management of the SAFR have to be marked with a plastic tag carrying a unique barcode. This barcode provides details on the origin of the timber and the type of harvesting and must be attached to a log immediately after felling.⁴⁸ For the smallest (less than 16 cm diameter) logs classified as 'fuelwood', individual log tags

are not required, but a tag is allocated for each consignment. The tags can be looked up online on an open-source database, which in theory should allow the SAFR to track locations and volumes of harvested timber across Ukraine. This tagging and tracking system does not cover timber from forests under the control of other entities such as the provincial governments or Ministry of Defence.⁴⁹

The certificate of origin is the main document required for export of raw timber as well as other wood products from Ukraine. It contains information about which state enterprise the timber originated from, and confirms that the SFE in question has conformed to all applicable legislation.⁵⁰ Every type of enterprise, whether an SFE, private company or forestry firms under the control of other government departments, have to have a valid certificate of origin, issued by the RFMBs, to export saw logs, fuel wood logs and other timber products.

The volume of timber being harvested in Ukraine has increased significantly in recent years, reaching a high of 22.5 million cubic metres in 2016, an increase of 27 per cent over the level ten years earlier.⁵¹

Ukraine's timber processing industry is underdeveloped, with only a small proportion of logs converted into higher order products within the country. The majority of Ukraine's timber exports are of unprocessed or lightly processed products such as logs, rough sawn lumber, firewood and charcoal.⁵² The most significant more highly processed products produced in and exported from Ukraine are wood-based panels like chipboard and oriented strand board, produced by a handful of large factories. In 2015 the export of raw logs was banned, partly in order to help promote domestic processing industries, but also in an effort to protect the country's forests from unsustainable harvesting being driven by uncontrolled exports (see boxed text below).

UKRAINE'S 2015 LOG EXPORT BAN

In April 2015, the Ukrainian Parliament passed a law, No 325-VIII, prohibiting the export of raw logs (defined as those products falling under the customs code 4403) from Ukraine for a period of 10 years.⁵³ The ban came into effect on 1st November 2015 for all species of wood except pine, and took effect for pine logs on 1st January 2017.⁵⁴ The bill's proponents cited a number of justifications for it, including helping stimulate the domestic timber processing industry, but also the need to address the serious problem of uncontrolled deforestation in Ukraine, which they stated was being fuelled by indiscriminate exports of raw logs, and was an issue of growing concern to Ukrainian citizens.⁵⁵ The ban does not cover logs intended for use as fuel, which fall under a different customs code, 4401. Faced with evidence of widespread circumvention of the ban through the misclassification of logs under this code, on 12th January 2017 the head of the State Agency of Forest Resources - Christina Yushkevich - signed an order that required its SFEs to limit the length of any wood exported as fuelwood to two meters.⁵⁶

2. CORRUPTION & ILLEGALITY IN THE UKRAINIAN TIMBER SECTOR



The vast majority of the illegality which takes place in the Ukrainian forestry sector involves breaches of laws by government officials themselves

Whether Ukraine is able to entrench rule of law and ensure effective government will depend in large part on how it handles the management of its natural resources. It is well established that a country's natural wealth - whether fossil fuels and minerals, fisheries or forests - can prove a fertile breeding ground for corruption,⁵⁷ fuel conflict⁵⁸ and in countries with weakened institutions, also serve to undermine democracy.⁵⁹ An abundance of natural resources have also been known to cause an increase in corruption and rent-seeking behaviour,⁶⁰ resulting in poor management of natural capital and sluggish economic growth.⁶¹ That Ukraine also suffers from this unfortunate 'resource curse' is apparent from the high risk and incidence of corruption in this area.⁶² While Ukraine has had some success in rooting out corruption its oil and gas industry, another important natural resource has seen less attention given to it: timber.

2.1 THE SCALE AND GROWTH OF ILLEGAL LOGGING IN UKRAINE

Estimates for the extent of illegal logging in Ukraine vary dramatically. The SAFR reported 27,700 cubic metres of illegal timber were cut in 2016, just 0.17 per cent of the total volume of timber harvested by the Agency that year.⁶³ Yet independent

experts have suggested in the past that the real figure may be forty times as high: 1.2 million cubic metres.⁶⁴

The reason for such a broad range of figures can be found both in how illegal logging is defined and how it is measured. The SAFR's figures count only acts of clandestine logging by third parties within the forests under its control, and even then only capture those cases which are detected and officially recorded. Yet as this report will show, the vast majority of the illegality which takes place in the Ukrainian forestry sector involves breaches of laws by government officials themselves, and very little of this is formally detected and recorded.

One of the established methods used to capture the real scale of illicit timber production in a country affected by widespread illegal logging is a 'wood balance analysis', where figures for legal supply of timber are compared with ones for actual consumption. The extent to which consumption exceeds legal supply can be used as a means of measuring the scale and the trends in illegal production.⁶⁵ The method only captures illegal production in excess of licensed volumes, not illegalities within licensed production (such as corruption) which are the most common

form of illegality in Ukraine. Yet when carried out for Ukraine, such an analysis quickly puts the SAFR's official figures in perspective, suggesting that as much as 1 million cubic metres of illegally-produced lumber is being exported each year (see box 'Ukraine's Growing Shadow Lumber Exports').

To try to get some sense of the scale of illegalities carried out by the SFEs themselves, Earthsight submitted requests under Freedom of Information rules to a number of other agencies with a role in overseeing their activities. The most useful came from Ukraine's State Audit Service (DFS), and revealed that during just the first five months of 2017, they had already discovered multiple illegalities in SAFR forestry enterprises all over the country. They stated that they had observed a general failure of the State Agency of Forest Resources to adequately carry out its conservation objectives, including its

All the available data indicate that the problem is getting worse.

duties to oversee protected areas.⁶⁶ According to the DFS, 'As the audits showed, one of the existing problems for forest enterprises remains inadequate control over conservation and inefficient use of forest resources, as evidenced by the fact of unauthorised felling of forest resources worth more than 37 million hryvnias (US\$1.4 million), which were observed in almost every region.'⁶⁷

Earthsight analysis of court records shows that employees of numerous SFEs as well as RFMBs in Zhytomyr, Chernivtsi, Lviv, Zakarpattia, and Ivano-Frankivsk have also been convicted, investigated or sacked after probes by other Government departments or the media for illegal logging, bribe-taking or other kinds of corruption since June 2016.⁶⁸

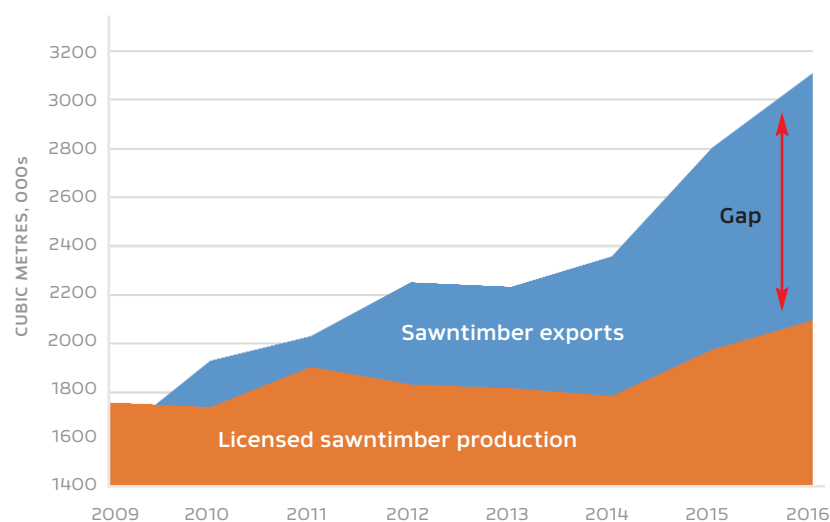
Whatever measure one uses, one thing that all the available data seem to agree on is that the problem is getting worse. In 2016, there was a recorded thirty per cent increase in crimes against the environment in the country.⁶⁹ More than half of these crimes fell under the category of illegal logging.⁷⁰ By 2016, illegal logging in the most forest-rich territory of the Carpathians, Zakarpattia, had more than doubled compared to 2010 levels, even according to

UKRAINE'S GROWING 'SHADOW LUMBER' EXPORTS

Ukrainian experts studying figures for production and export of sawn lumber have noticed a gigantic and rapidly increasing discrepancy. For at least the last six years, Ukrainian sawn timber exports alone have exceeded the total legal supply (production and imports), without even accounting for domestic consumption. By 2016, Ukraine was reporting exporting 50 per cent more sawn wood than was recorded as having been legally produced in the country's sawmills. Nearly one million cubic metres of wood was exported which could not be accounted for – a ten-fold increase since 2011 (see Figure 2).

FIGURE 2

Licensed production vs total exports of sawntimber in Ukraine, 2009-2016



Source: Popkov, 2016; Popkov, 2017. Note: Ukrainian sawn wood import figures are negligible.

While some of the discrepancy might be explained by small private sawmills which are not required to report production, experts suggest that this cannot begin to explain such a vast gap, nor can it explain how it has increased so much. It is considered likely that the majority of the excess is illegally sourced wood. If it is, this suggests that by 2016 at least a third of the sawn timber exports from Ukraine may have been illegally sourced. When one considers that at least some of the legal supply will have been consumed domestically, the proportion is likely to be even higher.

Apparent confirmation of the illegality of these sawn timber exports was revealed in an important paper on the Ukrainian timber industry released in 2017. The analysis, conducted by the Better Regulation Delivery Office (BRDO), found that there were 12,000 illegal sawmills operating in Ukraine, far outnumbering the 9200 legal ones.⁷³ This compares with just 500 illegal sawmills in 2001.⁷⁴

the SAFR's own figures, released in response to a request by Earthsight.⁷¹ A major recent report on Ukrainian forestry reported that in the six years to 2017, losses caused by illegal logging increased by 77 per cent.⁷² The data also indicate that 'shadow lumbering' has also risen dramatically over the last few years (see boxed text).



Timber corruption in Ukraine is pervasive, and extends from the lowest level forest ranger to national forestry chiefs

2.2 BACKGROUND TO CORRUPTION WITHIN UKRAINE'S STATE AGENCY OF FOREST RESOURCES

Timber corruption in Ukraine is pervasive, and extends from the lowest level forest ranger taking a cash bribe to turn a blind eye to a truck loaded with illicitly felled logs, to the chiefs of district state forest agencies signing off on illegal sanitary cuts or rigging local auctions, to the provincial and national-level officials taking corrupt payments from massive timber firms for access to the largest volumes. It also extends to customs authorities turning a blind eye to illegal timber exports or, as recently noted in the Districts of Vinnytsya, Volyn, Zakarpattya, Ivano-Frankivsk, Lviv and Odessa, themselves participating in illegal export schemes.⁷⁵

The roots of corruption in Ukraine's forest sector lie in how it is regulated. Despite ambitious efforts at modernisation since the 2014 revolution, State Enterprises in Ukraine are in poor health. Employees of State Forestry Agencies are badly paid and their departments under-resourced and under-funded. There is just one forest

guard per 1000 hectares.⁷⁶ There is no independent enforcement authority to address forest crime.⁷⁷ It is largely left to journalists and civil society, along with local Prosecutors offices, the State Audit Service and the police to identify and expose illegal logging and corruption in Ukrainian forests. Even where cases are brought to court, it is common for them to languish for months or years without a verdict being reached. Penalties, when handed out, have little deterrent value as they are usually not commensurate with the nature of the offence, and are often commuted to lower sentences on appeal.⁷⁸

An important timber industry analysis of Ukraine in 2017 found that 50 per cent of existing regulations in the forestry sector in the country carried a high associated risk of corruption and that the existing forest regulation was 'powerless against illegal logging.'⁷⁹ It concluded that a significant risk of corruption currently exists at each of the key stages of logging activity in Ukraine, from the preparation of the forest inventory and planning of annual allowable harvesting levels by officials, to the issuance of harvesting permits, the sales of timber through auctions and the issuance

of export permits by the state.⁸⁰ It noted in particular that State Enterprises are in charge of both issuing harvesting tickets and supervising the process of issuance, creating a fundamental conflict of interest which can easily be exploited to obtain illegal profits and dodge tax.⁸¹ A comparison of penalties issued for illegal logging in Ukraine to other countries found that the penalties in Ukraine were often orders of magnitude lower than penalties for similar violations in other countries in Europe.⁸² The paper also stated that it was virtually impossible to trace timber back to where it was harvested, an EU requirement for timber imports, and that mechanisms for sale of timber such as auctions were fundamentally flawed and non-transparent.⁸³

These problems, coupled with the continued booming demand for Ukrainian timber from lucrative markets in Europe and elsewhere, has led to an epidemic of corruption in the forestry sector, as this chapter will show. RFMBs are responsible for monitoring harvesting, via specially formulated committees, but in practice, these committees are often composed of friends and family members of the State Forest Enterprises themselves⁸⁴ and even people who have previously violated forest laws.⁸⁵ This kind of nepotism infects and undermines the legality of the processes by which State Enterprises award contracts for logging and other services, and whom they

sell timber to. Even where prosecutors have the will to tackle illegal logging, the burden of proof lies with state officials, who are responsible for reporting violations to prosecutors in the first place, creating a grave conflict of interest. It is also widely understood that many forest guards only investigate cases to avoid being accused of negligence by prosecutors.⁸⁶

2.3 CORRUPTION AND ILLEGAL HARVESTING

2.3.1 Illegal sanitary felling

The most common and most destructive form of illegal harvesting occurring in Ukrainian forests today is illegal sanitary felling.

As in most forestry systems around the world, in Ukraine the trees which are permitted to be felled in any given area each year is strictly controlled. A maximum 'annual allowable cut' (AAC) is assessed, which in theory ensures that the harvesting is sustainable, with removals matching the level of re-growth. Younger trees and those in certain areas such as steep slopes or close to rivers are also excluded or heavily restricted. Areas subjected to recent harvesting are made off limits until they have had time to recover. Areas of particular ecological significance are protected from logging entirely. However, Ukraine's forestry legislation allows additional trees are

The most destructive form of illegal harvesting occurring in Ukrainian forests today is illegal sanitary felling



Site of a recent clear cut in Zakarpattia

© Earthsight

The mis-use of sanitary felling rules is making a mockery of regulations meant to ensure harvesting is environmentally friendly

permitted to be harvested in exceptional circumstances, such as where they are infected with pests, damaged by wind or already dying back due to environmental stress. Originally intended to be rarely used, this provision has been corruptly exploited by state forestry enterprises on a massive scale, making a mockery of the regulations meant to ensure that harvesting is environmentally friendly.

An analysis of timber harvested in the Ukrainian Carpathians in 2016, for example, showed that the amount of timber harvested under the sanitary felling classification far outstripped the amount of timber cut under the pre-planned AAC.⁸⁷ The analysis, based on documentation provided by the SFEs themselves, showed that almost half of the timber harvested in the Carpathians – 1.9 million cubic metres – came from sanitary felling alone, the majority of which were clear cuts, while only a third of the total harvested volume of timber was felled under the AAC.⁸⁸ Nationwide, the volume of timber being cut for other – mostly ‘sanitary’ – reasons has more than doubled since 2000 (see Figure 3), reaching 12.4 million cubic metres in 2017, far exceeding the 9.4 million cubic metres cut as part of the planned felling.⁸⁹

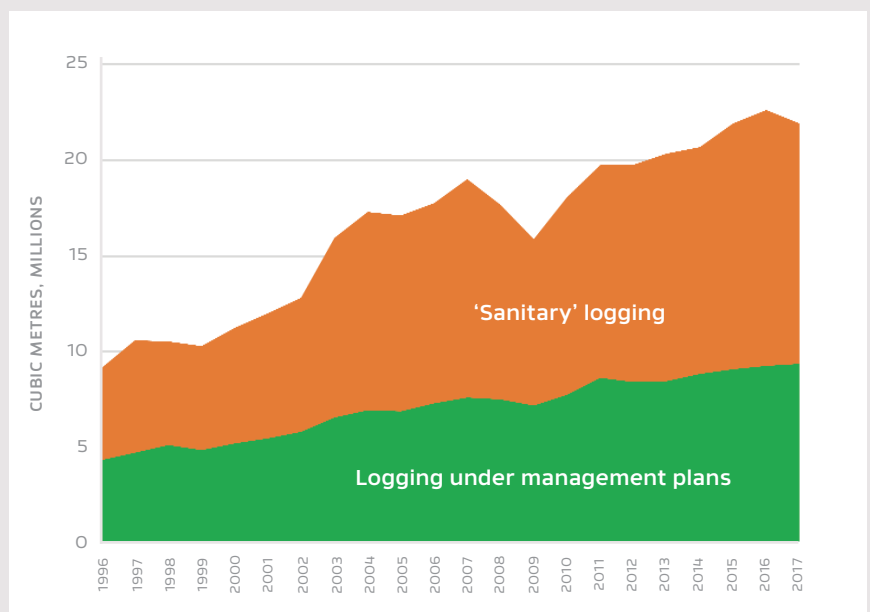
SFEs in each Ukrainian district can make proposals for large areas of forests under their control to be selectively logged or clear cut under the sanitary logging classification; such proposals require

approval from a specialised forest health unit within SAFR. In principle, RFMBs and provincial level officials of the State Environmental Inspectorate are tasked with monitoring this, but nepotism, bribes and corruption are often used to obtain harvesting permits to log forests under this classification.⁹⁰

As a result, large areas of healthy forest are being illegally felled by forestry officials under the excuse of protecting them from disease or to remove damaged or dead trees.⁹¹ Experts have found that forests have even been deliberately set on fire in the past, to manufacture official grounds for sanitary felling.⁹²

This unjustified, illegal sanitary felling has even extended into some of Ukraine’s most precious forests. A 2015 study showed how indiscriminate and illegal sanitary felling by SFEs in protected forests had been occurring all over Ukraine, from remote nature reserves to forests close to the capital.⁹³ For example, the Department of Ecology of the Lviv State Administration was found to have illegally approved sanitary felling on thousands of hectares of protected forest over 2014-2015, which led to the harvesting of more than 50,000 cubic metres of illegal timber.⁹⁴ Illegal sanitary harvesting was discovered in fifteen National Parks, including the Carpathian Biosphere Reserve. In total, the study estimated that thousands of hectares of forests under protection had been illegally felled, using permits illegally

FIGURE 3
Planned and ‘sanitary’ timber harvesting in Ukraine, 1990 to 2017



Source: Ukrstat



Researchers visit the site of a clear cut in an SFE in Zakarpattia, June 2017

© Earthsight

issued by the government in the two years to 2015.⁹⁵

Illegal sanitary logging has even been discovered in the protected – and radioactive – forests around Chernobyl in the Polissia region, the site of the worst nuclear disaster in living memory. A 2016 investigation by the New York Times found large tracts of forest being clear-cut there under the guise of sanitary felling of forests damaged by wildfire. The pine logs were allegedly being sold to companies in Ukraine and Romania, after which they could be mixed with timber from elsewhere and resold to other countries in Europe.⁹⁶

In addition to exploiting the sanitary felling loophole to fell timber illegally, SFEs are also able to exploit lax rules on the use of the resultant timber. Unlike other wood, timber harvested under this label does not even have to be put up for sale in auctions. It is often sold via direct agreements between the State Enterprise and the buyer.⁹⁷ This creates the perfect conditions for illegally sanitary-felled timber to be sold with minimum scrutiny.

Belatedly acknowledging the problem, in October 2016 the Ukrainian forest authority enacted new rules on sanitary felling. The rules prohibit sanitary felling in national parks and protected areas, and state that sanitary felling in other types of forests should only be carried out in moments of extreme necessity. The rules also require SFEs to publicly declare the justification for planned sanitary felling, and call for the expansion of special committees to oversee sanitary felling processes.⁹⁸ But a new study

shows that illegal logging under this loophole remains standard practice in Ukraine’s forests.

In the summer of 2017, Earthsight made the first ever attempt to scientifically assess the scale of the problem. We commissioned an international team of forestry experts – including forest pathologists – to conduct a random sampling exercise on 18 different sites across four different provinces in the Carpathians that were earmarked for clear and selective cuts under the sanitary felling classification. The team was tasked with examining the forest stands in each of the different plots and coming up with an independent assessment of whether each had been correctly classified by officials as warranting sanitary felling. The results are shocking. In 14 of the areas (78 per cent), the sanitary felling classification was deemed to be inappropriate or questionable. Even if only the sites where the firmest conclusions could be drawn were included, the proportion was 67 per cent.⁹⁹

The team even discovered that one SFE in Zakarpattia had made up a completely new category of harvesting, called the “urgent clear cut,” possibly to get around the new rules on sanitary felling.¹⁰⁰ This type of harvesting does not exist in any national legislation and is most likely illegal.¹⁰¹ The SFE had used this spurious classification to justify further harvesting on one site that it had already selectively logged, and was also using it to harvest spruce, fir and beech stands of a lower age than allowed by legislation on three other sites.

14 of the 18 planned sanitary felling sites we studied were found to be of questionable legality



Logging site in Ivano-Frankivsk province

© Roman Baluk

Other forms of illegal harvesting are also common, and state forestry enterprises are once again some of the worst culprits

Further evidence of the failure of the new rules to rein in illegal sanitary felling comes from the courts. An examination of court records shows that new cases continue to be brought against state-owned forest enterprises controlled by SAFR, as well as against forest enterprises managed by the Military and the Agricultural Ministries.¹⁰²

2.3.2 Other illegalities by SFEs during harvesting

While unjustified sanitary felling is probably the most widespread and destructive form of illegal harvesting in Ukraine, other forms of illegal logging are also common. Within forests under the control of the SAFR, State Forestry Enterprises are once again some of the worst culprits.

Common illegalities perpetrated by SFEs include cutting outside the boundaries of planned harvesting areas, and cutting more trees in a given area than permitted in the forest management plan.¹⁰³ Regulations

designed to minimise the impact of logging on the general environment are also routinely flouted. The same study commissioned by Earthsight which examined 18 sanitary felling sites across four Carpathian provinces in the summer of 2017 also assessed the legality of the harvesting practices. It found that in 16 of the 18 sites (89 per cent), pre-harvest procedures such as the proper marking of trees had not been followed, while in 6 of 11 sites (55 per cent) where harvesting was ongoing or recently completed, breaches of regulations were seen, such as damage to trees not earmarked for felling or excessive damage to soils on steep slopes. At least one, and usually multiple, violations of forest law were found in every site visited.¹⁰⁴

In a separate study commissioned by Earthsight looking specifically at illegal harvesting practices, a sampling exercise was carried out in the summer of 2017 on 15 different forest plots in the Carpathians on which clear cuts were planned or had taken place. The plots were located in the Svalyava and Velykyi Bychkhiv SFEs in Zakarpattia province, Vygodna and Bolehiv SFEs in Ivano-Frankivsk, and the Slavske, Skole and Skole Beskidy National Park SFEs in Lviv (see map on page 16 for locations). Violations of forest law were discovered in ten of the sites, including sites in every one of these provinces. Observed violations ranged from clearing more area than legally allowed, illegal felling practices such as dragging timber through streams, and detected non-conformities between official maps and actual boundaries of harvested sites.¹⁰⁵ One logging contractor recently operating in one of the biggest timber-producing SFEs in Ivano-Frankivsk province, meanwhile, told Earthsight that during selective harvesting there, up to 25 per cent more timber was being harvested in each plot than was officially planned.¹⁰⁶

Even where external criminal actors are implicated in illegal logging activity, local officials often collude with them. Forests in North Western Ukraine, for example, are being felled in search of another precious natural resource- amber. Amber is a fossilised tree resin valued for its use in jewellery making. Gangs clear-fell relevant areas before using high-pressure hoses to remove the soil and expose the amber, leaving a devastated, pockmarked landscape in their wake (see picture on page 14). It is alleged that state officials and violent armed gangs work together to run a largely illegal and highly lucrative trade in amber mining in what has been dubbed

Ukraine's 'Wild West'¹⁰⁷ covering densely forested provinces like Rivne, Volyn and Zhytomyr.

Another area relating to the harvesting of timber which is rife with corruption is the management of logging contractors by SFEs. One former logging contractor at an SFE in Ivano-Frankivsk province in the Ukrainian Carpathians, for example, told Earthsight that the entire State Enterprise operated like a family business, with family members and close associates of the forestry officials inevitably winning the most lucrative contracts. Earthsight's own checks show that many of the top contracting companies are indeed closely related to current or former forestry officials at the SFE. By obtaining and analysing data on tenders awarded for the period and researching ownership records of the companies named, we established for example that over 63 per cent of the value of the contracts awarded during September 2016 to May 2017 were to companies linked to the former Director of the SFE.¹⁰⁸ 2018, verdicts had yet to be reached.

2.3.3 The avoidance of detection through bribery

Corrupt SFEs don't have to worry too much about being caught harvesting illegally by the main body tasked with that job, since that body is themselves. When their superiors, or officials in other government agencies, do start poking around, they can always turn to bribery. For example, in Rivne – the third largest timber producing province in the country - several directors of SFEs were reportedly arrested in 2016 for illegal logging and bribing other officials in the State Forestry Agency to falsify inspection reports.¹⁰⁹

The most recent and high profile example of the avoidance of detection through bribery occurred in October 2017, when Ukrainian Police arrested Roman Cherevaty, the head of the RFMB in Chernivtsi in the Ukrainian Carpathians, one of the top ten timber producing provinces in the country. He had been caught in a sting operation, offering to pay "tributes" of US\$10,000 per month to the National Police in return for them turning a blind eye to illegal logging in the forests under his control.¹¹⁰ Later at the pre-trial stage, investigators alleged that he wasn't acting alone, but had been acting jointly with Directors of three of the four SFEs under his purview - Sokryanske, Beregomiet and Chernivtsi - to offer the bribes.¹¹¹ He is currently out on bail awaiting trial.¹¹²

2.4 CORRUPTION IN SALES OF TIMBER

There are limits to the opportunities to government officials for person enrichment stemming from the harvesting process itself. Though forest guards might take bribes to turn a blind eye to theft of timber by outside parties or logging contractors, and their bosses may enrich their families by handing out contracts for logging to firms they own, by far the biggest opportunities for corruption come during the sale of the timber. Indeed, it may be that expectations of additional corrupt skimming of profits during timber sales lie behind many illegalities during harvesting, since these enable individual SFEs to harvest more timber, of higher value, more cheaply.

The biggest cases of corruption in the Ukrainian forest sector ever exposed involve timber sales, and extend right to the top of the forest agency. But corruption in timber sales also extends throughout the government forestry apparatus, through individual SFEs in the districts to the RFMB authorities at the provincial level.

When other agencies start poking around, senior forest officials turn to bribery



A clear cut site in Osmoloda SFE, Ivano-Frankivsk, May 2017

© Earthsight

2.4.1 Corruption at the district level in the sale of timber through auctions

Ukrainian Forestry Regulation number 42 states that State Forestry Enterprises are meant to only sell their roundwood logs to Ukrainian registered companies through auctions.¹¹³ If, and only if, they are not successful in selling the entire volume of timber via the auction process, they can negotiate the terms of direct contracts with suppliers, to sell any surplus amount of timber to them. Foreign companies can participate in local auctions if they have a registered Ukrainian address, or can enter into direct contracts with State Enterprises for timber.¹¹⁴

In practice however, auction procedures are poorly understood and commonly not followed, or auctions are rigged in favour of businessmen who are close associates of officials.¹¹⁵ Timber is commonly undervalued on official documents of sale, and then sold on at higher prices, with the difference in profits being pocketed by a handful of individuals.¹¹⁶

Ukrainian MP Ostap Yednak, who formerly worked in the timber industry in Ukraine, told Earthsight that there are two ways to get large volumes of wood from SFEs in Ukraine: either a company has to know traders who are directly related to officials, or they have to pay a corrupt fee.¹¹⁷ Direct contracts are also undermined by corruption and nepotism. "Local producers can go to the auction, can buy 100 cubic metres of oak logs and then come directly to the SFE and agree some special terms to get more volumes at special prices or mix the grades" Yednak told Earthsight, "There is still big room for manipulation and corruption here as well."¹¹⁸

In a conversation with Earthsight, a forester from an SFE in Zakarpattia province, one of the largest timber producers in Ukraine, confirmed that bribery of officials to secure access to timber was common within the SFE. He said, "There are violations at auctions. For example, an entrepreneur comes and says: 'I want to go to the auction, to buy 500 cubic metres.' And they say to him: 'I will sell it to you, but from every cubic meter, pay me 2-3 dollars more than the official price.' And the one who pays this amount, is the person who wins at the auction."¹¹⁹

The former logging contractor at an SFE in Ivano-Frankivsk to whom Earthsight spoke in 2017 alleged that the corruption there also extended to timber sales, with the same family-linked firms being given lucrative logging contracts also getting preferential treatment when participating in local auctions for raw timber or entering

into direct timber sales contracts with the SFE.¹²⁰

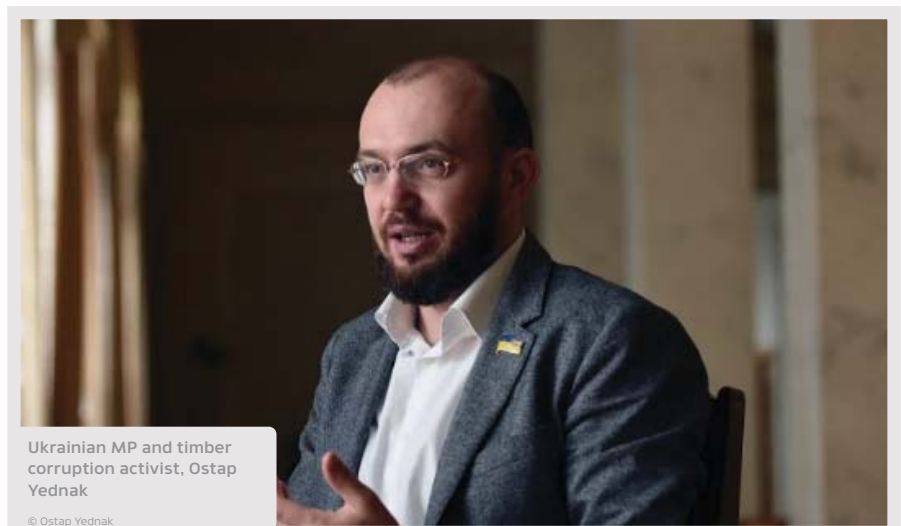
It is also very common for timber to be auctioned which has not yet been harvested. The winner of the auction is allowed to log the timber straight from the forest, which means he may harvest more than the agreed amount.¹²¹

Requests for information sent to State Auditors by Earthsight revealed that SFEs across Ukraine, from Vinnytsia, Dnepropetrovsk, Zhytomyr, Poltava, Kharkov and Chernigov to Zakarpattia and Ivano-Frankivsk, had been selling timber to companies at artificially low prices, causing losses of millions of Hryvnia to the Ukrainian budget during 2017.¹²² They also found that Ukrainian SFEs had repeatedly failed to comply with the official regulations relating to the sale of raw timber at auctions. Dozens of formal investigations have been filed in Ukrainian courts against SFEs in key timber producing districts for forging documents, receiving bribes from timber companies and causing losses to state revenues by illegally undervaluing timber at auctions.¹²³

To avoid being caught by auditors and made the subject of such cases, SFE officials also commonly mis-classify high quality logs as firewood, sales of which are exempt from the timber auction rules.¹²⁴

Regulation 42 also demands that SFEs only allow firms with proper registrations and facilities to enter auctions and purchase timber. Corrupt breaches by senior SFE officials of this and other auction rules helps explain how Ukraine's massive 'shadow lumbering' industry, with its many thousands of illegal sawmills (see box on page 15), manages to maintain its supply of raw materials.

Auctions are rigged in favour of businessmen who are close associates of officials



Ukrainian MP and timber corruption activist, Ostap Yednak

© Ostap Yednak

Former forest chief Victor Sivets is on the run, accused of skimming millions from timber exports

2.4.2 High-level corruption in timber sales to foreign companies

Ukraine's problem of corruption in the SAFR does not stop at the district level but runs right to the heart of government. We discovered an intricate arrangement of corruption within the highest echelons of the State Forestry Agency that was developed during the era of the kleptocratic President Yanukovich, with corruption and nepotism scandals continuing ever since.

Yanukovich appointed his tennis partner and political crony Victor Sivets to the plum job of SAFR Chairman, and he took full advantage. Sivets, who was in office from 2011 to 2014, is alleged to have been the primary architect of a system of high-level export-related corruption from which he and his family personally benefited to the tune of over €32 million.¹²⁵ He is currently on the run from Ukrainian authorities, and was until recently the subject of an Interpol arrest warrant.¹²⁶

Ukrainian commentators have recently disclosed exactly how these arrangements worked. According to a report prepared for the World Bank by a top Ukrainian forestry expert which draws on the findings of the official investigation into Sivets, the SAFR established a centralised enterprise called Ukriskonsulting during Sivets' time in power, whose staff were middlemen in charge of negotiating with foreign companies hoping to import Ukrainian timber.¹²⁷ It states that even though SAFR officials do not have any right to interfere with the economic activities of SFEs, it 'secretly lobbied for export supplies,' leading to a number of corruption offences over the years, some of which have been formally investigated, and some of which are 'waiting for their turn.'¹²⁸

Once the terms of the export contract had been agreed with SAFR middlemen, the bulk of the value of the contract was transferred to the SFE, but only after importers had also agreed to pay a cut, calculated per cubic metre of timber sold, into offshore accounts controlled by SAFR officials, for 'marketing services'.¹²⁹ The prices for export of raw timber from Ukraine are also extremely low, which the report notes is most likely due to their deliberate understatement by the SAFR, so that they could 'extract corrupt benefits.'¹³⁰ 'Severe penalties' were handed out to any SFEs that refused to comply with the SAFR's orders. Therefore, far from State Enterprises operating as competitive entities, 'systematic, centralised corruption, governed by the State Forestry Agency of Ukraine'¹³¹ became entrenched in SFEs all over the country, with the SAFR's top brass interfering with, and siphoning off an illegal cut of, all overseas timber shipments made by them.

Ostap Yednak, the Ukrainian MP to whom Earthsight spoke who was involved in the timber industry at the time, claims that every market player in Ukraine, internally and externally, knew of the existence of these arrangements.

Though Sivets' period in charge ended when the Yanukovich government was toppled in 2014, the legacy of high-level cronyism and corruption has continued under his successors. The system of 'Lists' of pre-approved overseas buyers reportedly continued under his replacement Valery Chernyakov, and Alexander Kovalchuk, who took over from Chernyakov as head of the State Forestry Agency in May 2015.¹³² Kovalchuk was forced to resign in disgrace a year later after coming under severe criticism for failing to prevent large scale illegal logging and reports of malpractice during recruitment of new forestry officials.¹³³

The October 2016 report produced for the World Bank found that SAFR officials in Kyiv were continuing to direct sales by SFEs, contrary to their own policies and regulations.¹³⁴ According to the report, after a short hiatus of four months in the aftermath of Maidan, the old schemes resumed once again, though with Ukriskonsulting replaced by advisors of the head of the SAFR as the middlemen in charge of negotiating the contracts. SFEs allegedly continue to be forced to export timber only to a set list of companies, at prices dictated by the SAFR.¹³⁵ Whether this control was still being exerted in order to accrue personal financial benefits was less certain, though the author noted a number of 'red flags' suggestive of continued corruption.



Viktor Sivets was the Yanukovich-era head of the State Agency of Forest Resources

© Epravda: <https://www.epravda.com.ua/publications/2011/08/9/294314/>

Earthsight has unearthed evidence that overseas timber buyers were still being forced to pay bribes to officials in Kyiv after Sivets was ousted

One such ‘red flag’ was the continued trading of wood from Ukraine through letterbox firms in secrecy jurisdictions. Earthsight’s research has confirmed how letterbox firms whose ownership is shielded through offshore secrecy jurisdictions continue to play a major role in timber exports from Ukrainian SFEs (see next Section). It has also unearthed evidence that after the end of the era of Sivets and Yanukovich, timber companies were still being forced to pay bribes by officials in Kyiv to obtain access to timber.

In email and other communications seen by Earthsight investigators from late 2015, a Polish parquet company complained that it was being forced to pay bribes into the bank account of a Singapore-based consulting firm, even though it had already agreed the terms of a direct contract with an SFE for timber. The Polish company was called to a meeting in Kyiv with a senior forestry official from the SAFR. In an email exchange seen by Earthsight following the meeting, the Polish company states, “In

connection with the fact that we agree to start cooperation, please do not block our contracts.” In reply, a middleman for the senior official sent the company the bank details of the consulting firm in Singapore, along with a draft contract for the provision of ‘consulting services’ for the company to sign. The middleman also had another request which he described as ‘hugely’ important: “In the destination of the payment, indicate – ‘CONSULTING SERVICES’ ”, he wrote. “Otherwise it will create a lot of problems”.¹³⁶

In the summer of 2017, an influential Ukrainian fixer for foreign timber companies told Earthsight investigators that it remained necessary to pay “tributes” to state officials in Kyiv to access the Ukrainian timber market.¹³⁷

The current head of the SAFR is Christina Yushkevich, who was previously Kovalchuk’s deputy. She is reported to have a close circle of advisors to guide her in her duties, most of whom do not have any forestry experience, and who are suspected to be representing vested interests.¹³⁸ Many Ukrainian forest experts to whom Earthsight has spoken have questioned Yushkevich’s capacity to bring real reform to the forest sector.¹³⁹

REPERCUSSIONS FOR LOCALS WHO REPORT ILLEGAL LOGGING IN UKRAINE

Junior foresters, journalists and civil society activists in Ukraine are commonly met with intimidation and violence from forestry officials and others when they try to report or investigate illegalities in Ukraine’s forests. One forestry official we spoke to in the Carpathian region specifically declined to tell us of his observations of criminal activity in forest enterprises because he was “afraid for his family.” In another district in the Carpathians, a junior forester told us how he was physically attacked and his car burnt when he tried to report even minor violations in the local SFE by a businessman reportedly close to senior forestry officials.¹⁴¹ There have been several reported incidents of local officials interfering with and intimidating journalists in Chernivtsi province in the Ukrainian Carpathians, and heavy handed attempts to stop them from filming.¹⁴² When journalists attempt to bring charges against the perpetrators, their reports rarely make it to court.¹⁴³

When a team of forestry experts commissioned by Earthsight visited Beregomet in Chernivtsi in summer 2017 to assess the legality of sanitary felling by the local district SFE, they were violently assaulted by two heavily armed forest guards, who tried to forcibly evict them and confiscate their cameras.¹⁴⁴ The guards attacked the group, first verbally and then physically, and threatened to use their guns on them if they did not leave.

When the local chapter of the environmental organisation WWF investigated reports of illegal logging in nearby Vyzhnytsky National Park soon after this incident, a group of forest guards, plus around 30 people claiming to be “mushroom pickers,” headed by the leadership of the National Park itself, tried to prevent them from entering the harvested sites.¹⁴⁵ Earlier in the year, a routine check by environmental authorities had revealed an illegal logging scheme and timber theft in the National Park, for which they had ordered Park authorities to pay sizeable damages.¹⁴⁶

In April 2018, a German TV crew visiting Uzhansky National Park in Zakarpattia in the company of local environmentalists were chased through the forest and physically attacked by a large group of unknown assailants. The attack occurred during an investigation into illegal logging in a UNESCO World Heritage Site.¹⁴⁷

Evidence from court records certainly suggests that senior SAFR district and provincial officials continue to be involved in corrupt schemes involving export of timber. Authorities in Rivne in Polissia, the third largest timber producing province in Ukraine, are under investigation by Ukrainian prosecutors for such offences (see Case Study 3 on page 38 for more on evidence of corruption in Rivne). Two major criminal investigations are also ongoing in nearby Zhytomyr, accusing RFMB officials and Emilchinsky, Sarnensky and Gorodinitzky SFEs of setting up schemes to circumvent the rules on the sale of logs, dodging millions of UAH in tax by selling timber through letterbox companies registered in the UK.¹⁴⁰

2.4.3 UK letterbox companies and timber corruption in Ukraine

UK shell firms played a key part in the massive system of timber corruption allegedly operated by Sivets. Other cases under investigation by Ukrainian prosecutors suggest that UK letterbox firms have continued to be connected to illegal timber activities in Ukraine since Sivets was removed from office in early 2014.¹⁴⁸

Most of the UK firms previously exposed for wrongdoing in relation to Ukrainian timber

exports were Limited Liability Partnerships (LLPs), or the similar Scottish 'Limited Partnerships' (SLPs), and all were ultimately owned or controlled by other companies registered in secrecy jurisdictions such as Panama and Belize. Because all the 'partners' of such companies are allowed to be companies registered in such places, these kinds of firms are especially effective in hiding the true identity of the individuals in control.¹⁴⁹ As a result, they have been repeatedly used to shield criminal activity in recent years, from money laundering to arms dealing.¹⁵⁰ They are particularly commonly used to launder money from Russia and other ex-Soviet states such as Ukraine.¹⁵¹ One recent UK government study found that SLPs had been used to move \$80 billion out of Russia in just four years and that there were more than 17,000 SLPs registered at just 10 letterbox addresses.¹⁵²

Numerous UK shell firms have been linked to key figures in the kleptocratic regime of Ukraine's former President Victor Yanukovich. Despite his having been ousted four years ago, Yanukovich and his cronies continue to use UK shells to launder profits from activities in Ukraine.¹⁵³

One London address which crops up repeatedly is 43 Bedford Street in Covent Garden. The sheer number of companies linked to corruption and registered at this address prompted Ukrainian anti-corruption outfit Nashi Groshi to dub it "London's dormitory for Yanukovich."¹⁵⁴ One company registered at the address, Mega Commerce Ltd, is specifically cited in the case involving forestry chief Victor Sivets (see Figure 6 on page 35).¹⁵⁵ Earthsight has discovered that other UK companies registered at this address continue to ship timber to the EU.¹⁵⁶ The ease with which such companies are created means that if one is exposed, it is a simple matter for those behind it to shut it down and set up another.

Customs records obtained by Earthsight reveal that a very large proportion of Ukraine's wood exports to the EU continue to be traded via UK letterbox companies. A quarter of all the 'fuelwood' trade from Ukraine to the EU continues to pass through these firms, as does at least 7 per cent of all the sawn wood.¹⁵⁷ The biggest such trader is the Osuna Group, which at one point was handling a quarter of all Ukraine's log exports. Its purchases have been flagged as suspicious by Ukrainian forestry experts and are under investigation by Ukrainian prosecutors (see Case Study 1 on pages 26-27).

2.4.4 Other top-level corruption

Though they have received the most attention, the control of sales of timber for export are not the only forms of corruption which forestry authorities in Kyiv have been accused of. In addition to allegations of having using their power to hire and fire in the past in order to force SFEs to take part in their corrupt timber sales schemes¹⁶⁹, they have also been accused more recently of having used this power to extort money directly.

In early 2017, Ukrainian media reported allegations by a senior forestry official in Chernihiv – the second largest timber producing province in Ukraine – that they were being forced to pay tributes of \$15,000 per month to forestry 'advisors' based in Kyiv, who act as intermediaries for top SAFR officials. Their source also told how in order to be appointed as an SFE Director, you need to pay up to US\$50,000. He explained that the need to feed these demands forced local foresters to log illegally and irresponsibly, and that if it goes on, in a couple of years' time there will be nothing left to cut. "We thought that after the flight of Sivets, the black schemes would wither away. But the miracle did not happen. This industry is full of lawlessness", the source was quoted as saying.¹⁷⁰

UK letterbox firms have played a key part in timber export corruption schemes, and a large proportion of exports still pass through them



43 Bedford Street in central London, dubbed 'London's dormitory for Yanukovich' by Ukrainian anti-corruption activists

© 2018 Google

CASE STUDY 1

THE SECRETIVE UK LETTERBOX FIRM WHICH IS UKRAINE’S LARGEST WOOD EXPORTER

In recent years, one of the largest traders of Ukrainian timber to the EU has been the ‘Osuna Group’. On its website, Osuna claims to be the “biggest exporter of Ukrainian wood products”, with a yearly volume of 500,000 cubic metres of logs, 300,000 cubic metres of pulp and 60,000 cubic metres of lumber.¹⁵⁸ This is the equivalent of 50 railcars or shipping containers every single day. If correct, these figures suggest that at its peak Osuna was handling one quarter of all Ukraine’s log exports.¹⁵⁹

Osuna operates through two UK LLPs: GLD Trade Holding LLP and Osuna Holding LLP, registered to the same letterbox address in London and with controlling entities in Panama.¹⁶⁰ The timing of the establishment of these companies and the pattern of their trading is strongly suggestive. The two companies were established in November 2015, the very month that Ukraine’s ban on exports of

non-pine logs took effect. Immediately thereafter, these companies took control of the majority of the logs being exported to Romania, previously the largest destination for non-pine log exports.¹⁶¹ The manner in which large numbers of supposedly independent SFEs simultaneously shifted their sales to pass through these firms has been highlighted by one leading Ukrainian forestry expert in a report for the World Bank as evidence that officials in Kyiv continue to personally direct export sales, for their own corrupt benefit.¹⁶²

In 2016, Osuna’s two UK letterbox firms were named in a Ukrainian criminal corruption investigation into State Forestry Enterprises in Zhytomyr. Prosecutors told a court that they have reason to suspect that the SFEs corruptly sold timber to these companies at undervalued prices, with the wood subsequently sold on to Romanian firms Schweighofer and Egger.¹⁶³

Using shell companies to sell state owned assets at artificially low prices and pocketing the difference in profits has been recognised as a “corruption classic” in Ukraine by prominent anti-corruption group, Antac.¹⁶⁴ Despite all this, in January 2017 the two firms were approved by FSC auditors to self-certify the Ukrainian wood they buy as legally sourced according to FSC’s ‘Controlled Wood’ standard. The companies decided that there is a ‘low risk’ of customs violations and did not assess the risk of offshore trading and transfer pricing because they judged this criteria to be ‘not applicable’.¹⁶⁵ When they were audited by FSC in January 2018, they were found to have falsely labelled as ‘Controlled Wood’ without any checks timber from SFEs in Rivne whose main FSC certification had been cancelled due to rampant illegal amber mining. Since the auditors judged this to be a ‘minor’ violation, the firms were allowed to keep their FSC status.¹⁶⁶



Osuna’s two UK letterbox firms are named in an ongoing Ukrainian criminal corruption investigation into State Forestry Enterprises in Zhytomyr

In 2017 Osuna was forced by new UK rules on beneficial ownership to reveal one of its owners to be Ukrainian national Vadym Koriukalov. Presented with Earthsight's findings, Mr Koriukalov stated that his companies are incorporated in the UK for various reasons including the "predictability and attractiveness of the legal system" and its "double-taxation and investment protection treaties". He did not respond to our request that he identify the other shareholders of his firms. Regarding the Zhytomyr case, he told us that "it is of public knowledge that almost all domestic and international participants in the Ukrainian timber market are mentioned in an investigation", but that to his knowledge "no-one has been officially accused of any wrongdoing" and that the case is "at a very incipient stage despite more than two years of investigations." He insisted that his firm complies with all relevant laws, and had also complied with FSC regulations

with regard to the Rivne suppliers. With regard to evidence of SFEs having logged illegally, he said he "failed to understand" our line of argument given the ownership structure of these entities. This suggests that he believes it is impossible by definition for government-owned logging firms to log illegally.

At least 25,000 tonnes per month of Ukrainian wood exports continue to be handled by the Osuna Group.¹⁶⁷ They continue to control the majority of the 'fuelwood log' exports to Romania, customs data for which reveal are being declared as banned HS4403 logs on import.¹⁶⁸ In a particular irony, the letterbox address of Osuna's UK companies is now in the prestigious St James' Square in London, right next door to Chatham House, where one of the largest international meetings on tackling illegal logging is held each year.

At least 25,000 tonnes per month of Ukrainian wood exports continue to be handled by the Osuna Group



Osuna's letterbox address in St James' Square, next door to think-tank Chatham House, which hosts meetings on illegal logging

© 2018 Google

“We thought that after the flight of Sivets the black schemes would wither away. But the miracle did not happen. This industry is full of lawlessness”

Senior Forestry Official,
Chernihiv, February 2017

2.5 CORRUPTION AT THE POINT OF EXPORT

Almost every imaginable type of violation that can exist in conjunction with the export of timber from Ukraine has been documented at customs points across the country, from Odessa on the Black Sea in the east to Zakarpattia in the west. It is well known within Ukraine that the Customs Service is ‘decrepit and corrupt,’ an opaque and secretive arm of government whose misconduct is responsible for sucking an estimated US\$2 billion out of state revenues each year.¹⁷¹ In the timber trade, illegalities are discovered in exports from Ukraine on a weekly basis, while in some major timber exporting regions authorities find at least one illegal shipment being exported every single day.¹⁷² The types of documented illegalities are wide-ranging: from shipments of timber for which key documents of export have been forged,¹⁷³ or are missing,¹⁷⁴ to under-declaration of weights, species, lengths and origin of wood¹⁷⁵ on documents, and smuggling of other contraband such as cigarettes¹⁷⁶ mixed in with timber.

Shipments of timber from Ukrainian customs points are rarely checked by authorities, unless a particular one has been flagged as suspicious. In any case, as government prosecutors have repeatedly uncovered, the customs officials in key regions for timber export – for example in districts like Vinnytsya, Volyn, Zakarpattia, Ivano-Frankivsk, Lviv, Odessa and Chernivtsi¹⁷⁷ – have themselves been found guilty of participating in illegal export crimes.¹⁷⁸ Corruption of customs officials plays a key role in facilitating organised illegal timber laundering schemes in Ukraine.¹⁷⁹ A probe by the Kyiv Post noted that importers of Ukrainian commodities can declare their goods at customs points of their own choosing, which means they can deal with customs officials with whom they have a ‘favourable relationship.’¹⁸⁰

An employee from the Ukrainian customs department agreed to speak to Earthsight, under condition of anonymity. The source confirmed that shady deals were commonly struck between the timber industry and customs officials.¹⁸¹ “People who deal with illegal export of timber have friends at customs”, our source told us. “They can make it so that, when submitting declarations, the database does not show any flags. I have come across this in my work. When we analysed documents, we understood that this is what was done.”¹⁸²

The ‘Certificate of Origin’ is the most important document required by national legislation for timber export, and gives details of the place of origin, and other key characteristics of the logs and lumber timber being exported. This certificate, which is issued by the regional forestry board (RFMB) for each province, is the main document checked by customs officers for timber exports. Analyses of Ukrainian legislation governing the issuance of these certificates show that the system is ripe with opportunities for corruption, and that multiple, conflicting laws apply, some parameters of which are ‘technically impossible to perform’.¹⁸³ Since the certificates are issued by SAFR officials, often based on information provided by other such officials, if those officials are potentially corrupt then the documents cannot be relied upon. Our source at Ukrainian customs also explained that the people issuing these certificates simply transfer information provided to them on freight invoices, without further checks. The timber volumes and qualities recorded on these invoices are easily and commonly tampered with by timber suppliers, and any false figures copied across into the certificates of origin.¹⁸⁴ The use of bribes to obtain Certificates of Origin and the bribing of officials at customs points to export timber without proper documentation and markings are also common.¹⁸⁵

Timber suppliers often work with one or more insiders in the forestry agency to circumvent the system of Certificates of Origin. As a major scandal in the Carpathian province of Lviv in 2016 shows (see Case Study 2 on page 36) these crimes are organised and facilitated by actors at all levels, with bankers, lawyers, forestry officials and private companies working together. In that case, real Certificates of Origin were being issued by corrupt officials, who were covering their tracks by justifying issuing them on the basis of other documents they knew to be fake. A similar large case was exposed in Odessa in early 2017.¹⁸⁶ In other cases the certificates themselves are simply forged, including by officials from other agencies. In 2016, customs officials in Chernivtsi were being criminally investigated for colluding with private timber suppliers, using fake documents to export wood to the EU.¹⁸⁷

New illegal export ruses have emerged in response to Ukraine’s log export ban. The most common is the mis-declaration of banned logs as ‘fuelwood’. Ukraine’s log export ban applies to logs classified under the internationally standardised customs



A train full of logs headed to the Czech Republic, stopped by activists at the Ukrainian border

© Goloskarpat https://goloskarpat.info/society/5726409304902/?utm_content=03131%CE%AO

code 4403, which includes sawlogs and pulp logs.¹⁸⁸ However, exports of firewood, or ‘wood for use as fuel’, which fall under the separate code 440110, are still permitted. Our analysis of hundreds of court documents shows that when inspections of “440110” timber shipments (often described as “technological wood” on documents) do occur at Ukrainian customs points, authorities commonly discover that they are banned logs which should be classified under customs code 4403. There are also plentiful local reports regarding cases of breaches of the log export ban using this ruse, and some of these demonstrate the risks to those seeking to expose them. A Latvian businessman working in the forestry industry in Vinnytsia reportedly told the Kyiv Post he was shot at after he blew the whistle on a local SFE who was marking down its timber and exporting it as firewood.¹⁸⁹

In a major 2016 case, activists forcibly stopped several wagons full of timber falsely declared as fuelwood at the Chop customs point in Zakarpattia (see Case Study 4 on page 42). Officials of Berezhansky, Turka, and Halsillis subsidiaries Slavskoe and Skole, inter alia are being investigated or have been recently convicted for trying to export banned saw logs under the 4401

Every imaginable type of violation possible in the export of timber from Ukraine has been documented

code.¹⁹⁰ In 2017 properties of the former deputy director of Busk SFE in Lviv were reportedly seized in connection with an ongoing investigation in which prosecutors allege he engaged in forgery and attempts to illegally export saw logs as fuelwood over 2016 and 2017.¹⁹¹ Investigators in the case reportedly said that SFEs in 10 other regions, as well as two subsidiaries of Halsillis (which handles timber produced at SFEs under the control of the agriculture ministry), were also suspected of illegal export of saw logs as fuelwood.¹⁹² According to a statement by the head of customs in Chernivtsi, 6-metre length saw logs were regularly being illegally exported under the guise of firewood through 2016.¹⁹³ The issue is clouded by discrepancies between how the forestry authorities and customs authorities classify timber (see Section 2.5 for additional details), and by the customs code for 440110 being based on how wood is intended to be used, which is hard to prove. Some of the cases have been dropped after customs agents have agreed

to cede to forestry authorities’ opinions. Many other cases have been successfully prosecuted, however.

Another means by which the log export ban may be being illegally circumvented is through the falsification of the country of origin. In early 2017, just after the ban came into full force, customs officials reported a jump in in the amount of ‘transit timber’ – timber purportedly from other countries, primarily Belarus - being exported to Romania via Ukraine.¹⁹⁴ Several reports indicate that this may be partly due to timber suppliers laundering Ukrainian wood. Recent investigations by the media suggest that high quality, banned-length logs from Volyn, Rivne and Lviv in Ukraine are being exported to Romania in Belarussian wagons.¹⁹⁵ A lack of scrutiny by and corruption of customs officials makes it likely that the Belarus-origin timber classification is yet another loophole being abused by timber exporters in Ukraine.

3. EU IMPORTS OF ILLEGAL AND HIGH-RISK WOOD FROM UKRAINE

Almost 70 per cent of Ukraine’s timber exports are destined for the EU

3.1 BACKGROUND

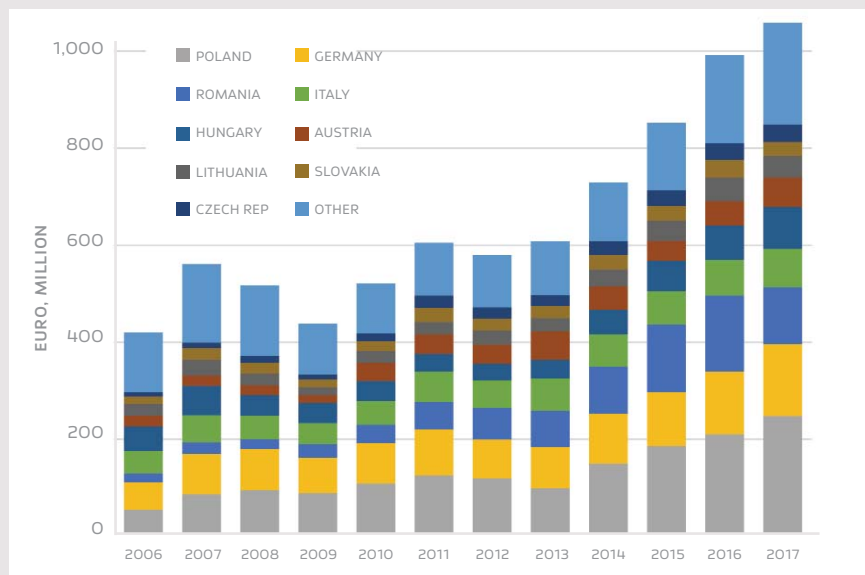
3.1.1 EU consumption of Ukrainian timber

Almost 70 per cent of Ukraine’s timber exports are destined for the EU.¹⁹⁶ Though EU wood imports from Ukraine dipped in the years following the global financial crisis of 2007/2008, the general picture has been one of steadily increasing trade (see Figure 4a below). EU wood imports from Ukraine increased by more than 50 per cent between 2012 and 2015, from just over 3 million tonnes to 5 million tonnes.¹⁹⁷ While the 2015 Ukrainian ban on the export of unprocessed timber (HS Code 4403), (the ‘log export ban’ – see box on page 13), has led to a reduction in the EU’s imports of

timber from Ukraine in weight terms (see Figure 4b), the value has continued to rise. 2017 saw imports pass the €1 billion mark for the first time.¹⁹⁸

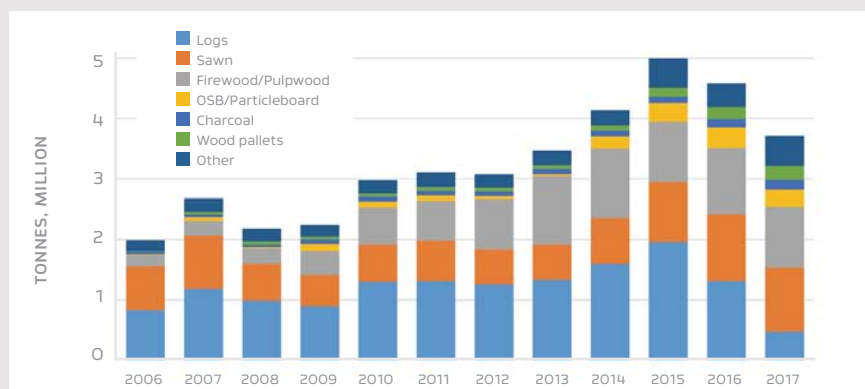
The EU’s timber imports from Ukraine are mostly unprocessed (see Figure 4b). In 2015, more than half the imports were logs.¹⁹⁹ Most of the rest were other minimally processed or low value products, such as sawn timber, wood chips and charcoal. Just three member states - Poland, Romania and Germany – dominate the trade, and are collectively responsible for around half of all the EU’s imports (see Figure 4a).²⁰⁰ Hungary, Italy, Austria, Lithuania, Slovakia and the Czech Republic are also significant importers of Ukrainian timber and wood products.

FIGURE 4a
EU timber and wood product imports from Ukraine, 2006-2017, by value and destination)



Source: Eurostat, data for timber, pulp, paper and wood furniture

FIGURE 4b
EU timber and wood product imports from Ukraine, 2006 - 2017, by weight and product



Source: Eurostat, data for timber, pulp, paper and wood furniture

THE GIANT AUSTRIAN FIRMS WITH MULTI-MILLIONAIRE OWNERS WHO ARE PROFITING FROM UKRAINE'S FORESTS

Many of the world's largest wood processing conglomerates were founded in Austria. These family businesses began processing wood locally in the 1950s and 1960s, but have since expanded their operations throughout Europe and often even farther afield. Most are still owned and controlled by the founding families, who are among Austria's wealthiest. After the collapse of communism in the 1990s, these firms entered Eastern Europe in search of new sources of raw material and built huge new factories to process it, with the products mostly destined for export to the richer countries in Western Europe and beyond. These mills are now among the largest consumers of timber from Ukraine's forests.

Prior to Ukraine's log export ban, by far the largest importer of Ukrainian wood was Holzindustrie Schweighofer. The company's headquarters are located in the baroque Palace of a former Austrian archduke in Central Vienna, where Gerald Schweighofer, its billionaire owner, also resides.²⁰⁶ In search of higher profits, Schweighofer sold its Austrian processing factories in 2001 and moved into Romania²⁰⁷, where it now dominates the wood industry. Soon the demand for raw materials of its Romanian mills exceeded the capacity of the local forests²⁰⁸, and the firm started importing large volumes of timber from Ukraine. By 2015, Schweighofer was importing almost 1 million cubic metres per year of Ukrainian logs.²⁰⁹

Ukraine's ban on the export of the saw-quality logs which Schweighofer mostly requires has dramatically reduced the firm's imports of late, but its place has been filled by two other Austrian giants: Egger and Swiss-Krono. Schweighofer's huge processing site close to the Ukrainian border in Romania is shared with Egger, the second largest producer of wood-based panels²¹⁰ in the world.²¹¹ The family behind Egger is one of the top 30 richest in Austria as a result, with assets of over €1.5 billion.²¹² Between them, the company's chipboard and oriented strand board (OSB) mills at Radauti are consuming more than 20,000 tonnes of Ukrainian wood every month.²¹³

The current largest consumer of Ukrainian wood, however, is Egger's competitor Swiss-Krono, the world's third largest wood-based panel maker.²¹⁴ Though it is headquartered in Switzerland, Swiss-Krono is owned and operated by the Austrian Kaindl family, whose timber-related assets lead them to feature on both the Austrian and the Swiss 'rich-lists'.²¹⁵ Swiss-Krono operate three large mills in Ukraine²¹⁶, including the two largest wood processing factories in the Ukrainian Carpathians. Together these mills are responsible for half of all Ukraine's exports of particleboard and oriented strand board, shipping 13,000 tonnes per month to the EU.²¹⁷ In 2016, the firm also opened a large new mill close to the Ukrainian border in Hungary, producing OSB.²¹⁸ Swiss-Krono was spun off by the Kaindl family from its parent group, Kronospan, which is the

largest wood-based panel maker in the world.²¹⁹ Kronospan is also among the largest buyers of Ukrainian wood, with its factory in Poland receiving around 6,500 tonnes per month of fuelwood logs and a mill in Volyn in north-western Ukraine which ships 8,000 tonnes per month to the EU.²²⁰ In 2017 it also received approval to purchase a controlling stake in a large Ukrainian medium-density fibreboard (MDF) plant from a wealthy Ukrainian mogul.²²¹

Other large Austrian firms connected to Ukraine include the JAF Group, whose Hungarian subsidiary Jaf Holz Ungarn is the largest EU importer of sawn wood from the Ukrainian Carpathians (see Case Study 2 on page 36). Czech and Slovak pulp mills owned by Lenzing, one of the world's largest producers of viscose fibre (which is used in the manufacture of clothing) are also known to have sourced substantial volumes of wood from Ukraine in the recent past (see Case Study 4 on page 42).

The rapid expansion of many these big firms into Eastern Europe has been assisted by European institutions. The European Bank for Reconstruction and Development (EBRD), for example, provided 60 per cent of the funding for the construction of Egger's large chipboard mill near the Ukrainian border in Romania²²², and has also helped fund Kronospan's Ukrainian operations.²²³ The Hungarian government subsidised the construction of Swiss-Krono's new mill on the Ukrainian border.²²⁴



Egger's giant processing site at Radauti in Romania, close to the Ukrainian border

© Nikolai Petichenko



The timber these countries import from Ukraine is processed into higher-order products. A large proportion of these products are then re-exported to other EU countries. Though their direct imports are minimal, countries such as the UK and France are significant consumers of Ukrainian wood. The biggest market is probably Germany, however. Ukrainian wood finds its way into a vast array of products. Aside from being widely used in construction and for flooring, it is commonly used in making the flat-packed furniture found in most homes²⁰¹, the cardboard packaging on many supermarket goods²⁰², even the clothing sold in high-street retail chains.²⁰³ Waste wood from the factories producing these products is commonly turned into pellets, to be burned to produce heat and power for domestic homes across Europe.²⁰⁴

While high-risk tropical wood entering the EU is imported and processed by relatively small companies, the biggest EU consumers of Ukrainian wood are large firms, many of them multinationals with multi-billion Euro turnovers. A startling number of these, including the four largest consumers of Ukrainian wood in 2017²⁰⁵, are Austrian-owned (see boxed text on page 31).

All make bold promises about their sustainable credentials.

Giant mills owned by these firms can be found in the member states bordering Ukraine, each with its own rail spur connecting to it. Some also have mills inside Ukraine, whose products are almost entirely destined for the EU. Cargo trains, some more than half a kilometre long, shuttle back and forth, delivering the remains of thousands of trees to these mega-factories every day.

3.1.2 The EU's commitments on timber legality

In the late 1990s and early 2000s, there were a steady stream of exposés regarding illegal wood being consumed in EU member states. Plywood from Indonesia²²⁵, garden furniture made from stolen Cambodian trees²²⁶ and mahogany from the Brazilian Amazon²²⁷ were among the many supply chains investigated. Studies indicated that these were the tip of the iceberg: it was estimated that the EU was one of the world's largest consumers of stolen wood. Shocked by the scale of its complicity in the illegal destruction of the world's forests, public pressure helped drive the EU authorities to act.

For 15 years now, the European Union has been a world leader in efforts to tackle illegal logging and related trade. In 2003, the EU agreed an Action Plan on 'Forest Law Enforcement, Governance and Trade' (FLEGT), which included a range of measures, including bilateral support for producer countries and regulatory actions – the EU Timber Regulation or EUTR - designed to restrict the entry of illegally harvested timber into the EU (see boxed text opposite). Independent assessments have demonstrated the positive impact the EU's efforts have had to-date.²²⁸ One NGO working on forest issues has hailed the EU's efforts as 'trail-blazing'.²²⁹

The main focus of the EU's efforts on tackling illegal logging has been on tropical forests. All of the major exposés which helped drive it to act related to the tropics, and all of the FLEGT bilateral agreements with producers it is negotiating or implementing are with tropical countries. One of the key messages from an independent review of the EU's Action Plan published in 2016 was the need for increased work on non-tropical countries, including Russia and the countries of the 'eastern periphery of Europe'.²³⁶ The same assessment found that the importance of

THE EU LAW MEANT TO PREVENT IMPORTS OF ILLEGAL WOOD

One of the most important measures taken by the EU as part of its Action Plan on forest law enforcement and governance was the EU Timber Regulation (EUTR), which came into effect in March 2013.²³⁰ With regard to wood from overseas²³¹, the EUTR makes it an offence to 'place on the market' (i.e. import²³²) wood which was illegally sourced in the country of origin. It includes a parallel requirement that importers must carry out appropriate due diligence in order to minimise the risk of receiving illegal wood.²³³ They can be prosecuted for failing to exercise due diligence, even if the wood concerned cannot be proven to be of illegal origin. Source country laws to which EUTR applies include laws governing timber harvesting and those governing the trade and export of wood. Though corruption is not specifically mentioned, it is captured if it involves breaches of those laws.

Importers must collect pertinent information regarding a given product by a particular supplier, use it to assess the risk, and then take steps to mitigate any risks identified to the point where they reach a 'negligible' level. If risks cannot be mitigated, then they should not buy the products. Though copies of government documents attesting to the legality of timber can be considered, as can certification under third-party legality and sustainability schemes such as FSC, these alone do not necessarily guarantee that companies have met the due diligence demands of the EUTR. Official EUTR guidance states that where there is significant corruption, "even official documents issued by authorities cannot be considered reliable."²³⁴ EU guidance also recommends that the assessment of third-party verification take into account substantiated reports of shortcomings of specific schemes in specific countries.²³⁵

EU law demands that importers ensure the risk of receiving illegally-sourced wood is reduced to a 'negligible' level



Greenpeace protest in London calling for the EU to ban illegal timber, 2006

© Sion Touhig / Greenpeace

EU buyers of high-risk Ukrainian wood include the three largest wood panel producers in the world and the world’s largest paper company

the countries on the EU’s ‘eastern periphery’ (which includes Ukraine) to the EU’s total estimated imports of illegally sourced wood had grown dramatically in the decade since the Action Plan was approved.²³⁷ The study estimated the EU’s imports of illegal wood using an established methodology developed by the UK think-tank, Chatham House.²³⁸

Some actions have followed. In October 2016, for example, Ukraine and Austria signed a Memorandum of Cooperation on Forestry, which included a commitment to work together to ensure the legality of timber in accordance with the EU Timber Regulation.²³⁹ Ukraine has been repeatedly discussed at meetings of relevant Member State officials in Brussels.²⁴⁰ A formal EU ‘mission’ to Ukraine to explore the subject was even recently undertaken.²⁴¹

However, as this report will show, these actions have been far outweighed by a broader failure. High risk wood likely associated with illegalities and corruption continues to flood across the border, and the relevant EU member states are failing to implement the laws on their books which are meant to stop it.

3.2 EU IMPORTS OF ILLEGAL UKRAINIAN WOOD

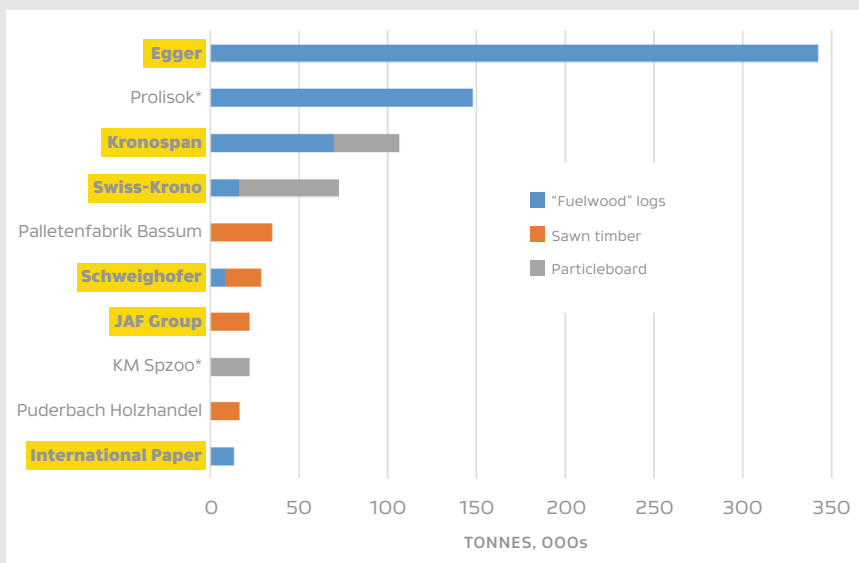
Earthsight’s in-depth research over the past two years indicates that the EU is by far the largest destination for Ukrainian wood of likely illegal origin. As this chapter will show, it also reveals that the buyers of this wood include a number of multi-billion dollar firms, including the three largest wood-based panel producers in the world²⁴², the world’s largest paper company²⁴³, and the second largest sawn timber producer in Europe.²⁴⁴ Earthsight research also suggests that the EU is importing more illegal wood from Ukraine than from all the tropical forest countries of the world combined.

3.2.1 The EU firms named in high-level Ukrainian timber corruption probes

Holzindustrie Schweighofer, one of the group of giant Austrian timber firms buying much of Ukraine’s exports (see box on page 31), owns three huge sawmills in Romania, which together have the capacity to consume nearly all of the softwood logs produced in the country each year.²⁴⁵ While the other two mills are mostly dependent on domestically harvested logs, the largest mill, at Radauti, close to the Ukrainian border, has traditionally depended on imports for most of its raw material.²⁴⁶ The mill occupies one half of a massive industrial facility which also houses a large mill operated by multinational wood-based panel firm Egger. The facility has its own direct Russian-gauge rail link to Ukraine. When it came into full operation, this single facility was responsible for doubling the quantity of logs being imported into the EU from Ukraine.²⁴⁷ By the time the Ukrainian log export ban began to take effect at the end of 2015, Schweighofer’s Romanian mills were consuming more than 1 million cubic metres of Ukrainian logs per year: 80 railcar loads every working day. Seventy per cent of all the logs being exported from Ukraine to the EU were destined for this one company.²⁴⁸

Schweighofer’s Romanian mills have previously been exposed for sourcing large volumes of illegal Romanian timber. In 2015, NGO the Environmental Investigation Agency (EIA) accused the firm of being the single biggest driver of illegal logging in Romania over the last decade.²⁴⁹ EIA’s allegations of widespread consumption of illegal wood were subsequently confirmed by independent investigations by the Romanian authorities²⁵⁰ and by the Forest Stewardship Council (FSC).²⁵¹ These in turn

FIGURE 5
The 10 largest buyers of Ukrainian wood in the EU, 2017
(companies exposed in this report highlighted)



* These are trading firms which do not carry out their own processing. It is likely that a large proportion of the imports which on paper are destined for Prolisok in Romania are actually being consumed at the large chipboard and oriented strand board factories operated by Kronospan in that country, making its total consumption of Ukrainian timber closer to its competitor, Egger.

NB: The data shown are for exports from Ukraine for which the companies named are recorded as the consignee in Ukrainian Customs records. This does not necessarily mean that the goods concerned were imported by the named company. In some cases a third party will have taken the formal role of importer, or in the parlance of the EU Timber Regulation, acted as the ‘operator’.

Source: Ukrainian Customs export records, analysed by Earthsight

led a number of major EU buyers²⁵² and the FSC to dissociate from the company. Our evidence suggests that the company has historically been no more discerning in its purchasing in Ukraine.

Chapter 2 of this report described how a pre-trial investigation by Ukrainian prosecutors concluded that during the reign of kleptocratic Ukrainian President Yanukovich, who was deposed in February 2014, bribes were demanded by his forestry chief Viktor Sivets from foreign buyers for shipments of logs overseas, in exchange for which Sivets ordered state forestry enterprises under his control to supply timber for below market prices. Schweighofer was by far the largest buyer of Ukrainian logs at the time, and is specifically implicated in court filings. In documents seen by Earthsight, the Schweighofer group's Slovakian subsidiary²⁵³, Uniles s.r.o., is specifically named by prosecutors as having been found during their pre-trial investigation to be one of four companies from which Sivets received illegal payments totalling €13.6 million during the period February 2011 to February 2014. The payments – for fictitious 'marketing services' – were sent to the Latvian bank accounts of three shell companies – two of them registered in the

UK - before being routed on into Swiss bank accounts of two Panamanian firms established by Sivets' wife (see Figure 6). Though Sivets remains on the run, the Ukrainian authorities continue to investigate and pursue the case. The most recent action was in February 2018, when a Ukrainian court upheld at appeal the freezing of millions of dollars held in one of the Swiss bank accounts involved.²⁵⁴

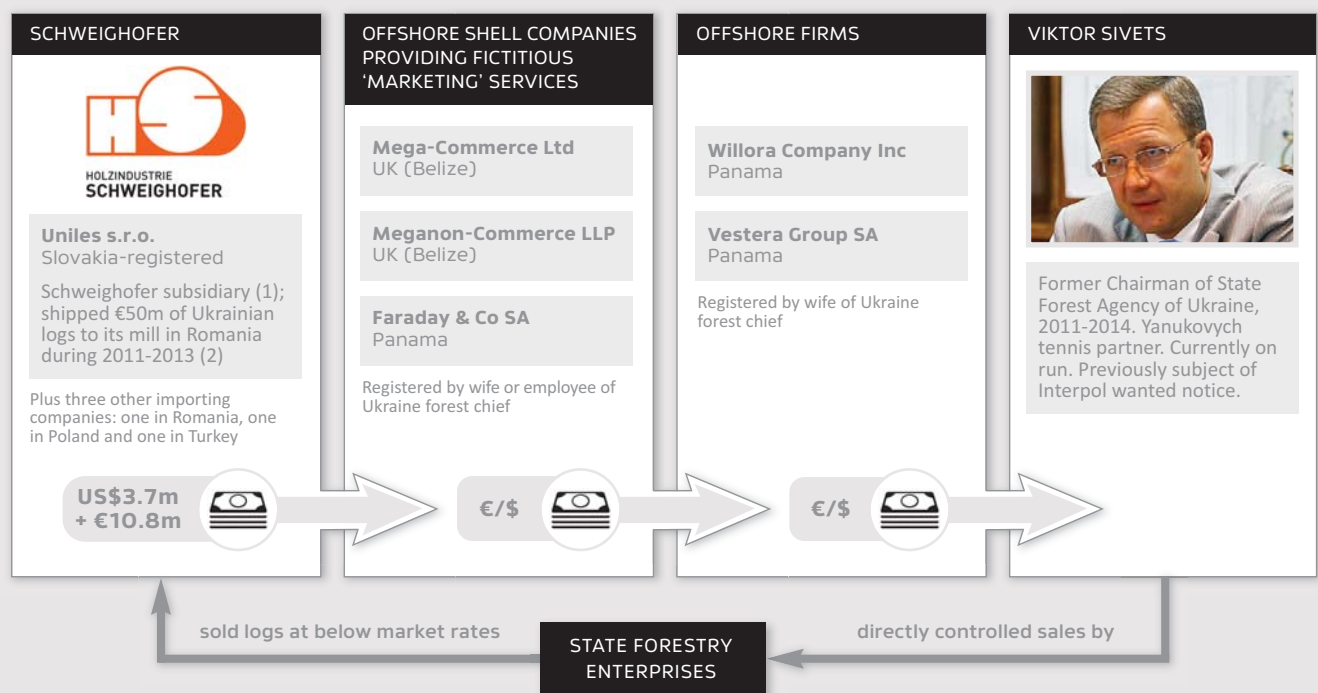
Romanian records obtained by Earthsight confirm that almost 50 per cent of the Ukrainian logs being shipped to Schweighofer's Radauti mill during 2011-2013 were supplied by Uniles, timber worth nearly €50 million.²⁵⁵ More than 40 per cent were still being shipped by Uniles in 2015.²⁵⁶

Earthsight wrote to Uniles s.r.o., its parent the Schweighofer Foundation and Holzindustrie Schweighofer with our findings regarding its connection to the Sivets case. Uniles, replying on behalf of all three firms, stated that "we only act within the relevant laws and regulations and strongly reject any allegation that states the contrary". The company did not deny that it is named in the Sivets corruption probe, stating only that it will cooperate with any authorities involved in official investigations,

A Schweighofer subsidiary is alleged by Ukrainian prosecutors to be among four firms from which Sivets received millions in illegal kickbacks

FIGURE 6

**'Person 4':
The Schweighofer connection to high-level corruption during the Yanukovich era**



Source: Description in Ukrainian court records of results of pre-trial investigation by Ukrainian prosecutors judged by those courts, in an investigation which remains ongoing, to be sufficiently credible to freeze assets and issue arrest warrants (in one record Uniles is referred to as 'Person 4'); except (1) Company registries of Slovakia and Austria and (2) Romanian Customs records

CASE STUDY 2

CORRUPTION ENABLES OVER \$1M OF ILLEGAL UKRAINIAN SAWN WOOD TO ENTER MULTIPLE EU COUNTRIES



A sawmill in Lviv province

© Earthsight

In August 2016, a large-scale organised criminal scheme was revealed involving export of illegal sawn timber to Europe from Lviv, one of the four Carpathian oblasts of Ukraine. A joint special operation by provincial police and prosecutors had found that some 12,000 cubic metres of illegal wood – enough to fill 200 rail wagons – had been laundered using fake documents and shipped to the EU. The stolen wood was worth an estimated \$1.2 million.²⁶²

The gang – which included lawyers, several bank employees, and officials at two different government agencies - had created fictitious companies and produced fake documents regarding the wood’s origin, and then with the aid of a corrupt official of the Lviv provincial forestry department, had obtained more than 200 ‘certificates of wood origin’ with genuine seals and signatures, enabling them to export the timber abroad. As well as laundering wood of likely illegal source, the criminal group also made use of offshore shell companies in Panama, the British Virgin Islands and Belize to understate the value of the timber and

evade taxes. Prosecutors also allege that the group sold additional counterfeit certificates of origin to other enterprises.²⁶³

Court documents relating to the scandal or to other related cases reveal the identity of four European companies which received wood from the accused suppliers. These include the Romanian sawmill of the Austrian-owned JAF Group, Central Europe’s leading timber wholesaler; a Lithuanian oak flooring producer whose products are on sale across the continent, including in the UK, Germany and Belgium; and a leading Polish wood flooring producer and exporter. These companies received shipments of wood from one or more of the offshore shell companies involved, including ones whose ultimate owner is now on the run from the Ukrainian authorities.²⁶⁴ Press reports also cited exports to the Netherlands, Italy, the Czech Republic and Latvia.²⁶⁵ There is no evidence that any of the European buyers were aware of the scheme. Informed of our findings, JAF Group stated that their company being mentioned in court documents did not mean that it had

broken laws, and that its due diligence system’s EUTR compliance has been confirmed by Competent Authorities in the EU Member States in which it operates.²⁶⁶ After its internal investigation confirmed that it had received wood which originated from one of the suppliers at the centre of the scandal, via a middleman, JAF blacklisted the supplier.²⁶⁷

It appears that the case may have been the tip of the iceberg with regards to corruption and illegality in the forestry sector in Lviv. In August 2017, a slew of additional criminal investigations were revealed, including against the head of the provincial forestry authority and the heads of three state forest enterprises (SFEs).²⁶⁸ The provincial forestry head was later convicted of receiving a bribe in February 2017 from a forester from Halsillis, to manipulate documents.²⁶⁹ In September 2017 the head of Busk SFE, one of the largest suppliers of wood to the EU from the Carpathians in the recent past, was given a suspended jail sentence of 1.5 years for his role in covering up the illegal harvesting of over 200 trees.²⁷⁰

but “as a matter of principle we do not comment on (alleged) investigations of authorities on third parties”.²⁵⁷

The Sivets case isn't the only Ukrainian corruption investigation in which a Schweighofer group company's name crops up, and Schweighofer is not the only EU firm mentioned in such investigations.

The biggest customer for Schweighofer's Radauti factory is the chipboard mill operated by fellow Austrian timber giant Egger, right next door.²⁵⁸ Since Ukraine's log export ban, Egger has overtaken its neighbour Schweighofer to become by far the largest EU buyer of wood from the country (see Figure 5).²⁵⁹ As detailed in the Chapter 2, in September 2016, a major criminal corruption investigation was filed in Zhytomyr, a province in the Polissia region of north-west Ukraine which is the country's leading timber producer. Prosecutors are investigating officials of three of the largest timber-producing SFEs (Emilchinsky, Gorodnytsky and Olevsky) for having corruptly colluded to sell timber at below-market rates to two UK letterbox companies (see Case Study 1 on page 26), who were then selling it on at higher prices to firms in Romania. The court records name those two firms as Egger and Holzindustrie Schweighofer.²⁶⁰ Ukrainian customs records confirm that both firms were receiving large volumes from the same SFEs at the time.²⁶¹

EarthSight has found that a number of EU firms, including yet another large Austrian firm, are also linked by court documents to one of the biggest illegal timber scandals to emerge in Ukraine in recent years, which occurred in the Carpathian province of Lviv, and involved corruption at the provincial forestry headquarters (see Case Study 2, opposite).

3.2.2 EU firms buying wood from suppliers found guilty or under investigation by Ukrainian prosecutors

Even if other EU firms might not themselves be named in court documents relating to timber corruption cases, their suppliers are. As Chapter 2 detailed, Ukrainian news media and publicly available court records document numerous cases of alleged misconduct by specific SFEs in Ukraine. In some cases senior officials have been found guilty; in others they remain under investigation and have yet to be brought to trial, but courts have judged the evidence to be sufficient to justify arrests and searches. If its law was working, the emergence of this evidence might be expected to impact on sales from such SFEs to the EU. Yet on each occasion, a detailed analysis of Ukrainian customs records shows absolutely no impact from these cases on the volume of exports. Shipment volumes from the SFEs named in these cases remained the same in the months after each case came to light as they were in the months prior to their being opened.²⁷¹ Those same records also reveal that the companies continuing to buy their wood include many of the largest wood processing firms on the continent.

The Zhytomyr case mentioned above is one such example. Egger and Schweighofer's purchases from the SFEs under investigation for corruption continued after the case was filed in publicly available Ukrainian court documents.²⁷² Other firms which have continued to purchase large volumes include Silva S.p.z.o.o, a Polish subsidiary of Kronospan (the largest wood-based panel producer in the world, and third largest buyer of Ukrainian wood in 2017), and a Hungarian OSB mill owned by Swiss-Krono (the third largest wood-based panel producer in the world, and fourth largest EU buyer of Ukrainian wood).²⁷³ The same

Schweighofer is not the only large EU firm whose name crops up in Ukrainian court records regarding major timber corruption investigations



One of Schweighofer's mills in Romania

© Environmental Investigation Agency

CASE STUDY 3

CORRUPTION AND ILLEGAL AMBER MINING IN RIVNE PROVINCE LINKED TO LARGE EU FIRMS



Deforestation for timber and amber in Western Ukraine

© Brendan Hoffman

The province of Rivne in the Polissya region of north-western Ukraine is the third largest timber producer in Ukraine and among the largest exporters to the EU. What Earthsight uncovered in one of the most heavily forested districts of this province perfectly illustrates the failures of due diligence by the billion-dollar firms which are among the largest importers from the region.

The district of Klesivske in Rivne is at the epicentre of an illegal amber mining crisis which has left wide swathes of Polissya’s forests effectively lawless, controlled by armed gangs. These gangs strip the forests and then use high-pressure hoses to wash away the soil and reveal the valuable gemstones. The industry funnels hundreds of millions of dollars a year into the hands of what are known locally as Ukraine’s ‘amber mafia’, a criminal network alleged to include many senior government officials.²⁷⁴

Evidence suggests that serious local corruption also extends directly to timber.

In March 2017, a pre-trial investigation by Ukrainian prosecutors found that the regional forestry chief demanded bribes of US\$5000 from several SFEs in the district, including Klesivske, in return for not carrying out scheduled inspections and for concealing forestry violations.²⁷⁵ The year before, a pre-trial investigation into a separate case of high-level corruption had found that Rivne forestry authorities had been cutting large volumes of wood illegally and laundering it for export.²⁷⁶ Although Klesivske was not among the SFEs named, investigators noted that almost all forestry workers in Rivne District were involved in these illegal timber laundering schemes- from the foresters reporting to the Directors of SFEs, to these Directors themselves, right up to the top officials at the RFMB.²⁷⁷

Despite the illegal amber mining being well publicised in international media, and despite the serious corruption allegations, the flow of timber from Rivne’s State Forestry Enterprises to the EU has

remained unaffected. Many of the SFEs specifically implicated remain among the largest individual exporters in Ukraine. Klesivske SFE, for example, shipped 12,500 tonnes of wood to the EU during Feb-August 2017. The majority was shipped to Egger and Schweighofer’s mills in Romania, Kronospan and International Paper’s mills in Poland, and Swiss-Krono’s new OSB mill in Hungary.²⁷⁸

When Rivne’s increasingly dubious province-wide FSC certificate came up for review in 2017, the local forestry chief voluntarily chose to exclude Klesivske and three other district SFEs from the assessment, because of rampant illegal forest clearance for amber mining.²⁷⁹ The big EU firms kept buying its wood regardless. Egger, Kronospan, Swiss-Krono and International Paper all remained among Klesivske SFE’s top customers long after its FSC certificate was terminated in August 2017.²⁸⁰

four firms have also continued to purchase timber from government suppliers in Rivne province (Ukraine's third largest timber producer) whose senior officials are the subject of multiple serious investigations for timber-related corruption. Some of the relevant SFEs are also at the epicentre of the illegal amber mining crisis, and have had their FSC certificates dropped as a result. International Paper, the world's largest paper company, has also been importing from these same sites (see Case Study 3, opposite).

Another example relates to one of the most important Carpathian provinces for export of timber to Europe. Chernivtsi, whose mountains are clothed with dense stands of spruce and fir trees, lies immediately across the border from Schweighofer and Egger's massive processing site at Radauti in Romania. The three major SFEs in the region – Beregomets, Storozhynets and Putyla, have been some of the biggest suppliers of timber to companies like Schweighofer in the last few years.²⁸¹

When Earthsight first spoke to activists and conservationists in Chernivtsi in May 2017, they described a 'mafia-like' network of corrupt forestry and customs officials, set up to launder illegal timber and ship it over the border into Romania.²⁸² Rumours and

allegations of widespread corruption within the state forestry agencies in the province have existed for many years. An investigation by journalists from the OCCRP and Rise Project in late 2015 reported egregious illegal sanitary felling, and bribery for access to timber by officials in Storozhynets SFE, and highlighted the connections to Schweighofer.²⁸³ An inspection by the State Ecological Inspectorate the same year exposed illegal logging, illegal sanitary felling, and violations of rules on export of timber by Beregomets SFE.²⁸⁴ The suspicions were strengthened when, as mentioned in Chapter 2, in 2016 multiple criminal investigations were launched against the head of the provincial forest agency and

EU firms continued to buy from SFEs in Chernivtsi even after their boss was caught trying to bribe police not to investigate their illegal activities

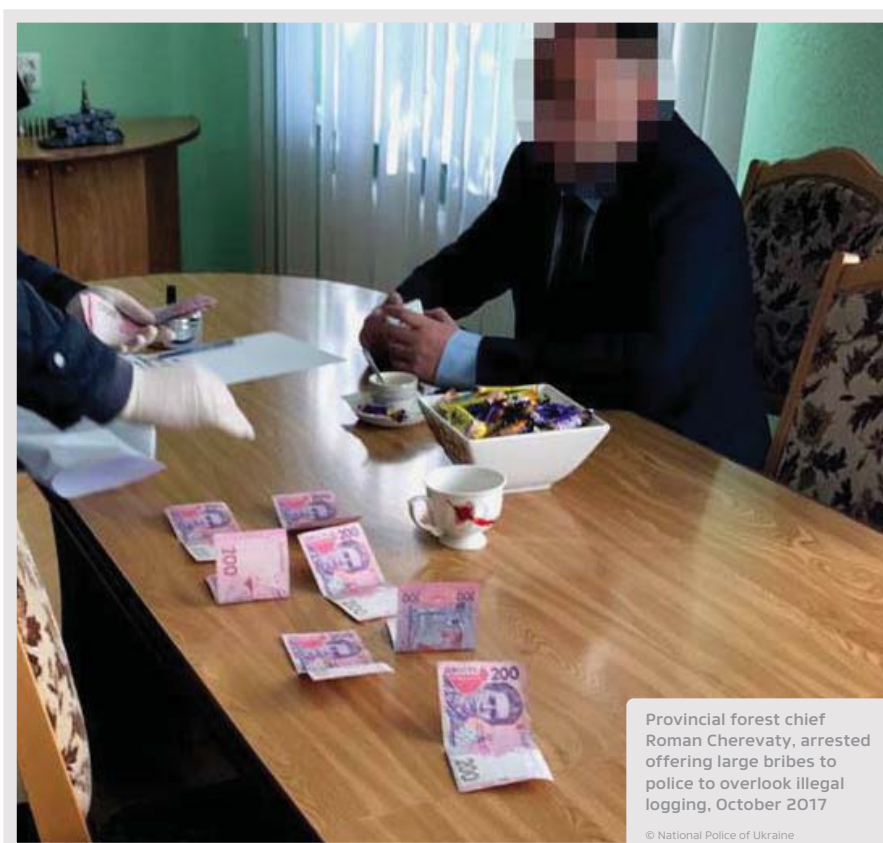
senior officials of the main SFEs, for overseeing systematic illegal logging and exports.

Egger and Schweighofer's 'due diligence' systems either failed to pick up on this publicly available information, or they didn't consider it sufficiently serious to classify the timber as being of anything less than 'negligible' risk of illegality. Even after the Chernivtsi corruption cases came to light, both firms continued to buy large volumes of 'fuelwood logs' from SFEs in the province. Egger's purchases were from the specific SFEs named in the corruption cases, and both Egger and Schweighofer have continued to buy timber from SAFR SFEs in the province even after its forestry chief was caught in October 2017 offering bribes to other enforcement agencies to turn a blind eye to wrongdoing within the forests under his purview (see Section 2.3.3).²⁸⁵ Further evidence of the high risk of corruption associated with these imports was the study on sanitary felling commissioned by Earthsight in the summer of 2017 (see Section 2.3.1). Of six planned or recent sanitary cutting sites in Beregomets SFE visited by the team, only one was found to have been legally justified by the condition of the forest.²⁸⁶

Earthsight's analysis of export records from Ukrainian customs reveals that not only did the large EU buyers mentioned above continue to buy 'fuelwood' logs in 2017 from the SFEs in Chernivtsi, Zhytomyr and Rivne which were the subject of major criminal investigations for timber-related corruption, they even seemed actually to be favouring them.

Four of the largest combined suppliers of fuelwood logs to these firms in 2017 were SFEs whose top officials were the subject of criminal corruption probes, including the top supplier, Emilchinsky in Zhytomyr. Each of the five big buyers was sourcing at least 25 per cent, and sometimes as high as 50 per cent, of its fuelwood logs from corruption-linked SFEs. Collectively, these five 'big' firms were consuming 44 per cent of Ukraine's total fuelwood log exports to the EU in early 2017, but 85 per cent of those from the corruption-linked SFEs.²⁸⁷

We presented the firms mentioned above with the findings in this and the previous subsection in advance of publication. Silva (Kronospan) stated that it "buys wood on the Ukrainian market exclusively in a legal manner... on the basis of a purchase contract based on observance of the rules of due diligence" and that our accusations are therefore "unfounded".²⁸⁸ Egger stated



Provincial forest chief Roman Cherevaty, arrested offering large bribes to police to overlook illegal logging, October 2017

© National Police of Ukraine

The EU’s own customs data suggest it is receiving 60 train-car loads of banned logs from Ukraine every day

that it had initiated audits by internal and external experts on the basis of our information, and would not provide further comment until after our report was published.²⁸⁹ Swiss-Krono stated that they don’t deal direct with SFEs, and even if they did, “does one rotten apple spoil the whole box?”²⁹⁰ International Paper did not comment on the corruption investigations, but stated that all of the wood they received from Ukraine had been either FSC Forest Management or Controlled Wood certified.²⁹¹ Schweighofer told us that while its standard policy is only to drop suppliers when they have been found guilty, they acknowledge their “responsibility to assess relevant info about potential wrongdoings in its supply chain even before there is a legally valid verdict”, and that our information constituted such relevant information. It said our findings were being analysed and had launched special audits into its current Ukrainian lumber suppliers. However, the company also stated that “in countries with [a] challenging environment (such as Ukraine), [our company] has to rely to a certain extent on state authorities. By the force of the constitution, [we] cannot be expected to execute the role of public prosecutors.”²⁹² All of the firms insist that they are in full compliance with EUTR, though our examination of the details of their due diligence systems (see Chapter 4) calls this into question.

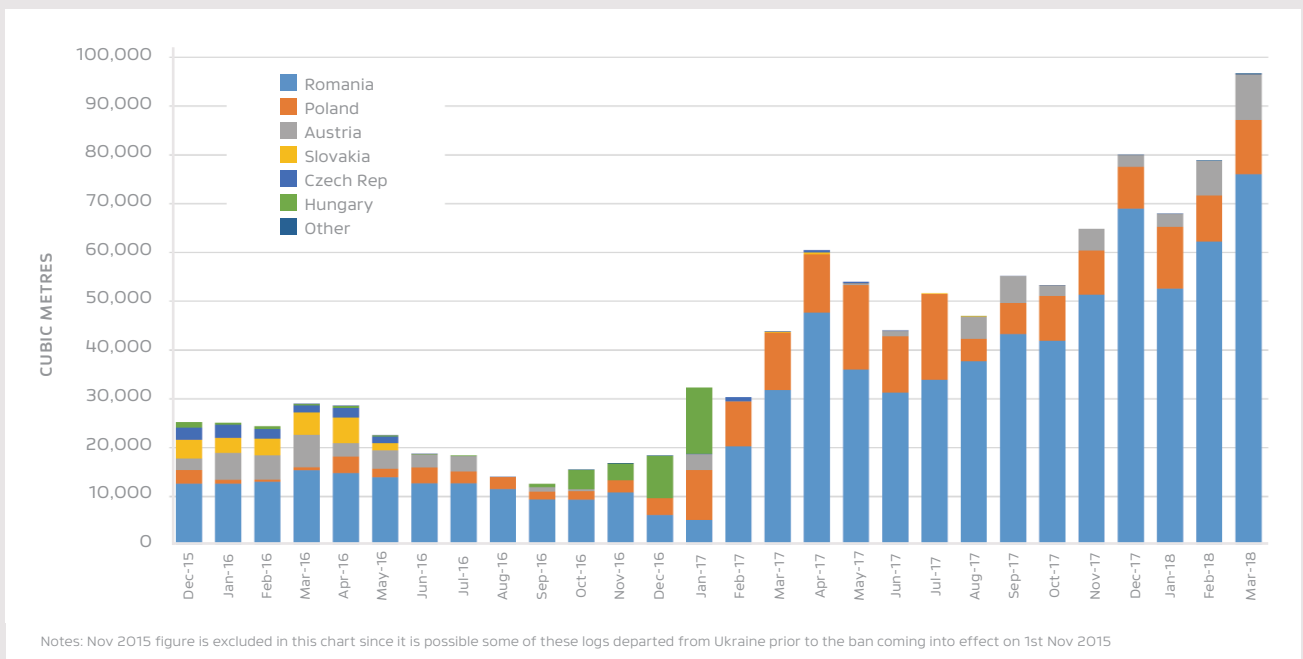
3.2.2 EU firms importing banned logs

In addition to buying wood associated with corruption, Earthsight’s evidence also suggests that EU firms – including some of the biggest timber processors on the continent – are also buying wood which was likely to have been exported illegally, including in contravention of Ukraine’s ban on the export of round logs. As described in Chapter 2, there is a wealth of evidence from press reports, NGO investigations and court records of rampant flouting of this ban. A Ukrainian customs agent who spoke to Earthsight on condition of anonymity confirmed this picture.

The EU’s own customs records appear to confirm that vast volumes of banned logs continue to be received. By December 2017 almost 1 million cubic metres of logs had been recorded as imported into EU Member States which were banned from export in Ukraine (wood classified under international customs code HS4403, including pine from Jan 2017 and all other species from November 2015).²⁹³

Fifteen different EU member states have reported importing such logs, but just six – Romania, Poland, Austria, Slovakia, the Czech Republic and Hungary – imported nearly all of them. Romania alone was the destination for two-thirds, and Poland a

FIGURE 7
Reported imports by the EU of logs (HS4403) from Ukraine which are banned from export, December 2015 - March 2018 (volume)



Notes: Nov 2015 figure is excluded in this chart since it is possible some of these logs departed from Ukraine prior to the ban coming into effect on 1st Nov 2015
Source: Eurostat customs data for HS4403. Pine logs included from Jan 2017 onwards, when they were encompassed by the log export ban.



Egger timber on sale in a branch of DIY chain Wickes, UK

© Earthsight

fifth. Imports in the most recent month for which data is available (March 2018) were the highest on record (see Figure 7).²⁹⁴ An average of 60 train cargo wagons, each carrying 50 cubic metres of banned logs, are entering the EU every day.

Ukrainian customs records (obtained by Earthsight) confirm that these products were not legally exported under the same commodity code. It appears most are being declared as 'fuelwood' logs on the Ukrainian side of the border; as explained in Chapter 2, such products fall under a different customs code (HS440110) and are not banned. Discrepancies in the classification of these logs by Ukrainian and EU customs pre-date the export ban, but have worsened since. The growth in these discrepancies has not gone unremarked in Ukraine. The government in the border province of Zakarpattia, for example, through which many such shipments pass en route to the EU, has noted how most of the exports being declared as fuelwood "on arrival overseas...[are] miraculously transformed into technical and industrial wood prohibited from export by Ukrainian legislation."²⁹⁵

The original cause of the differences lies with the mis-classification of timber by Ukrainian forestry authorities. Though Ukraine's customs code descriptions (on which the log export ban is defined) are identical to those used by the EU²⁹⁶, the Ukrainian forestry authorities which produce the wood diverge from international standards in allowing low-quality logs destined for pulp or chipboard manufacture to be classified as 'technological fuelwood'; Ukrainian customs follow their lead and have therefore also traditionally classified them as such, in contradiction of their own definitions.²⁹⁷ The mis-classification of these logs as fuelwood by Ukrainian forest authorities has increased over the years.²⁹⁸ Regulations governing the measurement and marking of such logs are weaker than those for normal logs, and the increasing misclassification has been attributed to efforts by individual state forestry enterprises to abuse these weaker controls in order to cut more timber than would otherwise be allowed and to enable corrupt schemes such as "re-sorting"²⁹⁹, whereby the quality and price of wood is understated in timber sales in return for "kickbacks" from buyers.³⁰⁰

Wood-panel giant Egger is receiving 25,000 tonnes a month of logs declared at Romanian customs as products which Ukraine has banned from export

CASE STUDY 4

LOGS SEIZED EN ROUTE TO EU PULP MILLS OWNED BY MULTI-NATIONALS

In April 2016, police in the town of Chop on the Ukraine-Hungary border seized a large shipment of logs. A second large shipment from the same company, also destined for export to the EU, was seized three months later. In all, 50 rail wagons filled with timber were detained. The logs had come from SFEs in the Carpathian provinces of Zakarpattia and Lviv, and were destined for buyers in Hungary and the Czech Republic. Investigators found that the logs had been mis-declared as ‘firewood’, in order to circumvent the log export ban. Around a quarter of the logs were also found to have fake certificates of origin. The logs were being exported by a company called Ukrliskompleks. Though the seizures in early 2016 were what made headlines and even elicited a comment from the Ukrainian Prime Minister, they were not the first. Another two railcars of mis-declared beech logs had been seized from the same company in December 2015, shortly after the ban on non-pine log exports took effect.³⁰⁶

All of the seized timber was destined for a Czech firm called Wood Source s.r.o.³⁰⁷ This company was set up in 2010³⁰⁸, with the specific purpose of importing timber from Ukraine and Belarus to supply three of the Czech Republic’s largest wood processors – pulp mills Mondi Steti and Biocel Paskov and lumber firm Mayer Melnhof.³⁰⁹ Mondi Steti is owned by multinational paper giant Mondi, the largest packaging paper producer in Europe³¹⁰; Biocel Paskov is a subsidiary of Lenzing, one of the world’s largest

producers of viscose fibres used in the manufacture of clothing.³¹¹ Wood Source later expanded into supplying Romanian mills owned by another two big EU timber firms – Egger and Schweighofer.³¹² In 2013, the company claims to have imported over 50,000 cubic metres of timber.³¹³ Ukrliskompleks and Wood Source’s controlling shareholders are the same two Russian men: Maxim Ditsky and Yevgeny Derevyanko.³¹⁴

Court documents obtained by Earthsight confirm that much of the seized wood was destined for Mondi and Lenzing’s Czech pulp mills. Lenzing’s name appears as the consignee in the December 2015 case³¹⁵, and part of the April 2016 shipment was also reportedly destined for the company.³¹⁶ Mondi’s mill is cited in court documents filed in April regarding the seizures, though it is not clear which of the seizures the documents refer to.³¹⁷

Communications made public in court records shed further light. When queried about the April 2016 case by Ukrainian customs, Lenzing replied in an email on 22nd April that the wood it obtains from Wood Source is only of ‘firewood quality’; that the company has a “strict compliance system”; and that it buys only legally harvested wood. But Lenzing’s head of wood procurement also admits that the company has no idea from whom Wood Source is getting its Ukrainian supplies.³¹⁸ The fact that Lenzing was still buying Ukrainian wood from Wood Source in April 2016, four months after a shipment of

wood being supplied to it by the company was seized, also suggests a failure to monitor its suppliers effectively.

Most of the timber was eventually released, but Ukrliskompleks was found guilty of mis-declaration and fined in relation to part of the consignment seized in December 2015. Criminal and administrative cases relating to the later seizures are still ongoing. Both Ukrliskompleks and Wood Source have publicly denied wrongdoing.³¹⁹

While Wood Source no longer appears in Ukrainian customs records as a buyer, in December 2016 its co-owner, Yevgeny Derevyanko, took control of another Czech company, WD Solution.³²⁰ This new firm continued to import logs from the Carpathian region during early 2017. Though the identities of the ultimate buyers of these logs no longer appear as consignees in Ukrainian customs records, the address given for many is that of Mondi’s mill.³²¹

When presented with our findings in advance of publication of this report, Mondi denied receiving wood from WD Solution. It stated that all of its purchases from Ukraine are FSC certified or FSC controlled wood, and that it relies on certification systems in order to source wood responsibly.³²² It confirmed that all of its Ukrainian wood purchases are made through trading firms, such that Mondi is not considered an ‘operator’ under EUTR rules.³²³ This means they are under no obligation to ensure the wood is legally sourced. The company said that it was aware of the seizures in Ukraine to which we referred and claimed that the cases had “been closed without findings of legal noncompliance”, though the blog post they cited to support this contention relates to a completely different set of seizures which took place from May 2016 onwards.³²⁴ Lenzing also confirmed that it has never acted as an ‘operator’ with regard to its purchases from Ukraine³²⁵, but nevertheless insisted that it had been complying with the EU Timber Regulation since it was first issued, and agreed to review once again its Ukrainian wood purchases. It offered to have a third-party auditor undertake this, if Earthsight agreed to share the cost.³²⁶



Logs en route to Czech pulp mills seized at the Ukrainian border, 2016

© Goloskarpat https://goloskarpat.info/society/5126409304902/?utm_content=03131%C2%A1

Prior to the log export ban, 33 per cent of Ukraine's 'fuelwood' exports were being classified as HS4403 on arrival in the EU. Since the log export ban, that proportion has risen to 50 per cent.³⁰¹ It is likely that this is due to additional, larger logs being misclassified, in order to circumvent the log export ban. Other evidence appears to confirm this, and suggests that at least some of those illegally mis-declared logs are destined for major EU buyers.

The head of one State Forestry Enterprise in the Ukrainian Carpathians, for example, has been found guilty of mis-declaring banned logs as fuelwood. The logs involved gave the consignee as Egger and were being shipped via middleman trading firms during November 2015- February 2016.³⁰² A number of other cases involving the misclassification of banned logs as fuelwood relate to named buyers in Romania.³⁰³ One of the most high-profile cases of alleged mis-declaration of sawlogs as fuelwood, which occurred in April 2016, connects to two pulp mills in the Czech Republic, owned by Europe's largest paper packaging producer (Mondi, Turnover €7 billion) and its largest producer of viscose pulp (Lenzing, €2 billion) (see Case Study 4 on page 42, including both companies' responses). Given what we have heard from Ukrainian customs officials, it is likely that such seizures are the tip of the iceberg.

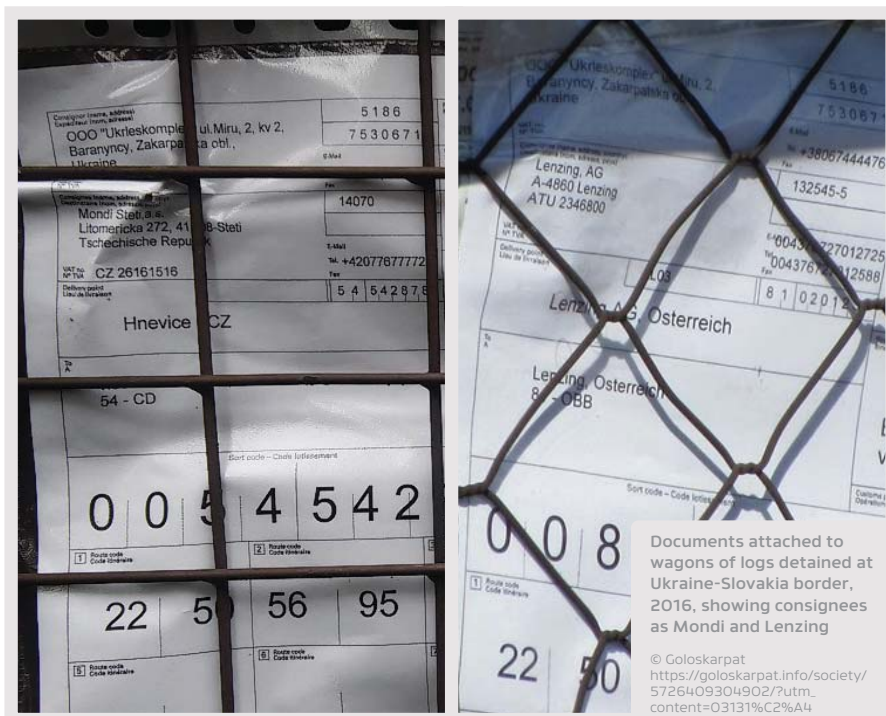
Careful comparison of EU and Ukrainian customs data reveals that major EU buyers are among those who have been receiving the logs being classified by EU customs as being of banned HS4403. By far the largest buyer is Egger's mill at Radauti in Romania. Romanian customs records confirm that during 2017, Egger was receiving 25,000 tonnes of such logs from Ukraine each and every month. Egger also declined to comment on this finding, other than to state that it had initiated additional audits by internal and external experts following the receipt of our information. Additional evidence that these imports may be illegal emerged in June 2018, when customs in Chernivtsi announced that following cooperation with customs in Romania, it had detected illegal, mis-declared exports of logs worth over US\$ 1 million during the first five months of the year by three SFEs in the province.³⁰⁴ Comparison with shipment records suggests that these allegedly illegal shipments represent nearly all of those SFE's exports of 'fuelwood' logs during that period. They also show that Egger buys over 80 per cent of the logs these SFEs export to Romania.³⁰⁵

3.2.3 The EU firms expressing an interest in buying suspect logs

Confirmation of the apparent absence of meaningful due diligence of major EU buyers with regard to Ukraine comes from undercover work carried out by Earthsight in late 2017. Posing as Ukrainian exporters, Earthsight approached a number of major EU buyers, offering to supply for export both sawlogs and 'technological fuelwood' logs longer than 2 metres. The former are categorically banned from export. As explained earlier, the legality of exports of the latter when destined to be used for purposes other than 'fuel' is a matter of debate, but such lengths are certainly prohibited from being sold for export by the SAFR SFEs which produce the vast majority of timber in the country (see box on page 13 regarding the log export ban). Longer logs are preferred by most buyers, even where they are to be chipped or pulped.³²⁷

Despite our fake firm offering to supply illegal wood, and despite it not being registered anywhere, providing an address or landline phone number, let alone having relevant certifications or a website, three large EU firms expressed an interest in doing business with it. One of these was Erdert Tuszer, Hungary's largest timber company, which produces and distributes sawn and planed lumber and other wood products.³²⁸ Erdert, privately owned by the wealthy Toth family, also has a large facility close to the Ukrainian border, complete with its own rail link. Prior to the

Three large EU firms expressed an interest in doing business with our shady fake Ukrainian supplier





THE EU MONSTER MILLS BUYING HIGH-RISK UKRAINIAN WOOD



For full details and sources, plus responses to our findings from the companies mentioned, please refer to the main text of the report

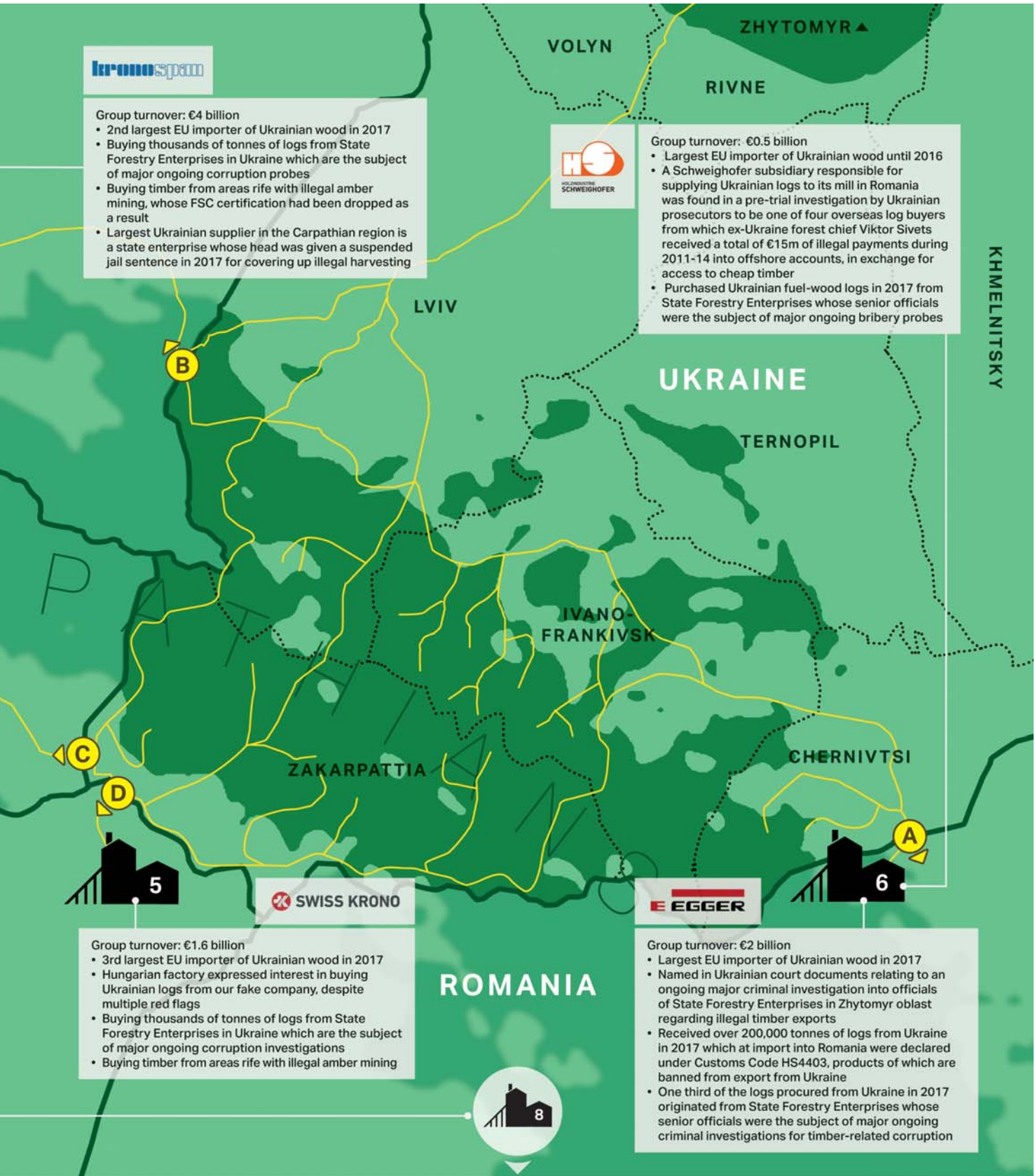
Group turnover: €4 billion

- 2nd largest EU importer of Ukrainian wood in 2017
- Buying thousands of tonnes of logs from State Forestry Enterprises in Ukraine which are the subject of major ongoing corruption probes
- Buying timber from areas rife with illegal amber mining, whose FSC certification had been dropped as a result
- Largest Ukrainian supplier in the Carpathian region is a state enterprise whose head was given a suspended jail sentence in 2017 for covering up illegal harvesting



Group turnover: €0.5 billion

- Largest EU importer of Ukrainian wood until 2016
- A Schweighofer subsidiary responsible for supplying Ukrainian logs to its mill in Romania was found in a pre-trial investigation by Ukrainian prosecutors to be one of four overseas log buyers from which ex-Ukraine forest chief Viktor Sivets received a total of €15m of illegal payments during 2011-14 into offshore accounts, in exchange for access to cheap timber
- Purchased Ukrainian fuel-wood logs in 2017 from State Forestry Enterprises whose senior officials were the subject of major ongoing bribery probes



Group turnover: €1.6 billion

- 3rd largest EU importer of Ukrainian wood in 2017
- Hungarian factory expressed interest in buying Ukrainian logs from our fake company, despite multiple red flags
- Buying thousands of tonnes of logs from State Forestry Enterprises in Ukraine which are the subject of major ongoing corruption investigations
- Buying timber from areas rife with illegal amber mining

SWISS KRONO

Group turnover: €2 billion

- Largest EU importer of Ukrainian wood in 2017
- Named in Ukrainian court documents relating to an ongoing major criminal investigation into officials of State Forestry Enterprises in Zhytomyr oblast regarding illegal timber exports
- Received over 200,000 tonnes of logs from Ukraine in 2017 which at import into Romania were declared under Customs Code HS4403, products of which are banned from export from Ukraine
- One third of the logs procured from Ukraine in 2017 originated from State Forestry Enterprises whose senior officials were the subject of major ongoing criminal investigations for timber-related corruption

EGGER

ROMANIA



MILL

1. International Paper Kwidzyn
2. Biocel Paskov (Lenzing Grp)
3. Mondi Steti Slovakia
4. Silva Ltd - Kronospan Mielec
5. Swiss-Krono Hungary
6. Holzindustrie Schweighofer / Egger Romania
7. JAF Holz Ungarn
8. JF Furnir

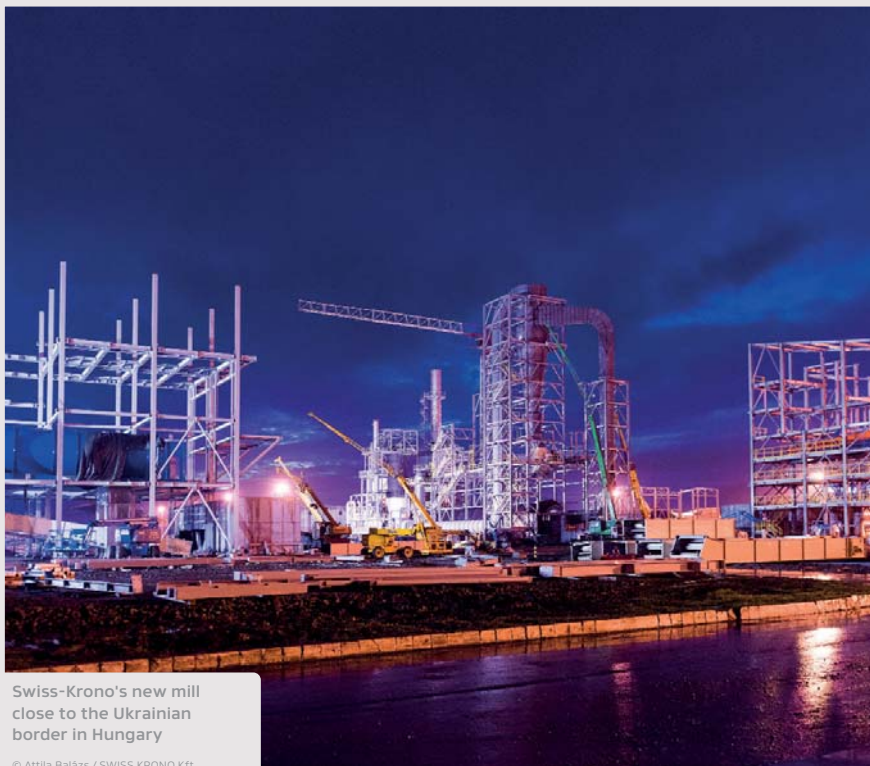


CUSTOMS POINT

- A. Vadul-Siret
- B. Korczowa-Krakovets
- C. Chop
- D. Batovo

KEY

- Carpathian mountains Ukraine
- Selected rail routes
- Oblast (province) borders
- Country borders



Swiss-Krono's new mill close to the Ukrainian border in Hungary

© Attila Balázs / SWISS KRONO Kft.

Our fake company's claims that Ukrainian customs is "very co-operative with us" satisfied initial buyer concerns over log export controls

log export ban, the company was importing 4000 cubic metres (3500 tonnes) per month of sawlogs from Ukraine.³²⁹ In 2017, the company was continuing to import over 1000 tonnes per month of sawn lumber³³⁰, less than half of it FSC certified.³³¹ Its largest supplier was the controversial Klesiv SFE in Rivne³³² (see Case Study 3 on page 38).

After an initial call with a member of the firm's wood purchasing staff in which an interest in purchasing sawlogs was expressed, our investigator was passed on to Erdert's purchasing Director Toth Arpad. Mr Arpad asked for confirmation that our company was able to export round logs, in spite of the moratorium on exports. Our investigator stated in response that our company had 'good relations' with Ukrainian customs and that this therefore would not be a problem. Apparently satisfied, Mr Arpad then passed us on to one of his staff to finalise the deal; that staff person requested a price offer for logs of 4 metres in length. When informed of our findings, Erdert stated only that its internal purchasing policy requires compliance with all laws.³³³ In response to a general query regarding its due diligence procedures, it stated that for non-FSC wood this was limited to checking for a valid Certificate of Origin issued by the export authorities.³³⁴

Another firm willing to discuss business with our shady fake supplier was the third

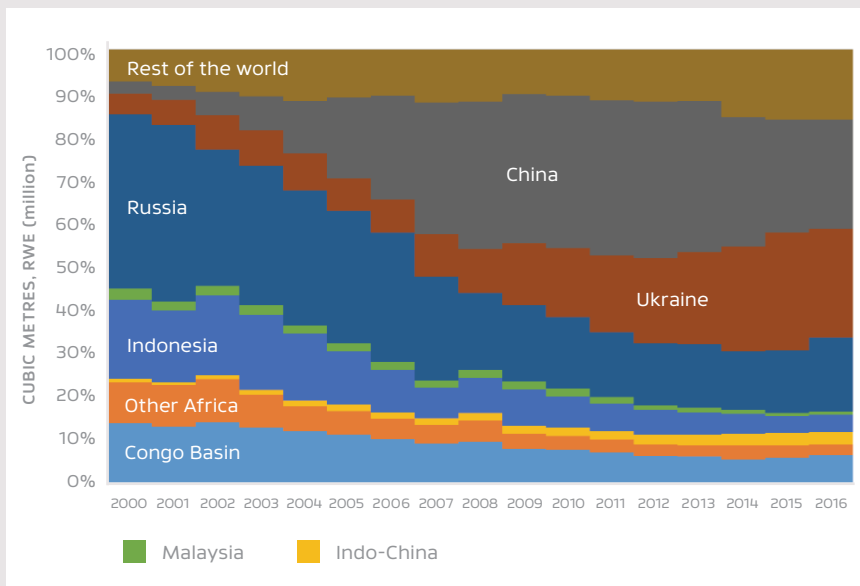
largest EU consumer of Ukrainian wood, Austrian firm Swiss-Krono. A large spike in declared imports of banned HS4403 logs from Ukraine into Hungary occurred between October 2016 and January 2017 (see Figure 7).³³⁵ The sudden increase began the same month that a large new Hungarian mill owned by Swiss-Krono started production.³³⁶ The mill, which produces oriented strand board (OSB), had been constructed close to the Ukrainian border, with its own rail spur linking directly to the neighbouring country.

In December 2017, a timber procurement official of Swiss-Krono's Hungarian OSB mill expressed interest in buying logs offered to him by Earthsight's cover company. When procurement officer Bogdan Bodis asked for confirmation that we were able to export logs longer than 2 metres, our undercover operative stated that our company had shipped such logs already to Europe during 2017 and that Ukrainian "Customs is very co-operative with us". Mr Bodis then asked for a price quote, confirmed continued interest in buying the logs and requested to arrange a face-to-face meeting.³³⁷ When Earthsight told the parent company about our undercover investigative findings, a representative stated that its due diligence procedures involve asking questions of prospective suppliers about the origin of their goods in face-to-face meetings, at which such suppliers are also required to promise to comply with all relevant laws. They also check that all shipments have certificates of origin and shipping documents containing the address of the consignee. The company insisted that it "honours and obeys all laws and regulations".³³⁸

A large pulp mill in Slovakia called Bukoza also expressed interest. The mill produces pulp and paper products mostly from beech, and exports most of its production, with its largest markets being Austria, Germany and France.³³⁹ Prior to the log export ban, it had been among the top 10 largest importers of Ukrainian hardwood logs in the EU.³⁴⁰ The conversation only came to an end because we weren't able to supply sufficient quantities. When an offer to supply 50 tonnes per month of beech 'technological fuelwood' logs of lengths of 3 metres and above was prepared, the official said he would be interested but only if we were able to supply 500 tonnes or more per month.³⁴¹ Bukoza did not reply to our repeated requests for comment on our findings or our questionnaire regarding its due diligence procedures.

FIGURE 8

Estimated EU imports of illegal wood, by source country/region, 2000-2016



Source: Import-source analysis produced by James Hewitt for the EU, adapted and extended for Earthsight

The EU is importing more illegal wood from Ukraine than all of the countries of the tropics combined

3.2.4 Estimating the scale of the problem

The standard method for estimating the volume of trade in illegally-sourced wood between two countries – developed by respected UK think-tank Chatham House – involves multiplying the best available estimates of illegality in the source country (adjusted where justified to reflect efforts to distinguish legal from illegal) with total trade volumes. A global analysis of this kind carried out for the EU in 2016 indicated that imports of illegal wood from the countries of the ‘eastern periphery’ of Europe were of increasing importance.³⁵³ That analysis did not separate imports from Ukraine from other countries such as Belarus. Earthsight commissioned the author of that analysis to provide that added detail, and extend the study to 2016. The study applied an estimate of illegality to Ukrainian wood exports of 40 per cent, which is supported by both the 2017 study of illegal sanitary felling Earthsight commissioned, and the wood-balance analysis of sawn wood exports discussed in Chapter 2.

The results indicate that by 2015 the EU was importing more wood of likely illegal origin from Ukraine than from any other country in the world (see Figure 8). In roundwood-equivalent terms (the volume of raw logs needed to produce the various products imported), the EU was estimated to be importing more illegal wood from Ukraine than from all the countries of the tropics – SE Asia, Africa and Latin America – combined.

LINKS TO THE EU’S LARGEST RETAILERS

The global wood processing companies exposed in this report as purchasing Ukrainian wood associated with illegality and corruption are hardly household names. But the firms which sell their products are much better known.

Wood from Schweighofer’s mills in Romania has previously been traced to products sold in Ikea.³⁴² Chipboard from both Egger and Swiss-Krono, coated with melamine, is also used to produce flat-packed furniture sold by the Swedish giant.³⁴³ Much of the lumber, wood-based panels and wood flooring sold by major DIY and builders’ merchants across the EU is supplied by Egger, Kronospan and Swiss-Krono, including products on sale in branches of Wickes, Homebase and B&Q in the UK³⁴⁴ and Hagebau³⁴⁵, Obj³⁴⁶ and Hornbach³⁴⁷ in Germany, Austria and other countries in Central Europe. Their products are also stocked by French-owned chains Leroy Merlin³⁴⁸ and Castorama.³⁴⁹

Lenzing’s viscose fibres are used in the production of clothing sold by H&M³⁵⁰, Zara³⁵¹ and Marks and Spencer³⁵², among others. International Paper produces the photocopy paper sold across Europe under the Canon, HP and Xerox brands. Earthsight found HP paper produced at the firm’s Polish mill (which uses Ukrainian wood) on sale in branches of the office retail chain Staples in Germany (see picture below).



4. HOW THE EU IS FAILING UKRAINE

EU buyers are using due diligence checks which this report shows are woefully inadequate

EarthSight wrote to all the Ukrainian wood buyers featured in this report to ask what due diligence they were conducting with regard to the legality of their Ukrainian wood purchases. Their answers reveal why Ukrainian wood of likely illegal origin is continuing to flood into the EU. They show that some of these buyers are managing to avoid their responsibilities under EUTR through the use of middlemen. Those firms which do carry out the importing themselves are applying due diligence checks that this report's findings reveal to be woefully inadequate. They also suggest that the responsibility for the continued flow of suspect wood does not end with the firms themselves, but extends to the authorities in the relevant countries charged with enforcing the EUTR, who are signing off on these flawed due diligence systems.

4.1 THE USE OF MIDDLEMEN

Unlike similar laws in other jurisdictions such as the US, with regard to imported wood the EU Timber Regulation's key requirements apply only to those companies which do the importing, and not those who process or sell that wood on.³⁵⁴ Our evidence suggests that some of the largest EU consumers of Ukrainian wood may be using this loophole to avoid their responsibilities. Ukrainian customs data commonly show that while the rail trains carrying Ukrainian wood into Europe may travel direct to these firm's mills, and those companies' names may even appear as 'consignees' on relevant records, the firms legally responsible under the EUTR are very often third parties: small, opaque 'middlemen'.

International Paper's mill in Poland, for example, uses a company called FHU Import-Export for all of its purchases from Ukraine.³⁵⁵ This tiny firm's registered address is a flat above a shop in a small village in eastern Poland (see picture below).³⁵⁶ In addition to shielding the real buyers from legal responsibility, if caught breaking the rules these middlemen firms can also quite easily re-invent themselves. Prior to the log export ban, for example, an obscure Czech middleman firm called Wood Source s.r.o. was handling huge volumes of Ukrainian timber imports destined for major buyers such as Holzindustrie Schweighofer, Egger, Lenzing and Mondi.³⁵⁷ After two of its shipments were seized by Ukrainian authorities at the border and the firm and its Ukrainian sister company were embroiled in scandal and the subject of action in the Ukrainian courts (see Case Study 4 on page 42), Wood Source was blacklisted by some buyers³⁵⁸ and its name stopped appearing in customs records. But at the same time, its owner took control of another Czech firm, WD Solution, and began using it to import Ukrainian wood instead.³⁵⁹

Though middlemen are allowing some big firms receiving shipments from Ukraine to avoid the risk of prosecution under EUTR, the firms featured in this report which use such middlemen nevertheless have procurement policies which involve both legality and sustainability demands. Such policies are prompted by the concerns of their customers to be good citizens, and are especially important for the largest firms with brand reputations to protect. In fact, in their responses to our questions, the firms using middlemen claimed to be implementing much the same kinds of checks as those for whom such steps are mandatory under EUTR. The problem is that those checks cannot actually guarantee very much at all.

4.2 THE MISPLACED FAITH IN FSC

The most meaningful form of due diligence cited by the big buyers in their responses is Forest Stewardship Council (FSC) certification. FSC forests are audited by third parties, who are supposed to ensure that the logging is both legal and sustainable. Inspectors visit each certified forest annually, checking documents and carrying out field inspections.

The enactment of the EU Timber Regulation has helped trigger the rapid expansion of FSC in Ukraine. Nearly 3.7 million hectares of Ukrainian production forest are now FSC certified, including 1.4 million hectares in



The registered address of the middleman used by International Paper for its imports from Ukraine: a residential apartment above a supermarket in a small Polish village

© 2018 Google



the Carpathian provinces. Almost 90 per cent of the forests under the control of the State Agency of Forest Resources in the Ukrainian Carpathians are FSC certified. The area of FSC-certified forests in Ukraine has doubled since EUTR took effect.³⁶⁰

Unfortunately, Earthsight’s research shows that in Ukraine, FSC certification cannot currently be relied on to ensure legality. Its failure is amply demonstrated by the numerous seizures and corruption cases which have come to light in recent years which involve FSC forests and FSC-certified wood. Much of the exported timber on which the wanted ex-forest chief Viktor Sivets was allegedly soliciting bribes during 2011-2014 was coming from FSC-certified SFEs. The large-scale organised criminal timber laundering scheme exposed in Lviv province in late 2016 involved State Forestry Enterprises which were FSC-certified, and their certificates were re-issued in early 2017 in spite of it. Though auditors found the space to comment on the type of trousers used during harvesting, no mention at all was made of the sawn-timber laundering scam.³⁶¹

Most of the logging sites in the Carpathians where illegalities by SFEs were identified in the research commissioned by Earthsight in 2017 were FSC-certified, and illegalities were found in every FSC-certified site visited.³⁶² Senior staff at one of those SFEs, Beregomets, have been the subject of multiple formal investigations into suspected illegal logging and bribery over the last two years, and it was their boss at the provincial forestry office who was caught in October 2017 offering bribes to

protect their activities from inspection by other government agencies (see Section 2.3.3). Yet the SFE retains its FSC status. At its most recent inspection, FSC auditors spent a grand total of two days there. Most of the SFEs in Rivne and Zhytomyr which are the subject of ongoing formal investigations into serious corruption and illegal logging are FSC-certified, and have retained that status despite media coverage of the allegations. Shipments of logs from FSC-certified SFEs have been found to have been illegally mis-declared at export.

Digging more closely into how FSC operates, it is easy to see how such examples can occur. Its systems and procedures are incapable of reliably detecting or preventing the main kinds of illegality known to occur in Ukraine, such as illegal sanitary felling and bribery in timber auctions.

When referring to checks on legality, public summaries of FSC assessments in Ukraine typically refer to such things as the enterprise having trained staff and copies of legislation in its possession, its own records on cases of illegal logging, and its own self-assertions regarding steps it takes to prevent it. When significant illegality issues are examined, this is usually only because they have been raised by an NGO. In such cases it is common for the certifier to dismiss the allegations based on documents and assertions supplied by government agencies, including the enterprise being certified.

Such an approach cannot work in a situation where corruption is rampant, and where the entities doing the logging and being certified are the same ones responsible for

Logging enterprises which are the subject of serious criminal corruption investigations nevertheless remain FSC certified

The former head of a logging enterprise in the Carpathians told Earthsight it is easy to circumvent FSC checks

enforcing the law. That FSC systems and procedures are not fit for purpose in a climate of rampant corruption has been recognised for some time. In 2013, a study by the U4 Anti-Corruption Resource Centre found that while FSC may have some effect in combatting corruption in situations where such corruption was sporadic, it had limited positive effect in places where corruption was systemic.³⁶³

There is some evidence that FSC has recognised and is trying to address its limited ability to guarantee legality, both generally and in the Ukrainian context in particular. In July 2017, a new FSC standard was introduced which is much more rigorous on the issue of legality than any predecessor. It was developed in recognition that the old standard could not be relied on to ensure compliance with the EUTR. Detailed new requirements are defined for particular countries, including Ukraine.

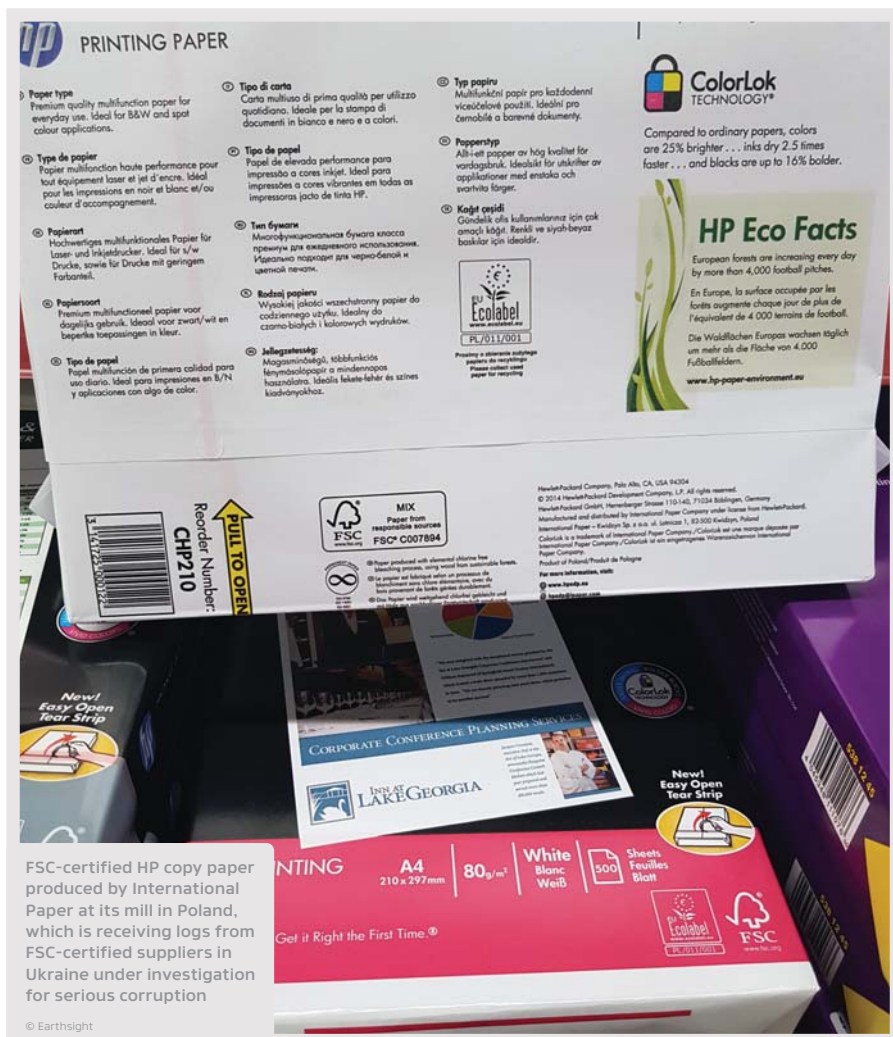
To ensure the legality of sanitary felling, for example, it requires checks of planned

felling sites by suitably qualified independent experts, and for customs violations it requires the contents of an actual truck or railcar to be compared with official documentation.³⁶⁴ Though a substantial improvement, it is likely that a state forest enterprise which wanted to could still find it easy to circumvent them. Oddly, it also only applies to forests certified under FSC's 'Controlled Wood' standard, while nearly all of the FSC forests in Ukraine are certified under the broader 'Forest Management' standard³⁶⁵, and so the new legality checks do not apply to them.³⁶⁶ Regardless of the standards, the validity of 'Controlled Wood' certification is also undermined by the fact that the checks are carried out by the traders themselves, not by independent third-party auditors.³⁶⁷ It is questionable whether traders can be trusted to meaningfully apply the checks with regard to the timber they themselves are selling (see Case Study 1: the Osuna Group).

How easily officials can circumvent FSC legality checks was confirmed to Earthsight by the former head of one of the largest timber-exporting State Forestry Enterprises in the Carpathians. He admitted that during his time in charge, he had found it easy to circumvent FSC checks, which he described as "just box-ticking exercises". He said that assessments mostly involve auditors asking managers "Is it all OK?", and them replying "Yes, it is all OK". Where actual field inspections do take place, he said it was common practice for foresters to ensure auditors only visit unrepresentative 'best practice' logging sites specially prepared for them.

Given the rampant corruption in Ukraine and the likelihood that state forestry enterprises will seek to hoodwink auditors, it is especially important that they examine independent information relating to possible illegality. Yet Earthsight has discovered that they do not. FSC rules do not require auditors to search for relevant information. They will only consider information such as court records, NGO reports and journalistic reports where these are raised by a stakeholder whom the auditor approaches for comment.³⁶⁸

Even where relevant information is raised by third parties, auditors tend to be very generous in how they deal with it. For example, they will often choose not to classify individual examples of illegal logging as sufficiently serious to justify suspending an FSC certificate, on the assumption that they are exceptions. With regard to formal investigations and court cases, one of the largest FSC certifiers has



FSC-certified HP copy paper produced by International Paper at its mill in Poland, which is receiving logs from FSC-certified suppliers in Ukraine under investigation for serious corruption

© Earthsight



reportedly said with regard to Ukraine that even if they are made aware of them, they will not raise an issue unless a guilty verdict has been reached.³⁶⁹ Such an approach cannot be considered to meet the risk-mitigation demands of EUTR, and is particularly questionable given the slowness of the Ukrainian court system, where cases can remain pending for years.

4.3 UNDUE DILIGENCE

Though even FSC cannot effectively reduce the risk of importing illegal wood, much of the timber being imported from Ukraine by these companies does not even meet that standard.

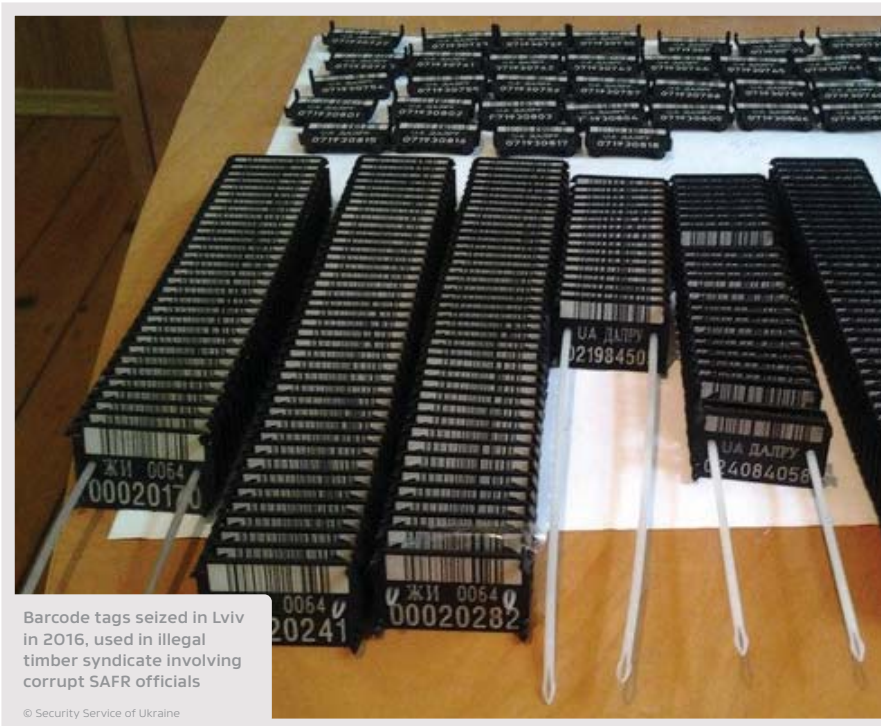
None of the large importers featured in this report require their Ukrainian purchases to have full FSC 'forest management' certification, and most admitted in response to queries from Earthsight to receiving substantial volumes which do not have this. Ninety-eight per cent of the sawn lumber being imported by the JAF Group's Hungarian subsidiary is uncertified³⁷⁰, as are around a third of Egger Romania's Ukrainian purchases³⁷¹, and thirty per cent of Swiss-Krono Hungary's.³⁷² More than half of the sawn wood imported by Erdert Tuszer in Hungary is uncertified.³⁷³ Neither Kronospan or Schweighofer replied to our query regarding the proportion of wood certified, but our own analysis indicates that around 25 per cent of the former's shipments to its mill in Poland are uncertified, and 98 per cent of the sawn wood received by Schweighofer in August

2017 was supplied by firms without FSC 'chain-of-custody'.³⁷⁴ International Paper told Earthsight that 88 per cent of its purchases from Ukraine in 2017 had full FSC certification³⁷⁵, though our analysis of individual shipment records contradicts this and suggests a much lower proportion of 53 per cent.³⁷⁶

Some of the remaining volumes being received by Egger and Swiss-Krono may have been self-verified by suppliers under FSC's lower 'Controlled Wood' standard, but the only firms which claimed to have received only wood which met at least this standard during 2017 were those using middlemen: International Paper, Lenzing and Mondi.

The due diligence measures these firms claimed to be taking for uncertified wood (which most were also applying to the certified purchases, though not JAF and Erdert) were even more inadequate than those demanded under FSC. Most of the firms mentioned that they check that shipments are accompanied by a 'Certificate of Origin'. But these certificates are issued by the same corrupt agencies which are carrying out the logging. An SFE willing to log illegally is unlikely to then refrain from issuing such certificates for the timber involved. SFEs are also known to have corruptly issued such documents for timber felled illegally by third parties. They are also regularly forged (see Chapter 2). Similar concerns relate to other documents cited by the buyers, such as transport or export documents.

The due diligence measures being used for uncertified wood were even more inadequate



Many due diligence ‘checks’ amount to little more than the extraction of unsubstantiated promises from suppliers

Many of the firms mention checks which they carry out on their suppliers, but these are usually even more meaningless. Swiss-Krono claimed to only deal with ‘established companies’ which have also supplied their large competitors.³⁷⁷ Yet as our report shows, some of the most established traders have been found guilty or are under investigation by Ukrainian prosecutors. Swiss-Krono’s claim is also contradicted by its willingness to engage in a discussion of prices and delivery terms with our undercover company, which didn’t even exist (see Section 3.2.3). Swiss-Krono’s response is that they would have done additional due diligence on our company via a face-to-face meeting³⁷⁸, but it is unclear how verbal answers to questions can constitute meaningful evidence. Similarly, a number of the companies, including International Paper³⁷⁹, Lenzing³⁸⁰, Swiss-Krono³⁸¹ and Kronospan³⁸², say that they require suppliers to sign documents (such as purchase contracts or ‘codes of conduct’) attesting to the legality of the wood they supply, but this also amounts to little more than extracting an unsubstantiated promise.

The only firms which referred to any kind of field checks were Egger and Schweighofer, but the extent and meaningfulness of these remained unclear. Schweighofer said its suppliers were subject to its ‘on-site verification programme’³⁸³, while Egger said its internal audit team “makes on site audits and field verifications to check the source of the wood materials”, a step it

claimed went beyond EUTR demands.³⁸⁴ It is very unlikely that any of these field checks are any more effective in reducing risks of illegality to a negligible level than the flawed ones being undertaken for FSC certification.

The responses we received from these companies suggest that some do not fully understand what illegal logging is, and think it only refers to clandestine felling and smuggling by external, non-government actors, entirely separate from licensed production. Osuna, one of the largest traders of Ukrainian wood to the EU, even seemed to believe that it was impossible by definition for a government entity to log illegally (see Case Study 1 on page 26). Others seem to have a poor understanding of their responsibilities under EUTR. Swiss-Krono, for instance, sought to claim credit for not having any direct relationships with Ukrainian wood companies or SFEs, as if importing through intermediaries somehow distanced it from the potential of illegalities.

4.4 FAILURE OF EU AUTHORITIES

In their responses to our findings, JAF, Egger and Schweighofer all stressed that they had been inspected by EUTR Competent Authorities from within the relevant Member State(s) and been found to be compliant. The companies assert that this proves that they are abiding by the EUTR.³⁸⁵ But our evidence suggests that they – and most likely also other importers named in this report - are passing these checks because the authorities involved are taking a lax attitude to what constitutes meaningful due diligence with regard to Ukraine, which is at best contrary to the spirit of EUTR, and may constitute a breach of these Member States’ legal responsibilities under it.

Official EUTR guidance states that where there is significant corruption, “even official documents issued by authorities cannot be considered reliable.”³⁸⁶ Recognising this guidance, for example, authorities in Sweden and Denmark have concluded that valid documents from the state-owned company with sole rights to cut and export timber from Myanmar do not constitute sufficient due diligence, because of high corruption risk.³⁸⁷ It appears that authorities in the main EU countries importing wood from Ukraine are adopting a very different attitude.

A lax approach to implementing EUTR has been evident in these countries for some time. The EU countries which share a

border with Ukraine and are among the largest importers of its timber were among the slowest to implement EUTR into national legislation. By the spring of 2015, two years after EUTR had become effective, none of these countries had implemented it. The European Commission was forced to begin formal investigations. While this finally prompted Poland to act, the Commission had to launch formal infringement procedures against Hungary and Romania for continued failure to implement the law.

Hungary was not fully applying the law until September 2016³⁸⁸, and the infringement case against Romania was not closed until December 2016.³⁸⁹ As of March 2017, Slovakia was still under investigation by the Commission for not having in place required penalties for breaches of EUTR.³⁹⁰ Even where the Commission judges a country to be compliant, this only means that it has passed relevant legislation and nominated an agency to implement it. Other evidence also suggests either a lack of enthusiasm or insufficient resources.

None of the countries has responded to surveys by NGOs regarding numbers of checks carried out and penalties applied.³⁹¹ Though third-country agents are commonly involved in their imports from Ukraine and most of the wood is re-exported within the EU, Poland and Romania are also two of only a handful of EU countries which have not reported any collaboration with EUTR authorities in other member states.³⁹²

Ukraine has been the subject of regular attention at meetings of European EUTR

competent authorities during the last two years, and the focus of compliance checks by a number of countries.³⁹³ Increasing efforts are being made, including in some of the key neighbouring countries. The EU even sent a mission to Ukraine in early 2018 to investigate the issue, which included representatives from Member State EUTR Competent Authorities. It found that “substantial corruption risk can be found in every supply chain and is widespread throughout the whole country”. However, its conclusion with regard to the implications for EU imports was doubly odd, stating that there was “not enough evidence publicly available to convince EU operators of the risks linked to Ukrainian timber.” Aside from being arguably untrue, this suggests that EU timber importers have to be persuaded to comply with EU law, rather than being forced to by their home governments. Hopefully this report will help fill the gap they believe exists.

Our evidence shows that Member States are still not implementing EU law effectively with regard to Ukraine. As a result, many EU companies are continuing to import Ukrainian wood at high risk of illegality, without carrying out meaningful due diligence.

In Brussels meanwhile, though bureaucrats working directly on supporting the implementation of EU legal commitments on timber legality with regard to Ukraine have made substantial efforts to encourage greater compliance, the EU institutions’ greatest efforts on the issue of EU wood imports from Ukraine have been directed elsewhere.

Authorities in EU importing countries are taking a lax attitude to what constitutes meaningful due diligence with regard to Ukraine



Greenpeace protesting the failure to implement the EU Timber Regulation, 2015

© Pierre Baelen / Greenpeace

The European Commission is trying to force Ukraine to overturn its log export ban

4.5 A GRAND HYPOCRISY: STRONG-ARMING THE UKRAINIAN GOVERNMENT

In a grand hypocrisy, the EU has been strong-arming the Ukrainian government to overturn one of the key measures it has enacted in recent years to try to stem the flow of illegal wood and give breathing space for governance to improve.

As explained in Chapter 1, in April 2015 Ukraine banned the export of logs.³⁹⁴ Though other factors were also important, one of the justifications for the ban was as a means of helping tackle uncontrolled and often illegal log exports and thereby protect Ukraine's forests. In September 2016, the Ukrainian National Prosecutor's Office, in a report about rampant illegal logging and exports, even recommended that the ban be extended to cover sawn timber, in order to provide additional support to efforts to tackle illegality.³⁹⁵ Not long before the ban was enacted, Ukrainian authorities had exposed the massive, high-level corruption scheme relating to log exports run by former forest chief Victor Sivets, which went right to the heart of government (see Section 2.4.2). With a new government in power, determined to root out corruption, a ban on exports was seen as a means of

reducing the opportunities for graft, buying time for longer term governance measures to be implemented to prevent it. It is also harder to export illegal wood if you have to process it first, since that requires factories which can be discovered, and requires the wood to remain in the country for longer. Other countries affected by rampant illegal logging, such as Indonesia, have successfully used log export bans to help tackle the problem.

Rather than supporting the measure, however, the EU has sought to force the Ukrainian government to overturn the ban. The EU alleges that the ban contravenes the free-trade terms of its May 2015 €1.8 billion loan agreement with Ukraine³⁹⁶, and has repeatedly withheld large tranches of that cash in order to try to force the government to overturn it.³⁹⁷ In December 2017, the EU cancelled the final €600 million tranche, with one of the four reasons cited being the continued failure by the Ukrainian authorities to implement their earlier promise to repeal the ban.³⁹⁸ These strong-arm tactics have triggered protests by Ukrainian activists³⁹⁹ and led one Parliamentarian to accuse the EU of 'blackmailing' Ukraine into lifting the ban, and thereby undermining the country's efforts to protect its forests from the scourge of illegal logging and corrupt wood exports.⁴⁰⁰ Opponents of the EU's action note that the wider 2014 Association Agreement between the two jurisdictions allows for trade restrictions where they are justified on the grounds of public policy and to protect nature.⁴⁰¹ By seeking to force Ukraine to overturn the ban, the EU was itself arguably in breach of the other terms of the agreement under which it commits to support efforts to prevent corruption, illegal logging and cross-border trade in stolen goods.⁴⁰²

Ukrainian commentators have alleged that the real reason the EU is pressuring for the lifting of the ban is that a number of large EU wood processing companies are enriching themselves on a ready supply of cheap, likely-illegal, logs from Ukraine. Earthsight's research reveals that many of the same giant firms which have been buying Ukrainian wood tainted with evidence of possible illegality and corruption have been actively pressuring the European Commission to force Ukraine to overturn the ban. The company most affected by the ban, Schweighofer, has reportedly pushed for the ban to be lifted through the European Organisation of the Sawmill Industry (EOS), a Brussels-based lobbying group, which had representatives at the meeting where Ukraine's President Poroshenko announced



Activists calling for Ukraine to maintain the log export ban, in the face of EU threats

© Ukrfoto



that he was to accede to the EU demands by overturning the ban.⁴⁰³

Freedom of Information requests to the European Commission by Earthsight reveal further details of the influence being brought to bear by big EU wood buyers and their industry association representatives, as well as the governments which host their factories. At a meeting in November 2016 of DG Trade’s Market Access Advisory Committee, including representatives from various EU Member States - including Romania - and a number of European wood industry representatives, one (unidentified) government representative stated that “its wood processing industry had been very heavily affected, with wood prices skyrocketing since the introduction of the ban”. The Commission took note of the Member State concerns and promised strong efforts to achieve the repeal of the ban would continue “at all levels”.⁴⁰⁴ European Parliamentarians representing Austria, Hungary, Poland and Romania – the countries in which the big buyers’ factories are based, plus the home state of many of them – have also been working hard to press for the overturning of the ban.⁴⁰⁵

The Confederation of European Paper Industries (CEPI) has also been lobbying the European Commission hard regarding the ban. In one of a number of meetings it has held on the subject with the Commission, in October 2017 CEPI met with one of the Trade Commissioner’s closest advisors, Nele Eichhorn. According to the minutes of the meeting, CEPI stressed the “repercussions on EU industry” of the ban and requested that DG Trade “scale up pressure on Ukraine” to overturn it. They were reassured that steps are being taken to “assist” Ukraine in lifting the ban.⁴⁰⁶

Both Mondi and International Paper have seats on the CEPI Board⁴⁰⁷, while Lenzing and Bukoza are represented by their national associations. Both Mondi and Lenzing admitted to Earthsight to having lobbied the Commission regarding the ban, via trade associations of which they are members.⁴⁰⁸

All of these companies were substantial consumers of Ukrainian logs prior to the ban. This report shows all of them have also received suspect wood.

Earthsight’s research shows this has happened under pressure from the giant EU firms using suspect Ukrainian wood

5. SOLUTIONS



Lynx
© Kvetto/Shutterstock.com

The big importers must take a more meaningful approach to ensuring that any Ukrainian wood that they buy is clean

The ultimate solution to forest crime in Ukraine must come from within the country. Efforts are underway, but are moving painfully slowly.

In early 2017, the SAFR announced plans to introduce a number of sweeping reforms to forest governance in Ukraine.⁴⁰⁹ The stated objectives of a new draft five year reform strategy include improving the processes that govern how logs are sold, introducing new mechanisms to prevent corruption in management decisions, upgrading the status of the SAFR so it is directly subordinate to the Cabinet of Ministers, increasing cross-sectoral cooperation and generally bringing Ukrainian forestry standards in line with European standards.⁴¹⁰ One of the stated goals was also to establish a new system of legality of wood handling at each stage, in accordance with the European Union Timber Regulation.⁴¹¹ A number of new regulations have since been drafted. While this is a much needed step in the right direction by the SAFR, it remains to be seen whether the planned changes will be implemented, and even if they are, it is unclear if they will be capable of ensuring that the current environment of rampant corruption in the forestry sector becomes a thing of the past. A much broader range of measures are needed, some of which extend beyond the SAFR's stated reform goals.

Just prior to the publication of this report, the Ukrainian Parliament passed new legislation dramatically increasing the penalties for illegal logging and wood trading.⁴¹² Though it is a welcome step, it is questionable what difference the level of penalties can make, if corrupt officials are never caught in the first place, or investigations into their activities drag on for years before being brought to trial. It is essential that serious timber corruption cases are investigated and prosecuted much more quickly. Authorities should also begin targeting the companies who are paying bribes, as well as the officials receiving them. The same new law, due to come into effect on 1st January 2019, also bans the export of firewood, in order to help halt the widespread circumvention of the log export ban documented in this report. This will make it harder to bypass the ban, but there are other ruses which are likely to be used instead.

Though more action is certainly needed, a discussion of the precise detailed steps needing to be taken by the Ukrainian government to stamp out timber corruption is beyond the remit of this report. The focus of this report is on the role played by the EU. And what is certain is that Ukraine's fight against timber corruption is not taking place in a vacuum. Whether it succeeds will depend to a significant extent on whether

the biggest market for Ukraine's wood exports remains open to timber sourced illegally and corruptly.

The obvious starting point for action in the EU is the companies which import and process Ukrainian wood, especially the multinational giants mentioned in this report. These companies must take a more meaningful and pro-active approach to ensuring that any Ukrainian wood that they buy is clean. This must go beyond checking for government documents or seeking promises from suppliers. It also cannot rely solely on the independent certification provided by the Forest Stewardship Council (FSC).

According to Ukrainian forest experts, FSC certification has helped improve forest management in the country. It is therefore important that it continues to be supported. But as this report demonstrates, its current systems and procedures are incapable of ensuring that certified wood is legal and free from corruption. If it is to remain relevant in Ukraine and useful for overseas buyers, FSC must overhaul its systems and procedures. As a start, it must expand the new legality checks included in its Controlled Wood standard to its main Forest Management standard, require auditors to pro-actively check Ukrainian media and court records, and preclude from certification those suppliers under formal investigation for serious timber-related offences, or found guilty of them. FSC also needs to look more broadly at how it addresses the unique challenges faced by forest certification in countries with high levels of corruption.

Demand for reform by FSC, and for action by the big companies processing Ukrainian wood, needs to come from the retailers which sell their products. Major retail chains like Ikea must act urgently to investigate their supply chains for products made from Ukrainian wood, and demand more meaningful assurances that any such wood is legal and corruption-free. They cannot continue relying on FSC certification alone to protect their brands.

Action by the big buyers on issues of timber legality should not be voluntary, however. The EU has recognised this, which is why it passed a law banning the import of illegal wood and making checks on legality obligatory. But for Ukraine this law is not doing what is supposed to. The blame for that lies mostly with the national authorities in individual EU countries, who are tasked with implementing and enforcing it. If the flood of suspect wood

into Europe from Ukraine is to be stemmed, these authorities, especially those in Romania, Poland, Hungary, Austria and Germany, have a crucial role to play. They must demand more meaningful due diligence by importers.

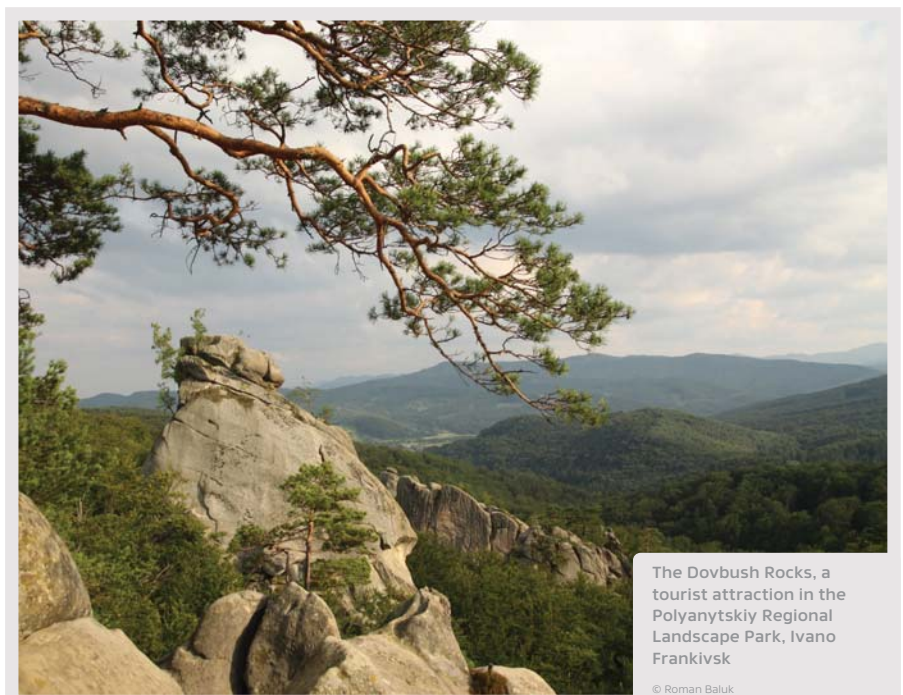
If those national authorities do not act, it is the duty of the EU institutions in Brussels to force them to. European officials working specifically on timber legality have taken some actions with regard to Ukraine, but this action must be ramped up. Specific formal guidance must be given on Ukraine in particular, and on how to address issues of corruption more generally. If additional help and guidance to national authorities does not work, then stronger steps may be needed.

Authorities in the countries which receive Ukrainian wood must demand action by the importers. EU officials in Brussels must make sure that they do

Action at the EU level also needs to go beyond the narrow confines of those working on EUTR implementation. The European Commission has been providing important support to efforts to reform forest governance in Ukraine, but is undermining those efforts by failing to implement EUTR effectively, and has wasted its greatest efforts on trying to force Ukraine to revoke its ban on export of logs. Top officials in the Commission must provide the high level political and financial support necessary to ensure that EUTR implementation is improved, and must re-direct the Commission efforts currently being applied to the log export ban to instead bolster support to Ukrainian forest governance reform. To ensure big firms cannot circumvent it through the use of middlemen, the Commission should also consider amending the EUTR to place the same responsibilities on downstream traders and retailers.

The attention of EU and Member State authorities should also not be limited to those with responsibility for forest issues. The use of letterbox firms and secrecy jurisdictions and the possible involvement of EU firms in timber corruption in Ukraine should demand the attention of authorities responsible for enforcing money laundering and anti-bribery laws.

Brave activists and officials are taking the fight to timber corruption in Ukraine. But they need help. Companies and officials in the EU must answer their call.



The Dovbush Rocks, a tourist attraction in the Polyanyskiy Regional Landscape Park, Ivano Frankivsk

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REFERENCES

- 1 The Economist, 'Ukraine is struggling with corruption, sometimes successfully', 25th May 2017, <https://www.economist.com/europe/2017/05/25/ukraine-is-struggling-with-corruption-sometimes-successfully>
- 2 Reuters, 'Topped 'mafia' president cost Ukraine up to \$100 billion, prosecutor says', 30th April 2004, <https://www.reuters.com/article/us-ukraine-crisis-yanukovich/toppled-mafia-president-cost-ukraine-up-to-100-billion-prosecutor-says-idUSBREA3TOK820140430>
- 3 OECD, Anti-Corruption Reforms in Ukraine: Round 3 Monitoring of the Istanbul Anti-Corruption Action Plan, 24th March 2015, <https://www.oecd.org/corruption/acn/Ukraine-Round-3-Monitoring-Report-ENG.pdf>
- 4 Kyiv Post, 'Top officials stealing from nation at war?', 13th October 2017, https://www.kyivpost.com/ukraine-politics/top-officials-stealing-nation-war.html?utm_content=buffer9b897&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer
- 5 Transparency International, Corruption Perceptions Index 2016
- 6 American Chamber of Commerce in Ukraine, Corruption Perception Survey 2015, <http://www.chamber.ua/Content/Documents/-436507952Corruption-perception-survey-report-ENG.pdf>
- 7 Chatham House Ukraine Forum, 'Ukraine's transformation: Assessments and solutions', 5th July 2017, London. Statement by the Managing Director for Eastern Europe and the Caucasus for the European Bank for Reconstruction and Development
- 8 OECD, Anti-Corruption Reforms in Ukraine: Round 3 Monitoring of the Istanbul Anti-Corruption Action Plan, 24th March 2015, <https://www.oecd.org/corruption/acn/Ukraine-Round-3-Monitoring-Report-ENG.pdf>
- 9 See for example Atlantic Council, 'What Ukraine's Anticorruption Warriors Forget, And Why It May Weaken the State', June 2018 and Kyiv Post, 'NABU's future uncertain amid Kholodnytsky scandal', 6th April 2018.
- 10 New York Times, 'Schooled in Scandal: What makes Ukraine a hotbed of intrigue', 7th October 2017, <https://www.nytimes.com/2017/10/07/world/europe/ukraine-russia-manafort-corruption.html>
- 11 Interpol, 'Forestry crime in Ukraine – A threat and risk assessment', 31st December 2016
- 12 Lopatin, E. et al., 'Atlas of the forest sector in Ukraine with the focus on wood fuels', Working Papers of the Finnish Forest Research Institute, 2011, <http://www.metla.fi/julkaisut/workingpapers/2011/mwp211.pdf>
- 13 As of 2004. Zibtsev, S. and Tarasenko, V., Ukraine Country Report, Trends in Forest Use and Conservation - Policy Options for Action, FAO, 2004, <http://www.fao.org/docrep/MEETING/007/AD744E/AD744E14.htm>
- 14 Pavelko and Skrylnikov, 'Illegal logging in Ukraine: A fact-finding study', Regional Environment Centre Grey Paper, June 2010, http://www.envsec.org/publications/fact_finding_study_illegal_logging_eng_feb_11.pdf
- 15 Government of the Republic of Ukraine, Global Environmental Facility and UNDP, Strengthening Governance and Financial Sustainability of the National Protected Area System in Ukraine, 2008, https://info.undp.org/docs/pdc/Documents/UKR/00048804_Project_Document.pdf
- 16 Webster R, Holt S, Avis C (eds) (2001) The status of the Carpathians. A report developed as a part of the Carpathian Ecoregion initiative. WWF, Vienna
- 17 Regional Environmental Centre and EURAC, Handbook on the Carpathian Convention, The Regional Environmental Centre for Central and Eastern Europe, 2007, http://www.carpathianconvention.org/tl_files/carpathiancon/Downloads/04%20Publications%20-%20Press%20-%20Gallery/Documents%20and%20Publications/4.1.2.8%20Carpathian%20Handbook.pdf
- 18 CCIBIS, Heritage in the Carpathians, 2014. Available: <http://www.ccibis.org/carpathian-values/82-heritage-in-the-natural-environment>
- 19 Regional Environmental Centre and EURAC, 2007, op cit.
- 20 Ibid.
- 21 Maran, T., et al., 2010. Mustela lutreola. The IUCN Red List of Threatened Species 2010: e.T14018A4381596. <http://www.iucnredlist.org/details/14018/3>
- 22 BirdLife International. 2017. Aquila heliaca (amended version of 2016 assessment). The IUCN Red List of Threatened Species 2017: e.T22696048A117070289, <http://dx.doi.org/10.2305/IUCN.UK.2017-3.RLTS.T22696048A117070289.en>
- 23 Calculated from areas in hectares listed for all individual sites listed by UNESCO at https://whc.unesco.org/en/list/1133/multiple=1&unique_number=2152, as of July 2018
- 24 Alina Yakymchuk, Taras Mykytyn and Andriy Valyukh (2017). Management of the nature conservation areas of Ukraine's Polissya region based on the international experience. Problems and Perspectives in Management (open-access), 15(1-1), 183-190, https://businessperspectives.org/images/pdf/applications/publishing/templates/article/assets/8702/PPM_2017_01cont_Yakymchuk.pdf
- 25 UNESCO, West Polesie Transboundary Biosphere Reserve, September 2012, <http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/biosphere-reserves/europe-north-america/belaruspolandukraine/west-polesie-transboundary-biosphere-reserve/>
- 26 Ibid.
- 27 Breymer and Noble, Biodiversity Conservation in Transboundary Protected Areas, National Research Council 1996
- 28 See for example distribution map at Mech, L.D. & Boitani, L. (IUCN SSC Wolf Specialist Group). 2010. Canis lupus. The IUCN Red List of Threatened Species 2010: e.T3746A10049204. <http://dx.doi.org/10.2305/IUCN.UK.2010-4.RLTS.T3746A10049204.en>
- 29 Breitenmoser, U., et al., Action Plan for the conservation of the Eurasian Lynx (Lynx lynx) in Europe, Figure 2
- 30 Kora/LCIE, 2007, 'Distribution of the Brown Bear in Europe', shows small populations in Ukraine's Polissya - http://www.kora.ch/uploads/pics/344_Monitoring_Baer_Europa_2007_Sp-ois_gr_01.jpg
- 31 See for example National Geographic, 'The dramatic impact of illegal amber mining in Ukraine's wild west', January 2017, at <https://news.nationalgeographic.com/2017/01/illegal-amber-mining-ukraine/>
- 32 UNECE and OSCE, Transboundary Diagnostic Study for the Dniester River Basin, OSCE/UNECE Project: Transboundary Co-operation and Sustainable Management of the Dniester River, November 2005, <https://www.osce.org/eea/38320?download=true>
- 33 Ibid.
- 34 Ibid.
- 35 Breitenmoser, U., et al., 2015. Lynx lynx (errata version published in 2017). The IUCN Red List of Threatened Species 2015: e.T12519A121707666, <http://www.iucnredlist.org/details/12519/0>
- 36 United Nations Environment Programme, 'Combating wildlife and forest crime in the Danube-Carpathian region', 2017, https://wedocs.unep.org/bitstream/handle/20.500.11822/22225/Combating_WildlifeCrime_Danube.pdf?sequence=1&isAllowed=y
- 37 WWF, 'Moratorium on logging in Carpathian old-growth forests of Ukraine', 22nd January 2018, <http://wwf.panda.org/?321210/Moratorium-on-logging-in-Carpathian-old-growth-forests-of-Ukraine>
- 38 Zibtsev, S. and Tarasenko, V., 2004. Ukraine Country Report, in: FAO/Czech Republic Forestry Policy Workshop; Trends in Forest Use and Conservation - Policy Options for Action, 21 – 26 March 2004, <http://www.fao.org/docrep/MEETING/007/AD744E/AD744E14.htm>
- 39 World Bank/Profor, Ukraine Forestry Sector Note, March 2006, https://www.profor.info/sites/profor.info/files/UkraineForestSectorNote2006_0.pdf
- 40 UN COMTRADE export data for for 2017 total exports of HS44 (timber), HS47 (pulp), HS48 (paper) and wood furniture (HS940169, 940330, 940340, 940350, 940360)
- 41 Regional Environment Center, 'Illegal Logging in Ukraine: Fact-funding Study', June 2010
- 42 Better Regulation Delivery Office, 'Green Book', Timber Market Regulation, March 2017 - <https://regulation.gov.ua/book/17-reguluvanna-rinku-derevini>
- 43 Interpol, 2016, op cit.
- 44 Better Regulation Delivery Office, 'Green Book', Timber Market Regulation, March 2017 - <https://regulation.gov.ua/book/17-reguluvanna-rinku-derevini>
- 45 Ibid.
- 46 Zibtsev, S. and Tarasenko, V., 2004. Ukraine Country Report, in: FAO/Czech Republic Forestry Policy Workshop; Trends in Forest Use and Conservation - Policy Options for Action, 21 – 26 March 2004, <http://www.fao.org/tempref/docrep/fao/006/AD744E/AD744E13.pdf>
- 47 Interpol, 2016, op cit.
- 48 According to interviews by Earthsight with Ukrainian forestry experts, 2017
- 49 Ibid.
- 50 Forest Stewardship Council, FSC National Risk Assessment of Controlled Wood for Ukraine, 2017, <https://ua.fsc.org/preview/fsc-national-risk-assessment-of-controlled-wood-for-ukraine.a-367.pdf>
- 51 Ukrstat, Main indicators of the forestry management (1990-2017), https://ukrstat.org/en/operativ/operativ2014/sig/lis/lis_e/lgd2016_e.htm
- 52 UN COMTRADE, 2017
- 53 Verkhovna Rada of Ukraine, Про внесення змін до Закону України "Про особливості державного регулювання діяльності суб'єктів [...] Верховна Рада України; Закон від 09.04.2015 325-VIII", 2015, <http://zakon0.rada.gov.ua/laws/show/325-19>
- 54 Ibid.
- 55 EXPLANATORY NOTE to the Bill "On Amendments to the Law of Ukraine" On peculiarities of state regulation of business entities associated with the sale and export of timber "(on the moratorium on the export of timber in forest technology and law form)"
- 56 GOV.UA, 'Держлісагентство унеможливило експорт ділової деревини під виглядом дров', January 12, 2017, <https://www.kmu.gov.ua/ua/news/249651370>
- 57 U4 Brief, 'Corruption in natural resource management – an introduction', February 2008, <https://www.u4.no/publications/corruption-in-natural-resource-management-an-introduction.pdf>
- 58 See for example; Global Witness, 'Jade and the Generals', May 2017, <https://www.globalwitness.org/en/campaigns/myanmar/jade-and-generals/>; Global Witness, 'Blood Timber', July 2015, <https://www.globalwitness.org/en-gb/campaigns/forests/bloodtimber/>; and 'UNEP marks International Day for Preventing the Exploitation of the Environment in War and Armed Conflict', UNEP Press release, 6th November 2015, <https://www.unenvironment.org/news-and-stories/press-release/unep-marks-international-day-preventing-exploitation-environment-war>
- 59 UNDP/UNODC factsheet, 'Corruption and development', undated, http://www.anticorruptionday.org/documents/actagainstcorruption/print/materials2016/corr16_fs_DEVELOPMENT_en_PRINT.pdf
- 60 U4 2008, op cit.
- 61 Ibid.
- 62 GAN Business Anti-Corruption Portal, Ukraine Corruption Report, Last Updated August 2017, <https://www.business-anti-corruption.com/country-profiles/ukraine/>
- 63 Official SAFR figures as supplied to Earthsight by local Ukrainian forest experts
- 64 World Bank/Profor, Ukraine Forestry Sector Note, March 2006, https://www.profor.info/sites/profor.info/files/UkraineForestSectorNote2006_0.pdf
- 65 Lawson, S. & MacFaul, L., Illegal logging and related trade: indicators of the global response, Chatham House, 2010
- 66 State Audit Service figures for January-May 2017, received by Earthsight in October 2017
- 67 Ibid.
- 68 Based on Earthsight analysis of court documents relating to a wide range of relevant cases, 2015-2017
- 69 General Prosecutors Office release, 2016, http://www.gp.gov.ua/ua/news.html?_m=publications&_t=rec&id=192803
- 70 Ibid.
- 71 Figures released by Zakarpattia RFMB in response to Freedom of Information request by Earthsight, 2017
- 72 Better Regulation Delivery Office (BRDO), 'Green Book', Timber Market Regulation', March 2017 - <https://regulation.gov.ua/book/17-reguluvanna-rinku-derevini>
- 73 'BRDO: The budget of Ukraine loses 200 million hryvnas annually because of illegal sawmills', Better Regulation Delivery Office press release, 27th Jun 2017, <http://en.brdo.com.ua/main/brdo-budget-ukraine-loses-200-million-hryvnas-annually-illegal-sawmills/>
- 74 World Bank/Profor, Ukraine Forestry Sector Note, March 2006, https://www.profor.info/sites/profor.info/files/UkraineForestSectorNote2006_0.pdf
- 75 Release by General Prosecutors Office, 26th May 2016 - http://www.gp.gov.ua/ua/news.html?_m=publications&_t=rec&id=192803
- 76 Interpol, 2016, op cit.
- 77 Ibid., page 15
- 78 Based on Earthsight analysis of court documents relating to a wide range of relevant cases, 2015-2017
- 79 Better Regulation Delivery Office, 'Green Book', Timber Market Regulation, March 2017 - <https://regulation.gov.ua/book/17-reguluvanna-rinku-derevini>
- 80 Ibid.
- 81 Ibid.
- 82 Ibid.
- 83 Ibid.

- 84 Interpol, 2016, op cit.
85 Ibid.
86 Ibid.
87 Official SAFR figures as supplied to Earthsight by local Ukrainian forest experts
88 Ibid.
89 Ukrstat, Main indicators of the forestry management (1990-2017), https://ukrstat.org/en/operativ/operativ2014/sg/lis/lis_e/ldg2016_e.htm
90 Interpol, 2016, op cit., pages 17 and 9
91 Ibid., page 17
92 Ibid. page 9
93 Kyiv Ecological and Cultural Center, 'Массовые нарушения закона при организации санитарных рубок в объектах ПЗФ', 30th September 2015, <http://ecoethics.ru/massovyye-narusheniya-zakona-pri-organizatsii-sanitarnyih-rubok-v-obektah-pzf/>
94 Ibid.
95 Ibid.
96 New York Times, 'Chernobyl's Silent Exclusion Zone (Except for the Logging)', April 23rd 2016 - <https://www.nytimes.com/2016/04/24/world/europe/chernobyls-silent-exclusion-zone-except-for-the-logging.html>
97 Interpol, 2016, op cit., page 9
98 Ukraine's State agency of Forest Resources, October 2016: http://oklg.kmu.gov.ua/forest/control/uk/publish/article?art_id=172449&cat_id=32888
99 WWF Germany, 'Selective Field Assessment of Sanitary Logging Sites in Ukrainian Carpathians', forthcoming
100 Ibid.
101 Ibid.
102 Including, for example, those relating to Vynograd (Case number 42017071060000008, 18th February 2017) and Berehevo (Lisportal, 'Берегівський лісопс відшкодував заподіяні лісам збитки', 4th February 2017 - <http://www.lesovod.org.ua/node/32434>) SFEs and Carpathian Military Forestry (Case number 42016090780000080, 15th November 2016).
103 Interpol, 2016, op cit. page 17
104 WWF Germany, 'Selective Field Assessment of Sanitary Logging Sites in Ukrainian Carpathians', forthcoming
105 WWF Germany, 'Selective Field Assessment of Deforestation in the Ukrainian Carpathians', forthcoming
106 Earthsight interview with logging contractor, May 2017
107 National Geographic, 'The Dramatic Impact of Illegal Amber Mining in Ukraine's Wild West', 31st January 2017 - <https://news.nationalgeographic.com/2017/01/illegal-amber-mining-ukraine/>
108 Earthsight analysis of official data
109 Pravda, 'Ліс рубають – бакси летять... і арешти всіх директорів лісопсів Рівненської області', 5th March 2017 - <http://blogs.pravda.com.ua/authors/bbavakov/58bc04ca772c1/>
110 Chernivtsi Promin, 'Головного лісника Буковини затримали під час спроби підкупу посадовця поліції', 9th October 2017 - <http://promin.cv.ua/2017/10/09/golovnoho-lisivnyka-bukovyny-zatrymaly-pid-chas-sproby-pidkupu-posadovtsia-politsii.html>
111 Criminal case No. 4201714040000093
112 Ibid.
113 Ukrainian Regulation 42, 'Щодо вдосконалення механізмів продажу необробленої деревини', 2007 - <http://zakon5.rada.gov.ua/laws/show/z0164-07>
114 Ibid.
115 Interpol, 2016, op cit.
116 Based on an analysis of court records relating to illegal logging by Earthsight in 2017 and 2018
117 Earthsight interview with MP Ostar Yednak, September 2017
118 Earthsight interview with MP Ostar Yednak, September 2017
119 Earthsight interview with forester from a Zakarpattia SFE, November 2017
120 Interview with a local contractor in Ivano Frankivsk in May 2017
121 See for example media report: Ракурс, 'Обсяги незаконної вирубки лісу залишилися такими ж, як за Януковича', 24th March 2015, <http://ua.racurs.ua/792-nezakonna-vyrubka-lisu-jak-za-yanukovycha>
122 Figures released by State Audit Service of Ukraine regarding audits of SFEs during the first five months of 2017.
123 Based on an analysis of court records relating to illegal logging by Earthsight in 2017 and 2018
124 Popkov, 2016, op cit.
125 Lisportal, 'Суд дозволив арештувати гроші "лісника Януковича" у швейцарському банку', 8th February 2017, <https://www.lisportal.org.ua/32498/>. Figures cited are US\$12.8 million and €24.5 million; USD figure converted to € by Earthsight using interbank rates from the relevant time period.
126 Ukpnews24, 'Interpol removed from the wanted list eks-the head goslesagentstva', November 21 2017, <https://ukropnews24.com/media-interpol-removed-from-the-wanted-list-eks-the-head-goslesagentstva/>
127 Popkov, 2016, op cit.
128 Ibid.
129 Ibid.
130 Ibid.
131 Ibid.
132 Earthsight Interview with Ukrainian MP Ostar Yednak, 2017
133 Народний контроль, 'НАРОДНІ ДЕПУТАТИ ВИМАГАЮТЬ ЗВІЛЬНИТИ ГОЛОВУ ДЕРЖЛИСАГЕНТСТВА ЗА ПРОВАЛ РЕФОРМ І КОРУПЦІЮ', November 13th 2015 - <http://Nkontrol.Org.Ua/Narodni-Deputati-Vimagayut-Zvilniti-Golovu-Derzhlisagentstva-Za-Proval-Reform-I-Korupciyu/>; Sensor.Net, 'Голова Держлісагентства Ковальчук Перед Звільненням Незаконно Призначив Директорів, - "Обозревателі"', 14th May 2016, http://Lesovod.Blogspot.Co.Uk/2016/05/Blog-Post_166.Html
134 Popkov, 2016, op cit.
135 Ibid.
136 Based on an analysis of documents and email exchanges obtained by Earthsight in 2017
137 Earthsight interview, May 2017
138 Blog by MP Ostar Yednak on Sensor.net, 'Лісові радники чи решалови?' 13th September 2016 - https://sensor.net.ua/blogs/1102962/sov_radniki_chi_rshalovi
139 Interviews by Earthsight with Ukrainian forestry experts, including NGOs and legislators, 2016-2017
140 Cases No. 4201606000000069 dd. 02.09.2016 and No. 3201606000000042 of 02/09/2016
141 Earthsight interview with a forester, whose name will not be disclosed to protect his safety. October 2017
142 Chas.cv, 'Як заяви про порушення щодо журналістів в Чернівцях перетворюються на звернення', 6th June 2017 - <http://www.chas.cv.ua/39643-yak-zayavi-pro-porushennya-schodo-zhurnalistv-v-chernivciyah-peretvoryuyutsya-na-zvernennya.html>
143 Ibid.
144 WWF Ukraine, 19th July 2017, <https://www.facebook.com/wwfukraine/photos/a.185154568173383.41361.115298211825686/152128009456081/?type=3&theater>
145 WWF Forest Watch Ukraine, 13th October - <https://www.facebook.com/groups/lisovavarta/permalink/1647335455299955/>
146 Bukkor, 'За втручання прокуратури НПП «Вижницький» відшкодує державі збитки завдані незаконною рубкою дерев', 10th Feb 2017 - <http://bukkor.com.ua/?p=6039>
147 WWF, 'WWF staff attacked again while investigating illegal logging in Ukrainian Carpathians.' 3rd May 2018, http://wwf.panda.org/knowledge_hub/where_we_work/black_sea_basin/danube_carpathian/?327170/WWF-staff-attacked-again-while-investigating-illegal-logging-in-Ukrainian-Carpathians
148 Ukrainian Court records for 2015-2017 examined by Earthsight. See Case Study 1: Osuna Group for one example.
149 Transparency International UK and Bellingcat, 'Offshore in the UK', June 2017, <http://www.transparency.org.uk/publications/offshore-in-the-uk/#.WxqfT-4vwwk>
150 BBC News, 'Crackdown plan on Scottish limited partnerships', 29th April 2018, <http://www.bbc.co.uk/news/uk-scotland-scotland-business-43935839>
151 BBC News, 'Potters Bar, Ukraine's stolen billions and the Eurovision connection', 6th February 2018, <http://www.bbc.co.uk/news/uk-42950097>
152 BBC News, 'Crackdown plan on Scottish limited partnerships', 29th April 2018, <http://www.bbc.co.uk/news/uk-scotland-scotland-business-43935839>
153 One recent investigation by the BBC and Transparency International, for example, showed that funds from Ukraine's hosting of the Eurovision song contest in 2017 had been funnelled to Yanukovich cronies via a London-registered LLP, whose listed partners were opaque firms registered in the Caribbean island of Nevis. Over 100 other firms implicated in international money laundering schemes were found to be registered at the same London address, and were estimated to have laundered some \$1.7 billion (BBC News, 'Potters Bar, Ukraine's stolen billions and the Eurovision connection', 6th February 2018, <http://www.bbc.co.uk/news/uk-42950097>)
154 Kyiv Post, 'Many businesses win OK to bypass US sanctions', 15th April 2016, <https://www.pressreader.com/ukraine/kyiv-post/20160415/281736973620269>
155 Case number 42014000000000364
156 Ukrainian Customs records, January 2018, analysed by Earthsight
157 Ukrainian Customs records, August 2017 and January 2018, analysed by Earthsight
158 Osuna website, <http://osuna-group.com/>, accessed 1st July 2018
159 UN COMTRADE data supplied by Ukrainian Customs show total log (HS4403) exports in 2016 of just under 2,075,103 cubic metres.
160 UK Companies House records, accessed February 2018
161 Ukrainian Customs records, analysed by Earthsight
162 Popkov, 2016, op cit., pp. 21-27. The report refers to the shift in exports to UK-registered companies but does not identify those companies. Earthsight's analysis of Ukrainian Customs records confirms that the shipments concerned were nearly all handled by Osuna's two UK letterbox firms.
163 Case No. 32016060000000042 of 02/09/2016
164 Antac, Ukraine, 'Schemes against independence: 26 examples of systemic corruption in Ukraine', 5th September 2016 - <https://antac.org.ua/en/analytiks/schemes-against-independence-26-examples-of-systemic-corruption-in-ukraine-liga-net/>
165 Nepcon, FSC Chain of Custody Certification Report for GLD Trade Holding, Annual audit: 2018, 12th March 2018, Appendix E, <http://fsc.force.com/servelet/servelet.FileDownload?file=00Pf300000rDXV4EAO>; Nepcon, FSC Chain of Custody Certification Report for Osuna Holding LLP, Annual Audit: 2018, 12th March 2018, Appendix E. <http://fsc.force.com/servelet/servelet.FileDownload?file=00Pf300000rDn47EAC>
166 Nepcon, FSC Chain of Custody Certification Report for GLD Trade Holding, Annual audit: 2018, 12th March 2018, <http://fsc.force.com/servelet/servelet.FileDownload?file=00Pf300000rDXV4EAO>; Nepcon, FSC Chain of Custody Certification Report for Osuna Holding LLP, Annual Audit: 2018, 12th March 2018, <http://fsc.force.com/servelet/servelet.FileDownload?file=00Pf300000rDn47EAC>
167 Ukrainian Customs records, August 2017 and January 2018, analysed by Earthsight
168 Ukrainian and Romanian Customs records, analysed by Earthsight
169 Popkov, 2016, op cit.
170 Lisportal, 'Чернігівские лесники спасаются от поборов и коррупции увольнением', 6th March 2017 - <https://www.lisportal.org.ua/32759/>
171 Kyiv Post, 'How can Ukraine fix its customs service?' 3rd October 2016 - <https://www.kyivpost.com/business/can-ukraine-fix-customs-service.html>
172 20minut, 'Екологічна інспекція: майже щодня ми виявляємо автомобіль з лісопродукцією без документів Посилання на джерело', 26th May 2015 - <https://zt.20minut.ua/Groshi/ekologichna-inspektsiya-mayzhe-schodnyami-viyavlyayemo-avtomobil-z-lis-10448240.html>
173 Econews, 'Львівська прокуратура затримала організатора незаконного експорту лісу в ЄС', 8th August 2016 - http://econews.bei.org.ua/2016/08/blog-post_91.html
174 Bukkor, 'На Буковині СБУ затримала вантажик, в якій незаконно перевозили кодеревіну', 17th December 2016 - <http://bukkor.com.ua/?p=5750>
175 See Case Study 4, for example.
176 Uzhgorod.net, 'Через закарпатську митницю до Європи ПІром не доїхали ні палети, ні цигарки', 13th February 2017: <http://uzhgorod.net.ua/news/106369>
177 Court case No. 12016260000000314, 29th May 2016
178 Prosecutor General's Office of Ukraine, 'Інформація щодо незаконної порубки лісу та видобування корисних копалин', 20th September 2016 - https://www.gp.gov.ua/news.html?_m=publications&_t-rec&id=192803
179 Kyiv Post, 'Corruption fuels illegal logging, destroying Ukraine's forestland', 6th October 2016 - <https://www.kyivpost.com/business/corruption-fuels-illegal-logging-destroying-ukraines-forestland.html>
180 Kyiv Post, 'How can Ukraine fix its customs service?' 3rd October 2016 - <https://www.kyivpost.com/business/can-ukraine-fix-customs-service.html>
181 Earthsight interview with a source from the Ukrainian Customs Department, 2017.
182 Ibid.
183 Better Regulation Delivery Office, 'Green Book', Timber Market Regulation, March 2017 - <https://regulation.gov.uk/book/17-reguluvanna-rinku-derevini>

REFERENCES

- 184 Earthsight interview with a source from the Ukrainian Customs Department, 2017
- 185 Interpol, 2016, op cit., page14
- 186 Lesovod, 'В Одеській області не дали вивезти до Румунії деревину на понад 1 мільйон', 24th January 2017 - <https://www.lisportal.org.ua/32267/>
- 187 Court case No. 1201626000000314, 29th May 2016
- 188 On Amendments to the Law of Ukraine "On the Peculiarities of State Regulation of Activity of Entities [...] The Verkhovna Rada of Ukraine; Law dated 09.04.2015 No 325-VIII, <http://zakon0.rada.gov.ua/laws/show/325-19>
- 189 Kyiv Post, 'Corruption fuels illegal logging, destroying Ukraine's forestland', 6th October 2016 - <https://www.kyivpost.com/business/corruption-fuels-illegal-logging-destroying-ukraines-forestland.html>
- 190 Numerous court records - Case number 461/3620/17; Case 461/3821/17; <http://reyestr.court.gov.ua/Review/61935964>; <http://reyestr.court.gov.ua/Review/56179638>; <http://reyestr.court.gov.ua/Review/62252997>; <http://reyestr.court.gov.ua/Review/66685569>; <http://reyestr.court.gov.ua/Review/62284701>; <http://reyestr.court.gov.ua/Review/60776546>
- 191 Official site of the Slavskoe Forestry State Enterprise, 'На Львівщині арештували майно чиновника лісгоспу, який експортував колоди під виглядом дров', 9th August 2017 - <http://www.slavsklis.com.ua/index.php/79-novyny/291-na-lvivshchyni-areshtuvaly-maino-chynovnyka-lishospu-iakyi-eksportuvav-kolody-pid-vyhlidom-drov>
- 192 Ibid.
- 193 The State Fiscal Service of Ukraine, 'Микола Салагор: про стан справ із експортом лісоматеріалів через українсько-румунський кордон', 2017 - <http://cv.sfs.gov.ua/media-ark/news-ark/print-237901.html>
- 194 Molbuk.ua, 'На експорт пропускаямо лише дрова паливні, - митниця Буковини', 1st March 2017 - https://molbuk.ua/chernovtsy_news/123321-na-eksport-propuskayemo-lyshe-drova-palynivny-mytynsya-bukovyny.html
- 195 Kordon, 'Кругляк з волинськими ціпами виявили поблизу румунського кордону', 6th December 2016 - <http://kordon.in.ua/news/kruhlyak-z-volynskymy-chipamy-vnyavly-poblyzu-rumunskoho-kordonu-foto-34747/>
- 196 UN COMTRADE data for Ukraine exports of timber and timber products (HS44), 2017, by US\$ value.
- 197 Eurostat import data, by weight.
- 198 Eurostat import data for timber, pulp, paper and wood furniture, by € value.
- 199 Eurostat data, by weight, including logs (HS4403) and fuelwood logs (HS440110)
- 200 Eurostat import data for timber, pulp, paper and wood furniture, by € value, 2016
- 201 The largest processors of Ukrainian wood in the EU include all three of the world's largest producers of chipboard, which is used for most flat-packed furniture.
- 202 Other primary processors of Ukrainian wood in the EU include pulp and paper factories of Mondi and International Paper, two of the world's largest paper companies (see Chapter 3 text).
- 203 Until the log export ban of 2015, another significant EU consumer of Ukrainian wood was Lenzing, one of the world's largest producers of viscose fibre, which is widely used in clothing manufacture.
- 204 For example, one of the largest EU processors of Ukrainian wood in recent years has been Holzindustrie Schweighofer (see text of Chapter 3). Schweighofer produces electricity from wood waste for distribution to the grid in Romania, and some of its largest EU customers are energy companies in places like Austria, which distribute wood pellets (EIA, Stealing the Last Forest, 2015, <https://www.illegal-logging.info/sites/files/chlogging/EIA%20%282015%29%20Romania%20Report.pdf>)
- 205 Swiss-Krono, Egger, Schweighofer and Kronospan. Source: Ukrainian Customs export records, analysed by Earthsight.
- 206 Trend Austria, 'Gerald Schweighofer - der stahlharte Holzbaron', 2017 - <https://www.trend.at/wirtschaft/gerald-schweighofer-holzbaron-8347760>
- 207 'History of the Schweighofer Group', <https://www.schweighofer.at/en/company/chronicle.html>, accessed 24th May 2018
- 208 EIA, Stealing the Last Forest, 2015, <https://www.illegal-logging.info/sites/files/chlogging/EIA%20%282015%29%20Romania%20Report.pdf>
- 209 Ukrainian Customs export data, analysed by Earthsight
- 210 Wood-based panels are sheet materials that contain a significant amount of wood in the form of strips, veneers, chips, strands or fibres. Types include plywood (made from veneer sheets), particleboard/chipboard (made from small wood chips), fibreboard (such as medium density fibreboard of MDF, made from wood fibres, and oriented strand board (OSB, made from large chips of wood)
- 211 Sonae Industria Investor Presentation, February 2016 - http://www.sonaeindustria.com/file_bank/investor_presentations/2016-02_SIND_investor%20presentation_FINAL.pdf
- 212 Linksruckzuck KPO, 'Die reichsten Österreicher innen', 2nd July 2017, <http://ooe.kpoe.at/article.php/2006051209274686>
- 213 Ukrainian Customs records for January 2018, analysed by Earthsight
- 214 Sonae Industria, 2016, op cit.
- 215 Linksruckzuck KPO, 'Die reichsten Österreicher innen', 2nd July 2017, <http://ooe.kpoe.at/article.php/2006051209274686>; 'Die Späne fliegen', 10th Jan 2014, http://taskforceholz.ch/fileadmin/user_upload/Dokumente/Info_und_Medien/Pressespiegel/140110_Bilanz_11518455.pdf
- 216 Swiss Krono, http://www.swisskrono.ua/?page_id=6&lang=en, accessed 23rd May 2018
- 217 Ukrainian Customs export records for HS4410 for January 2018, analysed by Earthsight
- 218 Swiss Krono, 'Inauguration of the New SWISS KRONO Plant in Hungary', 20th October 2016, <http://www.swisskrono.hu/Artikel-Press/Eroeffnung-des-neuen-SWISS-KRONO-Standortes-in-Ungarn-1116223341.html>
- 219 Sonae Industria, 2016, op cit.
- 220 Ukrainian Customs records for February-August 2017 and January 2018, analysed by Earthsight
- 221 Woodbizforum, 'Kronospan may acquire an MDF plant in Ukraine', 26th May 2017, <https://www.woodbizforum.com/kronospan-may-acquire-an-mdf-plant-in-ukraine/>
- 222 ZF English, 'Egger to export 60% of Radauti output', 15th Feb 2007, <http://www.zf.ro/zf-english/egger-to-export-60-of-radauti-output-3044926>
- 223 European Bank for Reconstruction and Development, Kronospan UA modernisation, 2015, <http://www.ebrd.com/work-with-us/projects/psd/kronospan-ua-modernisation.html>
- 224 HIPA, 'Swiss wood company to use latest technologies in Vasarosnameny', 9th Nov 2016, <https://hipa.hu/swiss-wood-company-to-use-the-latest-technologies-in-vasarosnameny>
- 225 Greenpeace, Partners in Crime, June 2003
- 226 Global Witness, 'Made in Vietnam-Cut in Cambodia - How the garden furniture trade is destroying rainforests', April 1999
- 227 Greenpeace, Partners in Mahogany Crime, October 2001
- 228 Terea et al, Evaluation of the EU FLEGT Action Plan, 2004-2014, Final Report Volume 1 (Main Report), 27th April 2016, <https://ec.europa.eu/europeaid/sites/devco/files/report-flegt-evaluation.pdf>
- 229 Thomson Reuters Foundation News, 'Europe's trail-blazing tropical forest policy is working', 4th May 2016, <http://news.trust.org/item/20160504103033-5z16p/>
- 230 Regulation of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market, 20th Oct 2010 - <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32010R0995>
- 231 The EUTR also applies to timber harvested within the EU, in which case the firm 'placing the wood on the market' is the company which fells and first sells the timber to another EU company.
- 232 There are some circumstances in which wood from outside the EU could be imported and not 'placed on the EU market' (e.g. if goods are imported and kept in customs bond for onward shipment outside of the EU), but in almost all circumstances importing and placing on the market are synonymous.
- 233 The EUTR doesn't actually refer to importers, but 'operators', defined as companies placing timber on the EU market; this is because EUTR also applies to timber harvested within the EU. Where it applies to timber sourced from outside the EU, an 'operator' is effectively the same thing as an importer.
- 234 European Commission Notice of 12.2.2016: Guidance Document for the EU Timber Regulation, http://ec.europa.eu/environment/forests/pdf/eutr_guidance.zip
- 235 Ibid.
- 236 Terea et al, op. cit., Key message 3 & Recommendation 3, page 162
- 237 Ibid.
- 238 Ibid., page 99, Figure 13
- 239 IFForestry, 'Україна і Австрія підписали Меморандум про співпрацю у лісовій сфері', 20th October 2016, <http://www.ifforestry.gov.ua/novyny/item/370-ukraina-i-avstriya-pidpysaly-memorandum-pro-spiivpratsiu-u-lisovii-sferi>
- 240 Ref minutes of FLEGT/EUTR meetings in Brussels, 2016-2018
- 241 Minutes of FLEGT/EUTR meeting in Brussels Apr 2018
- 242 Kronospan, Egger and Swiss Krono are the three largest in terms of production capacity. Source: Sonae Industria Investor Presentation, February 2016, http://www.sonaeindustria.com/file_bank/investor_presentations/2016-02_SIND_investor%20presentation_FINAL.pdf
- 243 International Paper – see references in text
- 244 Schweighofer, which is second only to Stora Enso in Europe. Based on production capacity data and mill locations at the Sawmill Database, <https://www.sawmilldatabase.com/producttoplist.php>
- 245 Environmental Investigation Agency, 'Stealing the Last Forest', 2015, https://content.eia-global.org/assets/2015/10/Stealing_the_Last_Forest/EIA_2015_Report_Stealing_the_Last_Forest.pdf
- 246 Ibid.
- 247 Based on Earthsight analysis of EU customs records
- 248 Based on Ukrainian Customs data for September and October 2015, analysed by Earthsight
- 249 EIA, 'Saving Europe's last virgin forests', 2016, <https://eia-global.org/subinitiatives/romania>
- 250 Ibid.
- 251 FSC website, Holzindustrie Schweighofer case, <https://ic.fsc.org/en/what-is-fsc/what-we-do/dispute-resolution/current-cases/holzindustrie-schweighofer-hs>
- 252 For example Brico Depot Romania see Romania Insider, 'Brico Depot Romania stops buying timber from Holzindustrie Schweighofer', 10th March 2017, <https://www.romania-insider.com/brico-depot-romania-stops-buying-timber-holzindustrie-schweighofer/> and for Hornbach Germany see Romania Insider, 'Hornbach drops Austrian timber supplier after illegal logging scandal in Romania', 22nd December 2016, <https://www.romania-insider.com/hornbach-drops-austrian-timber-supplier-after-illegal-logging-scandal-in-romania/>
- 253 Slovakian company records (Ministry of Justice of the Slovak Republic, Business Register on Internet, UNILES, s.r.o., 2003, <http://www.or.sr.sk/vypis.asp?lan=en&ID=87132&SID=2&P=1>) confirm that Uniles s.r.o. was majority (70 per cent) owned during the relevant period of February 2011-February 2014 by Austrian company SPB Beteiligungsverwaltung GmbH, which is in turn a 100%-owned subsidiary of the Schweighofer group. Between August 2015 and March 2018 the remaining shares were also held by the Schweighofer group, via wholly-owned subsidiary Cascade Empire Immobilien GmbH, which was sold to a Swedish firm in March 2018. For the full Schweighofer corporate structure as of October 2016, see the FSC Complaints Panel report: FSC, Recommendation to the FSC Board of Directors, Impartial Complaints Panel consisting of Leo van der Vlist, Heiko Liedeker & Berty van Hensbergen, 2016, <https://ic.fsc.org/file-download/public-version-of-the-complaints-panel-evaluation-report-oct-2016.6426.htm>
- 254 Lisportal, 'Суд дозволив арештувати гроші "лісника Януковича" у швейцарському банку', 8th February 2017, <https://www.lisportal.org.ua/32498/>, accessed 4th June 2018
- 255 Romanian Customs, import records for 2011-2013, obtained and analysed by Earthsight. Proportion in value terms; figure in Euros converted from Romanian lei at interbank rates for mid-way through the relevant period (31/12/2012)
- 256 Ukrainian Customs, export records for 2015, obtained and analysed by Earthsight
- 257 Letter from Peter Kajane, Director, Uniles s.r.o., to Earthsight, 12th June 2018
- 258 Environmental Investigation Agency, 'Stealing the Last Forest', 2015, https://content.eia-global.org/assets/2015/10/Stealing_the_Last_Forest/EIA_2015_Report_Stealing_the_Last_Forest.pdf, p27; ZF English, 'Egger to export 60% of Radauti output', 15th Feb 2007, <http://www.zf.ro/zf-english/egger-to-export-60-of-radauti-output-3044926>
- 259 Ukrainian Customs export records for January-December 2017, analysed by Earthsight
- 260 Criminal case No. 3201606000000042 dated 2nd September 2016
- 261 Ukrainian Customs export records, analysed by Earthsight
- 262 Zik News, 'Large-scale scheme of illegal wood export exposed in Lviv Oblast', 6th September 2017, <http://zik.ua/news/2016/09/06/na-lvivshchyni-vykrlyu-mashtabnu-shemu-eksportu-lisu-837892>, accessed 23rd October 2017
- 263 Zaxid.net, 'Lviv prosecutor's office detain the organizer of illegal export of forests to the EU', 5th August 2017, https://zaxid.net/lvivska-prokuratura_zatrimala_organizatora_nezakonnogo_eksportu_lisu_v_ues_n1399803, accessed 23rd October 2017
- 264 Court documents
- 265 Zik News, op. cit.
- 266 Email from JAF International Services Ges.m.b.H. to Earthsight, 28th February 2018

- 267 Email from JAF International Services Ges.m.b.H. to Earthsight, 25th May 2018
- 268 Galinfo, 'The prosecutor's office is investigating 8 forestry cases', 7th August 2017, http://galinfo.com.ua/news/prokuratura_rozslidue_8_provadzhen_u_sferi_lisovogo_gospodarstva_266449.html, accessed 23rd October 2017
- 269 Court documents, case number 12016140000000375
- 270 Court documents, case number 4201714000000106
- 271 Ibid.
- 272 Ukrainian Customs export records for February-August 2017 and January 2018, analysed by Earthsight
- 273 Ibid.
- 274 Al Jazeera, 'Inside Ukraine's 'amber mafia', 4th July 2016, <https://www.aljazeera.com/news/2016/07/ukraine-amber-mafia-160704101214561.html>
- 275 Case number 42017180490000032. Also Implicated in the scandal are Volodimirets, Ostrozhskoe, Kostopil, Rivne, Sosnovskoe and Sarnensky SFEs. One of the two main accused, the head of the Rivne RFMB, was still in office at the time of writing
- 276 Case number 1201618000000161 (08/26/2016). The SFEs named in the investigation are Vysotsky, Sarnensky, Rokytynivske and Volodimirets.
- 277 Ibid.
- 278 Ukrainian Customs records obtained by Earthsight
- 279 Nepcon, FSC Forest Management Certification, 3rd surveillance Report for: Rivne Regional Administration of Forest and Hunting Economy in Rivne region, Ukraine, August 2017, <http://fsc.force.com/servlet/servlet.FileDownload?file=00P300000u11dEAC>
- 280 Ukrainian Customs records obtained by Earthsight
- 281 Ibid.
- 282 Personal communications between Earthsight and Ukrainian forestry and anti-corruption activists, 2017
- 283 Organised Crime and Corruption Reporting Project, 'Clear Cut Crimes,' 20th September 2016, <https://www.occrp.org/en/investigations/5655-clear-cut-crimes>
- 284 The State Environmental Inspectorate in Chernivtsi Oblast, 'Проведено перевірку ДП «Берегометське лісомисливське господарство», undated, <http://chern-ecoinsp.gov.ua/news/125-new54>
- 285 Ukrainian Customs export records for February-August 2017 and January 2018, obtained and analysed by Earthsight
- 286 WWF Germany, 'Selective Field Assessment of Sanitary Logging Sites in Ukrainian Carpathians', forthcoming
- 287 Ukrainian Customs export records for February-August 2017 for products exported under HS Code 440110, analysed by Earthsight. The actual percentages being consumed by these five firms is likely higher, since an additional 19 per cent of overall exports and 3 per cent of corruption-linked SFE exports listed as the consignee a trading firm called Prolisak in Romania, which does not store or process timber itself and has been known in the past to procure timber for Romanian processing firms such as Egger and Schweighofer.
- 288 Letter from Silva Director Marek Glaz to Earthsight, 20th February 2018
- 289 Letter from Manuela Leitner, Head of Communications & Public Relations, Egger Group, to Earthsight, 28th March 2018
- 290 Letter from Frank Roth, Head of Corporate Communications, Swiss-Krono Tec GmbH, to Earthsight, 6th March 2018
- 291 Email from Patric Selin, Director of EMEA Fiber Supply, to Earthsight, 28th February 2018
- 292 Letter from Michael Proschek-Hauptmann, Head of Compliance and Sustainability, Holzindustrie Schweighofer, to Earthsight, 27th February 2018
- 293 Eurostat
- 294 Ibid.
- 295 Zakarpattia Regional Administration Press Release, 4th July 2016, <https://zakarpattya.net.ua/News/158004-U-Zakarpatskii-ODA-na-povidomlennia-Derzhlisahenstva-pro-milioni-zbytky-derzhavi-vidpasuvaly-zvorotnimy-zvnyu-vachenniamy>
- 296 Both the EU and Ukraine use the internationally agreed World Customs Organisation (WCO) Harmonised System customs codes, available at <https://unstats.un.org/unsd/tradekb/Knowledgebase/50018/Harmonized-Commodity-Description-and-Coding-Systems-HS>. The Ukrainian codes for both fuelwood logs (HS440110) and all other logs (HS4403) are contained in the The Verkhovna Rada of Ukraine; Law, Tariff from 19.09.2013 584-VII, Customs Tariff of Ukraine (Groups 01-72), <http://zakon0.rada.gov.ua/laws/show/584%D0%B0-18/page40>. The definition given by WCO for HS440110 is 'Wood; for fuel, in logs, billets, twigs, faggots or similar forms' and for HS4403 is 'Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared'
- 297 The State Fiscal Service of Ukraine, 'Микола Салагор: про стан справ із експортом лісоматеріалів через українсько-румунський кордон', undated, <http://cv.sfs.gov.ua/media-ark/news-ark/print-237901.html>
- 298 Popkov, 2016, op cit.
- 299 Ibid.
- 300 Personal communications between Earthsight and M.Popkov in 2017
- 301 Based on comparison of Ukraine export data (UN COMTRADE) and EU import data (Eurostat) for the years 2014 and 2017
- 302 Case 461/3821/17
- 303 Case 461/3821/17; Court cases: <http://reyestr.court.gov.ua/Review/62252997> ; <http://reyestr.court.gov.ua/Review/66685569>
- 304 Website of Ukraine customs service in Chernivtsi, 'Three Bukovina forestry enterprises 'caught' mis-declaring exported wood', 14th June 2018, <http://cv.sfs.gov.ua/media-ark/news-ark/340597.html>
- 305 Based on analysis by Earthsight of Ukrainian customs records for January 2018, extrapolated to January-May 2018
- 306 Based on court documents obtained by Earthsight through Freedom of Information requests
- 307 Ibid.
- 308 Wood Source s.r.o. was legally established in 2013, but the company website describes itself as having existed since 2010, presumably under a different legal entity.
- 309 Wood Source Sro website, <http://www.wood-source.cz/en/>, accessed 20th October 2017
- 310 Bloomberg company overview for Mondi Steti, at <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=5899017>; Mondi website: <https://www.mondigroup.com/en/about-mondi/where-we-operate/our-locations/europe/czech-republic/mondi-%C5%A1%C4%95%C3%AD/> both last accessed in July 2018
- 311 See Lenzing Biocel Paskov website: <http://www.biocel.cz/en/homepage2/> last accessed July 2018
- 312 Wood Source Sro website, <http://www.wood-source.cz/en/>, accessed 20th October 2017
- 313 Ibid.
- 314 Czech company records for Wood Source s.r.o. show that it was co-founded by Maxim Ditsky, Yevheniy Derevyanko and Dmitry Rebrov; in August 2013 a fourth man, Alexander Petukhov, also became a shareholder. All four men have remained shareholders since, with Ditsky taking a controlling stake of 51 per cent in June 2015. Ukrainian company records for Ukrliskompleks LLC (company code 38720529) show that it was founded in September 2013 and is 50:50 owned by Maxim Ditsky and Yevheniy Derevyanko. Ukrainian media articles regarding the April 2016 Chop seizure quote Derevyanko and describe him as the co-founder of Ukrliskompleks (Uzhgorod.net.ua, 27th April 2016 - <http://uzhgorod.net.ua/news/93652>). Ukrainian company records obtained by Earthsight confirm that Derevyanko is the founder and co-owner.
- 315 Case number 308/596/16-p
- 316 Interview with a Ukrainian forestry professional; and see for example pictures of consignment notes on the detained wagons taken by Ukrainian media in the immediate aftermath of the detention: Goloskarpat, April 20th 2016, https://goloskarpat.info/society/57173991d0f49/?utm_content=0312
- 317 Case number 42016070000000083
- 318 Email from Herbert Grill, Director of Wood Procurement at Lenzing Aktiengesellschaft, Austria, to Sergij Uretij, Deputy Head of Zakarpattia Customs Offences resistance division, 22nd April 2017
- 319 Uzhgorod.net.ua, 'Фігуранти скандалу із вагонами контрабандного лісу озвучили свою офіційну позицію', 27th April 2016, <http://uzhgorod.net.ua/news/93652>
- 320 Czech company records show Derevyanko became the sole Director of WD Solutions on 31st Dec 2016
- 321 Ukrainian customs records, 2017, obtained and analysed by Earthsight
- 322 Email from Tanya Patterson of Mondi to Earthsight, 28th February 2018
- 323 Email from Tanya Patterson of Mondi to Earthsight, 10th January 2018
- 324 Lisportal, 'правовий аналіз конфлікту із затриманням вагонів із деревиною на закарпатській митниці у 2016 році (+ 4 таблиці із переліком судових справ)', 18th February 2018, <https://www.lisportal.org.ua/project-post/92046/>
- 325 Email from Andrea Promberger of Lenzing to Earthsight, 10th January 2018
- 326 Letter from Andrea Promberger of Lenzing to Earthsight, 28th February 2018
- 327 Ukrainian Customs data confirm that prior to the 2 metre length limit being introduced, most 'technological' fuelwood being imported by major EU buyers, including chipboard and pulp producers, was of longer lengths; some of these buyers also specify longer lengths in their timber procurement advertising. https://www.erdert.hu/ceginformacio/telephelyek/erdert_tuzser_zrt, accessed 5th June 2018
- 329 Based on Ukrainian Customs export data for September and October 2015, obtained and analysed by Earthsight
- 330 Based on Ukrainian Customs export data for August 2017, obtained and analysed by Earthsight
- 331 Response to Earthsight questionnaire on Ukrainian wood purchases, received by Earthsight from the General Manager of Erdert Tuzser, 28th February 2018
- 332 Based on Ukrainian Customs export data for 2017, analysed by Earthsight
- 333 Emailed response received by Earthsight from the General Manager of Erdert Tuzser, 28th February 2018
- 334 Ibid.
- 335 Eurostat
- 336 Swiss-Krono 'Inauguration of the New SWISS KRONO Plant in Hungary', 20th October 2016, <http://www.swisskrono.hu/Press-Articles/Inauguration-of-the-New-SWISS-KRONO-Plant-in-Hungary-0209355153.html>
- 337 Email exchange between Bogdan Bodis and Earthsight's undercover company, Dec 2017-Jan 2018
- 338 Communications received by Earthsight from Swiss-Krono's Head of Corporate Communications, 27th February and 6th March 2018
- 339 Bukóza Holding webpage, 2018, <http://www.bukoza.sk/en/about-us>
- 340 Ukrainian Customs export records for September and October 2015, obtained and analysed by Earthsight
- 341 Email, text and phone communications between Bukoza representative and Earthsight undercover investigator, December 2017-January 2018
- 342 France Info, "'Cash Investigation". 'Bois: la chaîne d'approvisionnement d'Ikea en Roumanie sent le soufre,' 25th January 2017 - http://www.francetvinfo.fr/france/video-cash-investigation-bois-la-chaine-d-approvisionnement-d-ikea-en-roumanie-sent-le-soufre_2034815.html
- 343 Egger's sales to Ikea are confirmed in a company brochure: Egger Brochure 'Naturally Egger', undated, https://dreamfloor.hu/custom/dreamfloor/image/data/productproperty/letoltheto_katalogusok_anyagok/EGGER/4_Altalanos_informaciok/Kornyezetvedelem_es_fenntartatossag.pdf; Swiss-Krono is described as supplying Ikea in this profile on its boss Ines Kaindl: Bilanz, 'Die Späne fliegen', 10th Jan 2014, http://taskforceholz.ch/fileadmin/user_upload/Dokumente/Info_und_Medien/Pressespiegel/140110_Bilanz_11518455.pdf
- 344 Survey of Wickes and Homebase branches by Earthsight, March 2018 identified both Egger and Kronospan products on sale in both. Kronospan flooring available on the B&Q website, https://www.diy.com/kronospan/_/N-1z0ukct, accessed 12th June 2018
- 345 Egger laminate flooring products were available on Hagebau's website, <https://www.hagebau.de/search/?q=Egger&sc=&>, accessed 24th May 2018
- 346 Egger laminate flooring products were available on Obi's website, <https://www.obi.de/search/egger/?isi=true>, accessed 24th May 2018; Kronospan/Swiss-Krono products on sale in Obi stores according to this news magazine profile- Bilanz, 'Die Späne fliegen', 10th Jan 2014, http://taskforceholz.ch/fileadmin/user_upload/Dokumente/Info_und_Medien/Pressespiegel/140110_Bilanz_11518455.pdf; Swiss-Krono OSB3 boards are advertised on the website of Obi in Poland - <https://www.obi.pl/ploty-konstrukcyjne-i-meblowe/swiss-krono-plyta-osb-3-wym-12-mm-x-1250-mm-x-2500-mm/p/5573142> (accessed 4th June 2018)
- 347 Kronospan OSB boards, including for example: <https://www.hornbach.de/shop/OSB3-Verlegeplatte-12x625x2050-mm-E1-ungeschliffen/8367968/artikel.html>, and Egger flooring, including for example <https://www.hornbach.de/shop/Korkboden-8-0-Jacksonville-Eiche-natur/6311637/artikel.html>, available on Hornbach website, accessed 24th May 2018
- 348 Such as, for example, Swiss-Krono OSB boards offered on the website of Leroy

REFERENCES

- Merlin in Poland, <https://www.leroyermerlin.pl/konstrukcje-drewniane-i-met-alo-we/deski-plyty-wykonczeniowe-listwy/plyty-osb/plyta-wykonczeniowa-osb-3-18-swiss-krono-group,p76009,11899.html>, accessed 12th June 2018
- 349 Such as, for example, Egger flooring offered for sale on the Castorama website, <https://www.castorama.pl/produkty/wykonczenie/drewno-i-drewnopodobne/panele-podlogowe/panele/panel-podlogowy-egger-mega-floor-classic-dab-parquet-1-98-m2.html>, accessed 12th June 2018
- 350 Changing Markets, 'Dirty Fashion: How pollution in the global textiles supply chain is making viscose toxic', June 2017, http://changingmarkets.org/wp-content/uploads/2017/06/CHANGING_MARKETS_DIRTY_FASHION_REPORT_SPREAD_WEB.pdf
- 351 Ibid.
- 352 A number of products listed on Marks & Spencer's website are identified as having been manufactured using Lenzing Modal material – for example: <http://www.marksandspencer.com/5-pack-no-vpl-high-rise-full-briefs-with-modal/p/p22212902?&pdpredirect> (accessed 4th June 2018).
- 353 Terea et al, Evaluation of the EU FLEGT Action Plan, 2004-2014, Final Report Volume 1 (Main Report), 27th April 2016, <https://ec.europa.eu/europeaid/sites/devco/files/report-flegt-evaluation.pdf>
- 354 The EUTR's key requirements (the prohibition on sourcing illegally sourced wood, and the requirement to carry out due diligence) apply only to 'operators': companies which 'place' wood on the EU market (either harvesting and selling wood produced domestically, or importing wood sourced overseas). Firms further down supply chains are only required to keep records of purchases and sales.
- 355 Confirmed in email communication from IPP to Earthsight, 17th January 2018
- 356 F.H.U. Import-Export Gra?yna Stachura, registered address Bugaj 12, 26-130 Suchedniów, <https://info.fsc.org/details.php?id=a0240000005U3yAAE&type=certificate>
- 357 Ukrainian customs records and Wood Source SRO website
- 358 Mondri confirmed to Earthsight that it is "no longer receiving any deliveries from Wood Source Sro" (email from Mondri representative to Earthsight, 28th Feb 2018)
- 359 See Case Study 4 for references
- 360 Figures from FSC certificate database as of 11th December 2017, analysed by Earthsight
- 361 SGS, Forest Management Certification Report, Lviv Regional Forestry and Hunting Board, Public Summary, 23rd January 2017, <http://fsc.force.com/servlet/servlet.FileDownload?file=00P3300000LqTIEAK>
- 362 In the sanitary felling study (WWF Germany, 'Selective Field Assessment of Sanitary Logging Sites in Ukrainian Carpathians', forthcoming), of 11 sites in FSC-certified SFEs, eight were found to have not been legally justified by the condition of the forest. In half of the sites where logging had recently been completed, evidence of breaches of regulations during harvesting were also documented. All of these SFEs had been certified for many years, and passed without hitch through numerous audits. Illegals were also discovered in all six study sites in an SFE in Zakarpattia whose FSC certification had lapsed at the time. The SFE was recertified in September 2017, without any of these illegalities having been detected by auditors.
- 363 Soreide, T. & Williams, A., 'Certified integrity? Forest certification and anti-corruption', U4 Anti-Corruption Resource Centre, 2013, <https://www.cmi.no/publications/file/4704-certified-integrity.pdf>
- 364 FSC National Assessment of Controlled Wood for Ukraine, July 2017, <https://ua.fsc.org/preview/fsc-national-risk-assessment-of-controlled-wood-for-ukraine.a-367.pdf>
- 365 There are two types of FSC certification of harvest sites: full FSC 'Forest Management' certification, and a much more limited 'Controlled Wood' certification. On its own, timber from forests only certified to the 'Controlled Wood' standard cannot be given the FSC label, since it has not been assessed against a full range of sustainability measures. Controlled Wood can be used to make up the balance of the wood contained in a product advertised as 'FSC Mixed Source', in which a minimum of 30 per cent of the content must be from forests with full Forest Management certification. Both standards include criteria meant to ensure that wood is legally harvested.
- 366 Confirmed in email correspondence with Oksana Pavlischuk of FSC Ukraine, 19th December 2017, who also confirmed that no equivalent changes are planned for the FSC Forest Management standard
- 367 It is possible for an individual timber producer to be Controlled Wood certified, in which case this must be done by an external auditor, but in Ukraine nearly all Controlled Wood certification is done by the firms buying the wood
- 368 Confirmed in correspondence between Earthsight and FSC, May 2017
- 369 Information supplied by SGS Ukraine in response to a query by representatives of WWF Ukraine in December 2017.
- 370 Letter from JAF Group to Earthsight, 28th February 2018
- 371 Letter from Egger to Earthsight, 11th January 2018
- 372 Letter from Swiss-Krono to Earthsight, 27th February 2018
- 373 Letter from Erdert-Tuszer to Earthsight, 28th February 2018
- 374 Shipment by shipment comparative analysis by Earthsight of Ukraine Customs export records with FSC certificates as recorded on the FSC database, for the period February-August 2017 for Silva (Kronospan) and August 2017 for Schweighofer
- 375 Email from International Paper to Earthsight, 17th January 2018
- 376 Shipment by shipment comparative analysis by Earthsight of Ukraine Customs export records with FSC certificates as recorded on the FSC database, for the period January-December 2017
- 377 Letter from Swiss-Krono to Earthsight, 27th February 2018
- 378 Letter from Swiss-Krono to Earthsight, 6th March 2018
- 379 Email from International Paper to Earthsight, 17th January 2018
- 380 Letter from Lenzing to Earthsight, 10th January 2018
- 381 Letter from Swiss-Krono to Earthsight, 27th February 2018
- 382 Letter from Silva to Earthsight, 20th February 2018. The language is not entirely clear, stating "All deliveries of wood are made on the basis of a purchase contract based on the observance of the rules of due diligence"
- 383 Letter from Holzindustrie Schweighofer to Earthsight, 10th January 2018
- 384 Letter from Egger to Earthsight, 11th January 2018
- 385 Letters received by Earthsight from International Pulp & Paper, JAF Group, Egger Romania and Holzindustrie Schweighofer, Jan-Feb 2018
- 386 European Commission Notice of 12.2.2016: Guidance Document for the EU Timber Regulation, http://ec.europa.eu/environment/forests/pdf/eutr_guidance.zip
- 387 EIA, 'Denmark sanctions entire Burmese teak industry', 15th March 2017, <https://eia-international.org/denmark-sanctions-entire-burmese-teak-industry>
- 388 European Commission, Summary Record of FLEGT/EUTR Expert Group Meeting, 30th September 2016
- 389 European Commission, Minutes of FLEGT/EUTR Expert Group Meeting, 2nd December 2016
- 390 Client Earth, EUTR News, March 2016-March 2017, 3rd March 2017, <https://www.clientearth.org/eutr-news-march-2016-to-march-2017/#1d>
- 391 Report on results of survey of enforcement activities during April-September 2016, Forest Trends, Timber Regulation Enforcement Exchange, Newsletter, Fall 2016
- 392 UNEP-WCMC, Overview of Key Outputs by the under contract with the European Commission, 27th Jun 2017, http://illegallogging-deforestation-conference.eu/wp-content/uploads/2017/07/FLEGT_PART_DEMAND_SIDE_MEASURES_BO_GROUP_2.pdf
- 393 European Commission, minutes of FLEGT/EUTR Expert Group meetings
- 394 Verkhovna Rada of Ukraine, 2015, op cit.
- 395 Prosecutor General's Office of Ukraine, 'Information on illegal logging and extraction of minerals', 20th September 2016, http://www.gp.gov.ua/ua/news.html?_m=publications&_t=rec&id=192803, accessed 23rd Oct 2017
- 396 Macro-Financial Assistance for Ukraine, MoU between the European Union and Ukraine, 22nd May 2015, http://ec.europa.eu/economy_finance/international/neighbourhood_policy/doc/mou_eu_ukraine_en.pdf
- 397 Ukraine Today, 'The EU recalled the conditions for granting Ukraine the second tranche of macro-financial assistance', 10th October 2016, <http://en.reporter-ua.ru/the-eu-recalled-the-conditions-for-granting-ukraine-the-second-tranche-of-macro-financial-assistance.html>
- 398 European Commission press release, 'European Commission ready to consider further Macro-Financial Assistance to Ukraine, provided reform momentum is stepped up', 1st December 2017, http://europa.eu/rapid/press-release_IP-17-5064_en.htm; European Parliament, Parliamentary questions, 21st March 2018, E-000063/2018, Answer given by Ms Malmström on behalf of the Commission, <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2018-000063&language=EN>
- 399 Kyiv Post, 'EU presses Ukraine to end lumber export ban', 9th December 2016, <https://www.kyivpost.com/business/eu-presses-ukraine-end-lumber-export-ban.html>
- 400 Hromadske Radio, 'EU demand to abolish moratorium on exports of logs is blackmail – Ostap Yednak', 28th November 2016, <https://hromadske.com/programs/hromadska-hvilya/vymoga-yes-skasuvaty-moratoriy-na-eksport-lisu-kruglyaka-shantazh-ostap-yednak>
- 401 Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, 29th May 2014, [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0529\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0529(01)&from=EN), Article 271 Paragraph 2
- 402 Ibid., Articles 22 and 294. It is also arguably in contravention of Article 290 on the Right to Regulate, which states that the Parties to protect the environment and support sustainable development through legislation and regulation.
- 403 Kyiv Post, 'EU presses Ukraine to end lumber export ban', 9th Dec 2016, <https://www.kyivpost.com/business/eu-presses-ukraine-end-lumber-export-ban.html>
- 404 Draft Minutes, Market Access Advisory Committee, 17th November 2016 (redacted), 23rd November 2016 (Ref. Ares (2016)6652986 - 28/11/2016), released by the Commission in response to a Freedom of Information request made by Earthsight, and now publicly available at <https://www.asktheeu.org/en/request/4068/response/13592/attach/3/10%20MAAC%20November%202016%20final%20minutes%20Redacted.pdf>. Participants list available at <https://www.asktheeu.org/en/request/4865/response/16172/attach/5/list%20of%20participants%20MAAC%2017%20November%202016%20Redacted.pdf>
- 405 European Parliament, Parliamentary questions, 9th January 2018, E-000063-18, <http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2018-000063&language=EN>
- 406 Minutes of meeting between Nele Eichhorn and CEPI on 2 October 2017 (Ares (2017)4921615), released by the Commission in response to a Freedom of Information request made by Earthsight, and now publicly available at <https://www.asktheeu.org/en/request/4866/response/15885/attach/5/Ares%202017%204921615%20Meeting%20report%20Redacted.pdf>
- 407 Confederation of European Paper Industries, webpage, <http://www.cepi.org/about-us/organisation>, accessed 25th May 2018
- 408 Letter from Lenzing to Earthsight, 10th January 2018; Email from Tanya Patterson of Mondri to Earthsight, 10th January 2018
- 409 Press release from SAFR, 10th February 2017, http://dkg.kmu.gov.ua/forest/control/uk/publish/article?art_id=183724&cat_id=32888
- 410 Strategy for Sustainable Development and Institutional Reform of Forestry in Ukraine to 2022, as published on the website of SAFR 11th November 2017, http://dkg.kmu.gov.ua/forest/control/uk/publish/article?art_id=182241&cat_id=32888
- 411 Press release from SAFR, 12th May 2017, http://dkg.kmu.gov.ua/forest/control/uk/publish/article?art_id=179828&cat_id=32888
- 412 Interfax Ukraine, 'Rada limits domestic use of unprocessed timber, temporarily suspends lumber exports', 3rd July 2018, <https://en.interfax.com.ua/news/economic/515655.html>

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