COMMISSION DECISION

of 16.12.2021

to withdraw the recognition of TimberChecker as a monitoring organisation pursuant to Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market
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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 995/2010 of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market\(^1\), the EU Timber Regulation, and in particular Article 8(6) thereof,

Whereas:

(1) The European Commission recognised TimberChecker as a monitoring organisation in accordance with Article 8(3) of the EU Timber Regulation through Commission Decision C(2016) 1610 final adopted on 18 March 2016.

(2) According to Article 8(1) of the EU Timber Regulation, a monitoring organisation shall maintain and regularly evaluate a due diligence system as set out in Article 6 of the EU Timber Regulation and grant operators the right to use it; verify the proper use of its due diligence system by such operators; and take appropriate action in the event of failure by an operator to properly use its due diligence system, including notification of competent authorities in the event of significant or repeated failure by the operator.

(3) On 12 July 2021, the European Commission was officially informed, as provided for by Article 8(5) of the EU Timber Regulation, by the Netherlands Food and Consumer Product Safety Authority (Nederlandse Voedsel en Warenautoriteit) as competent authority for the EU Timber Regulation in the Netherlands, that TimberChecker did not fulfil its obligations as a monitoring organisation.

(4) As a consequence of the above and in accordance with Article 10 of Commission Delegated Regulation (EU) No 363/2012\(^2\) on the procedural rules for the recognition and withdrawal of recognition of monitoring organisations, the competent authority asked the Commission to review its decision regarding the recognition of TimberChecker as a monitoring organisation.

(5) The Commission sent a letter to TimberChecker on 6 August 2021 informing them that it was considering withdrawing their recognition as a monitoring organisation and inviting them to submit their comments.

(6) The Commission received a reply from TimberChecker on 2 September 2021 confirming their agreement to have their recognition withdrawn.

\(^1\) [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32010R0995](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32010R0995)

HAS DECIDED AS FOLLOWS:

Article 1
The recognition of TimberChecker, Westeinde 6, 1334 BK Almere, Netherlands, as a monitoring organisation in accordance with Article 8(3) of Regulation (EU) No 995/2010 is withdrawn in accordance with Article 8(6) of the same Regulation.

Article 2
The Director-General of the Directorate-General for Environment is instructed to ensure that the applicant and the competent authorities in all the Member States are notified of this Decision and that this Decision is published on the Commission's website without delay.

Done at Brussels, 16.12.2021

For the Commission
Virginijus SINKEVIČIUS
Member of the Commission