

## **Terms of Reference**

### **GAP ANALYSIS OF NATIONAL LAW ENFORCEMENT FRAMEWORKS IN ADDRESSING ILLEGAL LOGGING AND ORGANIZED IN BELGIUM, BULGARIA, FRANCE, ROMANIA, SLOVAKIA AND UKRAINE**

#### **I. Background**

Forest crime is a growing problem that undermines government policies to sustainably manage and protect forests and has links to organized crime and corruption - ranking 3rd in transnational crime in 2017. Experts estimate that an area of forest equivalent in size to the territory of Austria disappears worldwide every year as the result of illegal logging. Illegal logging accounts for as much as 10–30 % of the total logging worldwide, with some estimates as high as 20–50 % when laundering of illegal wood is included, with a growing engagement of organized crime.

In 2013, the EU adopted the European Timber Regulation (EUTR) to halt illegal logging. However, loopholes in the EUTR and implementation gaps in Member States (MS) have hindered a real change in practice.

The project “Strengthening Networks and Investigation for a more effective implementation of the EUTR/Forest crime” aims to enable effective law enforcement by stimulating networks that are able to detect Forest crime and respond to it. It will place forest crime high on their agenda. It brings together INTERPOL’s and WWF’s expertise to boost law enforcement and investigations. Strategies will include information sharing, awareness-raising, capacity- building and investigative mentorship. Tailored trainings of police, customs, environmental authorities, prosecutors and judges will cover knowledge-sharing on new forensic methods and guidance for effective controls by authorities. The project also aims to empower civil society to be a knowledgeable partner for authorities.

As part of the project, a comprehensive gap analysis shall be carried out in Belgium, Bulgaria, France, Romania, Slovakia and Ukraine to get a better understanding of illegal logging and forest crime in the project countries, the structure of national legal frameworks, their application and the functioning of national enforcement chains. The results shall serve as the basis for tailored trainings of police, customs, environmental authorities, prosecutors and judges.

#### **II. Detailed Terms of Reference for Research/Actions Request**

##### **II.1 Objectives and scope of the study**

The gap analysis aims to create a better understanding about the lack of cases brought forward on illegal logging and forest crime in the project countries through analyzing:

- the illegal logging situation, i.e. types of illegal logging, actors and the importance of illegal logging and forest crime in the national context through assessing existing data and information as well as through assessing the knowledge level and experience of national authorities along the enforcement chain;
- stringency of national laws (i.e. transposition of the EUTR into national context, other existing national legislation related to forest crime, range of penalties and sanctions of national legislation), identifying gaps related to the structure and application of these laws

- the enforcement of the relevant laws in the project countries along the enforcement chain, identifying gaps

The outcomes of the study shall be used to develop tailored trainings for government officials along the enforcement chain but also to help to stimulate discussion at national level about changes in implementation and enforcement of relevant laws. Furthermore it shall provide the background necessary to develop guidance for good practice.

## II.2 Methodology

It is expected, that the consultant delivers a written analysis in form of a report that includes a summary, methodology and analytical part.

### Expected deliverables/output of the gap analysis

1. **Preparation of an overview of types of illegal logging that occur globally and in the specific national contexts and analysis of existing legal framework at national level.** The analysis shall be prepared using existing reports and information at national, regional or global level (e.g. "Green Carbon Black Trade "by the World Bank) but also through interviews carried out with representatives in WWF national offices participating in the project. The overview shall help to determine questions related to types of illegal logging and forest crime in the target countries.
2. **Development of a questionnaire** as basis for engagement of WWF national offices with national authorities and civil society involved in fighting illegal logging and forest crime. The questionnaire should allow to gain the following information:
  - a. Analyze/confirm types of illegal logging or related crime at national level
  - b. Analyze the knowledge of the enforcement chain about illegal logging and implementation of national legislation
  - c. Analyze the legal framework concerning forest crime
  - d. Analyze the enforcement of the EUTR and other relevant laws, identifying challenges and opportunities
3. **Preparation of a draft analysis in form of a report in close cooperation with national project offices**, based on outcomes of deliverable 1 and answers received to the questionnaire (deliverable 2) as well as follow up interviews carried out by WWF offices at national level, also identifying gaps in the information received. The draft analysis should be prepared in such a way, that it can be presented to relevant government officials at national workshops in all project countries, which will take place between September 2019 and March 2020.
4. **Preparation of a final analysis in form of a report**, based on the results of survey, interviews but also review of the draft analyses by national authorities, NGOs, national WWF offices and the consultant. The final analysis shall include:
  - a. Specific gap analysis for each project country, specifying main findings for national level, including types of illegal logging, analysis of existing national legislation and its implementation and application along the enforcement chain, identifying main challenges and opportunities

- b. A summary of findings across the different countries, in line with challenges linked to domestic and imported timber, national legislative frameworks and their enforcement including an analysis of the enforcement chain, identifying the common challenges and opportunities.

5. **Presentation of the final report** to the project partners but also at a European wide workshop in Brussels in 2021

Assumptions and limitations

- National authorities are willing to participate in the gap analysis
- All relevant information can be obtained from national authorities and civil society at national level

Process, Deliverables and Timeline

The study needs to be carried out in close cooperation with the EPO and the national WWF offices in the project countries. Communication and coordination around the development of the study with all project partners includes:

- Sharing of draft report and actively seeking regular input from project partners bilaterally but also from all other project participants
- Availability of consultant to project partners for questions of content but also of questions of translation.
- Raising of concerns about information quality and quantity received and alert partners about inconsistencies or challenges in a timely manner
- Provision of regular progress reports to the Project Steering Group

Major Task/Output	Dates or Deadline	Who is Responsible
Meeting (face to face/videoconference) between the consultant and the project Manager to finalize Terms of Reference.	On appointing the contractor, latest by 28 of June	Contractor and project manager
Submission of the detailed workplan (largely based on the TOR's)	Finalisation of TORs +5 days	Contractor
Preparation of an overview of types of illegal logging	Finalisation of TORs + 10 days	Contractor
Finalization of draft survey based on pre-developed questions (draft questions have already been developed by the project steering group) and sending out to national WWF offices	Finalisation of TORs + 14 days	Contractor/ Project manager
Draft analysis of information received for Ukraine in preparation of national workshop at the end of September	By 15 September	Contractor

Draft Analysis of information received from all other project countries (in preparation of national workshops)	By 15 October	Contractor
Discussions with national WWF offices on presentation of preliminary analysis at national offices and outcomes of national workshops	Between October 2019 and March 2020	Contractor/project manager
Discussion about content and form of final report, based on survey, national workshops and other additional information	Between 1 <sup>st</sup> March and 20 April 2020	Contractor/project manager
Evaluation of progress, contact with national offices	ongoing	Contractor and project manager
Finalization of tasks	By 1 <sup>st</sup> May 2020	Contractor+ project manager
Presentation of Final report at EU wide workshop	Q1/Q2 2021	Contractor/project manager

#### **Selection criteria consultant and timetable**

- Ability to start work as soon as possible, latest at the beginning of July 2019
- Ability to carry out the study within budget and on time
- Fit of the proposal to the needs expressed in these Terms of Reference
- Value for Money
- Experience in sustainability of commodities and development of legal instruments for EU policy making (please provide references)

#### **Timetable:**

Proposals in response to these TORs, including a one pager on how to approach the project are to be submitted via e-mail by 21 June 2019, 12:00 CET.

#### **Budget**

**Potential contractors are invited to make a proposal for the work cited above including:**

- Relevant background of the consultant(s) involved, especially relevant work experience
- CVs of consultants who will participate in the project
- A cost estimate for the project on the basis of day/hourly rates – or if necessary as full amount, including all staff involved

#### **WWF Contact details:**

Anke Schulmeister-Oldenhove, Senior Forest Policy Officer EPO [aschulmeister@wwf.eu](mailto:aschulmeister@wwf.eu)

The client and the consultant should agree a timeline for final revision and conclusion of the contract.

On the side of the clients:

WWF EPO, Anke Schulmeister-Oldenhove