

Implementing Timber Legality Assurance Systems

A guide to comply with timber legality requirements in the DRC and to support due diligence



DEMOCRATIC REPUBLIC OF CONGO

Timber Legality Assurance Systems are being developed in a number of countries. They ensure that wood products conform to national laws and help to prevent the illegal importation of timber. The systems are dependent on governments developing effective control and verification systems and operators complying with legal requirements and conducting due diligence – in this context identifying and minimizing the risks associated with imported timber. By being aware of legal requirements in the DRC and the risks of legal non-compliance, highlighted below, law enforcement agencies and importers can implement control and mitigation measures to prevent timber being illegally harvested, transported and traded.

HARVESTING TIMBER

Assure that timber companies are operating with legal authorization within the DRC and have the right to exploit forest resources.

CHECK THE FOLLOWING DOCUMENTS:

- Deposit deed or documents of incorporation
- Notice related to a company's incorporation in an official government bulletin
- Details of a company included in an official Trade Register
- Forest Concession Contract
- Letter from the Minister of Justice notifying the convertibility of a title on the basis of the conclusions of an Inter-ministerial Commission (in cases subject to legal review)
- Order issued by the Minister of Forestry naming the successful bidder (in cases of auction)
- Order by the Minister of Forestry authorizing the transfer, lease, exchange or donation of a concession
- Prime Ministerial Decree authorizing the transfer, lease, exchange or donation of a forest concession contract (for an area greater than 300,000 ha and less than or equal to 500,000 ha)
- Law authorizing the transfer, lease, exchange or donation of the forest concession contract (for an area greater than 300,000 ha and less than or equal to 500,000 ha)

Assure that companies respect regulations governing working conditions.

CHECK THE FOLLOWING DOCUMENTS:

- Notification of company's affiliation with the National Institute of Social Security (INSS)
- Employee social security cards
- Training completion certificates issued by the National Institute for Professional Training (INPP)
- INPP affiliation number
- Payroll book accompanied by a written statement of remuneration paid to employees
- Written and certified contract of employment

- A forestry sector collective agreement signed by the employer
- Bank remittance slip proving that a company has paid national security contributions
- Statement of monthly social security contributions and one payment receipt confirmed by a tax inspector or a report by the Labor Inspector confirming payment
- By-law referred to by the Labor Inspector
- Annual Report of a company's Health and Safety Committee
- Agreement signed between an Employer and a hospital
- Evidence that a worker's union has signed the social clauses of a company's internal regulations
- Minutes of meetings to discuss the appointment and installation of Local Management Committee (LMC) and Monitoring Committee (MMC) members
- Quarterly reports of the LMC and MMC
- Reports of official control missions investigating the implementation of employment regulations
- Quarterly progress report on the implementation of social clauses in agreements with timber dealers
- Declaration of employment to the labor inspectorate and the provincial branch of the National Employment Office
- Annual statement specifying the number and categories of employees and the benefits they receive
- Documents that demonstrate an amicable agreement following conflict or court decisions and decisions of the Forest Dispute Resolution Commission
- Register of local consultations and grievances of communities and/or indigenous peoples
- Forest Concession Contract
- Minutes of the voting and repair operations of the seats of the trade union delegation or of the workers' representation
- Minutes of union meetings or worker representation meetings
- Approved rules of procedures of a trade union delegation or employee representation
- Forestry sector collective agreement or Memorandum of Understanding between the government and an individual company

Assure that companies respect the rights of local communities and/or indigenous people

CHECK THE FOLLOWING DOCUMENTS:

- Agreement with local communities – on social provisions within the contractual specification
- Minutes of meetings to discuss the appointment of LMC and MMC members
- Quarterly reports published by the LMC and MMC
- Reports of administrative control missions (quarterly, routine and special)
- Quarterly progress report on the implementation of agreements with local communities
- Declaration of employment to the Labor Inspectorate and the National Office of Employment
- Forest Concession Contract
- Register of the grievances of communities and/or indigenous people

Assure that companies comply with environmental, biodiversity protection and forest management legislation.

CHECK THE FOLLOWING DOCUMENTS:

- Environmental Impact Study
- Environmental Certificate
- Environmental and Social Management Plan
- Contingency Plan
- Monitoring and implementation control reports
- Report of government audit of the Environmental Impact Study
- Forest Transfer Contract
- Validated management plan for the first four annual cutbacks
- Development Plan Approval
- Final approval of the Annual Logging Operations Plan
- Management Plan Implementation Evaluation Reports
- Industrial Cutting Permit
- Construction site notebook
- Official reports investigating the implementation of forestry control measures

TIMBER TRANSPORT & TRADE

Assure that companies comply with wood marketing legislation.

CHECK THE FOLLOWING DOCUMENTS:

- National Identification Number
- Import-Export Number
- Timber that has been marked and registered
- Barcode label provided by the Timber Production and Marketing Control Program for logs and sawn timber
- Export Declaration Form

Assure that companies have met their economic and tax obligations.

CHECK THE FOLLOWING DOCUMENTS:

- Official letter allocating a National Identification Number to a company
- Receipts from the National Office of Taxation certifying the payment of taxes on profits, furniture and employees
- Bank certificates proving payment of surface area royalty, industrial timber cutting permits and a reforestation tax
- Receipt from the Congolese Control Office certifying payment of the 'export ready lot'
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) permit payment receipt, if applicable

PROCESSING TIMBER

Assure that companies have met wood processing standards.

CHECK THE FOLLOWING DOCUMENTS:

- Factory License
- Processing and Marketing Reporting Reports

ACTIONS FOR IMPORTERS

- Evaluate the validity of documentation with relevant authorities.
- Ensure only tree species that are permitted to be harvested and exported are purchased.
- Undertake on-site visits to timber harvesting areas and processing centers to investigate whether workers are protected and health and safety requirements are followed.
- Undertake on-site visits to timber harvesting areas and processing centers to investigate whether workers are contracted and labor regulations are followed.

Check that each document is up to date, has been signed/stamped by the authorized agencies, and is consistent with other documents and with actual products and volumes being sold/exported.

For more information on the DRC Timber Legality Risk Assessment: <https://preferredbynature.org/projects/developing-background-analyses-voluntary-partnership-agreement-vpa-support-project>

On behalf of:



Implemented by:

