

Implementing Timber Legality Assurance Systems

A guide to comply with timber legality requirements in Equatorial Guinea and to support due diligence



EQUATORIAL GUINEA



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 Equatorial Guinea 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 land ownership is clear and companies have proper legal authorization to harvest.

CHECK THE FOLLOWING DOCUMENTS:

- Timber harvesting activity lease agreement (CAAF) (for national forests)
- Certificate of measurement (for national forests)
- Property title (for forest plots)
- Forest use authorization (for forest plots)
- Tree purchasing contract (for communal forests or third-party forest plots)
- Certificate of the village council (for communal forests)
- Instance to the Minister of Agriculture with DIP and council certificate (for communal forests)
- Certificates of recognition and localization (for communal forests)

Assure that companies are following management plans and respecting requirements such as minimum diameters, protected areas and species, and recovery periods.

CHECK THE FOLLOWING DOCUMENTS:

- Certificate of delimitation of area to be harvested
- Forest management plan and inventory document
- Annual cutting plan
- Route network plan
- Document of silvicultural treatment methods
- Document of repopulation or management of the natural regeneration
- Document of forest protection methods
- Annual budget for the implementation of the plan
- Authorization of forest logging (for communal forests)
- Authorization of use (for forest plots)
- Chainsaw registry (for forest plots)
- Purchase contracts for trees (for third party forest plots)
- Feasibility Study
- Exploitation journals

- Monthly production reports
- Detailed topographic map
- Protected area management plans
- Monthly reports of barriers
- Hunting license
- Special authorization to cut prohibited species
- Transportation guide

Assure that companies are registered and pay appropriate taxes.

CHECK THE FOLLOWING DOCUMENTS:

- Price list annexed to Decree No. 50/1995
- List of fees according to Article 35 of Law No. 2/2007
- Commercial invoices presented by the company to the Office of Control, Information and Promotion of Forest Species (OCIPF)
- Proof of customs clearance
- Proof of deposit to the accounts of the Treasury and National Forest Fund (FONADEFO)
- Liquidation of the Economic Section of the Regional Delegation

Assure that companies have met environmental and labor requirements.

CHECK THE FOLLOWING DOCUMENTS:

- Environmental license
- Environmental Impact Assessment
- Discharge authorization
- Special authorization of prohibited species
- Monthly reports of inspectors controlling areas of exploitation
- Authorization for toxic waste
- Evidence of employer registration with social security
- Worker employment contracts
- Evidence of internal regulations and training on safety and health, or a workplace risk and accident prevention plan
- Evidence of the purchase of personal protective equipment
- Accident records
- Insurance card
- Job certificate
- Wage registration book
- Work permits for foreign workers

Assure that the customary land rights of local communities have been respected and adequate compensation provided.

CHECK THE FOLLOWING DOCUMENTS:

- Village council certificate
- Certificate of recognition (for communal forests)
- Company exploitation contracts
- Certificate of delimitation
- Contracts for the construction of social works
- Property title (for forest plots)
- Contracts for exploitation (of communal forests)

TIMBER TRANSPORT & TRADE

Assure that companies have made true declarations of timber volumes and harvested tree species, and that no transport documents have been transferred illegally between companies.

CHECK THE FOLLOWING DOCUMENTS:

- Transported wood delivery notes
- Pro forma company invoice
- Wood specification
- Wood classification and relocation report
- Invoice settlement sheet
- Boarding Guide and Report
- Transport permit
- Proof of entry to the public treasury
- Certificate of origin and legality
- Phytosanitary certificate
- Commercial invoice
- Customs clearance
- Proof of a bank deposit
- Submission D48
- ED1 direct embarkation or direct landing demand
- Import/export license
- Port right
- Embarking authorization
- Shipment report
- Manifest of shipment
- Report of the scientific authority on the evaluation of the species
- Special authorization
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) certificate

PROCESSING TIMBER

Assure that processing companies are operating with authorization and have met environmental and labor requirements.

- Statute of the registered company
- Tax Identification Number (NIF)
- Business Registration Certificate

- Environmental license and Environmental Impact Assessment Report
- Lease agreement for forest use
- Management plan and monthly production reports
- Proof of authorization for the processing installation and commitment to processing
- Lease contract for logging
- List of materials and equipment
- Documents specifying the creation of health and safety committees
- Documented purchase of first aid kits
- Worker employment contracts and social security contracts with INSESO

ACTIONS FOR IMPORTERS

- Harvest permits and management plans should be assessed to ensure they have been issued legally and fulfil legal requirements. Contact competent local authorities to confirm the legality of the documents.
- Assess documents providing evidence that companies have paid fees and taxes and ensure correct prices are being applied to the material harvested. Contact competent authorities to confirm the validity of payments.
- Conduct on-site evaluations of forest operations, including the extent of the harvesting area, the species and volumes harvested, and health and safety protections for workers.
- Conduct on-site evaluations to assess whether local communities maintain their rights over and access to land. Assess legal documentation, including permits and management plans, and interview relevant stakeholders.
- Evaluate supply chain documents to confirm that information is correct and consistent, and interview relevant government authorities to assess whether documents have been illegally manipulated.
- Conduct on-site evaluations of processing facilities to confirm whether they operate legally with the required permits and registrations and are fulfilling legal requirements covering environmental protections and working conditions.

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 Equatorial Guinea Timber Legality Risk Assessment: <https://preferredbynature.org/projects/developing-background-analyses-voluntary-partnership-agreement-vpa-support-project>

On behalf of:



Implemented by:

