

# Implementing Timber Legality Assurance Systems

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



GABON



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 Gabon 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 Gabon.

### CHECK THE FOLLOWING DOCUMENTS:

- National Social Security Fund affiliation number
- Authorization to operate issued by the Labor Administration
- Valid commercial register
- Valid taxpayer card
- Minutes of meetings and records of transactions of government administrations (water and forests, labor, tax and environment) discussing conflicts with companies



Assure that harvest rights have been granted properly and transparently.

### CHECK THE FOLLOWING DOCUMENTS:

- Professional forest operator accreditation
- Permit and decrees granting a forest concession (Permis Forestier Associé – PFA; Concession Forestière sous Aménagement Durable – CFAD; Provisoire d'Aménagement d'Exploitation et de Transformation – CPAET)
- Rental, lease or transfer contract approved by the Forest Administration



Assure that management plans have been developed according to official procedures and used for the protection of endangered tree species and habitats.

### CHECK THE FOLLOWING DOCUMENTS:

- Approval of the Development Plan
- Approval of the Concession Management Plan for a period of five years
- Annual Plan of Operation approved by the Forest Administration

Ensure the Plan has been signed by the Provincial Director of Water and Forests, provides a description of the annual and total felling area, demonstrates compliance with the annual operation plan, and includes the name of the company.



Assure that companies have consulted local communities and adhered to common law rights, securing community access to forests and a share of timber harvesting profits.

### CHECK THE FOLLOWING DOCUMENTS:

- Agreement signed with the village bordering the harvested area
- Receipt of payment of the amount specified in the agreement
- Socio-Economic Study Report
- Map of community areas of use in the Development Plan



Assure that companies have correctly declared their income and profits and paid sufficient taxes and fees.

### CHECK THE FOLLOWING DOCUMENTS:

- Certificate of Debt Clearance

A certificate of non-royalty issued by the tax authorities.



## TIMBER TRANSPORT & TRADE



Assure that trade regulations have been respected in transactions with legally operating dealers.

### CHECK THE FOLLOWING DOCUMENTS:

- Commercial invoice and associated specification sheet, signed by the head of the Forest Administration
- Evidence demonstrating the legality of timber
- Proof of payment of the Value Added Tax (TVA) following the purchase or sale mentioned in the invoice
- Receipt for payment of taxes following subcontract



Assure that no timber is being transported under false documents or declarations in order to avoid proper inspections.

### CHECK THE FOLLOWING DOCUMENTS:

- Secure waybill for transporting logs and cut timber by road, signed by the Forest Administration



## PROCESSING TIMBER



Assure that processing companies are legally authorized to operate in Gabon.

### CHECK THE FOLLOWING DOCUMENTS:

- Development Plan for the concession approved by the Ministry of Forestry
- Industrialization Plan validated by the Ministry of Forestry
- Ministry of Forestry authorization to set up an Industrial Processing Unit



Assure that processors have carried out environmental and social impact studies and acted on the findings as necessary.

### CHECK THE FOLLOWING DOCUMENTS:

- Notification of validated Environmental Impact Study
- Authorization from the ministry in charge of the environment (currently Ministry of Forestry) or declaration receipt



Assure that processors uphold labor regulations and provide worker entitlements and health and safety protections.

### CHECK THE FOLLOWING DOCUMENTS:

- Minutes of the election of staff delegates, signed by the Labor Inspector
- Training program for workers validated by the Labor Inspector
- Employer records requiring the signature of the Labor Inspector
- Health, safety and work procedures validated by the Labor Inspector
- Safety procedures per workstation displayed
- First aid training program
- Worker Equipment Discharge Record for personal protective equipment
- Existing and functional health service (locale and agent, or agreement with a health center)
- Minutes of a meeting held to establish an occupational health and safety committee



Assure that there is full compliance with timber export procedures and that checks have been thorough.

### CHECK THE FOLLOWING DOCUMENTS:

- Export declaration issued by the services of the Directorate of Foreign Trade
- Report of visit/certificate of visit issued by the customs service or potting certificate
- Cargo Identification and Traceability Form
- Good to Remove (GAR) document issued by the Customs Inspector
- Bases held in bonded warehouses
- Route map

Check the document has been signed by a representative of the Forest Administration. Essential information includes the permit number, the name and address of the beneficiary company, a date of departure, details of the destination and recipient, the driver's name and vehicle number and a description of the cargo.

- Commercial invoice specifying the quantities of wood sold
- Exit fee receipt
- Certificate of Origin

The essential verification checklist for this document – to be signed off by the Regional Director of Customs – includes the following: the location of collection or manufacture, the country of origin, the shipping company and the name and address of the recipient. Also ensure that the cargo has been correctly described (in terms of volume, species, weight and value).

- Phytosanitary certificate

The essential verification checklist for this document – to be signed off by the Phytosanitary Risk Assessment Office – includes the name and address of the shipping company, the name and address of the recipient, the origin of goods, the means of transport and point of entry and a detailed description of the cargo (in terms of species, brand, number and weight). Also ensure the document has a valid date and delivery address.



## ACTIONS FOR IMPORTERS



Conduct on-site evaluations to review documentation on the allocation of harvest rights and interview community representatives and government officials to evaluate whether legal requirements related to the involvement of local communities are met. Also evaluate whether harvesting rights are legally obtained and adequate and approved management plans are in place.



Conduct an on-site evaluation of documentation and interviews with company employees and relevant government representatives to ensure taxes and fees have been paid.



Conduct on-site evaluations to assess the legal compliance of forestry operations, including a review of management plans, harvest permits and environmental and social impact assessments, observing harvesting practices in the field and interviews with workers to ensure they are employed and working under legal conditions.



Conduct on-site evaluations of a company's community relations procedures and interview company employees, community members and relevant government representatives.



Verify documents related to the trade and transport of timber and interview government representatives responsible for issuing these documents.



Conduct on-site evaluations of processing facilities to evaluate compliance with environmental, employment and health and safety regulations.

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

On behalf of:



Implemented by:

