

# Implementing Timber Legality Assurance Systems

A guide to comply with timber legality requirements in the Republic of Congo and to support due diligence



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 Republic of Congo 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 harvesting rights have been granted appropriately and transparently.

### CHECK THE FOLLOWING DOCUMENTS:

- Forest profession accreditation
- Merchant business card
- Purchase Order
- Minutes of Forestry Commission meetings which review the applications of different timber companies
- Notification that the application file submitted by the timber company has been approved by the Director General of the Forest Economy.
- Forest Unit Industrial Processing Convention (CTI)
- Annual harvesting license

Assure that rules governing the purchase of timber have been respected in transactions with legally operating concessionaires.

### CHECK THE FOLLOWING DOCUMENTS:

- Wood purchase contract or purchase invoice
- Operating title of the concessionaire
- Annual harvesting license
- Control and Activity Report

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 Forest Management Plan
- Authorizations that enable annual harvesting licenses to be issued
- Annual harvesting license
- Approval notification of the Environmental and Social Impact Study

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

### CHECK THE FOLLOWING DOCUMENTS:

- Report or minutes of the Monitoring and Evaluation Committee overseeing the Development Plan
- Minutes of consultation meetings with local communities
- Memorandum of Understanding signed by the local administration and local community
- Control Report of the Departmental Directorate of the Forest Economy

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

### CHECK THE FOLLOWING DOCUMENTS:

- Certificate of Debt Clearance

Assure that legal provisions and work regulations are respected by companies.

### CHECK THE FOLLOWING DOCUMENTS:

- Evidence that work schedules are clearly displayed for employees
- Authorization from the Departmental Labor Directorate to permit overtime

Assure measures have been taken to protect public health and provide sanitary conditions.

### CHECK THE FOLLOWING DOCUMENTS:

- Signed decree certifying that medical staff are competent
- Order signed by the Minister of Health certifying that an on-duty doctor is authorized to practice occupational medicine
- Reports of the Health and Safety Committee
- Records of medical visits
- Worker compensation records
- Security registers

Assure that companies' social partners are informed of their rights.

### CHECK THE FOLLOWING DOCUMENTS:

- Evidence of a process for setting up employee representatives and unions
- Evidence that employers provide a space for workers' representatives to hold meetings
- Existence of claim books
- Note of leave of absence from labor education
- Minutes of meetings with labor administration officers
- Employer registration
- Evidence that company by-laws are displayed

## TIMBER TRANSPORT & TRADE

Assure that companies have respected regulations governing the transport of timber.

### CHECK THE FOLLOWING DOCUMENTS:

- Transport operator authorization
- Certificate of Airworthiness for timber transported by air
- Accreditation to transport timber
- Route map
- Manifest and bill of lading for timber transported by water
- Cargo Identification Form

Assure that timber export procedures have been fully complied with and thoroughly checked.

### CHECK THE FOLLOWING DOCUMENTS:

- Certificate of Origin
- Specification sheet
- Pro forma commercial invoice
- Customs declaration form
- Export declaration form
- Import declaration form
- Delivery note

## PROCESSING TIMBER

Assure that export companies are legally registered and buy wood from legal sources.

### CHECK THE FOLLOWING DOCUMENTS:

- Merchant business card
- Trade, Credit and Real Estate Register
- Certificate of Registration at the National Social Security Fund
- Registration with tax authorities
- Evidence of direct tax payment
- Authorized Customs Broker Approval
- Record of Transactions and minutes of meetings with relevant government administrations (water and forests, labor, tax and environment) to confirm any conflicts previously registered with the aforementioned administrations

Assure that wood has been processed in registered mills and its origin is a legal source.

### CHECK THE FOLLOWING DOCUMENTS:

- Approval for setting up an industrial unit
- Minutes of validation meeting focused on the Environmental and Social Impact Report
- Field monitoring reports and activity reports of the local forestry administration.
- Route map
- Evidence of wood entering mills

## ACTIONS FOR IMPORTERS

- Evaluate the concession license, harvest permits and management planning documents to assess whether they are valid and have been awarded according to standard legal processes.
- Evaluate the status of tax payments through a detailed document review and confirm the validity of documents and the correctness of the information by contacting relevant government authorities. Cross reference tax payment information with other information to confirm that correct volumes and/or areas are being used to calculate tax obligations.
- Conduct on-site evaluations of harvesting practices to evaluate whether legal harvesting requirements are met and regulations related to worker rights and protections are followed. Also evaluate Environmental and Social Impact Assessments to assess whether they are in place, adequate and being implemented.
- Conduct on-site assessments to ensure that legal requirements related to third party rights are followed. This could include a review of documents and procedures, as well as interviews with local communities and government representatives to confirm legal requirements are met.
- Conduct on-site verification of shipments to evaluate their compliance with measurement and species identification rules. This should include document reviews and interviews with company staff and government officials.
- Conduct on-site evaluations of processing facilities to evaluate whether they follow 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 Republic of Congo Timber Legality Risk Assessment: <https://preferredbynature.org/projects/developing-background-analyses-voluntary-partnership-agreement-vpa-support-project>

On behalf of:



Implemented by:

